

# **EXHIBIT 71**



**MASTER DOCKET CASE NO. CASE NO. 19-CV-01717**

**IN RE: WATTS COORDINATED  
PRETRIAL PROCEEDINGS**

**DEPONENT:**

**MICHAEL FITZGERALD ON BEHALF OF CITY OF CHICAGO**

**DATE:**

**March 06, 2024**



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The Deposition of MICHAEL FITZGERALD, taken on March 06, 2024  
30 (b) (6)

<p style="text-align: center;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION MASTER DOCKET CASE NO. 19-CV-01717 JUDGE FRANKLIN U. VALDERRAMA MAGISTRATE JUDGE SHEILA M. FINNEGAN</p> <p>IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS</p> <p>DEPONENT: MICHAEL FITZGERALD ON BEHALF OF CITY OF CHICAGO DATE: MARCH 6, 2024 REPORTER: TALIA JACKSON</p>	<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES 2 3 ON BEHALF OF THE LOEY PLAINTIFFS: 4 Scott Rauscher, Esquire 5 Loevy &amp; Loevy 6 311 North Aberdeen Street 7 Third Floor 8 Chicago, Illinois 60607 9 Telephone No.: (312) 243-5900 10 E-mail: scott@loevy.com 11 12 ON BEHALF OF THE FLAXMAN PLAINTIFFS: 13 Joel Flaxman, Esquire 14 Kenneth N. Flaxman P.C. 15 200 South Michigan Avenue 16 Suite 201 17 Chicago, Illinois 60604 18 Telephone No.: (312) 427-3200 19 E-mail: jaf@kenlaw.com 20 21 22 23 24 25</p>
<p style="text-align: center;">Page 3</p> <p>1 APPEARANCES (CONTINUED) 2 3 ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO AND 4 MICHAEL FITZGERALD: 5 Paul Michalik, Esquire 6 Reiter Burns 7 311 South Wacker Drive 8 Suite 5200 9 Chicago, Illinois 60606 10 Telephone No.: (312) 878-1294 11 E-mail: pmichalik@reiterburns.com 12 13 ON BEHALF OF THE INDIVIDUAL DEFENDANTS AS REPRESENTED 14 BY HALE &amp; MONICO: 15 William E. Bazarek, Esquire 16 Hale &amp; Monico 17 53 West Jackson Boulevard 18 Suite 330 19 Chicago, Illinois 60604 20 Telephone No.: (312) 341-9646 21 E-mail: web@halemonico.com 22 (Appeared via videoconference) 23 24 25</p>	<p style="text-align: center;">Page 4</p> <p>1 APPEARANCES (CONTINUED) 2 3 ON BEHALF OF THE DEFENDANT, RONALD WATTS: 4 Brian Gainer, Esquire 5 Johnson &amp; Bell, LTD. 6 33 West Monroe Street 7 Suite 2700 8 Chicago, Illinois 60603 9 Telephone No.: (312) 984-0236 10 E-mail: gainerb@jbltd.com 11 (Appeared via videoconference) 12 13 ON BEHALF OF THE DEFENDANT, CALVIN RIDGELL: 14 Steve Borkan, Esquire 15 Borkan &amp; Scahill, Ltd. 16 Two First National Plaza 17 20 South Clark Street 18 Suite 1700 19 Chicago, Illinois 60603 20 Telephone No.: (312) 580-1030 21 E-mail: sborkanscahill.com 22 (Appeared via videoconference) 23 24 25</p>

