

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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23 DEPONENT: DOUGLAS NICHOLS, VOL II

24 DATE: APRIL 19, 2022

25 REPORTER: JESSE HARP

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE LOEVY DEFENDANTS:</p> <p>4 Wallace Hilke, Esquire</p> <p>5 Loevy & Loevy</p> <p>6 311 North Aberdeen Street</p> <p>7 Third Floor</p> <p>8 Chicago, Illinois 60607</p> <p>9 Telephone No.: (312) 243-5900</p> <p>10 E-mail: hilke@loevy.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE PLAINTIFF, THE FLAXMAN PLAINTIFFS:</p> <p>14 Joel Flaxman, Esquire</p> <p>15 Law Offices of Kenneth N Flaxman</p> <p>16 200 South Michigan Avenue</p> <p>17 Suite 201</p> <p>18 Chicago, Illinois 60604</p> <p>19 Telephone No.: 312 427-3200</p> <p>20 E-mail: jaf@kenlaw.com</p> <p>21 (Appeared via Videoconference)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, CITY OF CHICAGO:</p> <p>4 Paul A. Michalik, Esquire</p> <p>5 Reiter Burns</p> <p>6 311 South Wacker Drive</p> <p>7 Suite 5200</p> <p>8 Chicago, Illinois 60606</p> <p>9 Telephone No.: (312) 982-0090</p> <p>10 E-mail: pmichalik@reiterburns.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:</p> <p>14 Kathryn Doi</p> <p>15 Daley Mohan Groble</p> <p>16 55 West Monroe Street</p> <p>17 Suite 1600</p> <p>18 Chicago, Illinois 60603</p> <p>19 Telephone No.: (312)-422-0315</p> <p>20 E-mail: kdoi@daleymohan.com</p> <p>21 (Appeared via Videoconference)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <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>	<p style="text-align: right;">Page 5</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF OFFICER SPAARGAREN:</p> <p>4 Michael Schalka, Esquire</p> <p>5 Leinenweber, Baroni & Daffada, LLC</p> <p>6 120 North LaSalle Street</p> <p>7 Suite 2000</p> <p>8 Chicago, Illinois 60602</p> <p>9 Telephone No.: (866) 786-3705</p> <p>10 E-mail: mjs@ilesq.com</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">Page 10</p> <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 Plaintiffs</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>	<p style="text-align: right;">Page 12</p> <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 style="text-align: right;">Page 11</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>	<p style="text-align: right;">Page 13</p> <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>

<p style="text-align: right;">Page 14</p> <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>	<p style="text-align: right;">Page 16</p> <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>
<p style="text-align: right;">Page 15</p> <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>	<p style="text-align: right;">Page 17</p> <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: Object 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>

<p style="text-align: right;">Page 18</p> <p>1 about some specific disciplinary investigations and</p> <p>2 complaints now. Do you remember being accused of using</p> <p>3 excessive force against a Mr. Robert Brandon around July</p> <p>4 of 2004?</p> <p>5 MR. BAZAREK: Right. This -- now, this entire</p> <p>6 testimony is going to be marked as confidential,</p> <p>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,</p> <p>11 any reports that I did, if there's any arrest reports</p> <p>12 that I did, the outcome of the CR number to help me</p> <p>13 recollect.</p> <p>14 BY MR. HILKE:</p> <p>15 Q So is it correct that without looking at that</p> <p>16 -- without looking at that, do you remember a Robert</p> <p>17 Brandon at all?</p> <p>18 A Like I said before, I would have to look at</p> <p>19 the, like, if I did a to/from, if I did an arrest</p> <p>20 report, the outcome of the arrest and go from there. I</p> <p>21 don't --</p> <p>22 Q Okay. And so when you say "I don't," do you</p> <p>23 mean -- do you -- so right at this moment, do you or do</p> <p>24 you not remember a Mr. Robert Brandon?</p> <p>25 A Like I said before, I would have to look at my</p>	<p style="text-align: right;">Page 20</p> <p>1 A No. That name does not remember to me.</p> <p>2 Q Okay. So I'm going to show you a document now</p> <p>3 and, Bill, I'm screen sharing for all of the documents</p> <p>4 here. Is that in the program today?</p> <p>5 MR. BAZAREK: Yeah, that's --</p> <p>6 MR. HILKE: Great.</p> <p>7 MR. BAZAREK: Yeah.</p> <p>8 BY MR. HILKE:</p> <p>9 Q So Detective Nichols, I'm going to go ahead</p> <p>10 and share my screen now. Can you see the document I've</p> <p>11 just shared?</p> <p>12 A I do.</p> <p>13 Q Okay. And this is Exhibit 78, Bates BG 11329.</p> <p>14 Detective Nichols, do you recognize what kind of</p> <p>15 document this is?</p> <p>16 (EXHIBIT 78 MARKED FOR IDENTIFICATION)</p> <p>17 A I don't.</p> <p>18 Q Have you ever seen a sort of this form -- a</p> <p>19 document like this before?</p> <p>20 A Not the that I recall.</p> <p>21 Q Yeah. Can I ask you to take a minute and</p> <p>22 review the document and I will go ahead and zoom in, if</p> <p>23 that would be helpful, just let me know what you'd like</p> <p>24 me to do on that.</p> <p>25 MR. BAZAREK: Counsel, you're talking about</p>
<p style="text-align: right;">Page 19</p> <p>1 to/from reports, any arrest reports, any other documents</p> <p>2 that were involved in this complaint, the outcome of the</p> <p>3 complaint.</p> <p>4 Q I guess, I -- I don't quite understand your</p> <p>5 answer because when you say "I would have to see," I</p> <p>6 don't know if you're telling me, "I remember a little,</p> <p>7 but I need to be refreshed." Or if you're telling me,</p> <p>8 "I don't recall at all, without being refreshed." Does</p> <p>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</p> <p>12 went to the store yesterday. I might remember I went to</p> <p>13 the store, but I don't remember what I brought -- I</p> <p>14 bought, I need to see a receipt to know what I bought. I</p> <p>15 might just not remember -- I couldn't tell you, did I go</p> <p>16 to the store or didn't I. To me that's the difference</p> <p>17 between I remember something and I need to be refreshed</p> <p>18 versus I don't remember if I even went to the store.</p> <p>19 Does that distinction make sense?</p> <p>20 MR. BAZAREK: Object to the form of the</p> <p>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</p> <p>24 Brandon, sitting here now, without looking at anything,</p> <p>25 do you remember anything at all about him?</p>	<p style="text-align: right;">Page 21</p> <p>1 review the first page?</p> <p>2 MR. HILKE: Yeah, just the page that's on the</p> <p>3 screen now.</p> <p>4 MR. BAZAREK: Okay.</p> <p>5 THE WITNESS: Could you zoom in please?</p> <p>6 MR. HILKE: Yes, of course.</p> <p>7 MR. BAZAREK: I think, Counsel, he -- just so</p> <p>8 you know, because he does have the exhibit available</p> <p>9 on the device he's using as well so he can look at</p> <p>10 it that way, separate and apart from the screen. So</p> <p>11 I don't -- what -- whatever you think, I'm just</p> <p>12 letting you know he has it available to him separate</p> <p>13 and apart from screen share, if you want him to look</p> <p>14 at documents.</p> <p>15 MR. HILKE: I appreciate it. And because I</p> <p>16 didn't do a -- because I didn't sort of excerpt the</p> <p>17 actual sections. I think it will be faster to do a</p> <p>18 share screen, but let's try it and if it's really</p> <p>19 failing us, we can do something else.</p> <p>20 THE WITNESS: Well, I see the top half of the</p> <p>21 screen.</p> <p>22 BY MR. HILKE:</p> <p>23 Q Okay. Are you ready for me to scroll down?</p> <p>24 A Please. Okay. I saw the bottom of the</p> <p>25 screen. Is there any more?</p>

<p style="text-align: right;">Page 22</p> <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>	<p style="text-align: right;">Page 24</p> <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 style="text-align: right;">Page 23</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>	<p style="text-align: right;">Page 25</p> <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>

<p style="text-align: right;">Page 26</p> <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? 6 A I think that was the OPS and that -- that was 7 before COPA, I do believe. 8 Q Okay. And were -- do you know, would they 9 have been the office investigating misconduct complaints 10 against you and other officers? 11 A I believe so, yes. 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? 15 MR. BAZAREK: Objection foundation. 16 A Could you repeat that question? 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? 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? 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>	<p style="text-align: right;">Page 28</p> <p>1 Standards would -- was working hard to uncover evidence 2 of misconduct? 3 MR. BAZAREK: Yeah. I'm just -- I am going to 4 object just to the form of the question, also 5 foundation to all -- all this -- all of these 6 questions. Go ahead. 7 A Yes, I would assume so. I never worked down 8 there and I -- I would assume that they did work hard 9 and did their due diligence and got the investigation 10 completed. 11 Q Okay. Do you remember -- so having reviewed 12 these documents, do you have any personal knowledge of a 13 -- of an interaction between you and Mr. Robert Brandon 14 in July 2004? 15 A I don't have any recollection, but I know this 16 is a false statement because I know my partner did not 17 squeeze his -- how does he word it? His testicles, 18 because I would've reported that and he never said 19 anything to us that -- I never saw my partner squeeze 20 his testicles. 21 Q When you say that Mr. Brandon never said 22 anything -- said, "never said anything to us." What are 23 you basing that on? 24 A If you complain about any injuries. 25 Q How do you know he didn't complain about any</p>
<p style="text-align: right;">Page 27</p> <p>1 A Yes. I think they have findings against 2 officers in complaints. 3 Q Okay. And specifically when the only evidence 4 against the officer was a civilian's statement? 5 A I don't know 100 percent. I don't know. 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? 9 MR. BAZAREK: Object to the form. 10 A Could you repeat -- could you clarify that 11 question? I'm -- don't understand. 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? 15 MR. BAZAREK: Object to the form. 16 A I would say they would most definitely take 17 the civilian's word and make the investigation. 18 Q Why do you think they would take the 19 civilian's word? 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. 24 Q Yeah. So was it your expectation that they 25 would always want to -- that the Office of Professional</p>	<p style="text-align: right;">Page 29</p> <p>1 injuries? 2 A Because I would've called EMS. 3 Q Okay. I'm going to move on. Okay. So I want 4 to ask you about the year 2005. Were you working on 5 Sergeant Watts' tac team in 2005? 6 A I believe so. Yes, I was. 7 Q Okay. And did you ever inspect your police 8 vehicle during that time? 9 A Yes. I inspect it every day that I get inside 10 my vehicle. I inspect it middle tour and I inspect it 11 after we have a prisoner in the vehicle too, we inspect 12 it -- we inspect it after the -- a prisoner gets out and 13 we inspect it at the end of the day also. 14 Q Okay. So every time you're in the vehicle, 15 you're inspecting it at the beginning and the end and in 16 the middle? 17 A Yes. And if there's a prisoner inside, if we 18 transport a prisoner, we also inspect it once that 19 prisoner gets out of the vehicle. 20 Q Okay. How do you conduct a vehicle 21 inspection? 22 A We walk around the vehicle to make sure 23 there's no damage to the vehicle. We search the vehicle 24 and we look for anything that's -- if it -- anything's 25 left in the vehicle that's not my partner's or mine.</p>

