

Exhibit J

MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

CONFIDENTIAL

DEPONENT:
DOUGLAS NICHOLS, VOL. II

DATE:

April 19, 2022

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF
3 ILLINOIS EASTERN DIVISION
4 MASTER DOCKET CASE NO. 19-CV-01717

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6 IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

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DEPONENT: DOUGLAS NICHOLS, VOL II
DATE: APRIL 19, 2022
REPORTER: JESSE HARP

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<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, ROBERT GONZALEZ:</p> <p>4 William Bazarek, Esquire</p> <p>5 Hale & Monico</p> <p>6 53 West Jackson Boulevard</p> <p>7 Suite 337</p> <p>8 Chicago, Illinois 60604</p> <p>9 Telephone No.: (312) 870-6933</p> <p>10 E-mail: web@halemonico.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, RONALD WATTS:</p> <p>14 Ahmed Kosoko, Esquire</p> <p>15 Johnson & Bell</p> <p>16 33 West Monroe Street</p> <p>17 Suite 2700</p> <p>18 Chicago, Illinois 60603</p> <p>19 Telephone No.: (312)984-0214</p> <p>20 E-mail: kosokoa@jdltd.com</p> <p>21 (Appeared via Videoconference)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 3	Page 5

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3 87 - CITY-BG-017297-CITY-BG-017336	77		3 The VIDEO deposition of DOUGLAS NICHOLS was taken at		
4 88 - CITY-BG-017993-CITY-BG-018230_-			4 KENTUCKIANA REPORTERS, located at 30 SOUTH WACKER DRIVE,		
5 Several Defendants_Threaten to			5 FLOOR 22, CHICAGO, ILLINOIS 60606, via videoconference		
6 Plant Drugs_Stealing_excessive			6 in which all participants attended remotely, on TUESDAY		
7 force	80		7 the 19TH day of APRIL 2022 at approximately 10:13 A.M.;		
8 89 - CITY-BG-018381-CITY-BG-018420_-			8 said deposition was taken pursuant to the FEDERAL Rules		
9 Leano & Nichols_illegal entry			9 of Civil Procedure. The oath in this matter was sworn		
10 and search	83		10 remotely pursuant to FRCP 30.		
11 Nichols_improper impound			11		
12 92 - CITY-BG-018827-CITY-BG-018867 -			12 It is agreed that JESSE HARP, being a Notary Public and		
13 Sondra Cartwright_CR	89		13 Court Reporter, may swear the witness and that the		
14 94 - CITY-BG-019292-CITY-BG 019360 -			14 reading and signing of the completed transcript by the		
15 Watts_investigating_Nichols			15 witness is not waived.		
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<p>1 PROCEEDINGS</p> <p>2 COURT REPORTER: Okay. We're now on the</p> <p>3 record. My name is Jesse Harp. I'm the online</p> <p>4 video technician and court reporter today</p> <p>5 representing Churchill Reporting, located at 30</p> <p>6 South Wacker Drive, Floor 22, Chicago, Illinois,</p> <p>7 60606. Today is the 19th day of April, 2022, and</p> <p>8 the time is 10:13 a.m. We're convened by</p> <p>9 videoconference to take the deposition of Douglas</p> <p>10 Nichols, volume two, in the Watts Coordinated</p> <p>11 Pretrial Proceedings pending in the District Court</p> <p>12 for the Northern District of Illinois, Eastern</p> <p>13 Division. Master docket case number 19-CV-01717.</p> <p>14 Will everyone, but the witness please state your</p> <p>15 appearance, how you are attending and the location</p> <p>16 you're attending from starting with Plaintiff's</p> <p>17 counsel.</p> <p>18 MR. HILKE: Wallace Hilke for the Loevy</p> <p>19 plaintiffs. I'm attending from Chicago.</p> <p>20 MR. FLAXMAN: Joel Flaxman for the Flaxman</p> <p>21 plaintiffs. Attending remotely from Chicago.</p> <p>22 MR. BAZAREK: William Bazarek for Defendant</p> <p>23 Nichols, along with the other defendants represented</p> <p>24 by Hale & Monico. I am with Officer Nichols at 53</p> <p>25 West Jackson, Chicago, Illinois.</p>	Page 10	<p>1 MS. DOI: Yes.</p> <p>2 MR. MICHALIK: Yes.</p> <p>3 COURT REPORTER: Thank you. Okay, Officer, can</p> <p>4 you please raise your right hand? Do you solemnly</p> <p>5 swear or affirm that the testimony you're about to</p> <p>6 give is the truth, the whole truth and nothing but</p> <p>7 the truth?</p> <p>8 THE WITNESS: I do.</p> <p>9 COURT REPORTER: Thank you. You can begin.</p> <p>10 DIRECT EXAMINATION</p> <p>11 BY MR. HILKE:</p> <p>12 Q Okay. So good morning, Officer – Detective</p> <p>13 Nichols.</p> <p>14 A Good morning, sir.</p> <p>15 Q So we did the first day of your deposition</p> <p>16 yesterday. Is that right?</p> <p>17 A That's correct.</p> <p>18 Q And yesterday you said there was no reason you</p> <p>19 couldn't give true and accurate testimony. Is that</p> <p>20 right?</p> <p>21 A That's correct.</p> <p>22 Q Is there any reason you aren't in a position</p> <p>23 to give true and accurate testimony today?</p> <p>24 A No, I'm not. I can give true and accurate</p> <p>25 statements.</p>
<p>1 MS. DOI: Kathryn Doi on behalf of Kallatt</p> <p>2 Mohammed appearing from Chicago, Illinois, remote</p> <p>3 location.</p> <p>4 MR. MICHALIK: Paul Michalik –</p> <p>5 MR. SCHALKA: Michael Schalka on behalf – go</p> <p>6 ahead, Paul.</p> <p>7 MR. MICHALIK: Go ahead.</p> <p>8 MR. SCHALKA: Go ahead, yeah.</p> <p>9 MR. MICHALIK: Paul Michalik on behalf of</p> <p>10 Defendant, City of Chicago and some supervisory</p> <p>11 officials, attending from Chicago remotely.</p> <p>12 MR. SCHALKA: Michael Schalka on behalf of</p> <p>13 defendants Spaargaren and Cadman, appearing remotely</p> <p>14 in the City of Chicago.</p> <p>15 MR. KOSOKO: Ahmed Kosoko on behalf of Ronald</p> <p>16 Watts, appearing remotely from Chicago.</p> <p>17 COURT REPORTER: Okay, thank you. Officer</p> <p>18 Nichols, could you please state your full name for</p> <p>19 the record?</p> <p>20 THE WITNESS: Detective Douglas Nichols.</p> <p>21 COURT REPORTER: Thank you.</p> <p>22 THE WITNESS: That's N-I-C-H-O-L-S.</p> <p>23 COURT REPORTER: Thank you. And then do all</p> <p>24 parties agree that the witness today is in fact,</p> <p>25 Officer Douglas Nichols?</p>	Page 11	<p>1 Q Great. So I want to – I'm going to be asking</p> <p>2 you about various police complaints and I want to ask</p> <p>3 you, are you familiar with what a to/from report is?</p> <p>4 A Yes.</p> <p>5 Q What's that?</p> <p>6 A A to/from is a report that an officer or</p> <p>7 detective or in the – anyone could go into the system</p> <p>8 and write a to/from report in regards to pretty much</p> <p>9 days off, saying that – answering allegations against</p> <p>10 them or into that nature.</p> <p>11 Q And are those used in the context of</p> <p>12 misconduct allegations?</p> <p>13 A I believe so, yes.</p> <p>14 Q Okay. And have you written to/from reports in</p> <p>15 regards to misconduct allegations before?</p> <p>16 A I believe so, yes.</p> <p>17 Q And in writing them, is there a typical</p> <p>18 process you would go through to write a to/from report?</p> <p>19 A I think we would – we would answer the</p> <p>20 allegations that was brought against us in – into our</p> <p>21 report.</p> <p>22 Q Okay. And would you review anything as you</p> <p>23 wrote such a report?</p> <p>24 MR. BAZAREK: Objection, foundation. Go ahead.</p> <p>25 A Maybe our – if we had an arrest report or –</p>

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<p>1 or any other documents that we had, or if we did have, 2 or – I don't know. 3 Q And in writing a to/from report, would you 4 speak with other officers involved in the allegations? 5 MR. BAZAREK: Objection, foundation, form of 6 the question. Go ahead. 7 A No. No. We would answer our own allegations 8 because that was against us, myself. 9 Q And can you remember ever coordinating with 10 other officers in writing a to/from report? 11 MR. BAZAREK: Object to the form of the 12 question and the use of the term "coordinating." 13 A No. 14 Q And do you understand what I mean when I say 15 coordinated? 16 A To the best of my knowledge, it would be 17 talking to other officers about what happened. 18 Q And have you ever consulted with a supervisor 19 as you've written a to/from report? 20 MR. KOSOKO: Object to the form of the 21 question, foundation also. 22 MR. BAZAREK: Yeah. And join. Also, Wally, 23 although I don't – we didn't say it yesterday, but 24 an objection by one counsel will be for all counsel 25 so we're not duplicating efforts here. So that's</p>	Page 14	<p>1 a supervisor signing a to/from report? 2 MR. BAZAREK: Object to foundation. 3 A I don't know. I can't answer that. Maybe 4 that it's approved. I don't know. 5 Q And have you ever been interviewed as part of 6 a disciplinary allegation? 7 A I don't recall. 8 Q Okay. And have you ever given a statement as 9 part of a disciplinary investigation? Do you understand 10 the question? 11 A I – could you -- could you repeat that 12 question, sir? 13 Q Sure. Have you ever given a statement as part 14 of a disciplinary investigation? 15 A I believe I have, yes. 16 Q Okay. And does giving a – as a police 17 detective, does giving a statement have a technical 18 meaning in policing? 19 A Could you repeat that question? 20 Q Yeah. Does giving a statement have a 21 technical meaning in policing? 22 MR. BAZAREK: Objection, form. 23 MR. KOSOKO: Object to the form of the 24 question. 25 A Not that I – not that I recall, no.</p>	Page 16
<p>1 another practice that we've had in these 2 depositions. 3 BY MR. HILKE: 4 Q That sounds like that would be to everybody's 5 benefit. Understood. Would you like me to repeat the 6 question? 7 A Please. 8 Q Have you ever consulted with a – 9 COURT REPORTER: Did everyone else lose him or 10 was it just me? 11 MR. HILKE: Same. I did not lose him, Jesse. 12 COURT REPORTER: Oh, no, actually I – I lost 13 you for a second. Hang on. 14 MR. HILKE: Okay. 15 COURT REPORTER: Could you repeat your 16 question? 17 BY MR. HILKE: 18 Q Yes. Have you ever consulted with a 19 supervisor in writing a to/from report? 20 A I believe a supervisor signs it and then puts 21 it in, I do believe. But consulting? No. 22 Q Okay. And when you say they assign it – a 23 supervisor assigns a to/from report, what do you mean? 24 A Sign – signs it, signature. 25 Q Oh, I understand. And what is the purpose of</p>	Page 15	<p>1 Q Okay. So it – when you hear, "given a 2 statement," what does that mean to you? 3 A If I would give a statement that would be 4 under oath then it would be the truth and accurate – 5 the best of my knowledge. 6 Q Okay. And do you – is there any particular 7 way that you have prepared to give a statement in a 8 disciplinary investigation? 9 MR. BAZAREK: Objection to the form of the 10 question, foundation. 11 A I don't believe so, no. 12 Q Would you look at documents related to the 13 allegation before giving an – before giving a 14 statement? 15 A Yes, I would. 16 Q And would you communicate with any of the 17 other officers involved if there were other officers 18 involved? 19 MR. BAZAREK: Objection, foundation. 20 A I wouldn't talk about my personal – well, 21 what I had to say about me personally, no. 22 Q Okay. And would you consult with a supervisor 23 before giving a statement? 24 A No. 25 Q Okay. Thank you. So I'm going to ask you</p>	Page 17

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<p>1 about some specific disciplinary investigations and 2 complaints now. Do you remember being accused of using 3 excessive force against a Mr. Robert Brandon around July 4 of 2004?</p> <p>5 MR. BAZAREK: Right. This – now, this entire 6 testimony is going to be marked as confidential, 7 including the question.</p> <p>8 MR. HILKE: That's fine. Thanks.</p> <p>9 MR. BAZAREK: You can answer.</p> <p>10 A I would have to see the complaint against me, 11 any reports that I did, if there's any arrest reports 12 that I did, the outcome of the CR number to help me 13 recollect.</p> <p>14 BY MR. HILKE:</p> <p>15 Q So is it correct that without looking at that 16 --without looking at that, do you remember a Robert 17 Brandon at all?</p> <p>18 A Like I said before, I would have to look at 19 the, like, if I did a to/from, if I did an arrest 20 report, the outcome of the arrest and go from there. I 21 don't –</p> <p>22 Q Okay. And so when you say "I don't," do you 23 mean – do you – so right at this moment, do you or do 24 you not remember a Mr. Robert Brandon?</p> <p>25 A Like I said before, I would have to look at my</p>	Page 18	Page 20
<p>1 to/from reports, any arrest reports, any other documents 2 that were involved in this complaint, the outcome of the 3 complaint.</p> <p>4 Q I guess, I – I don't quite understand your 5 answer because when you say "I would have to see," I 6 don't know if you're telling me, "I remember a little, 7 but I need to be refreshed." Or if you're telling me, 8 "I don't recall at all, without being refreshed." Does 9 that distinction make sense?</p> <p>10 A No, it does not.</p> <p>11 Q Okay. So – man. So here's an example, say I 12 went to the store yesterday. I might remember I went to 13 the store, but I don't remember what I brought – I 14 bought, I need to see a receipt to know what I bought. I 15 might just not remember – I couldn't tell you, did I go 16 to the store or didn't I. To me that's the difference 17 between I remember something and I need to be refreshed 18 versus I don't remember if I even went to the store. 19 Does that distinction make sense?</p> <p>20 MR. BAZAREK: Object to the form of the 21 question and the incomplete hypothetical. Go ahead.</p> <p>22 A I – yeah. Yes, I guess, yes.</p> <p>23 Q Okay. And so in the context of a Mr. Robert 24 Brandon, sitting here now, without looking at anything, 25 do you remember anything at all about him?</p>	Page 19	Page 21