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<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:</p> <p>4 Eric S. Palles, Esquire</p> <p>5 Mohan Groble Scolaro, P.C.</p> <p>6 55 West Monroe</p> <p>7 Suite 1600</p> <p>8 Chicago, Illinois 60603</p> <p>9 Telephone No.: (312) 422-9999</p> <p>10 E-mail: epalles@mohangroble.com</p> <p>11 (Appeared via videoconference)</p> <p>12</p> <p>13 Also Present: Krystal Barnes, Videographer</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX</p> <p>2 Page</p> <p>3 PROCEEDINGS 9</p> <p>4 DIRECT EXAMINATION BY MR. RAUSCHER 10</p> <p>5 EXAMINATION BY MR. FLAXMAN 196</p> <p>6 CROSS-EXAMINATION BY MR. BAZAREK 206</p> <p>7 REDIRECT EXAMINATION BY MR. RAUSCHER 214</p> <p>8</p> <p>9 EXHIBITS</p> <table> <thead> <tr> <th>10 Exhibit</th> <th>Page</th> </tr> </thead> <tbody> <tr> <td>11 1 - Notice of Rule 30(b)(6) Deposition</td> <td>34</td> </tr> <tr> <td>12 2 - Special Order S04-17</td> <td>54</td> </tr> <tr> <td>13 3 - Special Order S04-18</td> <td>59</td> </tr> <tr> <td>14 4 - Special Order S09-05-01</td> <td>80</td> </tr> <tr> <td>15 5 - Vice Case Report, CPD-11.414 - General Instructions</td> <td>98</td> </tr> <tr> <td>16 6 - Vice Case Report in re: Ben Baker</td> <td>100</td> </tr> <tr> <td>17 7 - Ben Baker Arrest Report - Final Approval</td> <td>108</td> </tr> <tr> <td>18 8 - Form Preparations Instructions</td> <td>109</td> </tr> <tr> <td>19 9 - Chicago Police Department - Field Reporting Manual: General Reporting Instructions</td> <td>122</td> </tr> <tr> <td>20 10 - Bureau of Patrol Special Order (BOPSO: 14-06)</td> <td>136</td> </tr> </tbody> </table>	10 Exhibit	Page	11 1 - Notice of Rule 30(b)(6) Deposition	34	12 2 - Special Order S04-17	54	13 3 - Special Order S04-18	59	14 4 - Special Order S09-05-01	80	15 5 - Vice Case Report, CPD-11.414 - General Instructions	98	16 6 - Vice Case Report in re: Ben Baker	100	17 7 - Ben Baker Arrest Report - Final Approval	108	18 8 - Form Preparations Instructions	109	19 9 - Chicago Police Department - Field Reporting Manual: General Reporting Instructions	122	20 10 - Bureau of Patrol Special Order (BOPSO: 14-06)	136
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<p>1 PROCEEDINGS</p> <p>2</p> <p>3 THE VIDEOGRAPHER: My name is Krystal Barnes,</p> <p>4 I'm the videographer today, and Talia Jackson is the</p> <p>5 court reporter. Today is the 6th day of March,</p> <p>6 2024, and the time is 10:03 a.m. Central Time. We</p> <p>7 are at the offices of Loevy &amp; Loevy to take the</p> <p>8 30(b)(6) City of Chicago representative, Michael</p> <p>9 Fitzgerald, deposition in the matter of the Watts</p> <p>10 Coordinated Pretrial Proceedings, pending in the</p> <p>11 United States District Court for the Northern</p> <p>12 District of Illinois, Eastern Division, Master</p> <p>13 Docket Case number 19-cv-01717. Will counsel please</p> <p>14 identify themselves for the record?</p> <p>15 MR. RAUSCHER: Scott Rauscher for the Loevy &amp;</p> <p>16 Loevy plaintiffs.</p> <p>17 MR. FLAXMAN: Joel Flaxman for the Flaxman</p> <p>18 plaintiffs.</p> <p>19 MR. MICHALIK: Paul Michalik for City of</p> <p>20 Chicago and the witness, Lieutenant Fitzgerald.</p> <p>21 MR. BAZAREK: William Bazarek for the law</p> <p>22 enforcement officers represented by Hale &amp; Monico.</p> <p>23 MR. GAINER: Brian Gainer for Ron Watts.</p> <p>24 MR. BORKAN: Steve Borkan for Ridgell.</p> <p>25 MR. PALLE: Eric Palles for Kallatt Mohammed.</p>	<p>1 THE VIDEOGRAPHER: All right. Sir, will you</p> <p>2 please raise your right hand so that the court</p> <p>3 reporter can swear you in?</p> <p>4 THE REPORTER: Do you solemnly swear or affirm</p> <p>5 that the testimony you're about to give will be the</p> <p>6 truth, the whole truth, and nothing but the truth?</p> <p>7 THE WITNESS: I do, ma'am.</p> <p>8 THE REPORTER: Thank you. Counsel, you may</p> <p>9 begin.</p> <p>10 DIRECT EXAMINATION</p> <p>11 BY MR. RAUSCHER:</p> <p>12 Q. Can you say it and spell your name, please?</p> <p>13 A. Sure. My name's Michael, M-I-C-H-A-E-L. My</p> <p>14 last name is Fitzgerald, and it's F-I-T-Z-G-E-R-A-L-D.</p> <p>15 Q. You're currently a police officer?</p> <p>16 A. That's correct, sir. I am.</p> <p>17 Q. And what's your rank?</p> <p>18 A. I'm currently a lieutenant.</p> <p>19 Q. And how long have you been with the Chicago</p> <p>20 Police Department?</p> <p>21 A. It'll be 25 years in October.</p> <p>22 Q. Can you -- well, before we get into that, you</p> <p>23 understand you're here today as a representative of the</p> <p>24 City of Chicago?</p> <p>25 A. Yes, sir.</p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</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>	<p>11 Page 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> <p>11 Page 12</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: center;">Page 13</p> <p>1 and I believe that was it.</p> <p>2 Q. Those are the only specific ones you remember?</p> <p>3 A. That I remember for -- with specificity, yes.</p> <p>4 Q. But is it fair to say there were additional</p> <p>5 documents you reviewed, but you don't specifically</p> <p>6 remember right now which --</p> <p>7 A. That's correct --</p> <p>8 Q. -- those were?</p> <p>9 A. -- yes.</p> <p>10 Q. Tactical scheduling matrix --</p> <p>11 A. Yes.</p> <p>12 Q. -- what's that?</p> <p>13 A. So it's just a -- it's essentially, like, the</p> <p>14 -- the matrix that the department puts out where it'll</p> <p>15 tell you which tact teams are working on which days. So</p> <p>16 there's a uniform system throughout the department so</p> <p>17 that everyone that's assigned to a particular tactical</p> <p>18 team number, so they have designators. Like, the 61</p> <p>19 team, citywide, will be assigned to a particular day off</p> <p>20 group.</p> <p>21 Q. How long has that matrix been in place?</p> <p>22 A. That, I don't know.</p> <p>23 Q. Do you know if it was in place any time</p> <p>24 between 1999 and 2012?</p> <p>25 A. That, I don't know.</p>	<p style="text-align: center;">Page 14</p> <p>1 Q. Is there a way to get the answer to that?</p> <p>2 A. I'm sure that there's -- probably in our</p> <p>3 archives, with our records section or with our Research</p> <p>4 &amp; Development group. They might have the archived</p> <p>5 orders for that.</p> <p>6 Q. What does it mean to have a uniform day off</p> <p>7 schedule? Is that what you said?</p> <p>8 A. Yes. So in other words, all the tact teams --</p> <p>9 we'll use again, like, the 1561 team. We have rotating</p> <p>10 day off groups within the department. So to allow the</p> <p>11 department to have, I guess, a better idea of how much</p> <p>12 personnel they have working on a given day, they'll know</p> <p>13 that every 1561 team throughout the entire city will all</p> <p>14 be in the same day off group. So if there's an event</p> <p>15 that's coming up that we need to plan for, they'll have</p> <p>16 an idea of how much manpower is available if they need</p> <p>17 to pull from those tact teams.</p> <p>18 Q. So what would it mean -- maybe you can give</p> <p>19 me, like, a practical example.</p> <p>20 A. Sure.</p> <p>21 Q. If there's a tactical team that's not</p> <p>22 citywide, but it's, you know, set to a specific area,</p> <p>23 what would it mean for them all to have the same day off</p> <p>24 schedule?</p> <p>25 A. So they wouldn't be a tactical team. They'd</p>
<p style="text-align: center;">Page 15</p> <p>1 either be, like, an area mission team. So the tactical</p> <p>2 team, they're assigned specifically to a district,</p> <p>3 right? And so by having the uniform day off groups, it</p> <p>4 gives them balance, right? So that we don't have -- all</p> <p>5 the teams are working on different or staggered day off</p> <p>6 groups to provide coverage for all the watches, so that</p> <p>7 there's always going to be someone from a tact team</p> <p>8 that's working in a district on any given day. And then</p> <p>9 citywide, the reason why they're all on the same day off</p> <p>10 group is so that, this way, when they're pulling, if</p> <p>11 they need to pull those resources, they know where they</p> <p>12 can pull those resources from and they know which teams</p> <p>13 they're getting. So it's -- it's more like -- so it's -</p> <p>14 - it makes the paperwork a little bit easier so that</p> <p>15 they know everyone that's supposed to be responding to</p> <p>16 this offense will be from a 16 -- or a 61 tactical team.</p> <p>17 Q. And so this case involves the tactical team</p> <p>18 led by Ronald Watts. You're familiar with that, at</p> <p>19 least generally?</p> <p>20 A. Generally, yes.</p> <p>21 Q. Under the system you're describing, would that</p> <p>22 whole tactical team have the same day off?</p> <p>23 A. Yes. And that would've been in place then. So</p> <p>24 every team was assigned to a supervisor and given a</p> <p>25 specific day off group. And then within those day off</p>	<p style="text-align: center;">Page 16</p> <p>1 groups, each period you rotated, so... And that -- that</p> <p>2 system was in place back then. So there would be one</p> <p>3 team that was working days, one team that was working</p> <p>4 nights, and another team that they would consider their</p> <p>5 relief team. And so the relief team would fill in the</p> <p>6 gaps. When the day team was off, they would be working</p> <p>7 days. And when the night team was off, they would be</p> <p>8 working nights. So you would spend one -- one period of</p> <p>9 28 days moving between a day and a night shift.</p> <p>10 Q. Okay. And it -- so the relief -- the members</p> <p>11 of the relief team are part of the tactical team?</p> <p>12 A. Yes.</p> <p>13 Q. It's not as though the tactical -- the whole</p> <p>14 264 tactical team, led by Ronald Watts, would all have</p> <p>15 Tuesday off?</p> <p>16 A. Yes, they would.</p> <p>17 Q. They would? Every single one --</p> <p>18 A. Yes. So I -- so what it is, is there would</p> <p>19 be, like, a 61 team, a 62 team, and a 63 team, right? So</p> <p>20 everyone that was in the 61 team would be assigned to a</p> <p>21 dedicated day off group with a dedicated sergeant. And</p> <p>22 then the 62 team, dedicated day off group with a</p> <p>23 dedicated sergeant. 63 team, and so on, right? And</p> <p>24 then they would be staggered so that they would ensure</p> <p>25 that there was coverage for -- for the watches.</p>