<p style="text-align: right;">Page 30</p> <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>	<p style="text-align: right;">Page 32</p> <p>1 A That's correct.</p> <p>2 Q Who is Sergeant Boone?</p> <p>3 A I believe he was a -- a sergeant and he was 4 another sergeant in the tactical office.</p> <p>5 Q Okay. Did you ever work under Sergeant Boone?</p> <p>6 A I don't believe I ever worked under Sergeant 7 Boone. I don't believe so. I don't know if I ever was.</p> <p>8 Q Okay. And -- okay. Can I ask you to review 9 the allegations at the bottom of the document here?</p> <p>10 A Yes, sir.</p> <p>11 Q Okay. This says that the vehicle was in the 12 parking lot at 5101 South Wentworth Avenue. Do you know 13 where that was?</p> <p>14 A That would be the Second District parking lot, 15 I do believe. 5101 South Wentworth is the address to 16 the Second District Police Station.</p> <p>17 Q So is that the location where any officer in 18 the Second District would park their police car at the 19 end of a shift?</p> <p>20 A I believe so, yes.</p> <p>21 Q Okay. I'm now going to scroll down to the 22 next page. And this is BG 11930. Now, could I ask you 23 to please review what's in the summary section at the 24 top of the document, and let me know when you're done?</p> <p>25 A Of the one you're scrolling in?</p>
<p style="text-align: right;">Page 31</p> <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>	<p style="text-align: right;">Page 33</p> <p>1 Q Yeah. At the top where you see it says 2 summary on the left side?</p> <p>3 A Yes.</p> <p>4 Q Yeah. If you could review what's in that 5 section, please.</p> <p>6 A Yes, sir.</p> <p>7 Q Having read that summary, does that refresh 8 your recollection at all?</p> <p>9 A No, it doesn't.</p> <p>10 Q Okay. So I am now moving to City BG 11932, 11 that's PDF page six. I'm starting at the top of the 12 document. Does this appear to be a complaint against a 13 department member?</p> <p>14 A That's what it says, yes.</p> <p>15 Q Okay. And once again, you're listed as an 16 accused?</p> <p>17 A That's correct.</p> <p>18 Q Okay. And I'm now scrolling to the bottom of 19 the document. Am I correct that this says that Ronald 20 Watts was an investigator assigned in these allegations?</p> <p>21 A Yes, that's what it states.</p> <p>22 Q Okay. Now, was it -- do you remember Sergeant 23 Watts investigating this allegation?</p> <p>24 A No, I don't.</p> <p>25 Q Do you remember Sergeant Watts ever</p>

<p style="text-align: right;">Page 34</p> <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>	<p style="text-align: right;">Page 36</p> <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 style="text-align: right;">Page 35</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>	<p style="text-align: right;">Page 37</p> <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>

<p style="text-align: right;">Page 38</p> <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>	<p style="text-align: right;">Page 40</p> <p>1 Q And what happened? What do you remember what 2 happened first? Putting hands on each other or arguing? 3 A I don't recall. 4 Q Okay. How – you say you put hands on each 5 other? What specifically did you see? 6 A That they were – that they were hands on each 7 other. If I had other reports to refresh my memory, 8 that would help, too. 9 Q Understood. Do you remember – start with 10 Ronald Watts? Do you remember where his hands were on 11 Piwnicki? 12 A No, I would have to look at my reports. If I 13 had to say, it was upper half, but I would have to look 14 at my reports to refresh my memory. 15 Q Okay. And what about the other way? Do you 16 remember where Officer Piwnicki's hands were on Sergeant 17 Watts? 18 A That'd be the same way. Upper half, if I 19 remember right, but I would have to look at other 20 reports to refresh my memory. 21 Q What do you remember about the argument? 22 A I just remember they were arguing back and 23 forth. 24 Q Do you know what the argument was about? 25 A No, I don't, unless I documented it in one of</p>
<p style="text-align: right;">Page 39</p> <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>	<p style="text-align: right;">Page 41</p> <p>1 my reports or if I did a report, that might reflect my 2 memory. 3 Q And do you remember anything that was said? 4 A I don't remember sitting here right now, but 5 if I looked at my reports or if I did a report, that 6 might reflect my memory. 7 Q Do you remember what happened after the 8 argument? 9 A I don't. I don't remember what happened. 10 Q Okay. Did you know Raymond Piwnicki? 11 A At what time? 12 Q At the time of the altercation? 13 A No, I did not. 14 Q Okay. Do you know him now? 15 A I do. 16 Q Okay. How do you know him? 17 A He's one of the supervisors in the Area Four 18 detective unit. He's one of the supervisors in the 19 detective unit. 20 Q Got it. All right. So I'm going to show you 21 a document now. This is Exhibit 80. We're at PDF 163, 22 City BG 12544. So looking at the top of the document, 23 does this appear to be your witness statement? 24 (EXHIBIT 80 MARKED FOR IDENTIFICATION) 25 A Yes. A witness statement of Douglas Nichols.</p>

<p style="text-align: right;">Page 42</p> <p>1 Yes.</p> <p>2 Q Okay. And it says that Raymond Pivnicki 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 Pivnicki 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>	<p style="text-align: right;">Page 44</p> <p>1 A Okay.</p> <p>2 Q Okay. Now I'm on the bottom of page five.</p> <p>3 A Okay.</p> <p>4 Q And here is page six.</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. And is that your signature at the</p> <p>7 bottom of the document?</p> <p>8 A It is.</p> <p>9 Q Great. So you write that -- so I guess,</p> <p>10 first, reviewing this document, is there anything that</p> <p>11 you believe is incorrect?</p> <p>12 A No, sir.</p> <p>13 Q Is there anything that you believe to be</p> <p>14 incomplete?</p> <p>15 A Not to the best of my knowledge. I believe it</p> <p>16 was complete.</p> <p>17 Q And do you remember anything beyond what was</p> <p>18 written here?</p> <p>19 A From the investigate -- from the investigator?</p> <p>20 Q Yeah. Do you have any memory of the</p> <p>21 altercation beyond what you've just read in your</p> <p>22 statement?</p> <p>23 A No. No. I, otherwise, what I told you and</p> <p>24 what I'm reading here, I don't have anything to add.</p> <p>25 Q Was this the only time you ever saw Sergeant</p>
<p style="text-align: right;">Page 43</p> <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>	<p style="text-align: right;">Page 45</p> <p>1 Watts put hands on another officer?</p> <p>2 MR. BAZAREK: Object to form.</p> <p>3 A Yes, I believe so.</p> <p>4 COURT REPORTER: I'm sorry. Who made the</p> <p>5 objection?</p> <p>6 Q Was this the only time --</p> <p>7 MR. BAZAREK: Counsel for Watts.</p> <p>8 COURT REPORTER: Okay. Thank you.</p> <p>9 MR. BAZAREK: Thank you.</p> <p>10 BY MR. HILKE:</p> <p>11 Q Was this the only time you ever saw Sergeant</p> <p>12 Watts yell at another officer?</p> <p>13 MR. BAZAREK: Object to form.</p> <p>14 A I don't recall. I don't know.</p> <p>15 Q Do you want a minute to think about it?</p> <p>16 MR. KOSOKO: Objection. He answered the</p> <p>17 question.</p> <p>18 A I don't -- I don't recall. I don't know.</p> <p>19 Q Okay. Do you have any personal knowledge of -</p> <p>20 - I'm sorry, strike that. Okay. I want to ask you now</p> <p>21 not about the altercation, but about the investigation</p> <p>22 into the disciplinary allegation. Do you remember</p> <p>23 anything else about the investigation into the</p> <p>24 disciplinary allegation?</p> <p>25 A Best of my -- no, I don't. I don't. And I</p>

<p style="text-align: right;">Page 46</p> <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>	<p style="text-align: right;">Page 48</p> <p>1 page five. That's the second page of this document. 2 Sorry. There we go. Can I ask you to please start by 3 reviewing the summary at the top of this page? 4 A Yes, sir. 5 Q Okay. And I'm now scrolling down, if you want 6 to take just a second and finish reviewing this page, 7 please. 8 A Yes, sir. 9 Q Okay. Does reading this refresh your memory? 10 A Of the incident, no, but I would have to look 11 at other documents if there was any other documents, 12 that I did, or for me, but no. 13 Q Understood. So I have a question. Does a 14 phrase, "emergency take-down," mean anything to you? 15 A Emergency take-down is when you're 16 apprehending the subject, when you need to take them 17 down to the ground. 18 Q Okay. And is that something -- were you 19 trained specifically on how to perform an emergency 20 take-down? 21 A Emergency take-down? Well, yes, but there's 22 numerous ways. If it was emergency, you could take them 23 down any way, for emergency take-down. 24 Q Are there specific ways that you're trained to 25 perform an emergency take-down?</p>
<p style="text-align: right;">Page 47</p> <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>	<p style="text-align: right;">Page 49</p> <p>1 A I don't believe a specific way to take a 2 person down, no. 3 Q Is there any difference between an emergency 4 take-down and tackling someone, in terms of how you 5 would perform it? 6 A Tackling is like -- I don't know. I don't 7 know. No, it would be emergency take-down. I would 8 never use the word tackle or tackling. 9 Q Yeah. What's the difference? 10 A I don't -- the tackle would be probably with 11 the shoulder, I would assume that would be a tackle to 12 me. 13 Q And is any way you take someone down to the 14 ground an emergency take-down? 15 A Excuse me? 16 Q Yeah. Is -- basically, I'm trying to 17 understand if there's anything that's specific about an 18 emergency take-down, other than that you're taking 19 someone to the ground. Can you help me understand if 20 there -- if it -- if there's anything different between 21 an emergency take-down and just taking someone to the 22 ground? 23 MS. DOI: I'm going to object to foundation. 24 This is Kathryn Doi. And form. 25 A Emergency take-down is when you're in</p>