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<p>1 Q No, that's all I want to show you at this 2 time. 3 A Okay. 4 Q Having looked at this document, is your memory 5 about Robert – Mr. Robert Brandon refreshed at all? 6 A No, it's not. 7 Q Okay. I'm going to – and you see here that 8 you are listed as an accused officer, is that correct? 9 A That is correct. 10 Q Okay. And having reviewed this document, do 11 you know what this document is? 12 A You scroll – scroll down? 13 Q Yes. 14 A Or up, I'm sorry. 15 Q Sure. 16 A It looks like a Complaint Register. 17 Q Okay. And what's the Complaint Register? 18 A A CR investigation if I'm not mistaken, if I - 19 - reading this document right. 20 Q Okay. And a CR investigation, what are those 21 used for? 22 MS. DOI: Objection, foundation. 23 A To the best of my knowledge – to the best of 24 my knowledge, I never did one, when a – a citizen calls 25 in and complains about an officer. That's the best of</p>	Page 22	<p>1 A It appears to me that way, yes. 2 Q And having read it, does it refresh your 3 recollection in any way? 4 A No, it does not. 5 Q He describes a uniformed male, White male 6 officer, six feet tall, 185 pounds, 31 to 38 years old. 7 Does that – how does that – does that match your 8 description as of July 2004? 9 A No. 10 Q What's – what's wrong with it? 11 A Probably my weight and I was 25 or 26 at the 12 time. 13 Q 25 or 26. Roughly, what would you say your 14 weight was at the time? 15 A I believe I was probably 225 or 215-ish. 16 Q Okay. And were you clean shaven then? 17 A Or scruffy. I didn't have a beard or anything 18 or any facial – or facial hair. I might've had scruff 19 facial hair. I don't know what I was, I couldn't – I 20 can't say at that particular day, what I was. 21 Q Understood. He also describes a uniformed 22 female White officer, 5'8", 115 pounds, 22 to 28 years 23 old, blonde hair. Does that match your – the – your 24 partner at the time? 25 A I'm not sure. I know she had blonde hair, but</p>
<p>1 my knowledge. 2 Q Great. So I am now showing you City BG 11333. 3 And I'm going to point you to the top left of the 4 document. This is – does this appear to be an 5 interview of Robert Brandon? 6 A That's what it states, "Citizen Interview 7 Report." 8 Q Okay. And can I ask you please to review this 9 document? And again, I'm happy to zoom in and scroll as 10 is helpful. 11 A Please do. 12 Q Okay. Let's start at the top here. 13 A Thank you, sir. 14 Q Thank you. 15 A Could you scroll down, sir? 16 Q Yes, sir. 17 MR. BAZAREK: Wally, this is marked as Exhibit 18 78? 19 MR. HILKE: That's correct. It's a PDF, page 20 eight. 21 MR. BAZAREK: Yeah. 22 A Okay, sir. 23 BY MR. HILKE: 24 Q Okay. And does reading – does this appear to 25 be Mr. Brandon's account of his allegation?</p>	Page 23	<p>1 I don't know how tall she was and how much she weighed 2 or how old she was. 3 Q Okay. I'm going to show you one more 4 document. It says PDF page 31 and Bates BG 11356. 5 Mr. Nichols, does this appear to be a to/from report 6 that you wrote on November 1, 2004? 7 A It does. 8 Q And I'll ask you to review it. Would you like 9 me to zoom in? 10 A Please. 11 Q I'm going to start at the top again. And I 12 – yeah, please review it and let me know when you're 13 done. 14 A Yes, sir. I'm done there. Is there anything 15 below? 16 Q I'll scroll down, but it looks like it's just 17 an – a little approved field at the bottom there. And 18 is that your signature on the to/from report? 19 A It is. 20 Q Okay. And does reviewing your to/from report 21 refresh your memory at all? 22 A No. 23 Q Okay. So have you ever been – have you ever 24 had an allegation of misconduct against you sustained? 25 A No, I – I believe no.</p>

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<p>1 Q And to your knowledge, where the only evidence 2 against you was a civilian statement -- well, what do I 3 want to say. Strike that. To your knowledge, did the 4 Office of -- do you know what the Office of Professional 5 Standards was?</p> <p>6 A I think that was the OPS and that -- that was 7 before COPA, I do believe.</p> <p>8 Q Okay. And were -- do you know, would they 9 have been the office investigating misconduct complaints 10 against you and other officers?</p> <p>11 A I believe so, yes.</p> <p>12 Q Okay. And to your knowledge, did the Office 13 of Professional Standards ever sustain a complaint when 14 it was a civilian's word against an officer's word?</p> <p>15 MR. BAZAREK: Objection foundation.</p> <p>16 A Could you repeat that question?</p> <p>17 Q I can. To your knowledge, did the Office of 18 Professional Standards ever sustain a complaint where it 19 was the officer's word against a civilian's word?</p> <p>20 A I don't understand your question. I don't 21 know if you're talking about me or officers. I don't 22 know. Are you talking about me?</p> <p>23 Q No, because you've already told me that no 24 complaint was ever sustained against you. So I'm 25 talking about officers generally.</p>	Page 26	Page 28
<p>1 A Yes. I think they have fundings against 2 officers in complaints.</p> <p>3 Q Okay. And specifically when the only evidence 4 against the officer was a civilian's statement?</p> <p>5 A I don't know 100 percent. I don't know.</p> <p>6 Q Did you have any expectation of whether OPS, 7 the Office of Professional Standards, would take a 8 civilian's word over an officer's word?</p> <p>9 MR. BAZAREK: Objection to the form.</p> <p>10 A Could you repeat -- could you clarify that 11 question? I'm -- don't understand.</p> <p>12 Q Did you have any expectation of whether the 13 Office of Professional Standards would take a civilian's 14 word over a police officer's word?</p> <p>15 MR. BAZAREK: Objection to the form.</p> <p>16 A I would say they would most definitely take 17 the civilian's word and make the investigation.</p> <p>18 Q Why do you think they would take the 19 civilian's word?</p> <p>20 A Because they were an outside agency that 21 didn't work for the police department and they wanted to 22 conduct -- I felt they would want to conduct a 23 investigation fairly and truthfully and accurately.</p> <p>24 Q Yeah. So was it your expectation that they 25 would always want to -- that the Office of Professional</p>	Page 27	Page 29

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<p>1 Q Okay. And do you search the inside and the 2 outside of the vehicle?</p> <p>3 A We do. We walk around – we walk around the 4 outside to make sure there's no vehicle damage. And we 5 search the inside the vehicle. That's correct.</p> <p>6 Q And are you also looking to see if anything's 7 fallen out of the vehicle?</p> <p>8 A Yes.</p> <p>9 Q And would you ever remove the backseat of a 10 police vehicle?</p> <p>11 A Yes. In the old Crown Vics, the backseat did 12 remove out of the vehicle.</p> <p>13 Q And when would you remove the backseat?</p> <p>14 A When we were doing our vehicle inspection or 15 if we had a prisoner, we would remove the seat or we 16 wouldn't technically – would – sometimes we wouldn't 17 remove it. We would just move it forward, up to the – 18 behind the – the driver and the passenger seat. We 19 move it that way or sometimes we would take it out. I 20 can't tell you which times I – how many times I did it 21 either way.</p> <p>22 Q But is it – would you say that you frequently 23 removed the backseat when doing a vehicle inspection?</p> <p>24 A Like I stated before, I don't know if I 25 actually removed it out of the vehicle all the time or</p>	Page 30	Page 32
<p>1 if I just moved it up, but I've looked underneath the 2 seat where – where that seat was.</p> <p>3 Q Okay. Was there any reason to remove it all 4 the way out of the back seat, all the way out of the 5 vehicle instead of just, you know, sliding it back or 6 forth, like you said?</p> <p>7 A No, not that I – no, not that I recall. No.</p> <p>8 Q Okay. Do you recall being accused of being 9 inattentive to duty by leaving crack cocaine in a police 10 vehicle in April 2005?</p> <p>11 A No, I don't.</p> <p>12 Q Okay. I'm going to show you a document now. 13 Let's see. So I'm showing you, this is Exhibit 79, PDF 14 3, Bates BG 11929. And does this appear to be another 15 Complaint Register investigation?</p> <p>16 (EXHIBIT 79 MARKED FOR IDENTIFICATION)</p> <p>17 A It does.</p> <p>18 Q Okay. And do you see your name listed as the 19 accused near the top of the document?</p> <p>20 A I do.</p> <p>21 Q And this is an incident on April 27, 2005?</p> <p>22 A That's correct.</p> <p>23 Q Okay. And I'm going to ask you – and the – 24 you see the complainant here is Sergeant Boone, number 25 1964?</p>	Page 31	Page 33

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<p>1 investigating an allegation against you?</p> <p>2 A Not to the best of my knowledge, no.</p> <p>3 Q And do you know if it was – do you know if it</p> <p>4 was the usual practice that an officer – allegations</p> <p>5 against – of misconduct against an officer would be</p> <p>6 investigated by the sergeant supervising them?</p> <p>7 MR. KOSOKO: Object to form and foundation.</p> <p>8 MR. BAZAREK: Objection, form, foundation.</p> <p>9 A I know some sergeants investigate complete</p> <p>10 registers, but I'm not sure how it works. I never</p> <p>11 investigated one or did anything like that. So I don't</p> <p>12 know how it actually works, but I know some supervisors</p> <p>13 do initial, complete registers. They investigate it.</p> <p>14 Q Okay. I'm going to show you one other</p> <p>15 document. This is City BG 11966, said PDF page 38. I</p> <p>16 guess, to start, does this appear to be a to/from</p> <p>17 statement that you wrote on May 2, 2005?</p> <p>18 A Yes it does.</p> <p>19 Q Okay. And I'm going to scroll down a little.</p> <p>20 Is this your signature at the bottom of this statement?</p> <p>21 A It is.</p> <p>22 Q Okay. And could you take a moment to review</p> <p>23 this statement, please?</p> <p>24 A Yes, sir. Yes, sir.</p> <p>25 Q Having reviewed those documents, do you have</p>	Page 34	<p>1 A We just lock it.</p> <p>2 Q Great. And so as far as you know, did you</p> <p>3 ever – did – was it ever determined who the crack</p> <p>4 cocaine belonged to?</p> <p>5 A Could you repeat that question?</p> <p>6 Q Yeah. As far as you know, was it ever</p> <p>7 determined who the crack cocaine belonged to?</p> <p>8 A I don't know.</p> <p>9 Q And as far as you know, was anyone ever</p> <p>10 disciplined as a result of this complaint?</p> <p>11 A I don't know.</p> <p>12 Q Okay. And I'm going to double back to</p> <p>13 something just to make sure I got it. Do you have a</p> <p>14 memory of ever discussing any allegation against you</p> <p>15 with a supervisor?</p> <p>16 MR. BAZAREK: Object to the form of the</p> <p>17 question, foundation.</p> <p>18 A Could you repeat that question?</p> <p>19 Q Yeah. Do you have a memory of ever discussing</p> <p>20 any allegation against you with a supervisor?</p> <p>21 A Not that I recall, but I'm – I'm sure that</p> <p>22 they tell me the findings after the investigation is</p> <p>23 completed.</p> <p>24 Q Okay. Good. And do you have any personal</p> <p>25 knowledge of the events described here?</p>
<p>1 any explanation for why crack cocaine was found under</p> <p>2 the tire well of your vehicle?</p> <p>3 MR. BAZAREK: Object to the form of the</p> <p>4 question. Also calls for speculation.</p> <p>5 A Could you repeat that question?</p> <p>6 Q Sure. Now the documents you've reviewed, do</p> <p>7 they indicate that crack cocaine was found on the ground</p> <p>8 near your police vehicle after you ended your shift?</p> <p>9 MR. BAZAREK: Object to the form of the</p> <p>10 question and it mischaracterizes this investigation.</p> <p>11 Go ahead.</p> <p>12 A I read in there that yes, crack cocaine was on</p> <p>13 – outside of the ground, outside the vehicle.</p> <p>14 Q Okay. Do you have any explanation for how it</p> <p>15 got there?</p> <p>16 A Couldn't answer that question.</p> <p>17 Q When you secure the vehicle at the end of a</p> <p>18 shift, do you lock the vehicle?</p> <p>19 A I do.</p> <p>20 Q Do you do anything else to secure it?</p> <p>21 A What do you mean by that? I don't understand</p> <p>22 what else –</p> <p>23 Q I mean, when you secure a vehicle, does that</p> <p>24 just mean you lock it or is there anything else you also</p> <p>25 do?</p>	Page 35	<p>1 A Yes. I could say that I did do a vehicle</p> <p>2 inspection. There's no contraband inside the vehicle or</p> <p>3 outside the vehicle.</p> <p>4 Q Uh-huh. And is that based on your personal</p> <p>5 knowledge?</p> <p>6 A Yes. My personal knowledge was that – and</p> <p>7 the case was unfounded, I do believe.</p> <p>8 Q Okay. So you would – you remember conducting</p> <p>9 the inspection?</p> <p>10 A With my to/from report? Yes, I do. And I</p> <p>11 always do one every day when I do get inside the vehicle</p> <p>12 and when I leave the vehicle and during the – the tour.</p> <p>13 And if I do have an arrestee, I make sure I do a vehicle</p> <p>14 inspection, too.</p> <p>15 Q So I guess I'm confused. Are you saying that</p> <p>16 you can conclude that because you read it here? Are you</p> <p>17 saying that you actually have a memory of doing that</p> <p>18 every day?</p> <p>19 A Well, I don't have a memory of this person,</p> <p>20 but I know I do one every day that I do get inside a</p> <p>21 vehicle.</p> <p>22 Q Okay. Let's move on. Do you remember seeing</p> <p>23 an altercation between Ronald Watts and – actually,</p> <p>24 strike that. In 2005, is it correct that you were</p> <p>25 assigned to a unit that worked public housing?</p>