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<p style="text-align: center;">Page 17</p> <p>1       Q. So from the 1999- to 2012-time period, the 2 whole Watts team would have the same day off?</p> <p>3       A. They should have. Yes.</p> <p>4       Q. That is the -- that -- if they were following 5 the policy --</p> <p>6       A. Yes.</p> <p>7       Q. -- that's how typically it would work?</p> <p>8       A. Yes, sir.</p> <p>9       Q. Meaning that on any particular day, there 10 would be no one from the Watts team working?</p> <p>11      A. Correct.</p> <p>12      Q. Okay. And you think -- what records would you 13 look at to track that?</p> <p>14      A. To track the -- back then?</p> <p>15      Q. ANAs or...?</p> <p>16      A. So the ANAs would be able to tell you. Also, 17 like, if you were looking to see if the -- what the 18 matrix was, if that existed, that would probably be 19 something through our Research &amp; Development group that 20 would probably be able to look back and see what 21 actually existed in writing then.</p> <p>22      Q. And would that -- would they be able to do 23 that electronically, or would they have to go, like, 24 to --</p> <p>25      A. I'm not familiar with how they do their</p>	<p style="text-align: center;">Page 18</p> <p>1       system. I don't know, like, if it would go beyond -- 2 you know, if it was, like, original paper documents that 3 predated our computer systems or if they have archived 4 that stuff and they have it available that way as well. 5 I wouldn't be aware.</p> <p>6       Q. All right. You mentioned a couple other 7 specific policies or documents you remember reviewing. 8 One was the current tactical team order. Another was 9 about the ability to sign on behalf of another member?</p> <p>10      A. Yes, sir.</p> <p>11      Q. Do you remember which specific general or 12 special orders those were?</p> <p>13      A. So the -- I believe the tactical team order 14 was referenced as the tactical team order. And I -- I 15 was the one that produced that document, and it was more 16 or less just to establish my understanding of what the 17 tact teams were and then show them what was in writing, 18 at least currently, in policy and how it sort of 19 mirrored what was going on in the time frame that we're 20 discussing.</p> <p>21      Q. And do you think it did mirror what was going 22 on in the time period we're discussing?</p> <p>23      A. For the most part, yes. There's been little 24 nuances that have changed over time, but overall, like, 25 it's essentially the same structure.</p>
<p style="text-align: center;">Page 19</p> <p>1       Q. Okay. And we'll go through that, probably in 2 a lot more detail --</p> <p>3       A. Sure.</p> <p>4       Q. -- a little bit later. And do you -- what 5 about the document or documents that talk about the 6 ability to sign on behalf of someone else?</p> <p>7       A. So I don't remember the exact document title, 8 but it -- it walks through, like, presenting a -- a case 9 report for review and indicating the circumstances under 10 which you could sign on behalf of another member.</p> <p>11      Q. Is the gist of it that you can do that as long 12 as you write your initials and star number next to the 13 other signature?</p> <p>14      A. There's a handful of circumstances under which 15 it can happen. That identifies the circumstances under 16 which that's a possibility. And then typically, that 17 would've been the policy, yes, would be to sign your 18 name and then initial above it.</p> <p>19      Q. All right. Any other specific documents you 20 can remember?</p> <p>21      A. No.</p> <p>22      Q. All right. So I think you've already answered 23 this, but how long have been with the department?</p> <p>24      A. It's going to be 25 years in October.</p> <p>25      Q. Can you just kind of walk through an overview</p>	<p style="text-align: center;">Page 20</p> <p>1       of the roles you've had over the years?</p> <p>2       A. Sure. When I first got on the job, I was 3 hired in October of 1999 as a probationary police 4 officer. I spent approximately six months in the 5 training academy until I was sent off for my -- my 6 probationary field status, which I did in the 14th 7 District. While I was there, I did three cycles of 8 training with field training officers. Approximately a 9 couple weeks passed, I was sent down to Loop traffic. 10 They were doing the Michigan Avenue rehabilitation back 11 then, so they took probationary police officers and used 12 us as traffic aides to supplement the -- the traffic 13 staff downtown. I did that until, I believe it was, 14 September of that year, and then I went on -- I came 15 back to the 14th District. I went on furlough. I came 16 back. I was then redeployed downtown for the window 17 detail where, essentially, we were just supplemental 18 force for -- or manpower for, like, the Christmas season 19 for traffic support again and also just to be a -- a 20 visual presence for people that law enforcement was 21 there with the number of people that were downtown. I 22 stayed in the 14th District, I believe, until April of 23 2000 -- or 2001. Then I transferred into the 15th 24 District. While I was in the 15th District, I worked 25 patrol for a short period of time. I was on a tactical</p>

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<p style="text-align: center;">Page 21</p> <p>1 team there for a short period of time. I left the 2 tactical team and went back to the watch. I believe it 3 was either '03 or '04, I transferred to the Targeted 4 Response Unit, which was a citywide unit that was sent 5 all over the various high crime districts. I stayed 6 there from -- until 2007. I transferred to the 19th 7 District in 2007. I was in 19 as a patrol officer from 8 2007 to 2008 when I got promoted to sergeant. When I 9 was promoted to sergeant, after spending our preservice 10 training in the academy, I was assigned to the 15th 11 District. As a sergeant in the 15th District, I was a 12 watch sergeant, I was a CAPS sergeant, I was a tact 13 sergeant, I was a mission team sergeant. I spent from - 14 - I believe it was 20 -- 2013, I believe, to 2014 15 detailed to the deputy chief's office where we did what 16 was considered operation impact, where we were assigned 17 a group of probationary police officers whose job it was 18 to -- to walk in certain areas. So that was my -- I 19 supervised them. And then after that, I went to Area 20 South as a detective division sergeant. I spent 21 approximately two years there. And then about 2016, I 22 transferred to Area Central where I stayed for 23 approximately almost two and a half, almost three years. 24 And in 2019, I transferred to the Bureau of Internal 25 Affairs where I was a sergeant that was assigned to the</p>	<p style="text-align: center;">Page 22</p> <p>1 confidential section for investigations and then also 2 general investigations. I stayed there until roughly 3 November of 2019 and returned to Area 1, which would 4 have been Area Central at the time. Shortly thereafter, 5 they restructured the Bureau of Detectives, and they 6 reopened Area 5 and Area 4. And I was selected to help 7 then-Commander Winstrom reopen Area 5. And I became 8 assigned as the administrative sergeant for Area 5, 9 where I stayed until I was promoted to lieutenant in 10 2021. After I was promoted to lieutenant in 2021, I was 11 assigned to the 18th District. I was there for 12 approximately -- I think it was less than a month, month 13 and a half. I was reassigned to the Special 14 Investigations Unit, which handles child sex crimes. I 15 stayed there until April of 2022, and then I was 16 reassigned to the Evidence and Recovered Property 17 Section, where I am currently assigned.</p> <p>18 Q. Is it ERPS? Is that what -- 19 A. Yes, that's correct. Yes. 20 Q. -- the acronym is? 21 A. Uh-huh. 22 Q. Have you conducted any training over the 23 years? 24 A. Yes. 25 Q. What training have you conducted?</p>
<p style="text-align: center;">Page 23</p> <p>1 A. So I've been -- since I've taken over as the 2 commanding officer of the Evidence and Recovered 3 Property Section, I will go and do preservice training 4 for our eTrack system for newly-sworn or newly-promoted 5 sergeants. And then we did -- while I was in Special 6 Investigations Section, we did a -- a brief presentation 7 of what our -- our unit overview was for newly-promoted 8 detectives.</p> <p>9 Q. Did you become familiar with the policies and 10 procedures on tactical teams when you worked on a 11 tactical team and then when you were a sergeant on the 12 tactical team?</p> <p>13 A. Yes.</p> <p>14 Q. About how long were you -- did you work on a 15 tactical team?</p> <p>16 A. I think I was on the tact team for maybe a 17 year and a half, two years, in '15 as a patrol officer. 18 And then as a sergeant, I had a tact team for a year and 19 a mission team, which essentially mirrored that in the 20 district, for approximately two and a half years.</p> <p>21 Q. So about three and a half years, you were 22 essentially in charge of a tactical team or similar to a 23 tactical team?</p> <p>24 A. Or similar, yes. Uh-huh.</p> <p>25 Q. What -- can you put a time period -- I know it</p>	<p style="text-align: center;">Page 24</p> <p>1 kind of got blended in there, but can you put a time 2 period on when you were a member of a tactical team as a 3 patrol officer?</p> <p>4 A. I want to say it was 2001 through maybe '03. 5 So it was either '02 -- '01 or '02 when I got on the 6 tact team as a patrol officer and then '02, '03 when I 7 transferred off and went back to the watch.</p> <p>8 Q. Which tactical team were you a member of? 9 A. I -- I believe we were the 1563 team in the 10 15th District.</p> <p>11 Q. And why did you transfer off? 12 A. My partner at the time had had -- I believe it 13 was his third child, and so he needed to get a more 14 steady schedule. We had been partners for, at that 15 point in time, like, two or three years, and I'd rather 16 stay with him. So I -- I shifted and went back to the 17 watch and worked with him.</p> <p>18 Q. Okay. What were the general responsibilities 19 of your tactical team? 20 A. So our general responsibilities were to work, 21 pretty much, as -- like, our orders are defined at the 22 direction of the district commander. So on a daily 23 basis, that would depend on what was going on in the 24 district. If there was a shooting or some other high- 25 profile type of incident, they may reassign our team to</p>