<p style="text-align: right;">Page 50</p> <p>1 emergency, when it's a emergency take-down, you need to</p> <p>2 take that person down immediately.</p> <p>3 Q So is the difference just that it's an</p> <p>4 emergency?</p> <p>5 A Yes. I don't -- I don't under -- I don't know</p> <p>6 why I would take the person down to the ground if it</p> <p>7 wasn't an emergency.</p> <p>8 Q Fair enough. I'm going to show you another</p> <p>9 document now. This is PDF page 99, Bates number City BG</p> <p>10 13836. This is another one. It's on five pages, and</p> <p>11 I'm going to ask you to review the whole document. I'm</p> <p>12 starting at the top of the first page here. Could you -</p> <p>13 - well, let me start. Does this appear to be a document</p> <p>14 from the Office of Professional Standards?</p> <p>15 A It looks that way, yes.</p> <p>16 Q And does it appear to be a statement taken of</p> <p>17 you by Investigator Shykela Carter?</p> <p>18 A Yes, it does.</p> <p>19 Q Okay. And that's on April 19, 2007?</p> <p>20 A Yes, it does.</p> <p>21 Q Okay. If you go ahead and review the first</p> <p>22 page and let me know when you want me to scroll down.</p> <p>23 A Okay.</p> <p>24 Q Okay. And I've scrolled down to the bottom of</p> <p>25 the first page. Could you go ahead and review?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q And are those your initials next to that</p> <p>2 handwritten text?</p> <p>3 A It is, that DN.</p> <p>4 Q And does that mean that's text you added after</p> <p>5 this had been typed up?</p> <p>6 A Yes. That looks like my writing, too.</p> <p>7 Q Okay. So you wanted to add -- you added the</p> <p>8 text, "Performing an emergency take-down technique."</p> <p>9 What additional information were you adding by writing</p> <p>10 that?</p> <p>11 A I don't -- I don't understand the question.</p> <p>12 Q Yeah. Do you know why you wrote that?</p> <p>13 A Probably just saying that I was performing an</p> <p>14 emergency take-down technique. I don't remember.</p> <p>15 Q Okay. And how is that different from what was</p> <p>16 already typed, that you grabbed Wright and pulled him</p> <p>17 down to the ground?</p> <p>18 A That it was an emergency take-down technique.</p> <p>19 Q Okay. But what is added by writing that?</p> <p>20 A I don't remember why I wrote that. I don't</p> <p>21 remember.</p> <p>22 Q Can you tell from reading it now?</p> <p>23 A That it just was a form and emergency</p> <p>24 take-down technique and then my initials.</p> <p>25 Q Yeah. No, I understand that's what's written.</p>
<p style="text-align: right;">Page 51</p> <p>1 A Okay.</p> <p>2 Q Okay. And I'm now on the top of page two of</p> <p>3 this document. Could you go ahead and review?</p> <p>4 A Okay. Oh yeah. Could you -- hang on. Could</p> <p>5 you scroll up just a little?</p> <p>6 Q Would you like me to scroll down, do you mean?</p> <p>7 A Yes. Yes. I'm sorry.</p> <p>8 Q No -- no problem. Yes. I'm scrolling down to</p> <p>9 show the second page of the document, the bottom of the</p> <p>10 second page.</p> <p>11 A Thank you. Sorry about that.</p> <p>12 Q No problem.</p> <p>13 A Yes, sir.</p> <p>14 Q Okay. I'm now on the third page of the</p> <p>15 document, on the top section. Could you go ahead and</p> <p>16 review that?</p> <p>17 A Could you scroll down?</p> <p>18 Q Yeah. Before I do, do you see at the top</p> <p>19 where it's handwritten in, "Performing an emergency</p> <p>20 take-down technique"?</p> <p>21 A Hold on. What was that, sir? I'm sorry.</p> <p>22 Q That's okay. Do you see at the top of page</p> <p>23 three where it's handwritten, "Performing an emergency</p> <p>24 take-down technique"?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 53</p> <p>1 Reading it now, can you tell why you added that?</p> <p>2 A I don't know. I don't know.</p> <p>3 Q Okay. So I have another question just below</p> <p>4 that you say that -- you write -- you answered that,</p> <p>5 Wright began to flail his hands at you. So you told him</p> <p>6 several times to stop and told him that he was under</p> <p>7 arrest. He continued to flail his arms, so you</p> <p>8 performed a couple of open hand strikes to subdue him.</p> <p>9 What is an open hand strike?</p> <p>10 A Open hand strike is a open hand, not a closed</p> <p>11 fist.</p> <p>12 Q Okay. So is there any part of the hand in</p> <p>13 particular that you would strike with for an open hand</p> <p>14 strike?</p> <p>15 A Yeah, the open hand.</p> <p>16 Q So it's like the palm of the hand?</p> <p>17 A Yes, the open hand.</p> <p>18 Q Okay. And is there any particular way you are</p> <p>19 trained to deliver an open hand strike?</p> <p>20 A Not that I'm aware of. It's just open hand</p> <p>21 strike.</p> <p>22 Q Okay. So an open hand strike could include a</p> <p>23 slap. Is that correct?</p> <p>24 MR. BAZAREK: Object to the form of the</p> <p>25 question and foundation.</p>

<p style="text-align: right;">Page 54</p> <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>	<p style="text-align: right;">Page 56</p> <p>1 A Yes, sir. 2 Q Okay. And I'm now on page four of the 3 document. Could you review starting from the top? 4 A Could you scroll down, sir? 5 Q Yes, sir. Now at the bottom of page four. 6 A Yes, sir. 7 Q Okay. And I'm now on page five, if you could 8 review from the top, please. 9 A Yes, sir. 10 Q Okay. And finally, am I at the bottom of this 11 page? Is that -- are those your initials to the bottom 12 of the page? 13 A It is. 14 Q Okay. And I'm now looking at page six of the 15 document. Is that your signature on page six of the 16 document? 17 A It is. 18 Q Okay. To your knowledge, is everything in 19 your statement here true? 20 A Yes, it is. 21 Q And did you notice anything that you believed 22 was incomplete? 23 A Not -- nothing that I recall, no. 24 Q Did reviewing document refresh your memory? 25 A No, not of the incident. No.</p>
<p style="text-align: right;">Page 55</p> <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>	<p style="text-align: right;">Page 57</p> <p>1 Q Okay. And so do you have any personal 2 knowledge of the incident? 3 A Well, I know he is lying that I basically 4 abused him. And he didn't even make this complaint 5 registered against him. So if he -- if he felt that I 6 was beating him up and whatever he said, or whatever the 7 complainant said, wouldn't he make it? 8 Q Do you have any independent memory of the 9 incident described here? 10 A Other than what I read in all the reports, no. 11 Q Okay. One second please. And do you have any 12 personal knowledge of the disciplinary investigation 13 associated with this incident? 14 A Not that I recall, but I'm sure there was. If 15 -- if any -- nothing -- I guarantee there was nothing 16 sustained or anything. I would -- would like to see the 17 findings on this. 18 MR. HILKE: Thank you. Can we take a five- 19 minute break? 20 MR. BAZAREK: Yeah, let's make it a ten- minute 21 break. 22 MR. HILKE: That sounds good. 23 MS. DOI: Sounds good. 24 COURT REPORTER: Yep. We're going off the 25 record. The time is 11:37 a.m.</p>

<p style="text-align: right;">Page 58</p> <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>	<p style="text-align: right;">Page 60</p> <p>1 A No. Not -- no.</p> <p>2 Q It says here that you and Officer Bolton had</p> <p>3 contact with Robert Fowny, Jr. for a warrant</p> <p>4 investigation. What is a warrant investigation?</p> <p>5 A A warrant investigation could mean numerous</p> <p>6 things. It could mean we actually arrested him for a</p> <p>7 warrant. It could mean that we thought he had a</p> <p>8 warrant, and it was an investigation to see if that</p> <p>9 individual did have a warrant or not. Looking at this</p> <p>10 document, I can't tell you what it means. I would have</p> <p>11 to look at other documents, if any, that were prepared</p> <p>12 on this date or at the time.</p> <p>13 Q Understood. And the allegation here is that</p> <p>14 you entered his mother's apartment without justification</p> <p>15 and questioned him in a threatening manner as to where</p> <p>16 guns and drugs are located. Am I --</p> <p>17 A Where does it say that, sir? I don't see that</p> <p>18 I was -- I was accused of entering anyone's apartment,</p> <p>19 looking for guns and drugs.</p> <p>20 Q Hey, you know --</p> <p>21 A I'm not -- I'm not reading what you were</p> <p>22 reading.</p> <p>23 Q I understand. When you worked on the tact</p> <p>24 team, did you ever enter someone's home to ask about</p> <p>25 where -- to ask, "Where are the drugs and guns?"</p>
<p style="text-align: right;">Page 59</p> <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>	<p style="text-align: right;">Page 61</p> <p>1 MR. BAZAREK: Object to form of the question</p> <p>2 and foundation.</p> <p>3 A No. I'd never asked where the guns and drugs</p> <p>4 were if I would've entered an apartment. No, I never</p> <p>5 entered someone's apartment without legal justification.</p> <p>6 Q Okay. And at the -- so in -- as of November</p> <p>7 2006, would you have had any motivation to try to find</p> <p>8 drugs?</p> <p>9 MR. BAZAREK: Object to the form of the</p> <p>10 question and foundation.</p> <p>11 A I don't understand your question. Motivation?</p> <p>12 Q Did you have any reason to try to find drugs?</p> <p>13 A Well, that was part of my job, sir. I find</p> <p>14 anything that's illegal. So yes, that would be part of</p> <p>15 my job.</p> <p>16 Q And how did you try to find drugs?</p> <p>17 MR. BAZAREK: Object to foundation. Go ahead.</p> <p>18 A Through my experience, search warrants, on</p> <p>19 view arrest. If I saw a person in a hand-to-hand</p> <p>20 transaction, if I saw them holding numerous bag suspect</p> <p>21 narcotics, if I saw them holding a single bag suspect</p> <p>22 narcotics, that's how I would try to find drugs.</p> <p>23 Q Did you also rely on tips?</p> <p>24 A Yes.</p> <p>25 Q And did you talk to people to try to get</p>