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<p>1 A In 2005, was I assigned to public – no, I was 2 assigned to the second district tactical office/housing. 3 Q Tactical office/housing? 4 A I was never assigned – I was never assigned 5 to public housing. 6 Q Got it. And there were certain – is it right 7 that – is it true that there were certain CHA 8 properties that you frequently responded to in that 9 assignment? 10 A Talking about one in 2005? 11 Q Yeah. 12 A Yes. There was a CHA housing complex and 13 other scattered sites for CHA in the Second District, 14 that's correct. 15 Q Got it. And during your shifts, how often did 16 you come across officers who weren't on the tact team? 17 Did you have overlapping areas? Did you have a beat 18 that overlapped with other officers? 19 A I would say prob – yes. I know some officers 20 were city-wide. Some officers were districts. I know 21 other officers, beat officers, were – they were 22 assigned to the beat and they were off the beat. I had 23 interactions with them, too. So I would say yes. 24 Q And do you remember having any conflicts with 25 officers outside of the tact team?</p>	Page 38	Page 40
<p>1 A No. I didn't have any conflicts with anyone. 2 Q Yeah. Can you think of any reason why you 3 wouldn't want officers outside the tact team to be 4 responding to the same scene with you? 5 MR. BAZAREK: Objection, form. 6 MR. KOSOKO: Object to the question, 7 foundation, compound, vague, ambiguous. Go ahead, 8 if you – 9 A I would say no, I don't have any reasonable 10 – I didn't have any conflicts with anyone, so I don't 11 know. 12 Q And were you aware of any conflicts that 13 officers on the tact team had with officers outside the 14 tact team? 15 MR. BAZAREK: Object to the foundation, form of 16 the question. 17 A No, not that I was aware of, no. 18 Q Okay. Do you recall an altercation between 19 Ronald Watts and Raymond Piwnicki in October 2005? 20 A I do. 21 Q Okay. So start from the beginning. What's 22 the first thing you remember? 23 A I just remember we were in the Ivy Walls 24 (phonetic) and they were – had their hands on each 25 other and arguing.</p>	Page 39	Page 41

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<p>1 Yes.</p> <p>2 Q Okay. And it says that Raymond Piwnicki was</p> <p>3 accused of verbally abusing Sergeant Ronald Watts by</p> <p>4 stating, "I don't know who the fuck you think you are."</p> <p>5 Is that correct?</p> <p>6 A Yeah. That's what it's – yes.</p> <p>7 Q Yeah. And it's alleged that Piwnicki engaged</p> <p>8 in hand-to-hand contact with Sergeant Watts, ultimately</p> <p>9 tearing Watts's sweatshirt. Is that correct?</p> <p>10 A That's correct.</p> <p>11 Q And it looks like this occurred on</p> <p>12 April 17, 2006. Is that correct?</p> <p>13 A That's correct.</p> <p>14 Q And you were questioned by Sergeant Steven</p> <p>15 Cannizzo. Is that correct?</p> <p>16 A That's correct.</p> <p>17 Q Do you recall this interview?</p> <p>18 A I remember going down there, but I don't</p> <p>19 remember the interview, no.</p> <p>20 Q Okay. This is going to take a minute because</p> <p>21 this is six pages, but I would like you to review the</p> <p>22 whole document. And so I'm going to ask you to start at</p> <p>23 the bottom here and let me know when you'd like to</p> <p>24 scroll down.</p> <p>25 A Okay. Okay.</p>	Page 42	Page 44
<p>1 Q And here we on page 2.</p> <p>2 MR. BAZAREK: Counsel, I'm just going to step</p> <p>3 away for a moment while he's reviewing the document,</p> <p>4 but he can continue to review the document. I'll be</p> <p>5 back momentarily.</p> <p>6 MR. HILKE: Great. If you'll let me know when</p> <p>7 you're back. Thanks, Bill.</p> <p>8 A Okay. Could you scroll down?</p> <p>9 BY MR. HILKE:</p> <p>10 Q Yep.</p> <p>11 A Okay.</p> <p>12 Q Now, I'm scrolling down.</p> <p>13 A Okay.</p> <p>14 Q Now I'm scrolling down.</p> <p>15 A Okay.</p> <p>16 Q Okay. Now I'm on page four.</p> <p>17 A Okay.</p> <p>18 Q And now I'm scrolling down to the bottom of</p> <p>19 page four.</p> <p>20 MR. BAZAREK: Wally. I'm back.</p> <p>21 MR. HILKE: Thanks, Bill.</p> <p>22 MR. BAZAREK: You're welcome.</p> <p>23 A Okay.</p> <p>24 BY MR. HILKE:</p> <p>25 Q Okay, now I'm on page five.</p>	Page 43	Page 45

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<p>1 didn't have any part in that investigation, so, no, I 2 don't. 3 Q Okay. Thank you. I'm going to move on. I'm 4 sorry. I don't want to click over yet. Excuse me. Does 5 – do you have any memory of a Tracey Wright? 6 A No, I don't. 7 Q Okay. Do you recall using force against a 8 Tracey Wright in June 2006? 9 A No, I don't. 10 Q Do you recall your partner, Manuel Leano, 11 using force against a Tracey Wright in June 2006? 12 A No, I don't. 13 Q Okay. I'm now going to Exhibit 81. I'm on 14 PDF page four. That's Bates BG 13741. And so I'm 15 starting at the top of the document. Does this appear 16 to be a complaint register investigation? 17 (EXHIBIT 81 MARKED FOR IDENTIFICATION) 18 A It does. 19 Q And, the address of the incident is 3640 South 20 Vincennes? 21 A That's correct. 22 Q For an incident on June 12, 2006? 23 A That's correct. 24 Q And you and Officer Leano are named as the 25 accused officers?</p>	Page 46	Page 48
<p>1 A That's correct. 2 Q And the victim's name is Tracey Wright? 3 A Could you repeat that question? 4 Q Yeah. The name of the victim in this document 5 is Tracey Wright? 6 A Yes. The victim is Tracey Wright. 7 Q Okay. I'm going to ask you to please review 8 the allegations section at the bottom of the document 9 and let me know when you're done. 10 A Yes, sir. 11 Q Does this refresh your memory at all? 12 A No, it does not. 13 Q Was there an Officer McNichols at the Second 14 District? 15 A I don't believe so. I don't know. I couldn't 16 answer that question. I don't know. 17 Q Okay. Did you kick Tracey Wright while 18 arresting him? 19 A I would have to look at other documents. By 20 looking at this, I don't remember the incident, so I 21 would have to look at other documents, if there is any 22 other documents, to this report. I – but I don't 23 remember this incident on the top of my head. I would 24 have to look at other documents. 25 Q Okay. Fair enough. I'm now moving to PDF</p>	Page 47	Page 49

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<p>1 emergency, when it's a emergency take-down, you need to 2 take that person down immediately. 3 Q So is the difference just that it's an 4 emergency? 5 A Yes. I don't – I don't understand – I don't know 6 why I would take the person down to the ground if it 7 wasn't an emergency. 8 Q Fair enough. I'm going to show you another 9 document now. This is PDF page 99, Bates number City BG 10 13836. This is another one. It's on five pages, and 11 I'm going to ask you to review the whole document. I'm 12 starting at the top of the first page here. Could you – 13 - well, let me start. Does this appear to be a document 14 from the Office of Professional Standards? 15 A It looks that way, yes. 16 Q And does it appear to be a statement taken of 17 you by Investigator Shykela Carter? 18 A Yes, it does. 19 Q Okay. And that's on April 19, 2007? 20 A Yes, it does. 21 Q Okay. If you go ahead and review the first 22 page and let me know when you want me to scroll down. 23 A Okay. 24 Q Okay. And I've scrolled down to the bottom of 25 the first page. Could you go ahead and review?</p>	Page 50	Page 52
<p>1 A Okay. 2 Q Okay. And I'm now on the top of page two of 3 this document. Could you go ahead and review? 4 A Okay. Oh yeah. Could you – hang on. Could 5 you scroll up just a little? 6 Q Would you like me to scroll down, do you mean? 7 A Yes. Yes. I'm sorry. 8 Q No – no problem. Yes. I'm scrolling down to 9 show the second page of the document, the bottom of the 10 second page. 11 A Thank you. Sorry about that. 12 Q No problem. 13 A Yes, sir. 14 Q Okay. I'm now on the third page of the 15 document, on the top section. Could you go ahead and 16 review that? 17 A Could you scroll down? 18 Q Yeah. Before I do, do you see at the top 19 where it's handwritten in, "Performing an emergency 20 take-down technique"? 21 A Hold on. What was that, sir? I'm sorry. 22 Q That's okay. Do you see at the top of page 23 three where it's handwritten, "Performing an emergency 24 take-down technique"? 25 A Correct.</p>	Page 51	Page 53

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<p>1 A If that's how you wording it, and it's open 2 hand, it's open hand strike. That's a – that would be 3 an open hand. 4 Q So anytime you deliver a strike and your hand 5 is open instead of a closed fist, it counts as an open 6 hand strike. Is that correct? 7 MR. DOI: Objection, foundation, form. 8 A Yeah. Every time I strike someone with an 9 open hand, that would be considered an open hand strike. 10 Q Okay. So as you understand the term to be 11 used, if you slap someone in the – with the palm of 12 your hand, would that be described as an open hand 13 strike? 14 MR. KOSOKO: To the form. 15 MR. BAZAREK: Yeah. Objection, asked and 16 answered, numerous times. 17 A That would be considered an open hand strike, 18 if that's what you considered a slap with an open hand 19 and striking someone. Yes, that would be an open-hand 20 strike. 21 Q Okay. And also, if you would hit someone with 22 a backhand, with the back of your hand, would that, as 23 you understand it, be an open hand strike? 24 A I don't – I would believe so, but I've never 25 hit someone with a backhand – of my hand, that I</p>	Page 54	Page 56
<p>1 recall. 2 Q Okay. And finally, if you sort of pushed or 3 shoved against someone with a palm of your hand, would - 4 - as you understand it, would that be considered an open 5 hand strike? 6 A No, not if you push someone. That would not 7 consider to be an open hand strike, if you push someone, 8 no. 9 Q Okay. Do you ever any relection [sic] – any 10 -- do you know how you -- do you know what the open hand 11 strike that you performed against Wright – can -- do 12 you know how you delivered the open hand strike against 13 Wright? 14 A With an open hand. 15 Q Okay. Do you know anything else about it? 16 A Not that I recall. I know it was an open- 17 hand strike, and I hit him a couple times. 18 Q Okay. Thank you. Let's continue. I'm going 19 to ask you to now review the bottom of page three. 20 A Could you scroll up? I don't know – remember 21 where I was when you stopped me. 22 Q I'm sorry. Yes. I'm scrolled up now. 23 A Okay. Sir, could you scroll down? 24 Q Yes, sir. I'm at the bottom of the third page 25 of this document now.</p>	Page 55	Page 57

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<p>1 (OFF THE RECORD)</p> <p>2 COURT REPORTER: Okay. We're back on the</p> <p>3 record for the Douglas Nichols, volume two. My name</p> <p>4 is Jesse Harp. Today is the 19th day of April,</p> <p>5 2022. And the time is 11:49 p.m. Sorry, a.m.</p> <p>6 BY MR. HILKE:</p> <p>7 Q Thank you. Detective Nichols, do you recall a</p> <p>8 Robert Fowny, Jr.?</p> <p>9 A It cut out on me. I couldn't hear the name.</p> <p>10 Q Yeah. Do you recall a Robert Fowny, Jr.?</p> <p>11 A No. It doesn't ring a bell. No.</p> <p>12 Q Do you recall anyone who resided at Apartment</p> <p>13 308 at 575 East Browning?</p> <p>14 A No, I don't.</p> <p>15 Q Okay. And do you remember entering Robert</p> <p>16 Fowny, Jr.'s mother's apartment in October or November</p> <p>17 2006?</p> <p>18 A No, I don't.</p> <p>19 Q Okay. So I'm going show you a document now.</p> <p>20 This is Exhibit 82. Oops. There we go. Yes, it is</p> <p>21 Bates BG 1597 - oh, I'm sorry, City BG 15969. And</p> <p>22 looking at the top of the document, do you see that this</p> <p>23 is a document from the internal affairs division special</p> <p>24 investigation section?</p> <p>25 (EXHIBIT 82 MARKED FOR IDENTIFICATION)</p>	Page 58	Page 60
<p>1 A Yes. That's what it says. Yes.</p> <p>2 Q Okay. And I'm going to direct you to the</p> <p>3 third paragraph of the allegations. Am I - I'm sorry.</p> <p>4 I'm going to direct you to the first paragraph of the</p> <p>5 allegations. Could you go ahead and review just that</p> <p>6 first paragraph here, which I'm highlighting now?</p> <p>7 A Yes, sir.</p> <p>8 Q Thank you.</p> <p>9 A Could you make it a little bigger for me,</p> <p>10 please?</p> <p>11 Q Yes, I can.</p> <p>12 A Thank you, sir. Oh, that's much - that's</p> <p>13 good right there.</p> <p>14 Q How's that? Good.</p> <p>15 A Okay.</p> <p>16 Q Okay. And I'm actually going to now, scroll</p> <p>17 down to the next page. That's PDF page nine, BG 15970.</p> <p>18 And I'm going zoom in on the third paragraph from the</p> <p>19 bottom, starting here.</p> <p>20 A Yes, sir.</p> <p>21 Q If you go ahead and review the third paragraph</p> <p>22 from the bottom, please.</p> <p>23 A Okay.</p> <p>24 Q And have - has reviewing those paragraphs</p> <p>25 refreshed your memory at all?</p>	Page 59	Page 61