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<p style="text-align: center;">Page 25</p> <p>1 go work in a particular area to see if we could develop 2 any information as to what was going on, or even just 3 provide, like, high visibility to, sort of, you know, I 4 guess, quell the violence a little bit by showing people 5 that there is, you know, law enforcement in the area. 6 Aside from that, when there weren't specific things 7 going on at -- on a daily basis, we would -- we would 8 drive in the areas and -- and just kind of see what was 9 going on. If we observed possible criminal activity, if 10 it was narcotics-related, we might establish a 11 surveillance. Either my partner and I, or with members 12 of our team, we might set up collectively and -- and do 13 the enforcement together. Sometimes we would be sent to 14 details where we would be -- like I was saying before, 15 they would select a certain number of people if there's, 16 like, a Cubs game or -- you know, or something like 17 that, or a parade where they needed additional support 18 units. We would get pulled and go there. Sometimes we 19 would be given CAPS mission problems where we would go 20 to the CAPS mission board. And they would say if there 21 was a particular problem, this is your assignment for 22 today. Other times we might even get citizen complaints 23 that came in directly to one of our superiors and they 24 would say, hey, a civilian's calling from this 25 particular area, they're noticing that this or this is</p>	<p style="text-align: center;">Page 26</p> <p>1 going on, we need you guys to investigate it and come 2 back to us with a report and let us know what -- what's 3 going on. 4 Q. Were you familiar with Ronald Watts or the 5 Watts team while you were -- while they were a team? 6 A. So I don't know when I became aware of them, 7 per se. I don't -- I don't know that I would have been 8 aware of them while we were working in the 15th 9 District. Obviously because of the situation that 10 evolved, that's where my -- my knowledge of them 11 specifically comes from. 12 Q. What area did the 15th District cover when you 13 were on the tactical team? 14 A. So the -- the borders of the 15th District are 15 from Division to Roosevelt and then from Cicero to 16 Austin. 17 Q. And was your tactical team -- did they 18 concentrate in any particular area, or was it -- I guess 19 you've sort of described it dependent on what was going 20 on? 21 A. Yeah. And so -- and, again, like, on a daily 22 basis, it would be dictated as to what our mission was 23 given to us for that day. If there was something in 24 particular we needed to focus on, then that's where we 25 would lend our resources. Other than that, it was, you</p>
<p style="text-align: center;">Page 27</p> <p>1 know, we just drove the district. And there were some 2 areas that we were more familiar with. Because, you 3 know, either from our interactions in patrol, we were 4 aware because we were assigned to certain beats or 5 sectors, we were -- some people were a little more 6 familiar with certain areas than they were others. And 7 so then that would become the areas where they would 8 kind of concentrate their efforts because that's where 9 they were most aware of the criminal activity that was 10 going on there. 11 Q. What -- which tactical team were you a 12 sergeant for? 13 A. The 1561 team. 14 Q. Was that in the -- also the same area? 15 A. So we -- yeah, it would have been the same 16 boundaries for the district, yes. 17 Q. Did you -- did -- was the 1561 team different 18 than the 1563 team, like, as far as responsibilities go? 19 A. No. I mean, it would have been the same 20 concept. It's just now, instead of being on the team as 21 a patrol officer, I was now in charge of a team as a 22 supervisor. 23 Q. What was your role as the supervisor of a 24 tactical team? 25 A. So as a supervisor of a tactical team,</p>	<p style="text-align: center;">Page 28</p> <p>1 obviously you're given -- each team consists of ten 2 officers. Each of which is, in theory, a two-man car. 3 On days when someone's off, those cars can get expanded 4 to a three-person car because they don't ever let a tact 5 car go out by themselves. But same thing. Like, you 6 would communicate with your tactical lieutenant, find 7 out what was going on in the district. If there was a 8 specific mission that the tactical lieutenant assigned 9 to you or your team, then that would be the information 10 that you would send out. Sometimes it would come 11 directly from the district commander. As a sergeant, 12 though, you were also supposed to be in tune to what was 13 going on in the district and being aware yourself of, 14 you know, different kinds of criminal activity that was 15 taking place, if there were spikes in violence, what was 16 going on, and kind of direct your resources to -- you 17 know, to those areas to sort of prevent that crime from 18 -- from continuing. 19 Q. Were you -- when you were the sergeant of the 20 1561 team -- that was the one you were a sergeant of, 21 right? 22 A. Yes, sir. 23 Q. 15 -- when you were a sergeant of the 1561 24 team, were you out patrolling with your officers? 25 A. I was.</p>

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<p>1       Q. Would you ride with another member of the 2 team? 3       A. Most generally, yes. 4       Q. And how would that be reflected, generally, on 5 reports? 6       A. On reports, like, if I was on an arrest, then 7 I would be on the paperwork as having been there. We 8 would do a daily supervisor's log, but I would be 9 separated from that on the log. Like, I wouldn't be 10 listed in the car riding with them because I would be 11 the one checking their -- their status. You know, we 12 have to do a status check on all of our officers every 13 45 minutes. And so it's like as that would go, you 14 know, I would still be having my role as the 1561 car, 15 but I would be with them. 16       Q. And can you break down the years of when you 17 were supervising the 1561 team versus the other similar 18 team? 19       A. So I believe -- I believe I had the 1561 team 20 from 2010 to 2011, and then I was with the 67 team from 21 2011 until 2013, I think. Yeah. 22       Q. The -- tell me more about the daily 23 supervisor's log. 24       A. So every supervisor will do a supervisor's 25 log. Whether they're on patrol or on the tact team, you</p>	<p>1       have a log that you have to fill out that indicates when 2 you checked in with your -- your officers. In patrol, 3 it's every 45 minutes you have to log the car. So as, 4 like, a -- as a beat sergeant, that could be you saw 5 them passing in traffic, to you saw them on a traffic 6 stop, to you responded to a domestic with them. You 7 assisted with some of the paperwork. But there's got to 8 be, on your log, 45 -- something must be occurring every 9 45 minutes in terms of some sort of supervisory role. 10 The tact team sometimes a little bit different, just 11 because of the circumstances under which you operate. 12 If you're conducting a surveillance, per se, you know, 13 and your team is all there, you know, you might only 14 have a log for that hour, and then it turns into an 15 arrest. Or, you know, there -- there might be larger 16 gaps in the time frame for those things. 17       Q. But there should be a log of -- every day that 18 you work as the supervisor of a tact team, you should 19 fill out a log at the end of the day? 20       A. That's correct. 21       Q. Do you fill it out as you're going, or do you 22 fill it out at the end of the day? 23       A. I filled it out as I was going. 24       Q. Do you know if there was a policy or a 25 procedure as to whether it should be done throughout the</p>
<p style="text-align: center;">Page 31</p> <p>1 day, or once, or something else? 2       A. That, I'm not aware of. 3       Q. Do you know when daily supervisor logs started 4 being required? 5       A. That, I don't know. I do know that when I was 6 promoted to sergeant, there was one. So in 2008, there 7 was one. 8       Q. Had you seen a daily supervisor's log before 9 2008? 10       A. That, I don't -- I don't ever recall. 11       Q. And do you know if you were familiar with the 12 concept before you became a supervisor? 13       A. I think when we went to our preservice 14 training is when they introduced us to it and, like, 15 what the concepts were behind it. I mean, it's a pretty 16 self-explanatory form, but, you know, that -- it was 17 only explained to us what it was and how we were 18 supposed to fill it out in preservice training. 19       Q. And when did you do that preservice training? 20       A. So that would've been 2008. 21       Q. Did someone have to review your daily logs? 22       A. Yes. 23       Q. Who reviewed the daily logs? 24       A. We -- we would submit them for review by our 25 lieutenant either on the watch, or if you're on the tact</p>	<p style="text-align: center;">Page 32</p> <p>1 team, it would've been the tactical lieutenant. 2       Q. And then how did they get -- were they 3 electronic forms? 4       A. So they're -- they're PDF forms, but we print 5 them out and obviously turn them in, so there's a 6 physical paper copy of it. 7       Q. And then -- 8       A. And I believe they were then transferred to 9 our admin section. 10       Q. And then are they scanned? 11       A. What's that? 12       Q. Do you know if they're scanned and stored 13 electronically? 14       A. That, I don't know. 15       Q. Do they reflect arrests if there are arrests 16 made? 17       A. In terms of, like, the -- the information 18 about the specific arrest or 19       Q. Well, let's -- maybe just -- you can -- let's 20 just -- maybe you can give me an example. Say you're 21 out and you assist with, you know, an arrest of four or 22 five people. Would that, in some way, be reflected on 23 the daily log? 24       A. It might be in the sense that if you put 25 yourself down on -- there was a -- the front section</p>