<p style="text-align: right;">Page 62</p> <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>	<p style="text-align: right;">Page 64</p> <p>1 A No. I never pressured anyone to give me any</p> <p>2 information.</p> <p>3 Q And did you ever detain someone and offer to</p> <p>4 release them if they could give you information about</p> <p>5 guns?</p> <p>6 A Like I stated before, if they were doing</p> <p>7 anything illegally and I did catch them illegally, I</p> <p>8 don't have the power or the authority to release that</p> <p>9 person and let them go.</p> <p>10 Q Thank you. I want to show you one more part</p> <p>11 of this document. Actually, I'm not sure that I do. One</p> <p>12 other question. Were you evaluated on your success in</p> <p>13 finding guns and drugs?</p> <p>14 MR. KOSOKO: Object to the form, foundation.</p> <p>15 A I don't believe so. I would be evaluated on</p> <p>16 my job performance of -- and that consists of numerous</p> <p>17 things. I never evaluated anyone, but that's your</p> <p>18 overall duty. I don't think there's specific things</p> <p>19 about drugs and guns that you're evaluated on, the best</p> <p>20 of my knowledge.</p> <p>21 Q Okay. Thank you. Do you remember anything</p> <p>22 else about an incident with Robert Fowny, Jr.?</p> <p>23 A Not the documents you looked -- that you</p> <p>24 showed me. If there's other documents, maybe. But</p> <p>25 sitting here right now, no.</p>
<p style="text-align: right;">Page 63</p> <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>	<p style="text-align: right;">Page 65</p> <p>1 Q And do you remember anything else about a</p> <p>2 disciplinary investigation into Robert Fowny, Jr.'s</p> <p>3 allegations?</p> <p>4 A I don't recall seeing any allegations right</p> <p>5 now, that were against me.</p> <p>6 Q Okay. And do you have any personal knowledge</p> <p>7 of Robert Fowny's allegations?</p> <p>8 A I don't even know what his allegations are.</p> <p>9 Q Okay. And do you have any personal knowledge</p> <p>10 about an -- about any interaction between you and Robert</p> <p>11 Fowny, Jr.?</p> <p>12 A Could you repeat that question?</p> <p>13 Q Yeah. Do you have any personal knowledge of</p> <p>14 any interaction between you and Robert Fowny, Jr.?</p> <p>15 A Not that I recall. Maybe a federal arrest</p> <p>16 report, if there was a arrest report, with that a</p> <p>17 warrant investigation, would recollect my memory. I</p> <p>18 don't know. But no.</p> <p>19 Q Okay. Thank you. Do you remember a Willy</p> <p>20 Martin?</p> <p>21 A Willy Martin. That name sounds familiar, but</p> <p>22 --</p> <p>23 Q Do you remember anyone with a nickname of</p> <p>24 Colors?</p> <p>25 A No, I don't.</p>

<p style="text-align: right;">Page 66</p> <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 to 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>	<p style="text-align: right;">Page 68</p> <p>1 And he replied \$500 USC. 2 A Okay. And then the third line is blurry to 3 me, too. 4 Q Yeah, that's one that kind of looks like King, 5 canine dog here. I think I read "King, canine dog, 6 searched and walked right over to the location and sat 7 down, which is a positive hit on the money." 8 A Okay. 9 Q Can you -- and I'm sorry. Are you done 10 reviewing it? 11 A I am. 12 Q Can you tell from this report where Martin was 13 spotted on the day of the arrest? 14 A Not on this back page. Could you go back to 15 the first page? 16 Q Yes, I can. I'm going to try to zoom in again 17 for you. 18 A No, that's -- I could -- I could somewhat -- 19 just a little bigger. 20 Q It looks like it's not going to give me a 21 choice. 22 A Okay. What was your question, sir? 23 Q Yeah. My question is, can you tell from this 24 report where Mr. Martin was arrested? 25 A Yes.</p>
<p style="text-align: right;">Page 67</p> <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>	<p style="text-align: right;">Page 69</p> <p>1 Q Where was he arrested? 2 A In the CHA hallway. 3 Q Okay. Anything more specific than that? 4 A No. In the CHA hallway. 5 Q And does that mean any hallway on any floor in 6 the building? 7 A I don't remember this arrest, so I don't 8 recall. 9 Q Okay. And do you remember where the report 10 discussed a dog sitting near the money that was 11 recovered from Mr. Martin? 12 A Yes. On the second page? 13 Q Yes. What is -- what does that mean for a dog 14 to sit down near the money? 15 A That means it's a positive -- to best of my 16 knowledge, that's a positive identification of that it 17 hits on a suspect narcotics, that scent on the money. 18 But I'm not a K-9 officer. You would have to ask them 19 specifically, but that's the best of my knowledge. 20 Q Okay. And then do you have any other 21 recollection of this arrest? 22 A Other than reading the -- this case report, 23 no. 24 Q Okay. And do you have any recollection of a 25 disciplinary investigation against you related to this</p>

<p style="text-align: right;">Page 70</p> <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>	<p style="text-align: right;">Page 72</p> <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 style="text-align: right;">Page 71</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>	<p style="text-align: right;">Page 73</p> <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 to ask Officer</p>

<p style="text-align: right;">Page 74</p> <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>	<p style="text-align: right;">Page 76</p> <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 style="text-align: right;">Page 75</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>	<p style="text-align: right;">Page 77</p> <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>

<p style="text-align: right;">Page 78</p> <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</p> <p>6 instant narrative, please.</p> <p>7 A Yes, sir.</p> <p>8 Q Does that refresh your memory at all?</p> <p>9 A It does not.</p> <p>10 Q Okay. And it says here that at the bottom,</p> <p>11 that what was recovered was \$347 in US currency, and</p> <p>12 \$2,000 US currency inside of a canister. Is that right?</p> <p>13 A That's what it says, yes, it does.</p> <p>14 Q Okay. And do you have any memory of seeing</p> <p>15 that money at the scene?</p> <p>16 A I don't remember. I don't remember.</p> <p>17 Q Okay. And do you have any memory of seeing</p> <p>18 any officer take coins away from the scene?</p> <p>19 A I don't -- I don't remember.</p> <p>20 Q Okay. And I'm scrolling down now to -- what</p> <p>21 page am I scrolling to? Here we go. I'm scrolling down</p> <p>22 to the fifth page of the report. Do you see your name</p> <p>23 listed as an assisting arresting officer here?</p> <p>24 A I do.</p> <p>25 Q And can you tell from this report, what role</p>	<p style="text-align: right;">Page 80</p> <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</p> <p>4 at this, on your own, do you remember any allegations of</p> <p>5 misconduct connected to this arrest?</p> <p>6 A No. I don't even remember who the gentleman</p> <p>7 was.</p> <p>8 Q Okay, great. I'm going to move on. Do you</p> <p>9 recall a Deaonte Claybron?</p> <p>10 A No, I don't.</p> <p>11 Q Okay. And do you remember being involved in</p> <p>12 Mr. Claybron's arrest in May 2008?</p> <p>13 A I don't.</p> <p>14 Q Okay. So I'm now showing you Exhibit 88. This</p> <p>15 is Bates City BG 18060. Do you see a photograph on this</p> <p>16 page?</p> <p>17 (EXHIBIT 88 MARKED FOR IDENTIFICATION)</p> <p>18 A I do.</p> <p>19 Q Do you recognize that person?</p> <p>20 A I don't.</p> <p>21 Q Okay. I am at -- one second here. I'm sorry.</p> <p>22 That's not what I want. Okay. So let's see. Just to</p> <p>23 confirm, do you have an independent memory of any</p> <p>24 interaction with a Mr. Deaonte Claybron?</p> <p>25 A I don't.</p>
<p style="text-align: right;">Page 79</p> <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</p> <p>7 know the role I had. Maybe there's other documents that</p> <p>8 they could help my recollection, but looking at the</p> <p>9 arrest report, I don't know my role.</p> <p>10 Q Okay. And do you have any personal knowledge</p> <p>11 of this arrest?</p> <p>12 A I would say that it's a truthful and lawful</p> <p>13 arrest, because like I said before, I never seen any</p> <p>14 other officer do anything that was in a false arrest or</p> <p>15 any false documents before. So yeah, I would say this</p> <p>16 is a truthful and lawful arrest.</p> <p>17 Q Sitting here today, do you have a memory of</p> <p>18 this arrest?</p> <p>19 A No.</p> <p>20 Q And do you have a memory of any disciplinary</p> <p>21 process associated with this arrest?</p> <p>22 A I don't even know if there is -- was any</p> <p>23 discipline that was initiated or wasn't initiated by</p> <p>24 looking at this arrest.</p> <p>25 Q And independently of looking at this, do you</p>	<p style="text-align: right;">Page 81</p> <p>1 Q Okay. I am going to show you another</p> <p>2 document. This is still Exhibit 88. It is City BG1</p> <p>3 8198. Starting from the top, does this appear to be a</p> <p>4 to/from statement from you to Commander Gennessa Lewis?</p> <p>5 MR. BAZAREK: Counsel, what's the PDF number</p> <p>6 for that?</p> <p>7 MR. HILKE: Oh, thanks, Bill. It's PDF 198.</p> <p>8 MR. BAZAREK: Thanks.</p> <p>9 A Yes, it does. It looks like to/from from me</p> <p>10 to Gennessa Lewis, Commander Gennessa Lewis.</p> <p>11 BY MR. HILKE:</p> <p>12 Q And this would be on July 15, 2009?</p> <p>13 A Yes that's what it's dated.</p> <p>14 Q Okay. And so I'm going to scroll down now.</p> <p>15 Could you please take a moment and review your statement</p> <p>16 here?</p> <p>17 A Yes, sir. Okay.</p> <p>18 Q Okay. Is everything you wrote here true?</p> <p>19 A Yes.</p> <p>20 Q Okay. And is everything you wrote here</p> <p>21 complete?</p> <p>22 MR. BAZAREK: Object to the form of the</p> <p>23 question.</p> <p>24 A I don't understand your question.</p> <p>25 Q Did you leave out any important details?</p>

<p style="text-align: right;">Page 82</p> <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>	<p style="text-align: right;">Page 84</p> <p>1 I'm going to ask you to finish reading the narrative,</p> <p>2 please.</p> <p>3 A Okay.</p> <p>4 Q All right. So did -- had -- did that refresh</p> <p>5 your recollection?</p> <p>6 A Of the arrest, no.</p> <p>7 Q Okay. And so from reading this report, can</p> <p>8 you tell anything about how Mr. Glover was allegedly</p> <p>9 holding a clear plastic bag?</p> <p>10 A Not the way he was holding it, but you could</p> <p>11 see the contents that were inside the bag.</p> <p>12 Q Okay. And according -- this report doesn't</p> <p>13 say anything about an entry into any apartment, does it?</p> <p>14 A It does not.</p> <p>15 Q And if you had entered an apartment in</p> <p>16 connection with this arrest, would you have documented</p> <p>17 it?</p> <p>18 A I would've, because that would've -- I would</p> <p>19 assume that would've been an apartment factor.</p> <p>20 Q Sure. So you didn't enter Mr. Glover's</p> <p>21 apartment this day, did you?</p> <p>22 A By looking at this report, no.</p> <p>23 Q And you didn't enter his grandmother's</p> <p>24 apartment this day, did you?</p> <p>25 A By looking at this report, no.</p>
<p style="text-align: right;">Page 83</p> <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>	<p style="text-align: right;">Page 85</p> <p>1 Q Do you have any -- and did you have any</p> <p>2 independent memory of entering an apartment on this day?</p> <p>3 A I do not.</p> <p>4 Q Okay. Do you remember anything else about</p> <p>5 this arrest?</p> <p>6 A That it was a truthful and lawful arrest.</p> <p>7 Q And is that something you remember, or is that</p> <p>8 something you're concluding now?</p> <p>9 A That's something I would remember because I</p> <p>10 would -- I would never arrest someone that was without</p> <p>11 justification and not lawfully. I would never put any</p> <p>12 drugs on someone. I would never do anything like that.</p> <p>13 So yes, I do remember that.</p> <p>14 Q Do you have an independent memory of how this</p> <p>15 arrest actually occurred?</p> <p>16 A Other than this report that you're showing me</p> <p>17 now, no.</p> <p>18 Q Okay. And do you remember anything about any</p> <p>19 accusation of misconduct connected to this arrest?</p> <p>20 A By looking at this report, no.</p> <p>21 Q And what about just on your own independent</p> <p>22 memory?</p> <p>23 A No, sir.</p> <p>24 Q Okay. Thank you. Do you remember a Bruce</p> <p>25 Powell?</p>