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<p>1 information about drugs?</p> <p>2 A I don't understand your question.</p> <p>3 Q Yeah. Did you talk to civilians and ask them</p> <p>4 if they had information about where you could find</p> <p>5 drugs?</p> <p>6 A Yes.</p> <p>7 Q And did you find that people – well, did you</p> <p>8 ever try to put pressure on civilians to get information</p> <p>9 about drugs?</p> <p>10 MR. KOSOKO: Form of the question.</p> <p>11 MR. BAZAREK: Object to form.</p> <p>12 A No.</p> <p>13 Q And so – and what does that mean? What do</p> <p>14 you understand that to mean, to put pressure on someone,</p> <p>15 to get information?</p> <p>16 A Put pressure on them, just – just how it</p> <p>17 sounds. Put pressure on them. Try to make them give me</p> <p>18 information about drugs. That's the way I'm taking it.</p> <p>19 If I'm wording your statement, then please advise. But</p> <p>20 that's the way I would take putting pressure on someone</p> <p>21 to give me information.</p> <p>22 Q Yeah. So would you ever, for example – would</p> <p>23 you ever – have you ever detained someone, detained a</p> <p>24 civilian, and told them you would let them go if they</p> <p>25 gave you information about drugs?</p>	Page 62	Page 64
<p>1 A I don't have the ability to let someone go. If</p> <p>2 they committed a crime, I don't have the ability to let</p> <p>3 them go.</p> <p>4 Q So just so the record is clear. Was that a</p> <p>5 no?</p> <p>6 A Yeah, that's a no. I don't have the ability</p> <p>7 to let them go.</p> <p>8 Q Okay. And was it also part of your mission to</p> <p>9 look for guns?</p> <p>10 A Yes.</p> <p>11 Q And all the same things you've just said about</p> <p>12 getting information about drugs, are those true -- is</p> <p>13 that true for guns as well?</p> <p>14 MR. BAZAREK: Object to form of the question,</p> <p>15 compound, vague, ambiguous, confusing, lacking</p> <p>16 foundation.</p> <p>17 Q Let me strike that.</p> <p>18 MR. BAZAREK: And the form of the question.</p> <p>19 Q Strike that. Did you ask people – did you</p> <p>20 ask civilians for information about where you could find</p> <p>21 guns?</p> <p>22 MR. BAZAREK: Objection, foundation. Go ahead.</p> <p>23 A I'm sure. Yes.</p> <p>24 Q Did you ever put pressure on civilians to get</p> <p>25 information about where to find guns?</p>	Page 63	Page 65

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<p>1 Q Okay. Do you remember arresting Willy Martin 2 on - in August of 2006? 3 A No, I don't. 4 Q So I'm going to show you a document. This is 5 a case report. This is Exhibit 83. It is - let's take 6 a look here. It's going to be on the other side, 7 actually. It is Bates City BP 4668. And spread this 8 out a little bit. Okay. Okay. Do you recognize this 9 as a case report? 10 (EXHIBIT 83 MARKED FOR IDENTIFICATION) 11 A Yeah, it's a general offense case report. 12 Q Okay. And this is for an occurrence on August 13 18, 2006? 14 A Yes. That's what it looks like, 15 August 18, 2006. 16 Q And the offender's name is Willy Martin? 17 A That's correct. 18 Q Okay. And this is an offense occurring at 540 19 East 36th Street in the CHA hallway? 20 A That's correct. 21 Q Okay. I am - actually, I'm going to ask you 22 if you could review the narrative at the bottom of 23 this page, and let me know if you need it zoomed in at 24 all. 25 A Please do.</p>	Page 66	Page 68
<p>1 Q Okay. 2 A I can tell you when to scroll to the right. 3 Q That'll be good. Yeah. Luckily, it's just 4 three lines. 5 A Could you scroll to the right? I am at AO - 6 AOs. Okay. Could you go back to the left? Okay, go to 7 right. Okay. Okay, go to the right. Okay. 8 Q Okay. And is this your name and signature at 9 the bottom of the report? 10 A Yes, it is. 11 Q Okay. So I'm now going to the second page of 12 this case report. And I'm going to ask if you could 13 please - going to try to get this all in view. One 14 second. Let me try this. If you could please review 15 the remainder of the narrative. 16 A Sir, that one line is kind of blurry to me. 17 Q Sure. Are you look -- are you looking in the 18 middle or at the bottom? 19 A Yeah, right where you just scrolled over. 20 Q Right here? 21 A No, up. 22 Q Up, yeah. 23 A Right - right there. 24 Q I read that asked said offender, Mr. Martin, 25 from the line above, how much USC he was in control of.</p>	Page 67	Page 69

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<p>1 arrest?</p> <p>2 A No.</p> <p>3 Q Okay. I'm going to move on. Do you remember</p> <p>4 a Terrell Champagne? Oops, sorry.</p> <p>5 A No.</p> <p>6 Q Okay. And do you remember conducting a</p> <p>7 narcotics mission in which Mr. Champagne was arrested in</p> <p>8 August 2007?</p> <p>9 A No, I don't.</p> <p>10 Q Do you remember witnessing a physical</p> <p>11 altercation between Mr. Champagne and Officer Alvin</p> <p>12 Jones?</p> <p>13 A I don't.</p> <p>14 Q Okay. I'm now showing you Exhibit 85, PDF</p> <p>15 page 24, Bates BG 16542. Do you see a photo in the</p> <p>16 upper right-hand corner of this document?</p> <p>17 (EXHIBIT 85 MARKED FOR IDENTIFICATION)</p> <p>18 A Yes.</p> <p>19 Q Do you know who that is?</p> <p>20 A No. It's a blurry and I – no, I don't</p> <p>21 recall.</p> <p>22 Q And this is an arrest on August 29, 2007. Is</p> <p>23 that right?</p> <p>24 A August 29, 2007, that's correct.</p> <p>25 Q And that's at 540 East 36th Street?</p>	Page 70	<p>1 statement?</p> <p>2 A Yes. This statement is July 8, 2010.</p> <p>3 Q Okay. Could you take a minute please, to</p> <p>4 review your to/from statement?</p> <p>5 A Sure. Yes, sir.</p> <p>6 Q Okay. Does that refresh your memory?</p> <p>7 A No, sir.</p> <p>8 Q Okay. So then do you have a memory of</p> <p>9 entering the building at 540 East 36th Street on August</p> <p>10 29, 2007?</p> <p>11 A No, sir.</p> <p>12 Q Okay. And do you have a memory of whether you</p> <p>13 saw Officer Jones grab or throw anyone against the wall</p> <p>14 that day?</p> <p>15 A As I stated when I wrote the report, I said I</p> <p>16 did not see that.</p> <p>17 Q Okay. But I want to say, I'm not asking you</p> <p>18 about what you wrote in the report. Do you have a</p> <p>19 memory of whether or not – whether you saw Officer</p> <p>20 Jones grab or throw anyone against a wall that day?</p> <p>21 A I would say, yes, I would have knowledge</p> <p>22 because if I did see that, I would've reported it and I</p> <p>23 would've reported him throwing a subject or an offender</p> <p>24 or even a victim at this matter against a wall in undue</p> <p>25 force, that was not legal and justification. So yes, I</p>
<p>1 A That's correct.</p> <p>2 Q Okay. So I'm now scrolling down to the second</p> <p>3 page of this arrest report. I'm now scrolling down to</p> <p>4 the third page of this arrest report, BG 16544. And I'm</p> <p>5 going to zoom in on the instant narrative and ask you to</p> <p>6 review it. That didn't do anything. There we go.</p> <p>7 A Perfect. Yes, sir.</p> <p>8 Q Does that refresh your memory at all?</p> <p>9 A No, this doesn't refresh my memory of the</p> <p>10 arrest. No.</p> <p>11 Q Okay. I'm going to show you one more thing on</p> <p>12 this document. I'm now looking at page five. This</p> <p>13 shows that you were an assisting arresting officer. Is</p> <p>14 that correct?</p> <p>15 A That's correct.</p> <p>16 Q And can you tell from that and the summary you</p> <p>17 just read, what role you played in this arrest?</p> <p>18 A No, it does not. Or the allegations that were</p> <p>19 present against me, like you stated before.</p> <p>20 Q Understood. I'm going to show you another</p> <p>21 document now. This is PDF 172 BG 16690. Does this</p> <p>22 appear to you to be a to/from statement by you?</p> <p>23 A And it does, and it's not – this is not</p> <p>24 allegations against me.</p> <p>25 Q Understood. And this is on July 8, 2010, this</p>	Page 71	<p>1 would say that I would've wrote that down if I did see</p> <p>2 that.</p> <p>3 Q Okay. But I'm not asking if you have</p> <p>4 knowledge. Do you have a memory of, a memory of,</p> <p>5 whether you saw Officer Jones grab or throw anyone</p> <p>6 against a wall that day?</p> <p>7 A No. Other than my report, no.</p> <p>8 Q Okay. Did you – have you ever seen Officer</p> <p>9 Jones strike anyone on the head with a gun?</p> <p>10 MR. BAZAREK: Objection, foundation. Go ahead.</p> <p>11 A With a gun?</p> <p>12 Q Yes.</p> <p>13 A No.</p> <p>14 Q On the – do you have a memory of whether you</p> <p>15 heard Officer Jones, on this day, tell Terrell Champagne</p> <p>16 to, "Shut up"?</p> <p>17 A No.</p> <p>18 Q And do you remember anything at all additional</p> <p>19 about the arrest of Mr. Champagne?</p> <p>20 A Did I recall? No, other than if I saw</p> <p>21 anything that was unjustifiable, I would've reported it.</p> <p>22 Q And do you remember anything additional about</p> <p>23 any disciplinary process against Officer Jones related</p> <p>24 to the arrest of Terrell Champagne?</p> <p>25 A That's something you would've asked Officer</p>

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<p>1 Jones. I don't know what happened. I know I was a 2 witness to this – this log number. 3 Q Okay. Thank you. Do you remember a Latrice 4 [sic] Riley? 5 A No, I don't. 6 Q Okay. Do you remember arresting Ms. Riley in 7 June 2005? 8 A I don't. 9 Q Okay. I'm going to show you, this is Exhibit 10 86, Bates number BG 17083. Does this appear to be an 11 arrest report to you? 12 (EXHIBIT 86 MARKED FOR IDENTIFICATION) 13 A Yes, it does. 14 Q Do you recognize the person in the upper right 15 corner? 16 A I don't, by looking at that picture, no. 17 Q And this is an arrest on June 2, 2005? 18 A That's correct. 19 Q And it's at 3835 South Vernon Avenue? 20 A That's correct. 21 Q Okay. I'm now looking at the second page of 22 this arrest report. Could I ask you to please review 23 the incident narrative here, and I'm going to zoom in on 24 it, and then let me know when you're done. Oh, shoot. 25 Sorry. I messed this up. I'm sorry. Give me one</p>	Page 74	<p>1 A No, sir. 2 Q And do you remember any – 3 A I know it's – I know that this is a truthful 4 and accurate arrest because like I stated to you 5 yesterday, I would never falsify an arrest or arrest 6 someone without legal justification. So yes, I do 7 remember this arrest and I stand by this arrest. 8 Q And do you remember any disciplinary 9 complaints against you from this arrest? 10 A By looking at what you showed me with an 11 arrest report, I couldn't tell you if there was any – 12 any complaints against me. If you're saying there was, 13 I don't know, but when you showed me an arrest report, 14 that's all I saw. 15 Q Okay. And you don't independently remember a 16 disciplinary complaint against you; is that right? 17 A Like I said before, I don't remember. All I 18 remember is you looking – showing me this arrest report 19 right now. 20 Q Okay. Do you remember a Charles Butler? 21 A No, that name does not ring a bell. 22 Q And do you remember being involved in Mr. 23 Butler's arrest in February 2006? 24 A No, I don't. 25 Q Okay. I'm showing you Exhibit 87, PDF page</p>
<p>1 second here, please. I'm just going to get this right. 2 Okay. Do you see that in front of you? 3 A Yes, I do. 4 Q Okay. Please go and review the instant 5 narrative and know when you're done. 6 MR. BAZAREK: What's the PDF page on this? 7 MR. HILKE: Oh, thank you. This is PDF 56. 8 A Okay. 9 Q Did that refresh your memory? 10 A No, not of the arrest, no. 11 Q Okay. I'm going to scroll down. On the third 12 page, do you see that you're listed as the second 13 arresting officer? 14 A I do. 15 Q Okay. I'm scrolling back to the second page. 16 Can you tell from this report, what role you played in 17 Ms. Riley's arrest? 18 A I was the one who was arresting her, with my 19 officer partner – with my Officer Gonzalez. 20 Q Okay. And so this – according to this 21 report, you personally observed Ms. Riley holding two 22 large clear plastic sandwich bags? 23 A Yes, the way I'm reading it, yes. 24 Q Okay. Do you remember anything else about 25 this arrest?</p>	Page 75	<p>1 five, Bates City BG 17301. Do you see that this is an 2 arrest report? 3 (EXHIBIT 87 MARKED FOR IDENTIFICATION) 4 A That's correct. 5 Q Do you see a photograph in the upper right 6 corner? 7 A I do. 8 Q Do you recognize that person? 9 A Not by looking at this photo, no. 10 Q Okay. And I know that the photo is blurry, 11 but is it big enough? Do you need it any bigger to look 12 at it? 13 A I don't recognize the person. 14 Q Okay. And this is an arrest on 15 February 3, 2006? 16 A Yes, sir. 17 Q Okay. And I am at scrolling down. And I'm 18 sorry, this is an arrest at 4930 South Langley Avenue. 19 Is that correct? 20 A Yes, sir. 21 Q Okay. And so I'm scrolling down to the 22 instant narrative on page two of this arrest report. Do 23 you see that at the bottom of the screen? 24 A I do. 25 Q Is that big enough or would you like me to</p>