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<p style="text-align: center;">Page 33</p> <p>1 just had all the cars listed and then, like, a time and 2 a location where you logged them at. And then the back 3 side had, like, involvement in terms of, like, stops and 4 other activity. So then you could put in those time 5 frames. Whether it would reflect the individual who was 6 arrested? No. I think there was a section for -- for 7 coding on there where you could put down that it was, 8 like, either 19 Paul or whatever it was, a 1 Frank, if 9 it was a domestic, I believe there's a box for that on 10 there. But aside from that, like, it wouldn't -- it 11 wouldn't specifically reflect, like, the name of the 12 individual who was involved, but it would give you, 13 like, the location and the timestamp of when you were 14 there.</p> <p>15 Q. Would it say -- would it say something like 16 participated in or assisted in arrest but not 17 necessarily who was arrested?</p> <p>18 A. I -- I believe it would have just the address 19 of occurrence and the type of job, potentially, I think 20 is what the two boxes were. It's been a while since 21 I've seen one. But like I said, it's all -- it's all 22 self-explanatory as you're going through it. There's a 23 timestamp that's on there that says it was between this 24 time and this time, so that they can monitor the hours 25 and make sure that you're actually filling the -- the</p>	<p style="text-align: center;">Page 34</p> <p>1 log out within that 45-minute time frame. 2 Q. Is the purpose of the log to show what you, 3 the supervisor, is doing or what the team is doing, or 4 something else?</p> <p>5 A. I think it's a combination. Like, my -- my 6 personal opinion is to show that you're actually 7 supervising your personnel as opposed to just saying, oh 8 yeah, I watched them. You know, it's like, well, where 9 were you at with them? I was here at these locations. 10 Q. So when it's, like, interaction with a -- one 11 of the beat cars or patrol cars, it's not just saying 12 the patrol car was over here. It's saying I was there 13 with them?</p> <p>14 A. Correct. 15 Q. Okay. And the same idea where if there was an 16 arrest or if you list an occurrence, it's you were at 17 the spot of the occurrence?</p> <p>18 A. Correct. 19 Q. Okay. Thanks. 20 MR. RAUSCHER: We're going to mark Exhibit 1. 21 This is a notice of Rule 30(b)(6) deposition. It's 22 the version that was circulated last week, but 23 attached was the old version. 24 (EXHIBIT 1 MARKED FOR IDENTIFICATION) 25 BY MR. RAUSCHER:</p>
<p style="text-align: center;">Page 35</p> <p>1 Q. I went ahead and highlighted the topics that I 2 think you're here to testify about. If you could take a 3 look and let me know if you agree. It goes onto the 3 4 and -- Page 3 and Page 4. Did I highlight the correct 5 topics?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. So I have -- well, I guess we didn't 8 say it yet. I have 13A, B and C, E, F and G, and J 9 and K.</p> <p>10 A. That's correct.</p> <p>11 Q. All right. And those cover the time period -- 12 so those are about the city's written and unwritten 13 policies, practices, and customs, and training in effect 14 from 1999 to 2011. And I'm not going to read each 15 topic --</p> <p>16 A. Right.</p> <p>17 Q. -- but on those topics. And you're prepared 18 to testify about those today?</p> <p>19 A. To the best of my knowledge, yes, sir.</p> <p>20 Q. And to the best of the city's knowledge?</p> <p>21 A. Well, I mean, it would be to the -- the best 22 of my knowledge. I mean, I don't know if there is 23 someone who's more knowledgeable about these topics than 24 I am, but I'm -- I'm going to let you know what I know 25 about these things.</p>	<p style="text-align: center;">Page 36</p> <p>1 Q. Okay. Did you talk to anybody at the 2 department other than -- well, did you talk to anybody 3 at the department about any of the topics that we're 4 going to talk about today?</p> <p>5 A. No, I did not.</p> <p>6 Q. Are there any -- do you believe you have any 7 gaps in knowledge on any of these topics?</p> <p>8 A. I'm not sure I understand what you mean by 9 "gaps in knowledge."</p> <p>10 Q. So do you think you know -- you've said you're 11 not sure if there's someone at the city who knows more 12 than you about this. And it's a big department, so I 13 understand, I think, why you're saying that, but you're 14 here to testify on behalf of the city. So what I'm 15 trying to understand is, do you believe that you are 16 competent and prepared to testify on behalf of the city 17 on these topics, or are there some where you think I'm 18 not sure actually if I have full knowledge of this for 19 the city?</p> <p>20 A. No, I -- I think I'd be all right.</p> <p>21 Q. Okay.</p> <p>22 MR. MICHALIK: Yeah. And, Scott, just for the 23 record, I think, in terms of the tactical team, it's 24 my understanding that you spoke with Dan and that 25 he's going to be talking about tact teams in general</p>