<p style="text-align: right;">Page 86</p> <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>	<p style="text-align: right;">Page 88</p> <p>1 MR. HILKE: Counsel, I'm just going to note</p> <p>2 that there's really no need for that tone.</p> <p>3 MR. BAZAREK: Well, you're asking questions</p> <p>4 that he gave you an answer for yesterday. So why</p> <p>5 are we re-asking questions from yesterday?</p> <p>6 BY MR. HILKE:</p> <p>7 Q You can answer.</p> <p>8 A Could you repeat that question?</p> <p>9 Q Yeah. What do you remember her?</p> <p>10 MR. BAZAREK: Same objection.</p> <p>11 MR. HILKE: Counsel, are you shaking your head</p> <p>12 to your witness at this point?</p> <p>13 MR. BAZAREK: No, I'm not shaking my head. I'm</p> <p>14 shaking my head. I don't know why you're asking</p> <p>15 questions from yesterday that were already asked.</p> <p>16 That's why I'm shaking my head.</p> <p>17 BY MR. HILKE:</p> <p>18 Q You can answer.</p> <p>19 A I remember her exiting a second story window.</p> <p>20 Q Do you remember anything else?</p> <p>21 A I remember that from the questions you were</p> <p>22 asking me yesterday that she was arrested.</p> <p>23 Q Give me one moment please. Okay, good. Okay,</p> <p>24 I'm almost ready. I'm now sharing my screen. Counsel,</p> <p>25 do you see this document in front of you? I'm sorry,</p>
<p style="text-align: right;">Page 87</p> <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>	<p style="text-align: right;">Page 89</p> <p>1 Detective Nichols. Do you see this document in front of</p> <p>2 you?</p> <p>3 MR. BAZAREK: What's the PDF number, please?</p> <p>4 Q It is Exhibit 92, PDF 14, City BG, 18840.</p> <p>5 (EXHIBIT 92 MARKED FOR IDENTIFICATION)</p> <p>6 MR. BAZAREK: Thank you.</p> <p>7 A Yes, I see the document in front of me.</p> <p>8 Q Okay. And do you see a photo in the upper</p> <p>9 right corner?</p> <p>10 A I do.</p> <p>11 Q Okay. And in this case, I'm actually -- I am</p> <p>12 going to zoom in on this photo just a little bit. Do</p> <p>13 you recognize who that is in that photo?</p> <p>14 A Not in that photo, no. No, it's blurry and I</p> <p>15 can't see the face in that photo.</p> <p>16 Q Absolutely. Okay. So this is an arrest</p> <p>17 report from an arrest on November 3, 2007. Is that</p> <p>18 right?</p> <p>19 A Yes.</p> <p>20 Q Okay. And this is at 574 East 36th Street?</p> <p>21 A That's correct.</p> <p>22 Q And I'm going to go ahead and scroll down.</p> <p>23 Other than what you've just shared, do you have any</p> <p>24 independent recollection of this arrest?</p> <p>25 A Of learning that she went out the second-</p>

<p style="text-align: right;">Page 90</p> <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>	<p style="text-align: right;">Page 92</p> <p>1 ears and say, "See no evil, hear no evil"?</p> <p>2 A Not that I recall, no.</p> <p>3 Q Okay. Have you ever heard Officer Leano say,</p> <p>4 "I got a ride with my partner"?</p> <p>5 MR. BAZAREK: Objection, foundation.</p> <p>6 A I don't -- I don't know where -- who you're</p> <p>7 asking.</p> <p>8 Q Have you ever heard Officer -- do you know who</p> <p>9 I mean when I say Officer Leano?</p> <p>10 A Yeah, that's my -- that was my partner.</p> <p>11 Q Did you ever hear him say, "I got a ride with</p> <p>12 my partner"?</p> <p>13 A In regards to what? Was he ever in my car?</p> <p>14 Did I ever give him a ride? Sure.</p> <p>15 Q No.</p> <p>16 A I don't -- I don't understand what you're</p> <p>17 asking.</p> <p>18 Q I mean, literally, do you have a memory of</p> <p>19 hearing him say those words, "I got a ride with my</p> <p>20 partner" at any time?</p> <p>21 A Not that I recall. No.</p> <p>22 Q And does the phrase "the game" mean anything</p> <p>23 to you?</p> <p>24 A The game?</p> <p>25 Q The game.</p>
<p style="text-align: right;">Page 91</p> <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>	<p style="text-align: right;">Page 93</p> <p>1 A No.</p> <p>2 Q Does it mean anything to you in the context of</p> <p>3 selling and buying drugs?</p> <p>4 A No.</p> <p>5 Q Okay. And can you remember Officer Leano ever</p> <p>6 saying, "charge it to the game"?</p> <p>7 A No.</p> <p>8 Q So I am going to show you -- I'm now turning</p> <p>9 to Exhibit 94, and this is going to be PDF page 40. I'm</p> <p>10 going to zoom in a little bit. Do you recognize this as</p> <p>11 a -- as an arrest report?</p> <p>12 (EXHIBIT 94 MARKED FOR IDENTIFICATION)</p> <p>13 A I don't -- I don't know. It looks that way,</p> <p>14 yes.</p> <p>15 Q Just scrolling out a second, this is Bates</p> <p>16 City BG 19331.</p> <p>17 A Okay.</p> <p>18 Q And the person named -- the offender named</p> <p>19 Shomari Legghette. Is that correct?</p> <p>20 A That's what I'm reading, Shomari Legghette. In</p> <p>21 fact I don't think I was there.</p> <p>22 Q I don't know if you are. The arrest location</p> <p>23 is a sidewalk. It's 642 East 43rd Street.</p> <p>24 A That's what it looks like, yes.</p> <p>25 Q And then your name and badge number Nichols is</p>

<p style="text-align: right;">Page 94</p> <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>	<p style="text-align: right;">Page 96</p> <p>1 Q Okay. And have you ever touched someone's</p> <p>2 bottom, I guess, while searching them?</p> <p>3 MR. BAZAREK: I object to the form of the</p> <p>4 question as phrased.</p> <p>5 A I would say yes. Outside of the clothing,</p> <p>6 yes.</p> <p>7 Q Okay. So on the outside of the clothing, but</p> <p>8 never on the inside of the clothing?</p> <p>9 A Correct.</p> <p>10 Q So I'm going to show you Exhibit 95. Does</p> <p>11 this appear to be an arrest report?</p> <p>12 (EXHIBIT 95 MARKED FOR IDENTIFICATION)</p> <p>13 A It does.</p> <p>14 Q Do you see a photo in the upper right?</p> <p>15 A I do.</p> <p>16 Q Do you recognize the person in that photo?</p> <p>17 A I don't.</p> <p>18 Q Okay. And so this is an arrest on June 9,</p> <p>19 2011. Is that right?</p> <p>20 A That's correct.</p> <p>21 Q Is that 42 -- 4202 South Calumet Avenue?</p> <p>22 A That's correct.</p> <p>23 Q Okay. I'm scrolling down to page two. I'm</p> <p>24 sorry, quickly. And this is Exhibit 95 at PDF page 15,</p> <p>25 Bates stamped City BG 021590. I'm now looking at page</p>
<p style="text-align: right;">Page 95</p> <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>	<p style="text-align: right;">Page 97</p> <p>1 two. I'm going zoom in on the incident narrative. Could</p> <p>2 you please review the incident narrative and let me know</p> <p>3 when you're done?</p> <p>4 A Yes, sir. Yes, sir.</p> <p>5 Q Okay. I'm now scrolling down again. Do you</p> <p>6 see on page three, you were listed as the attesting</p> <p>7 officer?</p> <p>8 A I do.</p> <p>9 Q And as the first arresting officer?</p> <p>10 A That's correct.</p> <p>11 Q Scrolling back to the statement on -- to the</p> <p>12 incident narrative on page two. Has reading this</p> <p>13 refreshed your recollection of this arrest at all?</p> <p>14 A Does not.</p> <p>15 Q Okay. And do you have any independent memory</p> <p>16 of this arrest?</p> <p>17 A Other than that it's true and accurate, yes.</p> <p>18 Q Okay. When you say you remember it's true and</p> <p>19 accurate, what do you mean?</p> <p>20 A Because I would never arrest anyone that was</p> <p>21 not legal justification. I would arrest them with legal</p> <p>22 justification and I would never put any narcotics or do</p> <p>23 anything like that of that such nature.</p> <p>24 Q Do you have an actual memory of how this</p> <p>25 arrest happened?</p>

<p style="text-align: right;">Page 98</p> <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>	<p style="text-align: right;">Page 100</p> <p>1 refresh your memory at all?</p> <p>2 A Of the arrest, no.</p> <p>3 Q Okay. So according to this narrative -- I'm</p> <p>4 sorry. Can you tell what your role was in this arrest?</p> <p>5 A I was with my partner placing Mr. Jakharri</p> <p>6 under arrest -- the offender under arrest.</p> <p>7 Q And so you never found --</p> <p>8 A We were -- me and my partner were on routine</p> <p>9 patrol.</p> <p>10 Q Okay. Did you ever find any drugs on</p> <p>11 Mr. Washington?</p> <p>12 A It doesn't look that way. No.</p> <p>13 Q Okay. And so what was your basis for</p> <p>14 arresting him?</p> <p>15 A For soliciting unlawful business. He was</p> <p>16 yelling, "rocks, rocks."</p> <p>17 Q And did you expect him to be prosecuted for</p> <p>18 that?</p> <p>19 MR. BAZAREK: Object to the form of the</p> <p>20 question.</p> <p>21 A Could you repeat that question?</p> <p>22 Q Yeah. Did you expect him to be prosecuted</p> <p>23 based on this arrest?</p> <p>24 A That's not my call to say if he's prosecuted</p> <p>25 or not. I just arrest him because he was doing</p>
<p style="text-align: right;">Page 99</p> <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>	<p style="text-align: right;">Page 101</p> <p>1 something illegal.</p> <p>2 Q Okay. So you had no expectation of whether or</p> <p>3 not he would be prosecuted?</p> <p>4 A Like I stated, that's out of my control.</p> <p>5 That's up to the state's attorney's office. Oh, I just</p> <p>6 arrest him when he was doing something illegal.</p> <p>7 Q Did you ever find out if prosecutions were</p> <p>8 made based on your arrests?</p> <p>9 A Sometimes, yes.</p> <p>10 Q And so did you develop any knowledge about</p> <p>11 which of your arrests would be prosecuted?</p> <p>12 A Could you repeat that question?</p> <p>13 Q Yeah. Did you develop an understanding of</p> <p>14 which of your arrests -- well, let me ask this. Was</p> <p>15 someone -- did your arrests always lead to criminal</p> <p>16 charges?</p> <p>17 A I would say not all of them. No.</p> <p>18 Q And so did you develop an understanding of</p> <p>19 which arrests would lead to criminal charges?</p> <p>20 MR. BAZAREK: Object to the form of the</p> <p>21 question.</p> <p>22 MR. KOSOKO: Object to the form of the</p> <p>23 question.</p> <p>24 MR. BAZAREK: Yeah. Foundation vague,</p> <p>25 ambiguous, compound.</p>