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<p>1 zoom in a little?</p> <p>2 A Could you zoom in a little?</p> <p>3 Q I'll zoom in a little.</p> <p>4 A Thank you, sir.</p> <p>5 Q Thank you. Could you go ahead and review that instant narrative, please.</p> <p>6 A Yes, sir.</p> <p>7 Q Does that refresh your memory at all?</p> <p>8 A It does not.</p> <p>9 Q Okay. And it says here that at the bottom, that what was recovered was \$347 in US currency, and \$2,000 US currency inside of a canister. Is that right?</p> <p>10 A That's what it says, yes, it does.</p> <p>11 Q Okay. And do you have any memory of seeing that money at the scene?</p> <p>12 A I don't – I don't remember.</p> <p>13 Q Okay. And do you have any memory of seeing any officer take coins away from the scene?</p> <p>14 A I don't – I don't remember.</p> <p>15 Q Okay. And I'm scrolling down now to – what page am I scrolling to? Here we go. I'm scrolling down to the fifth page of the report. Do you see your name listed as an assisting arresting officer here?</p> <p>16 A I do.</p> <p>17 Q And can you tell from this report, what role</p>	Page 78	<p>1 recall any such investigation?</p> <p>2 A By looking at the arrest, no.</p> <p>3 Q Okay. But I'm asking you, aside from looking at this, on your own, do you remember any allegations of misconduct connected to this arrest?</p> <p>4 A No. I don't even remember who the gentleman was.</p> <p>5 Q Okay, great. I'm going to move on. Do you recall a Deaonte Claybron?</p> <p>6 A No, I don't.</p> <p>7 Q Okay. And do you remember being involved in Mr. Claybron's arrest in May 2008?</p> <p>8 A I don't.</p> <p>9 Q Okay. So I'm now showing you Exhibit 88. This is Bates City BG 18060. Do you see a photograph on this page?</p> <p>10 (EXHIBIT 88 MARKED FOR IDENTIFICATION)</p> <p>11 A I do.</p> <p>12 Q Do you recognize that person?</p> <p>13 A I don't.</p> <p>14 Q Okay. I am at -- one second here. I'm sorry.</p> <p>15 That's not what I want. Okay. So let's see. Just to confirm, do you have an independent memory of any interaction with a Mr. Deaonte Claybron?</p> <p>16 A I don't.</p>	Page 80
<p>1 you played in the arrest?</p> <p>2 A Could you go back to the arrest report, sir?</p> <p>3 Q Yes, sir. Would you like –</p> <p>4 A I'm sorry. Reading on the left side?</p> <p>5 Q Yes, sir.</p> <p>6 A Not by looking at this arrest report, I don't know the role I had. Maybe there's other documents that they could help my recollection, but looking at the arrest report, I don't know my role.</p> <p>7 Q Okay. And do you have any personal knowledge of this arrest?</p> <p>8 A I would say that it's a truthful and lawful arrest, because like I said before, I never seen any other officer do anything that was in a false arrest or any false documents before. So yeah, I would say this is a truthful and lawful arrest.</p> <p>9 Q Sitting here today, do you have a memory of this arrest?</p> <p>10 A No.</p> <p>11 Q And do you have a memory of any disciplinary process associated with this arrest?</p> <p>12 A I don't even know if there is -- was any discipline that was initiated or wasn't initiated by looking at this arrest.</p> <p>13 Q And independently of looking at this, do you</p>	Page 79	<p>1 Q Okay. I am going to show you another document. This is still Exhibit 88. It is City BG 18198. Starting from the top, does this appear to be a to/from statement from you to Commander Gennessa Lewis?</p> <p>2 MR. BAZAREK: Counsel, what's the PDF number for that?</p> <p>3 MR. HILKE: Oh, thanks, Bill. It's PDF 198.</p> <p>4 MR. BAZAREK: Thanks.</p> <p>5 A Yes, it does. It looks like to/from from me to Gennessa Lewis, Commander Gennessa Lewis.</p> <p>6 BY MR. HILKE:</p> <p>7 Q And this would be on July 15, 2009?</p> <p>8 A Yes that's what it's dated.</p> <p>9 Q Okay. And so I'm going to scroll down now. Could you please take a moment and review your statement here?</p> <p>10 A Yes, sir. Okay.</p> <p>11 Q Okay. Is everything you wrote here true?</p> <p>12 A Yes.</p> <p>13 Q Okay. And is everything you wrote here complete?</p> <p>14 MR. BAZAREK: Object to the form of the question.</p> <p>15 A I don't understand your question.</p> <p>16 Q Did you leave out any important details?</p>	Page 81

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<p>1 A No, I don't believe so. No.</p> <p>2 Q Does this statement refresh your recollection</p> <p>3 at all?</p> <p>4 A It does not.</p> <p>5 Q Okay. And do you remember anything else about</p> <p>6 an interaction between you and Mr. Deaonte Claybron?</p> <p>7 A Could you repeat that question?</p> <p>8 Q Yeah. Do you remember anything else about an</p> <p>9 interaction between you and Mr. Deaonte Claybron?</p> <p>10 A As I'm reading my report, it said I had no</p> <p>11 physical contact with him.</p> <p>12 Q And do you remember anything else about this</p> <p>13 disciplinary investigation?</p> <p>14 A By looking at this, no.</p> <p>15 Q What about independently of looking at this,</p> <p>16 do you remember anything on your own?</p> <p>17 A No, sir.</p> <p>18 Q Okay. Do you recall an Ashden Glover?</p> <p>19 A That name sounds familiar to me.</p> <p>20 Q Okay. What do you remember about him?</p> <p>21 A I just – the name sounds familiar to me.</p> <p>22 That's all I recall.</p> <p>23 Q Okay. Do you remember being involved in Mr.</p> <p>24 Glover's arrest in July of 2006?</p> <p>25 A No, I don't.</p>	Page 82	Page 84
<p>1 Q Okay. I'm now showing you Exhibit 89. This</p> <p>2 is PDF 31, Bates City BG 18411. Do you see a vice case</p> <p>3 report here?</p> <p>4 (EXHIBIT 89 MARKED FOR IDENTIFICATION)</p> <p>5 A I do.</p> <p>6 Q And this is for an arrest occurring at 5135</p> <p>7 South Federal Street?</p> <p>8 A That's correct.</p> <p>9 Q And that's on July 31, 2006?</p> <p>10 A That's correct.</p> <p>11 Q Okay. And your name is in box 12, as the</p> <p>12 victim or complainant. Is that right?</p> <p>13 A That's correct.</p> <p>14 Q Okay. And this is your signature in the</p> <p>15 bottom left corner?</p> <p>16 A It is.</p> <p>17 Q And the first offender listed is Ashden</p> <p>18 Glover?</p> <p>19 A It is.</p> <p>20 Q Okay. I'm going to zoom in on the narrative</p> <p>21 now. And if you would please take a second and review</p> <p>22 the narrative, the first part of it here.</p> <p>23 A Okay.</p> <p>24 Q Okay. And I'm now going to the second page of</p> <p>25 this report. I'm going to zoom in one more time, and</p>	Page 83	Page 85

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<p>1 A The name sounds familiar, yes.</p> <p>2 Q What do you remember about him?</p> <p>3 MR. BAZAREK: No. Wait, wait. Time out. I'm</p> <p>4 going to object. Mr. Powell has been deposed. Now,</p> <p>5 I'll have to go back and look at the exhibit, but</p> <p>6 he's Mr. Flaxman's client. And I also know that</p> <p>7 Officer Nichols was previously deposed on the Bruce</p> <p>8 Powell matter. So you're covering ground that was</p> <p>9 covered previously.</p> <p>10 MR. HILKE: Are you saying we asked about the</p> <p>11 next CR before?</p> <p>12 MR. BAZAREK: Well, hold – you know what? I'll</p> <p>13 – let me look right now. Let's go off the record.</p> <p>14 I'm going to go pull the deposition. You can look</p> <p>15 at it too, and then we'll look at it.</p> <p>16 MR. HILKE: That sounds fine. Thanks.</p> <p>17 COURT REPORTER: Okay. We're going off the</p> <p>18 record. The time is 12:39 p.m.</p> <p>19 (OFF THE RECORD)</p> <p>20 COURT REPORTER: We're back on the record for</p> <p>21 the deposition of Douglas Nichols, volume two. My</p> <p>22 name is Jesse Harp. Today is the 19th day of April</p> <p>23 2022, and the time is 12:52 p.m.</p> <p>24 BY MR. HILKE:</p> <p>25 Q Okay. Detective Nichols, do you recall a</p>	Page 86	Page 88
<p>1 Sandra Cartwright?</p> <p>2 A I do.</p> <p>3 Q What do you recall about her?</p> <p>4 MR. BAZAREK: You know, I will voice an</p> <p>5 objection in that this particular event was covered</p> <p>6 at yesterday's deposition, but I'll give you some</p> <p>7 leeway. Go ahead.</p> <p>8 MR. HILKE: Yeah. I mean, you can give me an</p> <p>9 asked and answered if you want, of course, but you</p> <p>10 can answer the question.</p> <p>11 MR. BAZAREK: Okay. Well, I – my objection is</p> <p>12 it was covered yesterday.</p> <p>13 BY MR. HILKE:</p> <p>14 Q Yeah. Understood. Okay. You can answer.</p> <p>15 A I do remember her.</p> <p>16 Q And did you discuss Ms. Cartwright yesterday?</p> <p>17 A I did.</p> <p>18 Q You say that you remembered seeing her</p> <p>19 climbing out of a window?</p> <p>20 MR. BAZAREK: Objection to mischaracterizing</p> <p>21 what his testimony was from yesterday. That was not</p> <p>22 his testimony.</p> <p>23 Q Check that. What do you remember about her?</p> <p>24 MR. BAZAREK: Objection, asked and answered.</p> <p>25 Was covered at yesterday's deposition</p>	Page 87	Page 89

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<p>1 story window, yes.</p> <p>2 Q Okay. Other than that?</p> <p>3 A No, sir.</p> <p>4 Q I'm going to go down to the – I'm on the</p> <p>5 second page of this document in the incident narrative.</p> <p>6 Could you go ahead and review the Incident Narrative and</p> <p>7 let me know when you're done?</p> <p>8 A Yes, sir. Yes, sir.</p> <p>9 Q Okay. Now, reading that, did that refresh any</p> <p>10 additional memories of this arrest?</p> <p>11 A Other than what I stated before of her going</p> <p>12 out of a second-story window, no.</p> <p>13 Q And I'm now scrolling down to page five of the</p> <p>14 arrest report. Do you see that you're listed as an</p> <p>15 assisting arresting officer on page five of the report?</p> <p>16 A That's correct.</p> <p>17 Q And can you tell from this report what role</p> <p>18 you played in the arrest?</p> <p>19 A Could you go back to the narrative of the</p> <p>20 arrest, sir?</p> <p>21 Q Yes, sir.</p> <p>22 A By looking at this, no.</p> <p>23 Q Uh-huh. And do you have any independent</p> <p>24 memory – well, I've asked you that enough times this</p> <p>25 time. Do you remember anything about any disciplinary</p>	Page 90	Page 92
<p>1 complaint connected to this arrest?</p> <p>2 A I don't remember any disciplinary complaint</p> <p>3 that she made, no.</p> <p>4 Q Okay. Do you remember any allegations against</p> <p>5 you regarding this arrest?</p> <p>6 A That she made? No. I don't remember any</p> <p>7 allegations, except we had a federal lawsuit. That's</p> <p>8 about it. That's all I remember.</p> <p>9 Q Okay. And do you remember – other than the</p> <p>10 federal lawsuit, do you remember allegations made by</p> <p>11 anyone else regarding this arrest?</p> <p>12 MR. BAZAREK: Object to the form of the</p> <p>13 question.</p> <p>14 A Not that I recall. No.</p> <p>15 Q Okay. Thank you. You recall a Shomari</p> <p>16 Legghette?</p> <p>17 A No. That name does not sound familiar to me.</p> <p>18 Q Do you remember being involved in</p> <p>19 Mr. Legghette's arrest in June 2009?</p> <p>20 A No, I don't.</p> <p>21 Q Do you – okay. Have you ever seen a police</p> <p>22 officer cover his ears and say, "See no evil, hear no</p> <p>23 evil"?</p> <p>24 A Could you repeat that question? I'm sorry.</p> <p>25 Q Have you ever seen a police officer cover his</p>	Page 91	Page 93