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<p>1 as opposed to specific 2nd District tactical teams.</p> <p>2 MR. RAUSCHER: So my understanding was that</p> <p>3 there probably isn't anything specific to the 2nd</p> <p>4 District, which is why we had that conversation, but</p> <p>5 you will tell me if you think I'm wrong as we go.</p> <p>6 MR. MICHALIK: I just wanted to clarify.</p> <p>7 MR. RAUSCHER: So the topic -- as far as, you</p> <p>8 know, from my perspective, the topic is still the</p> <p>9 same, but I think the answer is probably going to be</p> <p>10 we have general policies.</p> <p>11 MR. MICHALIK: Right.</p> <p>12 MR. RAUSCHER: But I'm not testifying, so I</p> <p>13 will stop giving my expected answers now.</p> <p>14 BY MR. RAUSCHER:</p> <p>15 Q. Did you bring any documents with you today?</p> <p>16 A. No, I did not.</p> <p>17 Q. Did you print out the documents -- so when --</p> <p>18 you said you had looked a bunch of documents. Some of</p> <p>19 them -- were some of them done online and some of them</p> <p>20 printed?</p> <p>21 A. So everything that I researched was offline.</p> <p>22 So it would've been from our department director's</p> <p>23 database and then from the -- the CLEAR system off the</p> <p>24 wire, the user guides.</p> <p>25 Q. Offline, meaning you had a --</p>	<p>1 A. Well, online, I'm sorry.</p> <p>2 Q. On -- everything was online?</p> <p>3 A. Online, yes. Off of our wire, yes.</p> <p>4 Q. So you did not print out any copies of</p> <p>5 anything?</p> <p>6 A. To bring today?</p> <p>7 Q. Either way?</p> <p>8 A. Yes, I did.</p> <p>9 Q. Okay. Do you still have a copy of the things</p> <p>10 you've printed? Did you keep a set?</p> <p>11 A. I did not keep a full set of everything. I --</p> <p>12 most of what I had, I tendered.</p> <p>13 Q. To Counsel?</p> <p>14 A. To Counsel, yes.</p> <p>15 Q. Okay. If -- we're going to go through some</p> <p>16 documents today. If there is a document that you looked</p> <p>17 at or that you think bears on these topics that we</p> <p>18 haven't -- that we -- you know, that we don't talk about</p> <p>19 today, I'm going to ask you to just let me know that,</p> <p>20 okay?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And then before we get into specific topics,</p> <p>23 are you aware of any unwritten policies, practices, or</p> <p>24 customs relating to any of these topics that you're here</p> <p>25 to testify about?</p>
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<p>1 A. Unwritten policies, no.</p> <p>2 Q. And what about unwritten practices or customs?</p> <p>3 A. No.</p> <p>4 Q. And did you do any research into the training</p> <p>5 about these policies the training officers receive?</p> <p>6 A. No.</p> <p>7 Q. Do you -- are -- but are you familiar with the</p> <p>8 training that they receive?</p> <p>9 A. Based on the training I've received.</p> <p>10 Q. And it's your understanding the training</p> <p>11 you've received is consistent with the training every</p> <p>12 other officer receives?</p> <p>13 A. I would imagine, yes.</p> <p>14 Q. And why do you imagine that?</p> <p>15 A. It's -- when I went through the training</p> <p>16 academy -- so in 1999, that's when I first started my</p> <p>17 training. A lot of the things that you're asking about</p> <p>18 in that time frame, I would have knowledge of how they</p> <p>19 trained us to write reports from when I was in the</p> <p>20 academy then. Follow-up to that would be when they</p> <p>21 created eTrack and the CLEAR system for arrest reports,</p> <p>22 there was training that came out that was</p> <p>23 department-wide user guides. Everyone had access to the</p> <p>24 same resources.</p> <p>25 Q. So maybe you can -- we can start with just</p>	<p>1 give me an overview of the training on arrest reports</p> <p>2 during the 1999 to 2011 time frame.</p> <p>3 A. So obviously, when we're in the academy, one</p> <p>4 of the -- the courses that we were given was instruction</p> <p>5 on how to complete arrest reports. At the time in 1999,</p> <p>6 arrest reports were -- were paper. So they were not the</p> <p>7 digital copies that we have now or the digital versions,</p> <p>8 I should say. And so there was instruction on how to</p> <p>9 fill them out and essentially what the boxes on there</p> <p>10 stood for and then in addition to that, like, what the</p> <p>11 narrative of that report should contain predominantly.</p> <p>12 Q. And there are some, you know, separate</p> <p>13 categories that are probably fairly be said to be</p> <p>14 subcategories in this topic.</p> <p>15 A. Yes, sir.</p> <p>16 Q. For example, B is the use of official reports</p> <p>17 of abbreviations, such as RO and AO instead of listing</p> <p>18 participating officers by name.</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did you receive training on the use of any</p> <p>21 abbreviations?</p> <p>22 A. Yes.</p> <p>23 Q. What training do you remember about using</p> <p>24 abbreviations?</p> <p>25 A. I mean, specifically that ROs were -- were</p>

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<p style="text-align: center;">Page 41</p> <p>1 typically abbreviations that were used for general 2 offense case reports, vice case reports, anything that 3 was not an arrest report, because the RO stood for the 4 responding officer or the reporting officer. AO was 5 something that was more or less specifically dictated 6 towards the arrest report, so that an AO would appear in 7 an arrest report, but not necessarily in a case report 8 for abbreviation. Sometimes people will get the two 9 confused or, you know, by, I guess, force of habit, an 10 RO might show up in an -- in an arrest report and -- and 11 AO might show up in a case report.</p> <p>12 Q. What does AO stand for?</p> <p>13 A. Arresting officer.</p> <p>14 Q. And then RO, you said, could be responding or 15 reporting officer?</p> <p>16 A. That's correct.</p> <p>17 Q. Is there a -- any training on when it stands 18 for what -- for which of those?</p> <p>19 A. I mean, I think it's like -- they're -- in my 20 opinion, they're interchangeable, right? In terms of, 21 like, you -- usually, the person who's reporting it is 22 the one who responded to the scene. You know, in some 23 instances, you didn't respond, you were taking the 24 report at the desk, so I think those would be probably 25 the differences and just more or less semantics.</p>	<p style="text-align: center;">Page 42</p> <p>1 Q. So if it's talking about someone who is coming 2 to the scene, like ROs did something, that means the 3 person who's going there?</p> <p>4 A. Well, like, there were -- right. So the 5 responding officer would've been, like, in terms of, 6 like, you're writing the report because you're there, 7 right? A reporting officer might be somebody at the 8 desk. In the same regard, like, reporting law officer 9 could also be in reference to the person who's on the 10 scene, you know, who also did respond. It -- like I 11 said, it's more or less an interchangeable use of the 12 two words.</p> <p>13 Q. But the only -- I guess the -- is it fair to 14 say that the only time the reporting officer wouldn't be 15 the responding officer is if that person was just doing 16 it at the desk and hadn't been at the scene?</p> <p>17 A. I'd say that's fair to say.</p> <p>18 Q. Okay. And did you receive training on who is 19 supposed to sign arrest reports and vice case reports?</p> <p>20 A. Yes.</p> <p>21 Q. What was the training you received on who is 22 supposed to sign reports and who -- sorry, and who is 23 supposed to sign arrest reports or vice case reports?</p> <p>24 A. So on the paper versions of them, I believe 25 our -- our instruction sheets were that the original</p>
<p style="text-align: center;">Page 43</p> <p>1 signature of the arresting officer would appear. Again, 2 it's been a long time since I filled out a paper one. I 3 don't believe there's -- there's a signature line for 4 the second arresting officer. I believe it's just a 5 printed name that goes in that box, if I remember 6 correctly. Today's reports, there aren't any actual 7 physical signatures that are applied. Everything's done 8 electronically.</p> <p>9 Q. How do you sign an electronic report, if at 10 all?</p> <p>11 A. So what'll ultimately happen is whoever's 12 logged in for the application for the arrest report, 13 when you prepare to submit that report, there'll be a 14 notifier that will come up that'll explain to you that 15 you understand, under the penalty of perjury, that 16 you're submitting this report. To the best of your 17 knowledge, it's true and accurate. And there is your PC 18 number that's embedded in there that's linked to the 19 person who logged in, and then you put in your password 20 underneath, and then it affixes your name as the 21 attesting officer to the report.</p> <p>22 Q. Is that -- the thing you just described, does 23 that apply to vice case reports as well?</p> <p>24 A. So case reports, presently, are all done 25 electronically, and so the reports are slightly</p>	<p style="text-align: center;">Page 44</p> <p>1 different. And as we've continued to evolve and write 2 reports differently, there is numbers of, like, 3 different people that are put in there, but it's the 4 same thing where it's like, at the end, whoever's typing 5 the report is going to put their PC number in, and it'll 6 be marked as them as submitting the report.</p> <p>7 Q. In this case, as you probably know from your 8 experience, a lot of the vice case reports are paper?</p> <p>9 A. Paper.</p> <p>10 Q. Who was supposed to sign paper vice case 11 reports?</p> <p>12 A. So that could -- that could vary. So, like, 13 the individual who authored the report could sign for 14 himself and his partner under certain circumstances that 15 are delineated in some of our orders.</p> <p>16 Q. And then -- so let me -- I think there's -- 17 that's maybe, like, a two-part question. And so, one -- 18 there's one issue of whether you can sign for someone 19 else.</p> <p>20 A. Uh-huh.</p> <p>21 Q. And then there's a different issue of who is 22 supposed to be the person signing the report in the 23 first place.</p> <p>24 A. Okay.</p> <p>25 Q. So set the issue aside of if you can sign for</p>