<p style="text-align: right;">Page 102</p> <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>	<p style="text-align: right;">Page 104</p> <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 Jakhami 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 style="text-align: right;">Page 103</p> <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: Object 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>	<p style="text-align: right;">Page 105</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>

<p style="text-align: right;">Page 106</p> <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>	<p style="text-align: right;">Page 108</p> <p>1 A Please do.</p> <p>2 Q Oops. So I've now zoomed in. Do you</p> <p>3 recognize the person in that photograph?</p> <p>4 A It's hard to picture, but no.</p> <p>5 Q Okay. So this was an arrest on June 28, 2012.</p> <p>6 Is that right?</p> <p>7 A That is correct.</p> <p>8 Q And at the location of 746 East 43rd Street?</p> <p>9 A That is correct.</p> <p>10 Q And I'm scrolling down to the second page of</p> <p>11 this document, looking at the incident narrative. Could</p> <p>12 you please review the incident narrative?</p> <p>13 A Yes, sir. Yes, sir.</p> <p>14 Q That -- did that refresh your memory of this</p> <p>15 arrest at all?</p> <p>16 A It does not. Excuse me.</p> <p>17 Q I'm going down to the third page of the</p> <p>18 document. You are listed as the second arresting</p> <p>19 officer. Is that correct?</p> <p>20 A That is correct.</p> <p>21 Q And I'm now back on the second page, looking</p> <p>22 at the incident narrative again. Did Officer Leano</p> <p>23 conduct a search of Mr. Green?</p> <p>24 A I don't know if he conducted a search or not,</p> <p>25 by looking at this arrest report.</p>
<p style="text-align: right;">Page 107</p> <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>	<p style="text-align: right;">Page 109</p> <p>1 Q Is any search mentioned in the report?</p> <p>2 A It says I recovered it. So yes, I searched.</p> <p>3 Q Okay. And did Officer Leano conduct a search?</p> <p>4 A I don't know.</p> <p>5 Q Would it say if he did?</p> <p>6 A Not necessarily, no.</p> <p>7 Q So not all searches are documented in an</p> <p>8 arrest report?</p> <p>9 MR. BAZAREK: Object to the form of the</p> <p>10 question and foundation.</p> <p>11 A Yes, not all searches are not documented.</p> <p>12 Q What reasons would there be to not document a</p> <p>13 search in an arrest report?</p> <p>14 A When he is taken back in the lockup after he</p> <p>15 is processed, we search him to make sure he has nothing</p> <p>16 else on him before he goes back in to the lockup.</p> <p>17 Q What about a search on the street?</p> <p>18 A If it was not lawfully -- I don't understand</p> <p>19 your question.</p> <p>20 Q Yeah. In your experience, if you conduct a</p> <p>21 search on the street and an arrest is made, is that</p> <p>22 search going to be documented in the arrest report?</p> <p>23 A So you're -- you're asking me after the</p> <p>24 person's arrested, if the -- if he was searched on scene</p> <p>25 -- on the street, would it be documented?</p>

<p style="text-align: right;">Page 110</p> <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>	<p style="text-align: right;">Page 112</p> <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>
<p style="text-align: right;">Page 111</p> <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>	<p style="text-align: right;">Page 113</p> <p>1 Q Okay. And so this was an arrest on July 26,</p> <p>2 2010?</p> <p>3 A Yes, sir.</p> <p>4 Q And at 5636 South Martin Luther -- Dr. Martin</p> <p>5 Luther King Jr. Drive?</p> <p>6 A That's correct.</p> <p>7 Q I'm scrolling down within the document and I'm</p> <p>8 now looking at the third page of the document, the</p> <p>9 incident narrative, and I'm zooming in to the incident</p> <p>10 narrative. If you could go ahead and read the first</p> <p>11 several lines of this incident narrative, I really just</p> <p>12 need you to read up to where it starts talking about the</p> <p>13 forced entry. I'm not interested in anything about the</p> <p>14 forced entry.</p> <p>15 A Okay.</p> <p>16 Q Does it say here that Mr. Johnson -- well,</p> <p>17 actually, strike that. Do you remember how Brian</p> <p>18 Johnson pulled away from you?</p> <p>19 A He pulled away with his keys on his one side</p> <p>20 and he pulled away so I couldn't grab the keys.</p> <p>21 Q Okay. I mean, do you remember what part of</p> <p>22 his body he moved to pull away from you?</p> <p>23 A No, I don't recall. I would have to look at</p> <p>24 my other documents or other testimony or anything like</p> <p>25 that to refresh my memory.</p>

<p style="text-align: right;">Page 114</p> <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>	<p style="text-align: right;">Page 116</p> <p>1 Mr. Johnson against a wall? 2 A Not that I recall. I would have to look at 3 other documents. 4 Q And do you recall if Mr. Johnson made any 5 effort -- efforts to cooperate with your search warrant? 6 A What I recall he didn't help us at all in any 7 efforts to enter the -- enter the location. 8 Q And do you recall whether Mr. Johnson was 9 handcuffed in a police vehicle for hours before being 10 transported back to Second District? 11 A I don't know how long he was inside of a 12 police vehicle for. I would have to look at documents. 13 I don't know how long he was inside of a police vehicle. 14 Q Aside from what you've discussed, do you have 15 any other personal knowledge of this arrest? 16 17 18 19 A No, sir. 20 Q And do you remember anything regarding a 21 complaint or a disciplinary investigation related to 22 this arrest? 23 A No, sir, I just remembered the federal lawsuit 24 and that's about it. 25 Q Okay. Thank you. Do you remember a Vaughn</p>
<p style="text-align: right;">Page 115</p> <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>	<p style="text-align: right;">Page 117</p> <p>1 Young? 2 A No, sir. 3 Q Okay. So do -- you don't -- so do you recall 4 entering a Vaughn Young's home in November of 2012? 5 A No, sir. 6 Q Okay. I'm going to -- I'm showing you now 7 Exhibit 100, PDF page 13, Bates City BG 22901. Do you 8 see a photograph in the upper right of this document? 9 (EXHIBIT 100 MARKED FOR IDENTIFICATION) 10 A I do. 11 Q Do you recognize the person in that 12 photograph? 13 A I don't, and could you zoom in, so I -- maybe 14 I can get a better look. 15 Q Certainly. Is that close enough? 16 A Yeah, that's fine, sir. 17 Q Do you recognize that person? 18 A I don't think so looking at this picture, no. 19 Q Okay. I am now showing you PDF page three, 20 that is Bates number City BG 22891. Do you recognize 21 what kind of document this is? 22 A I don't. That, I don't know what it is. 23 Q Does it appear to be a summary report digest 24 to the chief administrator of the Independent Police 25 Review Authority?</p>

<p style="text-align: right;">Page 118</p> <p>1 MR. BAZAREK: Objection, foundation. 2 A That's what it says, yes. 3 Q And are you listed as an accused officer here? 4 A Yes, sir. 5 Q Okay. And this refers to an incident on 6 November 18, 2012; is that correct? 7 A It looks like it's a 12, yes. 18 November – 8 it looks like a 12, but I'm not a hundred percent sure. 9 Q Sure, and the address of the incident is 3714 10 South Indiana? 11 A That's correct. 12 Q So I'm now scrolling down in this document and 13 I'm reading from the allegations where it reads, "In 14 summary, the reporting party alleged that the accused(s) 15 entered his home and searched the apartment and him 16 without justification." Do you see that? 17 A I do. 18 Q Okay. Do you remember interacting with Mr. 19 Young on November 18, 2012? 20 A Like I said before, I don't have – don't 21 remember any interaction with Mr. Young. 22 Q Got it. So you don't remember ever searching 23 his home; is that right? 24 A Not that this alleges, no. No, I don't 25 remember.</p>	<p style="text-align: right;">Page 120</p> <p>1 A Anytime we had interaction with the 2 individual. 3 Q Okay. So does that include, you know, a 4 casual conversation? 5 MR. BAZAREK: Yeah, I'm just going to lodge an 6 objection as to foundation. 7 A I don't understand your question. 8 Q Yeah. As you understood, when – and I'm 9 asking specifically about January – around January 10 2013, would you fill out a contact card – you said, you 11 know, any interaction you would fill out a – well, 12 strike that. Would you fill out a contact card after 13 having a casual conversation with a civilian? 14 A Not if it was casual, no. If it was casual 15 conversation, probably not. I wouldn't fill out a 16 contact card. 17 Q You don't fill one out every time you talk to 18 somebody, do you? 19 A No. 20 Q So what conversations would you document with 21 the contact card? 22 A If – if they committed a crime or if they had 23 been committed a crime, I would fill one out. If I 24 thought they were a suspicious activity, I would fill 25 one out, if I interacted with someone. And to that</p>
<p style="text-align: right;">Page 119</p> <p>1 Q Okay. And do you remember anything else about 2 the interaction described here? 3 A That's described here? No. 4 Q And do you remember anything else about this - 5 - about a disciplinary process or investigation related 6 to this incident? 7 A I don't even know if there was a disciplinary 8 action. I don't even know what happened with it or the 9 outcome of it or anything. I don't know anything about 10 this disciplinary action. 11 Q Okay. Thank you. 12 A Or if there was one. 13 Q I want to ask you about the time period of 14 January 2013. Do you remember what your assignment was 15 in January 2013? 16 A No, I don't. 17 Q Okay. Was that a time where your duties 18 would've included completing contact cards? 19 A Yes. Contact cards, yes. I believe so, yes. 20 Q Okay. What's a contact card? 21 A Contact card is when we have interaction with 22 an individual and we write down information about the 23 individual on the contact card. 24 Q Okay. And what situations would you fill out 25 a contact card in?</p>	<p style="text-align: right;">Page 121</p> <p>1 nature, I would fill out a contact card. 2 Q Does the phrase "stop-and-frisk" mean anything 3 to you? 4 A I heard the term before, yes. 5 Q Okay. And as a police officer, have you 6 stopped civilians on the street because you thought they 7 might be carrying a weapon? 8 A I'm sure I have, yes. 9 Q Okay. And is that a situation when you would 10 fill out a contact card? 11 A Yes. 12 Q And would you fill one out even if you didn't 13 find a weapon? 14 A Yes. 15 Q And have you ever been instructed as a police 16 officer to try to make more stops of that kind, stops of 17 people who you think are carrying weapons? 18 MR. BAZAREK: Object to the form of the 19 question. And foundation. 20 A I don't understand that question. 21 Q Sure. Have you ever been told, you know, in 22 summary, you need to make more stops? 23 A No. 24 Q Okay. Have you ever felt any pressure as a 25 police officer to increase a number of contact cards</p>