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<p>1 given as the complainant?</p> <p>2 A That's correct.</p> <p>3 Q Okay. And I'm scrolling down in the document.</p> <p>4 I'm looking at the third page. You were listed as the</p> <p>5 first arresting officer. Is that correct?</p> <p>6 A That's correct.</p> <p>7 Q And I'm looking at the narrative and I'm going</p> <p>8 to zoom in on that and ask you to read it. This is on</p> <p>9 page four of the document. One second.</p> <p>10 A Okay.</p> <p>11 Q Could you please review the narrative here?</p> <p>12 A Will do, sir. Okay.</p> <p>13 Q Does this narrative refresh your memory?</p> <p>14 A No, it does not.</p> <p>15 Q Do you have any recall – do you have any</p> <p>16 memory of searching Mr. Legghette after you arrested</p> <p>17 him?</p> <p>18 A Not to my knowledge, no. But – no.</p> <p>19 Q Did you unbutton Mr. Legghette's pants during</p> <p>20 this arrest?</p> <p>21 A I don't believe I did. No.</p> <p>22 Q And did you expose his genital area while he</p> <p>23 was on the street?</p> <p>24 A No. Never.</p> <p>25 Q Did you tell Mr. Legghette that he would be</p>	Page 94	Page 96
<p>1 arrested unless he helped you?</p> <p>2 A Never.</p> <p>3 Q Did you tell him he would be charged with a</p> <p>4 crime unless he helped you?</p> <p>5 A That's ex – no, never.</p> <p>6 Q Do you remember any – remember anything else</p> <p>7 about this arrest?</p> <p>8 A Other than it's truthful and accurate, that</p> <p>9 it's an arrest and it was a lawful arrest and I would</p> <p>10 stand by my arrest. Yes.</p> <p>11 Q Do you have an independent memory of the</p> <p>12 arrest?</p> <p>13 A I do not.</p> <p>14 Q And do you remember anything about a complaint</p> <p>15 against you coming from this arrest?</p> <p>16 A I don't.</p> <p>17 Q Okay. I'm going to move on. Do you recall a</p> <p>18 Sandy Johnson?</p> <p>19 A I don't.</p> <p>20 Q Do you remember being involved in Mr. Johnson</p> <p>21 arrest – Johnson's arrest in June 2011?</p> <p>22 A I don't.</p> <p>23 Q Did you ever – as a police officer, have you</p> <p>24 ever performed an anal cavity search?</p> <p>25 A Never.</p>	Page 95	Page 97

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<p>1 A Not this exact arrest, no.</p> <p>2 Q Okay. And do you remember anything – any</p> <p>3 complaint against you connected to this arrest?</p> <p>4 A I do not.</p> <p>5 Q Okay. I'm going to move on. Do you recall a</p> <p>6 Jakharri Washington?</p> <p>7 A I don't.</p> <p>8 Q Okay. And so you don't remember if you've</p> <p>9 ever stopped and searched a Mr. Jakharri Washington?</p> <p>10 A I don't. I don't know if I had any</p> <p>11 involvement with Jakharri Washington.</p> <p>12 Q And so you don't remember arresting him in</p> <p>13 March of 2011?</p> <p>14 A I don't.</p> <p>15 Q I'm now showing you Exhibit 96. This is at</p> <p>16 PDF 18, Bates City BG 021268. Does this appear to you</p> <p>17 to be an arrest report?</p> <p>18 (EXHIBIT 96 MARKED FOR IDENTIFICATION)</p> <p>19 A It does.</p> <p>20 Q Do you see a photo in the upper right?</p> <p>21 A I do.</p> <p>22 Q I'm going to zoom in a little. Do you</p> <p>23 recognize the person in that photo?</p> <p>24 A Not in that photo, no. It's blurry and – no.</p> <p>25 I – no.</p>	Page 98	Page 100
<p>1 Q It'd be amazing if you did recognize it,</p> <p>2 right?</p> <p>3 A Sure would be.</p> <p>4 Q Okay. Let's see. This – sorry, let me zoom</p> <p>5 out again. And so you see this is an arrest of a</p> <p>6 Mr. Jakharri Washington; is that right?</p> <p>7 A That's correct.</p> <p>8 Q And this arrest took place at 319 East 47th</p> <p>9 Street on the sidewalk. Is that right?</p> <p>10 A That's correct.</p> <p>11 Q Okay. And I am scrolling down, and continuing</p> <p>12 to scroll down. Okay. And you are listed as the – I'm</p> <p>13 on the third page of this document. You're listed as the</p> <p>14 second arresting officer. Is that right?</p> <p>15 A That's correct.</p> <p>16 Q Okay. And now I am scrolling down to the</p> <p>17 narrative at the bottom of the third page and zooming</p> <p>18 in. Could you please review the narrative and let know</p> <p>19 when you're done?</p> <p>20 A Yes, sir. Okay.</p> <p>21 Q And I'm now scrolling down to the fourth page,</p> <p>22 I guess, just to show you that there's no more narrative</p> <p>23 on the fourth page.</p> <p>24 A Okay. Okay.</p> <p>25 Q So going back to the third page, did that</p>	Page 99	Page 101

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<p>1 A I don't understand the question.</p> <p>2 BY MR. HILKE:</p> <p>3 Q Yeah. I'm just asking if you had any idea</p> <p>4 which arrests you made would lead to criminal charges?</p> <p>5 A I couldn't answer that question. I don't</p> <p>6 know.</p> <p>7 Q Okay. Did you ever arrest someone who you</p> <p>8 didn't expect to be criminally charged based on your</p> <p>9 arrest?</p> <p>10 MR. KOSOKO: Object to the form of the</p> <p>11 question.</p> <p>12 A That wasn't my basis of arresting them if they</p> <p>13 were going to get charged or not. If they were doing</p> <p>14 something illegal, then I would arrest that person. It</p> <p>15 wasn't the basis if they were going to get charged or</p> <p>16 not.</p> <p>17 Q I understand, but my question was, do you</p> <p>18 recall ever arresting someone who you did not expect to</p> <p>19 be charged after you arrested them?</p> <p>20 MR. KOSOKO: Object to the form of the</p> <p>21 question.</p> <p>22 A Like I stated before, I – that's out of my</p> <p>23 control if they get prosecuted or not. That's up to the</p> <p>24 state's attorney's office. If they're doing something</p> <p>25 illegal, then I would arrest them.</p>	Page 102	Page 104
<p>1 Q Okay. But do you understand that – I</p> <p>2 understand that, but I'm not asking if you got to choose</p> <p>3 if they were charged. I'm asking, did you ever arrest</p> <p>4 anyone who you did not expect to be criminally charged</p> <p>5 after your arrest?</p> <p>6 MR. KOSOKO: Object to the form of the</p> <p>7 questions. Calls for a legal conclusion.</p> <p>8 MR. BAZAREK: Objection further, asked and</p> <p>9 answered.</p> <p>10 A I would state the – again, I – that's out of</p> <p>11 my control of who gets prosecuted and who doesn't get</p> <p>12 prosecuted. I don't have a say so in that.</p> <p>13 BY MR. HILKE:</p> <p>14 Q I guess I'm concerned you don't understand my</p> <p>15 question. Do you understand me to be asking you if you</p> <p>16 decide whether or not someone is charged?</p> <p>17 MR. BAZAREK: Objection to the form of the</p> <p>18 question.</p> <p>19 A I don't understand your question to me, sir. I</p> <p>20 don't – I don't – I don't have any control if they get</p> <p>21 prosecuted or not.</p> <p>22 Q Is that what you think I'm asking you?</p> <p>23 MR. BAZAREK: Objection, argumentative.</p> <p>24 A Yes. That's not – that's not my control if</p> <p>25 they get prosecuted or not. Once I arrest him, that's</p>	Page 103	Page 105
<p>1 out of my control, sir.</p> <p>2 Q I want to be clear that I am not asking you if</p> <p>3 you control if someone is prosecuted. I am asking if</p> <p>4 you have ever arrested someone who you did not expect</p> <p>5 would be criminally charged based on your arrest?</p> <p>6 MR. BAZAREK: Objection.</p> <p>7 MR. KOSOKO: Object to the form of the</p> <p>8 question.</p> <p>9 A If you ask me that, I would think every person</p> <p>10 I got arrested was going to be prosecuted, because I</p> <p>11 know I arrested him lawfully and justfully [sic], and I</p> <p>12 know I didn't do anything wrong. So yes, I would think</p> <p>13 they would get prosecuted. But other than that, I don't</p> <p>14 have control over that, sir.</p> <p>15 Q Thank you. Do you remember anything else</p> <p>16 about the arrest of Jakhari Washington?</p> <p>17 A No, sir. Other than reading this arrest</p> <p>18 report that you showed me in front of me.</p> <p>19 Q Okay. And do you remember anything about a</p> <p>20 complaint of misconduct related to Mr. Washington's</p> <p>21 arrest?</p> <p>22 A I don't even know if there is a complaint of</p> <p>23 misconduct that was against me. I don't know.</p> <p>24 Q Do you remember ever searching inside</p> <p>25 Mr. Washington's underwear?</p> <p>1 A No.</p> <p>2 Q I'm going to move on.</p> <p>3 MR. BAZAREK: All right. We're going to take a</p> <p>4 lunch break now for 40 minutes.</p> <p>5 MR. HILKE: I think that's fine. Returning at</p> <p>6 2:00 p.m. then? Or did you say 30 minutes to 1:50</p> <p>7 p.m.? I'm fine.</p> <p>8 MR. BAZAREK: Yeah. We'll back at – let's –</p> <p>9 yeah, let's just do, we'll be back at 2:00.</p> <p>10 MR. HILKE: That – that's good with me. That</p> <p>11 work for everyone?</p> <p>12 COURT REPORTER: Okay. We're going off –</p> <p>13 sorry. We're going off the record. The time is</p> <p>14 1:19 p.m.</p> <p>15 (OFF THE RECORD)</p> <p>16 COURT REPORTER: Okay. We're back on the</p> <p>17 record for the deposition of Douglas Nichols, volume</p> <p>18 two. My name is Jesse Harp. The time is 2:03 p.m.,</p> <p>19 and it is the 19th day of April, 2022.</p> <p>20 BY MR. HILKE:</p> <p>21 Q Detective Nichols, do you recall a Robert</p> <p>22 Lindsey?</p> <p>23 A No, I don't.</p> <p>24 Q And do you recall ever arresting a Robert</p> <p>25 Lindsey?</p>	Page 103	Page 105

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<p>1 A I don't.</p> <p>2 Q Do you recall interacting with him around</p> <p>3 October of 2009?</p> <p>4 MR. BAZAREK: Okay. I just got to – is this</p> <p>5 the Robert Lindsey Plaintiff in the Watts</p> <p>6 coordinated pretrial proceedings?</p> <p>7 MR. HILKE: Exhibit 97. I don't know.</p> <p>8 (EXHIBIT 97 MARKED FOR IDENTIFICATION)</p> <p>9 MR. BAZAREK: That's – and we can stay on the</p> <p>10 record. I just need to – well, Joel would know.</p> <p>11 There was a Robert Lindsey, who's a plaintiff in the</p> <p>12 coordinated pretrial proceedings.</p> <p>13 MR. KOSOKO: I think they are the same. It's</p> <p>14 from the same incident, the car incident with the</p> <p>15 other gentleman. That's my understanding.</p> <p>16 MR. BAZAREK: So I can go back and look again,</p> <p>17 or we can all review all the parties.</p> <p>18 MR. HILKE: Yeah. I'm sorry. Jesse, could we</p> <p>19 go off the record for a second?</p> <p>20 COURT REPORTER: Okay. We're going off record.</p> <p>21 The time is 2:04 p.m.</p> <p>22 (OFF THE RECORD)</p> <p>23 COURT REPORTER: We're back on the record for</p> <p>24 the deposition of Douglas Nichols, volume two. My</p> <p>25 name is Jesse Harp. Today is the 19th day of April,</p>	Page 106	Page 108
<p>1 2022 and the time is 2:09 p.m.</p> <p>2 BY MR. HILKE:</p> <p>3 Q Detective Nichols, do you recall an Elijah</p> <p>4 Green?</p> <p>5 A The name sounds familiar. That's about it.</p> <p>6 Q Do you remember arresting him in June of</p> <p>7 2012?</p> <p>8 A I don't.</p> <p>9 Q I'm going to show you an exhibit now. Okay.</p> <p>10 Is this an arrest report?</p> <p>11 MR. BAZAREK: Counsel, what's the exhibit?</p> <p>12 MR. HILKE: Oh, I'm sorry. Thank you for that.</p> <p>13 This is Exhibit number 98, PDF page 12, Bates City</p> <p>14 BG 021880.</p> <p>15 (EXHIBIT 98 MARKED FOR IDENTIFICATION)</p> <p>16 MR. BAZAREK: Thank you.</p> <p>17 BY MR. HILKE:</p> <p>18 Q Do you see a photograph in the upper right of</p> <p>19 this document, Detective Nichols?</p> <p>20 A I do.</p> <p>21 Q Do you recognize the person in that</p> <p>22 photograph?</p> <p>23 A I don't.</p> <p>24 Q And would you like me to zoom in at all to get</p> <p>25 a closer look?</p>	Page 107	Page 109