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<p style="text-align: center;">Page 45</p> <p>1 someone else.</p> <p>2 A. Okay.</p> <p>3 Q. Was there training on who is supposed to be</p> <p>4 the person signing the vice case report?</p> <p>5 A. I don't recall if there was specific training</p> <p>6 that would've come in a class or anything like that, but</p> <p>7 I mean, it's just -- it -- it was, again, you would</p> <p>8 complete the report on a probationary level. You would</p> <p>9 give it to your field training officer for them to</p> <p>10 review. They would -- they would then sign the report</p> <p>11 to say, yes, I reviewed it, right? When you're working</p> <p>12 with partners, after a certain period of time, yeah, you</p> <p>13 would give them the report. If they weren't available</p> <p>14 to sign, then you would sign on their behalf.</p> <p>15 Q. So if there's a team involved in an arrest --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- who -- is there a policy about who is</p> <p>18 supposed to sign the vice case report?</p> <p>19 A. Who's supposed to sign it? Again, like, the</p> <p>20 author of the -- of that report should be the one who's</p> <p>21 signing it.</p> <p>22 Q. Is there a policy on who the author is</p> <p>23 supposed to be?</p> <p>24 A. No. In terms of -- I guess it's kind of</p> <p>25 difficult to explain in -- in -- in the sense that the</p>	<p style="text-align: center;">Page 46</p> <p>1 old paper case reports, there's different sections of</p> <p>2 them, right? And so as you were kind of going through</p> <p>3 it, someone might be doing the header for you, and then</p> <p>4 you as the author, who -- who is box 1 arresting</p> <p>5 officer, they would fill out the top portion of that for</p> <p>6 you because you were either filling out the arrest</p> <p>7 report or doing something else, just to kind of expedite</p> <p>8 the process. But the person who crafted that narrative</p> <p>9 would generally be the person signing it.</p> <p>10 Q. And when you're saying fill out the top part,</p> <p>11 you're not saying the narrative. You're talking about,</p> <p>12 like, the --</p> <p>13 A. Just all the boxes, right? So it's like, you</p> <p>14 know, who the -- what the address of occurrence was,</p> <p>15 what UCR code we had, the RD number, the offender's</p> <p>16 information, what was recovered, if there was a car that</p> <p>17 was involved. Just, like I said, it was more or less to</p> <p>18 kind of expedite the process sometimes.</p> <p>19 Q. Should the person signing be someone who was</p> <p>20 involved in the arrest?</p> <p>21 A. Yes.</p> <p>22 Q. So let -- maybe we can --</p> <p>23 MR. MICHALIK: And just to be clear, you're</p> <p>24 talking about the vice case report?</p> <p>25 MR. RAUSCHER: The vice -- yes, the vice case</p>
<p style="text-align: center;">Page 47</p> <p>1 report. We're talking about vice case now.</p> <p>2 BY MR. RAUSCHER:</p> <p>3 Q. So if there's an arrest, two people were the</p> <p>4 prime -- you know, two officers were the primary people</p> <p>5 involved and seeing the illegal activity, putting the</p> <p>6 handcuffs on, someone else came later and helped move</p> <p>7 the person who was arrested to a police car, and someone</p> <p>8 else on the team transported them, and then someone else</p> <p>9 helped them, you know, get to the bathroom at the police</p> <p>10 station.</p> <p>11 A. Right.</p> <p>12 Q. Who should be signing the vice case report?</p> <p>13 A. It'd be the two officers that were involved in</p> <p>14 -- in the incident, making the arrest.</p> <p>15 Q. Like, the first two?</p> <p>16 A. Yes.</p> <p>17 Q. What if there was only one involved in the</p> <p>18 arrest?</p> <p>19 A. In terms of</p> <p>20 Q. Do you put two names on there or just one?</p> <p>21 A. I mean, you could put other individuals on</p> <p>22 there as assisting, and -- and that's how it works in a</p> <p>23 lot of the -- the case reports we have now. And they'll</p> <p>24 just add as many people as were involved on whatever</p> <p>25 level into the -- into the -- into that report. In</p>	<p style="text-align: center;">Page 48</p> <p>1 terms of case reporting for the tact teams, like, I</p> <p>2 don't know that there would've ever been a time that it</p> <p>3 would've just been someone individually making an</p> <p>4 arrest. Because as a team, like, you can't have -- that</p> <p>5 99 car usually wasn't going out. There had to be, like,</p> <p>6 extenuating circumstances to do that.</p> <p>7 Q. So it would be -- there would have to be</p> <p>8 extenuating circumstances for a partner to leave -- you</p> <p>9 know, if there's two part -- two people in the car,</p> <p>10 there'd have to be really extenuating circumstances for</p> <p>11 one of those two people to go leave and leave the other</p> <p>12 person alone?</p> <p>13 A. In terms of you were working by yourself to</p> <p>14 make an arrest, I would say there would have to be</p> <p>15 something that would be explainable, because, again, the</p> <p>16 teams went out in pairs or in more than pairs. Like, it</p> <p>17 was -- like I said before, if my partner was off that</p> <p>18 day, I had to find another car to ride in, and then we</p> <p>19 rode what we would consider what would they call 3D,</p> <p>20 right? There'd be three of us in the car. And then our</p> <p>21 car that day would be somewhat of a down car. Like, on</p> <p>22 the sheets, I would still carry my -- my unit</p> <p>23 designator. Each team was given an alphanumeric code.</p> <p>24 So it's like -- it's 1561 Adam, Boy, David, Charlie, and</p> <p>25 Eddie. So I would still carry, if I was the Boy car, I</p>