<p>Page 122</p> <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>	<p>Page 124</p> <p>1 incident?</p> <p>2 A I don't know if there was any disciplinary</p> <p>3 action or if there was a complaint ever filed. I don't</p> <p>4 know the outcome of this -- what -- allegation.</p> <p>5 Q I understand. And you don't independently</p> <p>6 remember anything about a complaint or investigation</p> <p>7 related to the incident described here?</p> <p>8 A No, sir.</p> <p>9 Q Do you recall a Reginald Carter?</p> <p>10 A No, I don't.</p> <p>11 Q And do you recall stopping Mr. Carter and</p> <p>12 searching him around March of 2013?</p> <p>13 A I don't.</p> <p>14 Q I'm now showing you Exhibit 102, this is PDF</p> <p>15 page four, and we're looking at Bates City BG 23136. Do</p> <p>16 you see at the top of this document that this is a</p> <p>17 summary report digest to the chief administrator,</p> <p>18 Independent Police Review Authority?</p> <p>19 (EXHIBIT 102 MARKED FOR IDENTIFICATION)</p> <p>20 A That's correct.</p> <p>21 Q And it's about an incident at 4600 South</p> <p>22 Vincennes?</p> <p>23 A That's correct.</p> <p>24 Q And on March 11, 2013?</p> <p>25 A That's correct.</p>
<p>Page 123</p> <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>	<p>Page 125</p> <p>1 Q And on the March of 2013, would that address</p> <p>2 have been -- would that have been an area on your beat?</p> <p>3 A My beat -- what do you mean my beat?</p> <p>4 Q In March 2013, did you have a geographical</p> <p>5 area that you worked?</p> <p>6 A Yeah, I was assigned to the Second District</p> <p>7 tactical housing or Second District tactical office.</p> <p>8 Q Okay. And so, do you know if this address</p> <p>9 would've been within the area you covered in the tact</p> <p>10 office?</p> <p>11 A Yes, if you look a couple over, it says beat</p> <p>12 of occurrence 221, and I worked in the Second District.</p> <p>13 Q Okay. And so, because it starts with a two,</p> <p>14 that's how you know that it's in the Second District and</p> <p>15 within your geography?</p> <p>16 A That's correct.</p> <p>17 Q Thank you. And so you're listed as an accused</p> <p>18 officer here; is that right?</p> <p>19 A Yes, sir.</p> <p>20 Q And the complainant is Reginald Carter; is</p> <p>21 that right?</p> <p>22 A That's correct.</p> <p>23 Q And then I'm scrolling down to the bottom and</p> <p>24 there's a one-sentence allegation. The reporting party</p> <p>25 alleged that the accused inappropriately searched him,</p>

<p style="text-align: right;">Page 126</p> <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>	<p style="text-align: right;">Page 128</p> <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 style="text-align: right;">Page 127</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>	<p style="text-align: right;">Page 129</p> <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 style="text-align: right;">Page 130</p> <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>	<p style="text-align: right;">Page 132</p> <p>1 first aid?</p> <p>2 A Other than call for EMS? No --</p> <p>3 Q Correct.</p> <p>4 A No.</p> <p>5 Q Do you recall being asked to give a statement</p> <p>6 in relation to this incident?</p> <p>7 A I believe so after the incident -- after the</p> <p>8 incident occurred. Yes.</p> <p>9 Q Okay. And was this statement that you gave</p> <p>10 complete and accurate?</p> <p>11 A Yes.</p> <p>12 Q Okay. And what does that mean to you?</p> <p>13 Complete and accurate?</p> <p>14 A Complete, I would have to look at my whole</p> <p>15 statement to see if it was complete, the whole</p> <p>16 completeness, but accurate, yes. 100 percent accurate,</p> <p>17 yes.</p> <p>18 Q Okay. So -- and to you would -- when you said</p> <p>19 complete and accurate, now does complete mean -- well,</p> <p>20 let me ask you this. Did you leave any important</p> <p>21 details out of your statement?</p> <p>22 A Not that I recall, no. I would've to look at</p> <p>23 the statement, but I don't believe so. No.</p> <p>24 Q Okay. I am now going to Exhibit 103. This is</p> <p>25 a -- this is -- start with that, Exhibit 103. I'm</p>
<p style="text-align: right;">Page 131</p> <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>	<p style="text-align: right;">Page 133</p> <p>1 currently at PDF one and that's PL Joint 26065. I'm</p> <p>2 going to go now to page 21, PDF, page 21, which is PL</p> <p>3 Joint 26085. I'm going to ask you to read the bottom</p> <p>4 exchange, starting when Abbruzzese asks you, "Is</p> <p>5 everything in the statement true?" And I'd like you to</p> <p>6 read -- let me zoom in a little actually. Could you</p> <p>7 please read, starting at, "Is everything in the</p> <p>8 statement true," down through the bottom.</p> <p>9 (EXHIBIT 103 MARKED FOR IDENTIFICATION)</p> <p>10 A Okay.</p> <p>11 Q Okay. I'm now going to scroll down. I'm at</p> <p>12 the top of the second page. I'm sorry, of the</p> <p>13 subsequent page. That's PDF page 22, it is PL Joint</p> <p>14 26086. I'm going to zoom in at the top. And I am going</p> <p>15 to ask you to read starting at line two all the way</p> <p>16 through line 20 at the bottom of the page.</p> <p>17 A Okay. Okay.</p> <p>18 Q Okay. So in this statement, you said that</p> <p>19 "Officers Gonzalez and Officer Hernandez were in fear of</p> <p>20 their life and for serious bodily harm." Is that right?</p> <p>21 A Yes.</p> <p>22 Q Okay. How did you know they were in fear of</p> <p>23 their life?</p> <p>24 A How do I know?</p> <p>25 Q Yeah.</p>

<p style="text-align: right;">Page 134</p> <p>1 A Because I saw a weapon pointed directly at 2 them. 3 Q Do you know if they saw the weapon pointed at 4 them? 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. 10 Q Do you -- did you talk to Officer Gonzalez or 11 Officer Hernandez about the incident? 12 MR. BAZAREK: Objection, foundation. 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. 18 Q So when you make this statement, is it based 19 on anything that they personally told you? 20 A Not that I recall. No. 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? 25 A That's correct.</p>	<p style="text-align: right;">Page 136</p> <p>1 because a weapon was pointed at him, a deadly weapon was 2 pointed at him. 3 A Correct. 4 Q Is there any other reason? Did you have any 5 other reason to say that Officer Gonzalez had no other 6 choice but to fire his own weapon? 7 A He had a weapon pointed at his direction, so 8 that's why he had no other choice but to fire his 9 weapon. 10 Q I understand. Did you have any other reason 11 to make that -- to state that Officer Gonzalez had no 12 other choice but to fire his own weapon? 13 A Not -- no, not -- no. Because he had a weapon 14 pointed directly at him, so he had no other choice but 15 to fire his own weapon. 16 Q Do you know how Officer Gonzalez was -- do you 17 know where exactly where Officer Gonzalez was when 18 Christian Green pointed a weapon in his direction? 19 MR. BAZAREK: Objection, foundation. 20 A Could you repeat that question? 21 Q Yeah. Do you know exactly where Officer 22 Gonzalez was when Christian Green pointed a firearm in 23 Officer Gonzalez's direction? 24 A At what point? 25 Q Well, let's go, how long did -- for how long</p>
<p style="text-align: right;">Page 135</p> <p>1 Q And what is that based on? 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. 5 Q So anytime -- so this is based on the fact 6 that a deadly weapon was pointed at him? 7 MR. BAZAREK: Object to the form of the 8 question. 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. 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? 15 A I don't understand your question. 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? 19 MR. BAZAREK: Object to the form of the 20 question. 21 A Could you -- could you -- could you state it 22 in a different way? I'm not understanding. 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>	<p style="text-align: right;">Page 137</p> <p>1 was Christian Green pointing a weapon in Officer 2 Gonzalez's direction? 3 A When I saw him, I don't know. I wouldn't want 4 to guess. I saw him running down and I saw him pointing 5 the gun in Officer Gonzalez's direction. I wouldn't say 6 a time frame. I don't know. I would've to look at 7 other documents or -- to recollect my memory. 8 Q For any of the period when you saw Christian 9 Green pointing a firearm in Officer Gonzalez's 10 direction, do you know exactly where Officer Gonzalez 11 was located? 12 A At one point I found out later that he was 13 inside the vehicle still. 14 Q Okay. And do you know where in the vehicle he 15 was? 16 A He was a front seat passenger. 17 Q So did you think it was important to add to 18 the statement that Officer Gonzalez and Officer 19 Hernandez were in fear of their life and for serious 20 bodily harm? 21 A Excuse me? 22 Q Did you think it was important, at the time 23 you made the statement, did you think it was important 24 to add that Officer Gonzalez and Officer Hernandez were 25 in fear of their life and for serious bodily harm?</p>