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<p>1 Q That's correct.</p> <p>2 A No, not necessarily.</p> <p>3 Q And what are the reasons why it wouldn't be</p> <p>4 documented?</p> <p>5 A If he didn't find anything yet, then it</p> <p>6 wouldn't be -- just -- it wouldn't be written down.</p> <p>7 Q Okay. And do you have any independent</p> <p>8 recollection of this arrest?</p> <p>9 A No, sir.</p> <p>10 Q And do you remember anything about a -- an</p> <p>11 allegation or a disciplinary complaint regarding this</p> <p>12 arrest?</p> <p>13 A No, I don't.</p> <p>14 Q Do you recall a Brian Johnson?</p> <p>15 A I do.</p> <p>16 Q Okay. What do you remember about him?</p> <p>17 A That we conducted a -- a search warrant. I'm</p> <p>18 taking at the house, but we conducted a search warrant</p> <p>19 and then there was a -- a federal lawsuit.</p> <p>20 Q Okay. Do you remember, did you interact with</p> <p>21 Mr. Brian Johnson?</p> <p>22 A I did.</p> <p>23 Q Can you start from the beginning, the first</p> <p>24 thing you remember about interacting with him?</p> <p>25 A When we entered the -- the lobby area to the</p>	Page 110	Page 112
<p>1 apartment complex.</p> <p>2 Q Okay. What happened next?</p> <p>3 A Or vestibule. Lobby, vestibule, right --</p> <p>4 right in there.</p> <p>5 Q What happened next?</p> <p>6 A I asked him if he was a security guard, he</p> <p>7 said yes. I said we're here for a search warrant, and I</p> <p>8 saw he had keys on him, I told him open the door. He</p> <p>9 didn't open the door, he pulled away from me, and I</p> <p>10 placed him under arrest.</p> <p>11 Q Okay. How close were you to him when he</p> <p>12 pulled away from you?</p> <p>13 A He was right in front of me.</p> <p>14 Q Okay. Did he say anything?</p> <p>15 A I don't recall. I would have to look at my</p> <p>16 other documents and -- to see if he said anything or</p> <p>17 not.</p> <p>18 Q Yeah. Why did you place him under arrest?</p> <p>19 A For obstructing.</p> <p>20 Q What happened next?</p> <p>21 A We made a forced entry to that door, and then</p> <p>22 we proceeded to our search warrant -- search warrant</p> <p>23 location, the apartment number.</p> <p>24 Q Did you have any subsequent interactions with</p> <p>25 Mr. Johnson?</p>	Page 111	Page 113
<p>1 A Yes.</p> <p>2 Q And what was your next interaction with him?</p> <p>3 A I recall, at the station, and I don't recall</p> <p>4 if I had an interaction with him in the -- the paddy</p> <p>5 wagon or not, I would have to look back at my reports or</p> <p>6 other documents to see what other interactions I had,</p> <p>7 but I know back at the Second District police station.</p> <p>8 I know that for sure.</p> <p>9 Q And what was your interaction with him at the</p> <p>10 Second District police station?</p> <p>11 A Well, getting his -- all his identifications,</p> <p>12 his name, address, height, weight, and everything like</p> <p>13 that for the arrest report.</p> <p>14 Q Okay. Anything else?</p> <p>15 A Not that I recall, no.</p> <p>16 Q I'm going to show you a document now. This is</p> <p>17 Exhibit 99, we are on PDF 40, Bates BG 21931. So this</p> <p>18 is an arrest report, correct?</p> <p>19 (EXHIBIT 99 MARKED FOR IDENTIFICATION)</p> <p>20 A That's correct.</p> <p>21 Q And do you recognize the person in the</p> <p>22 photograph in the upper right?</p> <p>23 A Yes.</p> <p>24 Q Who is that?</p> <p>25 A Brian Johnson.</p>		

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<p>1 Q And it says here that "Brian Johnson 2 (offender) then failed to follow officer's commands." Do 3 you know what commands Brian Johnson was given? 4 A Yes, on the line before that it says he was 5 said to open the door. 6 Q Okay. So that's a command that he refused to 7 follow? 8 A Correct. 9 Q Did you ever confirm whether his keys worked 10 on that door? 11 A I don't recall. I would have to look at my 12 other reports and other documents. I'm not a hundred 13 percent sure. 14 Q Okay. Just one moment please. Okay. So when 15 – go back for a second, please. Let's see. Okay. So 16 were you the officer who placed Mr. Johnson into 17 custody? 18 A I believe I did, but I would have to look at 19 my documents just to make sure. But I believe I did. 20 I'm not a hundred percent sure, I'd have to look at 21 other documents. 22 Q Other than this document, is there any 23 document you believe exists that you would want to look 24 at? 25 A Maybe my testimony in the – in the – in the</p>	Page 114	Page 116
<p>1 lawsuit or there's a case report that belongs with this. 2 Q Okay. Did you testify in the lawsuit? 3 A I did. 4 Q But without looking at that – well, you don't 5 remember if you were the one who put him into custody? 6 A I'm not a hundred percent sure, no. 7 Q So then – I'm going to stop sharing for one 8 minute here. Okay. So Detective Nichols, I'm once 9 again showing you the second page incident narrative, 10 that's PDF 42, Bates BG 21933. 11 A You said page two? 12 Q Page two. Yeah, PDF page 42. It is the 13 second page of the arrest report. 14 A I thought it said third. 15 Q Or is it the third? 16 A That's what I thought I saw. 17 Q You're right, it's the third. Thank you. 18 Okay. So I don't have your trial testimony, so I'm 19 going to ask you, based on your recollection and what 20 you read in this incident narrative, did you push 21 Mr. Johnson against a wall when you – when he was 22 detained? 23 A I don't recall. I would have to look at the 24 other documents. 25 Q Do you recall if any officer pushed</p>	Page 115	Page 117

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<p>1 MR. BAZAREK: Objection, foundation.</p> <p>2 A That's what it says, yes.</p> <p>3 Q And are you listed as an accused officer here?</p> <p>4 A Yes, sir.</p> <p>5 Q Okay. And this refers to an incident on</p> <p>6 November 18, 2012; is that correct?</p> <p>7 A It looks like it's a 12, yes. 18 November –</p> <p>8 it looks like a 12, but I'm not a hundred percent sure.</p> <p>9 Q Sure, and the address of the incident is 3714</p> <p>10 South Indiana?</p> <p>11 A That's correct.</p> <p>12 Q So I'm now scrolling down in this document and</p> <p>13 I'm reading from the allegations where it reads, "In</p> <p>14 summary, the reporting party alleged that the accused(s)</p> <p>15 entered his home and searched the apartment and him</p> <p>16 without justification." Do you see that?</p> <p>17 A I do.</p> <p>18 Q Okay. Do you remember interacting with Mr.</p> <p>19 Young on November 18, 2012?</p> <p>20 A Like I said before, I don't have – don't</p> <p>21 remember any interaction with Mr. Young.</p> <p>22 Q Got it. So you don't remember ever searching</p> <p>23 his home; is that right?</p> <p>24 A Not that this alleges, no. No, I don't</p> <p>25 remember.</p>	Page 118	Page 120
<p>1 Q Okay. And do you remember anything else about</p> <p>2 the interaction described here?</p> <p>3 A That's described here? No.</p> <p>4 Q And do you remember anything else about this -</p> <p>5 - about a disciplinary process or investigation related</p> <p>6 to this incident?</p> <p>7 A I don't even know if there was a disciplinary</p> <p>8 action. I don't even know what happened with it or the</p> <p>9 outcome of it or anything. I don't know anything about</p> <p>10 this disciplinary action.</p> <p>11 Q Okay. Thank you.</p> <p>12 A Or if there was one.</p> <p>13 Q I want to ask you about the time period of</p> <p>14 January 2013. Do you remember what your assignment was</p> <p>15 in January 2013?</p> <p>16 A No, I don't.</p> <p>17 Q Okay. Was that a time where your duties</p> <p>18 would've included completing contact cards?</p> <p>19 A Yes. Contact cards, yes. I believe so, yes.</p> <p>20 Q Okay. What's a contact card?</p> <p>21 A Contact card is when we have interaction with</p> <p>22 an individual and we write down information about the</p> <p>23 individual on the contact card.</p> <p>24 Q Okay. And what situations would you fill out</p> <p>25 a contact card in?</p>	Page 119	Page 121

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<p>1 that you're generating?</p> <p>2 A No.</p> <p>3 Q And when you've – in your training and</p> <p>4 experience, do you need a certain amount of evidence</p> <p>5 before you stop someone and check if – check them for a</p> <p>6 weapon?</p> <p>7 MR. BAZAREK: Object to the form of the</p> <p>8 question.</p> <p>9 A I would say yes.</p> <p>10 Q What evidence do you need?</p> <p>11 A Well, if I get a call saying that the guy</p> <p>12 might have a weapon, and then I approach and I see a</p> <p>13 bulge in his waistband or his – anywhere on his person</p> <p>14 and I believe that to be a weapon, yes.</p> <p>15 Q Okay. Do you recall a William Lewis?</p> <p>16 A I do not.</p> <p>17 Q Okay. So do you recall stopping Mr. Lewis and</p> <p>18 searching him in January 2013?</p> <p>19 A I don't.</p> <p>20 Q I am now showing you – this is Exhibit 101,</p> <p>21 PDF page four, Bates City BG 022998. So looking at the</p> <p>22 top, does this appear to be a summary report digest?</p> <p>23 (EXHIBIT 101 MARKED FOR IDENTIFICATION)</p> <p>24 A It does.</p> <p>25 Q And does it appear to be directed to the chief</p>	Page 122	Page 124
<p>1 of the Bureau of Internal Affairs?</p> <p>2 A It does.</p> <p>3 Q And this is about an incident at 5 – 5800</p> <p>4 South Calumet; is that right?</p> <p>5 A Yes.</p> <p>6 Q On the date of January 10, 2013?</p> <p>7 A That's correct.</p> <p>8 Q And you were listed as an accused officer; is</p> <p>9 that right?</p> <p>10 A That's correct.</p> <p>11 Q So I'm now scrolling down – and you see that</p> <p>12 the complainant is a Williams – William – it says</p> <p>13 Williams Lewis, but – yeah, so what it says here is</p> <p>14 that the complainant is Williams Lewis; is that right?</p> <p>15 A That's what it says, Williams.</p> <p>16 Q Okay. And at the bottom, there's a brief</p> <p>17 allegation. The complainant alleged that the accused</p> <p>18 officers stopped and searched him without justification.</p> <p>19 Do you see that?</p> <p>20 A I do.</p> <p>21 Q And do you have any recollection of this</p> <p>22 incident?</p> <p>23 A I don't.</p> <p>24 Q Do you have any recollection of a – of this</p> <p>25 complaint or any disciplinary process related to this</p>	Page 123	Page 125

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<p>1 in that the officer stuck his finger inside of his 2 rectum. Is that what that says? 3 A It does. 4 Q And do you have any recollection of a search 5 involving a Mr. Reginald Carter? 6 A No, but I could say this, one hundred percent 7 that this allegation is totally false and inaccurate. 8 Q Okay. And is that because you've never 9 searched someone underneath their underwear? 10 A Yeah, and stuck my finger in his rectum, like 11 how Reginald Carter's stating. 12 Q Yeah. Okay. Do you remember anything else 13 about the incident described here? 14 A No, I don't. 15 Q And do you remember anything about a complaint 16 or disciplinary process related to the incident 17 described here? 18 A I don't even know if there was a – a 19 complaint filed after this, or what happened with it, 20 the disciplinary action. I don't know the outcome or 21 what happened with it after Reginald Carter did with 22 this. I don't. I don't know. If there's other 23 documents you could show me, that would be helpful. 24 Q I understand. I don't have any additional 25 documents to show you at this time. I'm going to ask</p>	Page 126	<p>1 Q Okay. And what happened next? 2 A When I entered the school, he held his – he 3 held his side and he fled – he fled around the school. 4 Q And when you say you entered the school, does 5 that mean you went inside of a physical building? 6 A No, I went inside the school parking lot area. 7 I went inside the school grounds with my vehicle. 8 Q Okay. So were you driving at the time? 9 A I was. 10 Q Okay. What happened after he fled? 11 A We gave chase in the – in the vehicle. 12 Q Okay. What happened next? 13 A There was a spot in the school grounds, after 14 he made it out of the – around the corner, and I 15 believe that was Wabash, if I'm not mistaken, I would 16 have to look at my reports for a hundred percent sure, 17 and there was an entrance where only a person could get 18 through the fence gated way, and I couldn't get through 19 my – get my vehicle outside of that area. 20 Q Okay. What happened next? 21 A My partner got out of the vehicle and started 22 chasing on foot. 23 Q Okay. And what did you do? 24 A I saw an entrance to my left and – where I 25 can get my vehicle out, so that's where I proceeded to</p>	<p>Page 128</p>
<p>1 you about someone else. Do you recall a Christian 2 Green? 3 A Yes, I believe so. Yes. 4 Q Okay. And do you remember an interaction with 5 Mr. Green that you had in July of 2013? 6 A I believe that was the date, yes. 7 Q Okay. And – 8 A I would have to look at my reports to make 9 sure that was the day – or that – the date. 10 Q Was that an incident in which Mr. Green was 11 shot? 12 A That's correct. 13 Q I'd like to go through your independent memory 14 of it. Can you tell me the first thing you remember 15 about that incident? 16 A I recall – I recall that I was on routine 17 patrol and I saw Mr. Green inside of a – a school 18 playground area, and then we were approaching, he was 19 holding his side. 20 Q Okay. What happened next? Wait – I'm sorry. 21 Do you remember who was with you? 22 A My partner was. Officer Leano. 23 Q What happened next? 24 A As we were approaching, he started to move 25 quickly away from us.</p>	Page 127	<p>1 go. 2 Q Okay. What happened next? 3 A I went onto Wabash, I do believe, and I saw 4 them running diagonal towards 57th and State. 5 Q And when you say them, who do you mean? 6 A Christian Green and my partner, Officer Leano. 7 Q Okay. What happened next? 8 A I proceeded to 57th Street, I made a 9 left-hand turn on 57th Street, I do believe. 10 Q Okay. What happened next? 11 A I was in radio contact with my partner, giving 12 out the foot chase, and I saw Christian Green turn the 13 corner from State Street towards 57th Street, look at 14 me, stop, and then proceeded towards State Street again. 15 Q So you were in a radio contact with Leano at 16 this time? 17 A Yes, I was – I was – well, I was listening 18 to the foot chase over the radio transmission. 19 Q And did you – were any other officers 20 communicating on the transmission? 21 A I don't know if the officers were saying they 22 were proceeding to go to that location, but I'm sure – 23 I couldn't say I'm sure. I'm assuming that other 24 officers were listening to the chase. I would assume 25 they were.</p>	<p>Page 129</p>