<p style="text-align: right;">Page 138</p> <p>1 A I don't know what -- what you by adding. I</p> <p>2 don't know what you mean.</p> <p>3 Q Sure. So I'm going to point you back up to</p> <p>4 page 21 of the statement again. Do you recall reading</p> <p>5 that you were asked, "Is there anything that you wish to</p> <p>6 add to the statement?"</p> <p>7 A Yes, I do. Yes, I see that.</p> <p>8 Q And then going back to page 22, the first</p> <p>9 thing you add, one of the first things you added was</p> <p>10 that Officer Gonzalez is an Officer Hernandez were in</p> <p>11 fear of their life and for serious bodily harm. Is that</p> <p>12 right?</p> <p>13 A That's correct.</p> <p>14 Q And so I'm asking, why did you add that to</p> <p>15 your statement?</p> <p>16 A I don't recall the -- this interview at this</p> <p>17 time. I don't recall that. I don't remember pausing -</p> <p>18 - if the tape was paused or not. I don't recall that.</p> <p>19 Q Okay. Do you recall anyone yelling out a</p> <p>20 warning to Mr. Green before he was shot?</p> <p>21 A I don't recall. I would have to look at my</p> <p>22 documents or my testimony to refresh my memory. I don't</p> <p>23 recall.</p> <p>24 Q Okay. I'm going to stop sharing for just one</p> <p>25 moment here. Okay. That's all I have on -- sorry. Give</p>	<p style="text-align: right;">Page 140</p> <p>1 questions, which I don't think will take long. I'm</p> <p>2 inclined to power through unless anyone needs a</p> <p>3 break.</p> <p>4 MR. BAZAREK: No. Let's take five minutes.</p> <p>5 MR. HILKE: All right. Let's take five.</p> <p>6 Thanks.</p> <p>7 COURT REPORTER: Okay. Going off the record.</p> <p>8 The time is 3:01 p.m.</p> <p>9 (OFF THE RECORD)</p> <p>10 COURT REPORTER: We are back on the record for</p> <p>11 the deposition of Douglas Nichols, volume two. My</p> <p>12 name is Jesse Harp. Today is the 19th day of April</p> <p>13 2022. And the time is 3:06 p.m.</p> <p>14 BY MR. HILKE:</p> <p>15 Q Detective Nichols, are you aware of any</p> <p>16 disciplinary investigation against you regarding Ben</p> <p>17 Baker?</p> <p>18 A No, I don't.</p> <p>19 Q Are you aware of any complaint being made with</p> <p>20 the Bureau of Internal Affairs regarding you falsely</p> <p>21 arresting Ben Baker?</p> <p>22 A No, I don't.</p> <p>23 Q And have you been contacted in any way</p> <p>24 regarding alleged misconduct against you regarding Ben</p> <p>25 Baker?</p>
<p style="text-align: right;">Page 139</p> <p>1 me one second. Let me make sure. Do you remember</p> <p>2 anything else about the chase and shooting of Christian</p> <p>3 Green?</p> <p>4 A Not that I recall of what we talked about and</p> <p>5 anything else that if you show me other documents that</p> <p>6 might reflect my memory or the testimony that might help</p> <p>7 me remember or what happened.</p> <p>8 Q Okay. And do you remember anything else about</p> <p>9 a disciplinary process or investigation connected to the</p> <p>10 shooting?</p> <p>11 A I know there was a federal lawsuit. I don't</p> <p>12 know if there was any other type of disciplinary action</p> <p>13 or anything like that, or anything. I don't know.</p> <p>14 Q Thank you. And sorry, quickly for the record.</p> <p>15 I'd like to mark the exhibit I've been using as 103B.</p> <p>16 I've been using Bates numbers for it. I don't know if</p> <p>17 we circulated something as 103 that had some redactions</p> <p>18 to it, but the Bates numbers will identify what's here.</p> <p>19 And this is Exhibit 103B that I've been referencing.</p> <p>20 (EXHIBIT 103B MARKED FOR IDENTIFICATION)</p> <p>21 MR. BAZAREK: Was that circulated previously?</p> <p>22 MR. HILKE: You know, I sent an e-mail saying</p> <p>23 I'm going to be using these Bates numbers and these</p> <p>24 exhibit numbers, but I don't think I added any</p> <p>25 attachments to it. I have just two more sets of</p>	<p style="text-align: right;">Page 141</p> <p>1 A No.</p> <p>2 Q Do you recall a Jamal Daveny?</p> <p>3 A I don't.</p> <p>4 Q And that last name is spelled D as in dog,</p> <p>5 A-V-E-N-Y. I -- does that refresh a memory of a Jamal</p> <p>6 Daveny at all?</p> <p>7 A No, sir.</p> <p>8 Q Do you -- so you don't remember arresting him</p> <p>9 in November -- an interaction with him in November</p> <p>10 2017?</p> <p>11 A No, sir.</p> <p>12 Q I'm going to show you -- here it is, Exhibit</p> <p>13 105. Pardon me. I'm on PDF page three. That's City BG</p> <p>14 53471. Does this appear to be an arrest report?</p> <p>15 (EXHIBIT 105 MARKED FOR IDENTIFICATION)</p> <p>16 A Yes, sir.</p> <p>17 Q I'm going to zoom in on the -- on a photo in</p> <p>18 the upper right corner. I'm going to try again. Do you</p> <p>19 recognize the person in this photo?</p> <p>20 A I don't, sir.</p> <p>21 Q So this arrest report is about Jamal Daveny.</p> <p>22 Is that right?</p> <p>23 A That's correct.</p> <p>24 Q Okay. And this is an arrest at 4710 South</p> <p>25 Drexel Boulevard on the sidewalk. Is that right?</p>

<p style="text-align: right;">Page 142</p> <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>	<p style="text-align: right;">Page 144</p> <p>1 count how much money that person has?</p> <p>2 A I'm sure someone counted it. Yeah. To make</p> <p>3 sure that he had less than \$500, yes.</p> <p>4 Q Okay. But if it's less than \$500, that --</p> <p>5 they would -- no one would be required to write down how</p> <p>6 much money the person had?</p> <p>7 A No, not if it's not particular to the case,</p> <p>8 no.</p> <p>9 Q But if --</p> <p>10 A I don't -- I don't know if documents it or</p> <p>11 not. I don't know. I never worked in lockup.</p> <p>12 Q If an officer did take money from a civilian</p> <p>13 and not return it, that officer would have to document</p> <p>14 that. Is that right?</p> <p>15 MS. DOI: Objection to form.</p> <p>16 MR. BAZAREK: Yeah. Further object to the</p> <p>17 incomplete hypothetical.</p> <p>18 A Could you repeat that question?</p> <p>19 BY MR. HILKE:</p> <p>20 Q Yeah. My question was, if you did take -- if</p> <p>21 a police officer takes money from a civilian and doesn't</p> <p>22 return it, are they required to document that they took</p> <p>23 the money?</p> <p>24 MS. DOI: Same objection and assumes facts not</p> <p>25 in evidence.</p>
<p style="text-align: right;">Page 143</p> <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>	<p style="text-align: right;">Page 145</p> <p>1 A I don't understand that question. And I would</p> <p>2 never -- if you're saying that I would take money and</p> <p>3 not report it, I would never take money in the first</p> <p>4 place. So I don't understand the question, but I would</p> <p>5 -- I know for a fact I would never take someone's money</p> <p>6 and not report it anyways, unless it was documented that</p> <p>7 I did take his money and I would inventory it and give</p> <p>8 it to him.</p> <p>9 Q Yeah. Let me clarify. If you took money from</p> <p>10 Mr. Daveny and you didn't give it back, would you have</p> <p>11 to record that somewhere?</p> <p>12 A I don't understand the -- I don't understand</p> <p>13 the question. Why would I -- I don't understand. What</p> <p>14 do you mean taking it and not give it back to him? I</p> <p>15 don't understand that question.</p> <p>16 Q What I mean is if you found money on his</p> <p>17 person after arresting him.</p> <p>18 A And you're saying that I took it and</p> <p>19 inventoried it, yes, I would give him a piece of paper,</p> <p>20 his copy, the inventory slip of how much money I gave</p> <p>21 -- how much I took off of him. And he has a copy of the</p> <p>22 receipt, of the inventory copy.</p> <p>23 Q Okay. So you would complete an inventory</p> <p>24 receipt in that situation?</p> <p>25 A If I did take his money and not give it back</p>

<p>Page 146</p> <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>	<p>Page 148</p> <p>1 Q I don't mean when they hit the physical 2 lockup. I mean before that point. 3 A When I -- when I issue an ANOV, when they're - 4 - no, I don't take their shoelaces. 5 Q Okay. 6 A But when they do go into physical lockup, yes, 7 I do take the shoelaces off and I take even a belt off. 8 I take the drawstrings out if they had drawstrings in 9 the waistband area. I take laces out of their hoodies 10 if they're wearing a -- like a hood, hooded sweatshirt. 11 If they're wearing a jacket, you -- sometimes you take 12 that out. But if they don't want to, then they don't 13 wear it, then they just put it off to the side. So yes, 14 I do take shoelaces out when they go into the lockup. 15 Yes, I do. 16 Q Okay. Do you have any independent 17 recollection of this arrest? 18 19 20 21 A I don't. 22 Q Okay. And do you remember any complaint or 23 disciplinary process related to this arrest? 24 A I don't. I would've to look at if there's any 25 complaints or a complaint against me, or if any</p>
<p>Page 147</p> <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>	<p>Page 149</p> <p>1 complaints against anyone else. I don't even know if 2 what happened with this or if there was any, if he -- if 3 he went through with the investigation. I don't know. 4 I couldn't tell you 5 Q And saying that, do you affirmatively remember 6 any complaints or disciplinary process? 7 A I don't. 8 MR. HILKE: Those are all the questions I have. 9 I don't know. Is Bill -- should we go off the 10 record or no? 11 MR. BAZAREK: No. No. Yeah. I don't have any 12 questions. But I do want to put on the record 13 consistent with the amended confidentiality order, 14 it's document number 57, that this entire 15 deposition, as well as the exhibits, are protected 16 by that order and they are to be designated as 17 confidential subject to protective order. I want to 18 make sure we have that on the record. And I know 19 how the deposition began at the moment, Counsel, I 20 believe you mentioned Robert Brandon and identified 21 Exhibit 78. Since that time, the entire deposition 22 is to -- is under -- it's protected, confidential. 23 MR. FLAXMAN: Before we break, I had a very 24 quick follow-up on the last line of questioning if I 25 could.</p>

<p style="text-align: right;">Page 150</p> <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 ANOV, 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>	<p style="text-align: right;">Page 152</p> <p>1 COURT REPORTER: Oh, you want to read? And is 2 that for this one and the one from yesterday as 3 well? 4 MR. BAZAREK: Yes. 5 COURT REPORTER: Okay. Thank you very much. 6 Okay. We are going off the record. It is 3:24 p.m. 7 (DEPOSITION CONCLUDED AT 3:24 P.M.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 151</p> <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>	<p style="text-align: right;">Page 153</p> <p>1 CERTIFICATE OF REPORTER 2 3 I do hereby certify that the witness in the foregoing 4 transcript was taken on the date, and at the time and 5 place set out on the Title page hereof by me after first 6 being duly sworn to testify the truth, the whole truth, 7 and nothing but the truth; and that the said matter was 8 recorded digitally by me and then reduced to typewritten 9 form under my direction, and constitutes a true record 10 of the transcript as taken, all to the best of my skill 11 and ability. I certify that I am not a relative or 12 employee of either counsel, and that I am in no way 13 interested financially, directly or indirectly, in this 14 action. 15 16 17 18 19 20 21 22 JESSE HARP, 23 COURT REPORTER/NOTARY 24 MY COMMISSION EXPIRES ON: 04/05/2026 25 SUBMITTED ON: 08/04/2022</p>

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