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<p>1 Q Okay. What happened next?</p> <p>2 A As he approached me and he turned around to</p> <p>3 State Street, then he proceeded northbound on State</p> <p>4 Street.</p> <p>5 Q Okay. What did you do then?</p> <p>6 A I saw – when I approached 57th and State, I</p> <p>7 saw another vehicle pass me, I slowed down, and then I</p> <p>8 went around them and then I jumped the – then I saw</p> <p>9 Christian Green go into a vacant lot.</p> <p>10 Q Okay. What happened next?</p> <p>11 A When I jumped the curb and I was in the vacant</p> <p>12 lot, I saw Christian Green turn around and point the</p> <p>13 weapon at the vehicle I just passed.</p> <p>14 Q When you say the weapon, what do you see him</p> <p>15 point?</p> <p>16 A A handgun.</p> <p>17 Q A handgun. Okay. And when you saw him</p> <p>18 pointing it, where was he facing?</p> <p>19 A He was running – he was running eastbound,</p> <p>20 pointing the gun directly behind him, westbound.</p> <p>21 Q Okay. And where was he looking?</p> <p>22 A I don't recall where he was looking at, but</p> <p>23 – maybe I said something in my reports or my testimony.</p> <p>24 I'm not sure. I would have to look at my reports.</p> <p>25 Q Got it. Thank you. And what happened next?</p>	Page 130	Page 132
<p>1 A After I saw him point the – in the direction</p> <p>2 at the officers, I heard numerous gunshots.</p> <p>3 Q Okay. Did you see where the gunshots came</p> <p>4 from?</p> <p>5 A I did not.</p> <p>6 Q Okay. What happened next?</p> <p>7 A I observed Mr. Green stumble and then I</p> <p>8 observed a blood print on his shirt.</p> <p>9 Q And what happened next?</p> <p>10 A Mr. Green fell to the ground and that's when I</p> <p>11 exited my vehicle and I placed Mr. Green into custody.</p> <p>12 Q Okay. And did you handcuff him?</p> <p>13 A I did.</p> <p>14 Q Okay. What happened next?</p> <p>15 A I searched him and I immediately called for</p> <p>16 EMS.</p> <p>17 Q Okay. And what happened next?</p> <p>18 A I believe EMS showed up and other officers</p> <p>19 arrived on scene. I – I would have to look at my</p> <p>20 testimony, but I – that's what I believe that's what</p> <p>21 happened next.</p> <p>22 Q Did you deliver any first aid to Mr. Green</p> <p>23 after he was shot?</p> <p>24 A Yes, I called for EMS.</p> <p>25 Q Did you do anything other than that to deliver</p>	Page 131	Page 133

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<p>1 A Because I saw a weapon pointed directly at 2 them.</p> <p>3 Q Do you know if they saw the weapon pointed at 4 them?</p> <p>5 A I would assume they did. They were directly 6 behind that, where I just – where I just went out when 7 I went around them. So that's what I would say that 8 they were – that's why I said they were fair for their 9 bodily harm, yes.</p> <p>10 Q Do you – did you talk to Officer Gonzalez or 11 Officer Hernandez about the incident?</p> <p>12 MR. BAZAREK: Objection, foundation.</p> <p>13 A I don't believe I talked to Officer Gonzalez 14 and Officer – I – officer Gonzalez was nowhere near 15 the scene, so I didn't talk to him. Officer Hernandez, 16 I don't think we talked about this incident before I 17 gave a statement.</p> <p>18 Q So when you make this statement, is it based 19 on anything that they personally told you?</p> <p>20 A Not that I recall. No.</p> <p>21 Q And you write that Officer Gonzalez – I'm 22 sorry. Your statement includes that Officer Gonzalez 23 had no other choice, but to fire his own weapon. Is 24 that right?</p> <p>25 A That's correct.</p>	Page 134	Page 136
<p>1 Q And what is that based on?</p> <p>2 A Based on the weapon pointed directly at him, 3 he had no other choice but to fire his own weapon 4 because a deadly weapon was pointed at him.</p> <p>5 Q So anytime – so this is based on the fact 6 that a deadly weapon was pointed at him?</p> <p>7 MR. BAZAREK: Object to the form of the 8 question.</p> <p>9 A Yes. When a – when a weapon was pointed at 10 him, yes. He had fire his weapon. He had no other 11 choice but fire his weapon.</p> <p>12 Q Did you have any other reason for stating that 13 Officer Gonzalez had no other choice but to fire his own 14 weapon?</p> <p>15 A I don't understand your question.</p> <p>16 Q Yeah. Is there any other reason you said that 17 Officer Gonzalez had no other choice but to fire his own 18 weapon?</p> <p>19 MR. BAZAREK: Object to the form of the 20 question.</p> <p>21 A Could you – could you – could you state it 22 in a different way? I'm not understanding.</p> <p>23 Q Yeah. So I understand you've given me one 24 reason why Officer Gonzalez had no other choice but to 25 fire his own weapon. And the reason you've given me is</p>	Page 135	Page 137

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<p>1 A I don't know what – what you by adding. I 2 don't know what you mean. 3 Q Sure. So I'm going to point you back up to 4 page 21 of the statement again. Do you recall reading 5 that you were asked, "Is there anything that you wish to 6 add to the statement?" 7 A Yes, I do. Yes, I see that. 8 Q And then going back to page 22, the first 9 thing you add, one of the first things you added was 10 that Officer Gonzalez is an Officer Hernandez were in 11 fear of their life and for serious bodily harm. Is that 12 right? 13 A That's correct. 14 Q And so I'm asking, why did you add that to 15 your statement? 16 A I don't recall the – this interview at this 17 time. I don't recall that. I don't remember pausing - 18 - if the tape was paused or not. I don't recall that. 19 Q Okay. Do you recall anyone yelling out a 20 warning to Mr. Green before he was shot? 21 A I don't recall. I would have to look at my 22 documents or my testimony to refresh my memory. I don't 23 recall. 24 Q Okay. I'm going to stop sharing for just one 25 moment here. Okay. That's all I have on – sorry. Give</p>	Page 138	Page 140
<p>1 me one second. Let me make sure. Do you remember 2 anything else about the chase and shooting of Christian 3 Green? 4 A Not that I recall of what we talked about and 5 anything else that if you show me other documents that 6 might reflect my memory or the testimony that might help 7 me remember or what happened. 8 Q Okay. And do you remember anything else about 9 a disciplinary process or investigation connected to the 10 shooting? 11 A I know there was a federal lawsuit. I don't 12 know if there was any other type of disciplinary action 13 or anything like that, or anything. I don't know. 14 Q Thank you. And sorry, quickly for the record. 15 I'd like to mark the exhibit I've been using as 103B. 16 I've been using Bates numbers for it. I don't know if 17 we circulated something as 103 that had some redactions 18 to it, but the Bates numbers will identify what's here. 19 And this is Exhibit 103B that I've been referencing. 20 (EXHIBIT 103B MARKED FOR IDENTIFICATION) 21 MR. BAZAREK: Was that circulated previously? 22 MR. HILKE: You know, I sent an e-mail saying 23 I'm going to be using these Bates numbers and these 24 exhibit numbers, but I don't think I added any 25 attachments to it. I have just two more sets of</p>	Page 139	Page 141

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<p>1 A That's correct.</p> <p>2 Q Okay. And this would be an arrest, I'm</p> <p>3 looking back up at the top again. This would be an</p> <p>4 arrest that occurred on November 10, 2017. Is that</p> <p>5 right?</p> <p>6 A That's correct.</p> <p>7 Q Scrolling down to the next page and now to the</p> <p>8 page three of this arrest report, do you see your name</p> <p>9 listed as the first arresting officer on this report?</p> <p>10 A I do.</p> <p>11 Q And are you also the attesting officer?</p> <p>12 A I am.</p> <p>13 Q I'm now on page four of the report and I'm</p> <p>14 zooming in on the narratives section. Could you please</p> <p>15 review the narrative section here and let me know when</p> <p>16 you're done?</p> <p>17 A Yes, sir.</p> <p>18 Q Did that refresh your memory?</p> <p>19 A It did not.</p> <p>20 Q Did you take \$450 in cash from Mr. Daveny?</p> <p>21 A I don't know if it was inventoried, or if it</p> <p>22 was, I – it doesn't say in the arrest report. I</p> <p>23 would've to look at other documents and other reports.</p> <p>24 Q Understood.</p> <p>25 A I know for sure I didn't take it and put in my</p>	Page 142	Page 144
<p>1 own wallet, if that's what you're asking.</p> <p>2 Q That is what I'm asking.</p> <p>3 A I did not do that. I would not 100 percent do</p> <p>4 that. I do not take any money from anyone and I would</p> <p>5 never do that. I would never take any money from anyone</p> <p>6 unless I inventoried it and I gave him an inventory slip</p> <p>7 back for his money.</p> <p>8 Q And if you had taken money from a civilian and</p> <p>9 then signed off as an arresting officer on the arrest</p> <p>10 report, you would've put – you would've mentioned that</p> <p>11 money in the arrest report. Is that right?</p> <p>12 A Not necessarily.</p> <p>13 Q When wouldn't you mention an inventory of</p> <p>14 money in an arrest report?</p> <p>15 A And I'd like to say something else to that</p> <p>16 fact too, if he has less than \$500, he can go back in</p> <p>17 lock up with \$500 on his person. So sometimes it's not</p> <p>18 even inventory that way either. So sometimes it's not</p> <p>19 even inventoried.</p> <p>20 Q So if – let me make sure I understand, if</p> <p>21 someone has less than \$500, there are situations in</p> <p>22 which after being arrested, they can keep that money in</p> <p>23 lockup?</p> <p>24 A Yes, sir. And it goes with them into lockup.</p> <p>25 Q And so in that situation, does anyone ever</p>	Page 143	Page 145

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<p>1 to him, yes, I would do an inventory slip and give him a 2 receipt of inventory so he'd have -- so he can get his 3 money back or whatever he had to do, or if it was with 4 the case. I would give him an inventory slip. 5 Q And if you -- and I, again, I'm not -- strike 6 that. And when you write an inventory slip, are you 7 also required to include that information in the -- in 8 an arrest report, if there's an associated arrest 9 report? 10 A I believe we would document it into -- into 11 the narrative or there's a box, I think, for an 12 inventory in the arrest report area. So it'd be 13 documented some -- some way, or if we did -- if we 14 forgot to do it in one of those boxes, it would be 15 generated by your unique number because we log into the 16 computer and get a generated unique number for an 17 inventory slip. 18 Q And I'm going to go through the -- I'm taking 19 you back to the first page of this arrest report. And 20 this is PDF three City BG, 053471. Is there any 21 inventory information listed on page one of this arrest 22 report? 23 A Not that I see. No. 24 Q Let's see. Let's go back up. And is there 25 any inventory information on page two of this arrest</p>	Page 146	Page 148
<p>1 report? 2 A No, sir. 3 Q Is there any inventory information on page 4 three of this arrest report? 5 A No, sir. 6 Q I'm just scrolling down so you can see the 7 very bottom of that. Is there any inventory information 8 there, either? 9 A No, sir. 10 Q Then is there any inventory information on 11 page four of the arrest report? 12 A Yes, sir. 13 Q Okay. Will you show me where that is? 14 A The last line of the case report, inventory 15 number, there you go, 14040607. 16 Q Okay. And does it say what was inventoried? 17 A Looks like two spent rounds. 18 Q Okay. Is anything else mentioned as 19 inventoried? 20 A It doesn't look that way. No, sir. 21 Q Have you ever taken the shoestrings away from 22 someone you arrested? 23 A At which time? When they're arrested just for 24 an ANOV? Or when they hit the physical lockup -- the 25 physical lockup?</p>	Page 147	Page 149

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<p>1 COURT REPORTER: Can I get who's speaking right 2 now? Because I can't see. 3 MR. FLAXMAN: This is Joel Flaxman. 4 COURT REPORTER: Okay. Perfect. 5 MR. FLAXMAN: You can't see me? 6 COURT REPORTER: No. Because the – I just 7 have the witness up. 8 MS. DOI: Stop – yeah. There you go. 9 COURT REPORTER: There we go. Now I see he's 10 talking. Okay. Perfect. 11 MR. FLAXMAN: Is that okay? Are we still on 12 the record? 13 MR. BAZAREK: Sure. 14 EXAMINATION 15 BY MR. FLAXMAN: 16 Q Okay. Detective Nichols, can you hear and see 17 me? 18 A I do, sir. 19 Q Okay. You mentioned something about ANOV OR 20 ANOF, do you remember that? 21 A ANOV, yes. 22 Q What is that? 23 A That's a -- it's a -- it's a -- it's basically 24 like a write-it-in and it's administrative notice. I'm 25 drawing the blank on other ones. But it's like a, long </p>	Page 150	Page 152
<p>1 story short, I'll – I'll – I'll word it out plain 2 simple. It's like a moving ticket. If they're doing 3 something like drinking on the public way, something 4 minor like that, they could get ANOV and then they're 5 signing the ANOV and they're saying that they will 6 appear on court. 7 Q And you didn't remember exactly the 8 abbreviation, but is it A-N-O-V? 9 A It's A-N-O-V. Yes, it is. 10 Q Okay. 11 A I've drawn a blank of what – of what it – 12 what it all stands for. I am – I'm drawing a blank. 13 I'm sorry. 14 Q It – was it your testimony that if you give 15 somebody an ANOV, you would not remove the shoelaces and 16 other strings? Is that what you were saying? 17 A That's correct. I would not. 18 MR. FLAXMAN: Okay. I understand that. Thank 19 you for your time today. 20 COURT REPORTER: Is there anyone else? 21 MS. DOI: I have no questions. 22 COURT REPORTER: Okay. Well, then we are going 23 off the record. 24 MR. BAZAREK: Oh, and we can reserve our right 25 for signature. </p>	Page 151	Page 153

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