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<p style="text-align: center;">Page 49</p> <p>1 would still carry that Boy moniker when I would -- when 2 I would come up on there. That'd be my designator. 3 Q. If -- does a signature of a second person on 4 vice case report -- so there's two -- up to two -- 5 A. Uh-huh. 6 Q. -- we'll look at a specific one later. We can 7 then walk through it. But does the signature of a 8 second person on the vice case report indicate that that 9 person was at the scene and involved in the arrest? 10 A. It should, yes. 11 Q. Is there anything else it could indicate and 12 still be in compliance with CPD policy? 13 A. That their sig -- like, their signature showed 14 on the report? 15 Q. Yes. 16 A. I mean, in terms of being physically present 17 when the arrest was made, if you had a surveillance 18 situation, like, you might have had someone that was on 19 surveillance that was not in the immediate vicinity when 20 an individual was arrested or there could be some other 21 extenuating circumstances, like, you get somebody 22 detained a block over, and then, you know, your team 23 came and got this other individual. 24 Q. But it would at least indicate that that 25 person who signed it has personal knowledge of the</p>	<p style="text-align: center;">Page 50</p> <p>1 alleged illegal activity? 2 A. I would say yes. 3 Q. That they saw it or saw -- 4 A. In some -- yes. On some level, they were 5 involved, yes. 6 Q. Not just that they showed up after and, you 7 know, saw the person that had handcuffs or something 8 like that? 9 A. I would imagine no. 10 Q. In your experience, would the policy allow you 11 to sign for, as the one of the two officers, if all you 12 did was show up after they were arrested? 13 A. I mean, it would depend on what your role was, 14 I would imagine. I think that, you know, it wouldn't be 15 necessarily out of the policy if you then came in and 16 then helped process the rest of the way through. 17 Q. That could be one of the first two people who 18 signed? 19 A. I would say yes. 20 Q. Okay. Are there any rules that you're aware 21 of as to who can be the two signers on a vice case 22 report? 23 A. No. Not directly, no. 24 Q. What about indirectly? 25 A. I mean, like I said, based on the</p>
<p style="text-align: center;">Page 51</p> <p>1 circumstances that we're giving here, I think that there 2 are different circumstances where someone who wasn't 3 immediately present could be listed on the case report. 4 Q. Would it comply with CPD policy if you showed 5 up at the scene after someone was in handcuffs and you 6 were the first officer listed and that you signed the 7 report? 8 A. So you're saying you showed up second, he's 9 already been detained, and you're going to be the first 10 to report it? Again, if it was a narcotic surveillance 11 and then you were coming out to verify that that's the 12 individual that I did the surveillance on, then, yes, 13 you could be in box 1. There are other circumstances 14 where if it was your call and maybe it wasn't 15 narcotics-related, you just responded to a call and it 16 was a domestic battery, and someone got there before 17 you, detained him, had him in, you know, in handcuffs, 18 and then you conducted that investigation, then, yes, 19 you could flip roles, and then you could go into box 1 20 because you're the one that's then going to author the 21 report. But you would indicate in the narrative or 22 explain out or flesh out, like, hey, I responded to the 23 scene. When I got there, this is what had happened and 24 then I subsequently learned the following. 25 Q. So in those examples, you still have personal</p>	<p style="text-align: center;">Page 52</p> <p>1 knowledge of what has happened, or you're -- in the 2 second example, you're kind of deeply involved in the 3 investigation, right? 4 A. Correct. 5 Q. What if the situation is the narrative on the 6 report says something like ROs observed offender 1 hand 7 drugs to offender 2 who handed currency to offender 1, 8 would it be appropriate -- there's no surveillance 9 listed in the report. Would it be appropriate for an 10 officer who didn't see that to be one of the two 11 signers? 12 A. I would say that report should be limited to 13 the two individuals who are involved in the actual ROs 14 observed. So who those ROs were would be box 1. 15 Q. And would you -- would CPD policy have you 16 list who the ROs were in that narrative? 17 A. I think in -- in prior reports, like, the 18 paper reports, I don't know that we ever went that 19 detailed. Presently, like, our -- our reporting 20 procedures now are a little more detailed than what they 21 were back then with the capabilities of, you know, 22 specifically clicking a button and then adding an 23 individual's name into some of the reports, so they're - 24 - they're slightly different in that regard. 25 Q. And when did it change so that you could more</p>

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<p style="text-align: center;">Page 53</p> <p>1 easily list specific officers who are involved?</p> <p>2 A. I think it was with the creation of the AIRA</p> <p>3 reports, and I don't know when we first started using</p> <p>4 AIRA, to be honest with you.</p> <p>5 Q. When creating reports, if there are officers</p> <p>6 who witnessed the alleged offense who are not the two</p> <p>7 reporting signing officers, should the narrative</p> <p>8 indicate who those people are?</p> <p>9 A. In -- in term -- so if you could provide me</p> <p>10 with an example --</p> <p>11 Q. So let's say there's two spots on a vice case</p> <p>12 report to sign, but there were three reporting or</p> <p>13 responding -- if they were three responding officers who</p> <p>14 all worked together in the car that day and they all</p> <p>15 witnessed the offense, should the narrative indicate</p> <p>16 that all three of them witnessed the offense?</p> <p>17 A. If they all did, yes.</p> <p>18 Q. Right. If -- of course. It shouldn't say</p> <p>19 falsely that someone witnessed the offense.</p> <p>20 A. Right.</p> <p>21 Q. But it -- even though you might not, as a</p> <p>22 practice, always say ROs 1 and 2 witnessed the offense,</p> <p>23 if there were more than who were signing, you'd want</p> <p>24 that to indicate that to be in compliance with the</p> <p>25 policy?</p>	<p style="text-align: center;">Page 54</p> <p>1 A. So I mean, the thing is, like, if there was --</p> <p>2 in a situation like you were saying before, like, with a</p> <p>3 three-man car, if we compare it to the arrest report,</p> <p>4 there was only room for a certain number of boxes. So I</p> <p>5 believe 1 and 2, more often than not, sometimes we would</p> <p>6 put a slash for that other individual, but I don't know</p> <p>7 that it was a required policy for all three of them to</p> <p>8 be there. I think, typically, if we were doing a</p> <p>9 narcotics surveillance, we would explain who was there</p> <p>10 and who did what, you know, like, whether it was by --</p> <p>11 by beat number or, like, 1563 team lended their</p> <p>12 assistance and they detained them, you know. Just to</p> <p>13 kind of explain out who did what, but, again, I don't</p> <p>14 know that there was a hard and fast rule for, you know,</p> <p>15 specifically explaining who -- who did what.</p> <p>16 MR. RAUSCHER: We're going to mark Exhibit 2 as</p> <p>17 -- it's just -- it was sent out this morning. It's</p> <p>18 PL Joint 087423 through 425.</p> <p>19 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>20 BY MR. RAUSCHER:</p> <p>21 Q. Have you had a chance to look at this</p> <p>22 document?</p> <p>23 A. I have. Yes, sir.</p> <p>24 Q. Was this one of the documents you reviewed</p> <p>25 before the deposition?</p>
<p style="text-align: center;">Page 55</p> <p>1 A. It was not.</p> <p>2 Q. Are you familiar with this special order?</p> <p>3 A. I mean, having read general -- yeah, at some</p> <p>4 point, I would come across it, certainly.</p> <p>5 Q. Do you remember -- do you remember ever</p> <p>6 reading it?</p> <p>7 A. I'm sure I read it in terms of preparing for</p> <p>8 promotional exams, but aside from that, no, I have no</p> <p>9 direct recollection of ever reading it.</p> <p>10 Q. Are you familiar with the policies written in</p> <p>11 here now that you've had a chance to look at it today?</p> <p>12 A. Yes.</p> <p>13 Q. If you see up here, it says this rescinds</p> <p>14 January 1, 1996 version?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know if anything had -- what, if</p> <p>17 anything, changed between the two versions?</p> <p>18 A. Based on my understanding of how our Research</p> <p>19 &amp; Development Section puts out new policy, anything</p> <p>20 that's new in department special and general orders is</p> <p>21 underlined. So if you look on Page 2, under Item 3, it</p> <p>22 says logging into the -- the CLEAR homepage, click on</p> <p>23 the Bureau Sites link, and then Organized Crime, and</p> <p>24 then finally click on ESV Conversion link. I would</p> <p>25 imagine that was an addition or an amendment to the</p>	<p style="text-align: center;">Page 56</p> <p>1 original order, along with what you see in Item G that's</p> <p>2 also underlined, where it starts with, "Unlawful conduct</p> <p>3 and disturbances." And then, similarly, on Page 3,</p> <p>4 where they have under Section B for the letters of</p> <p>5 abatement, the information about the License</p> <p>6 Investigation Unit and then finally in Item 3, again,</p> <p>7 the License Investigation Unit and Asset Forfeiture.</p> <p>8 Q. And then it says "authenticated by JKH" on the</p> <p>9 last page.</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what that means?</p> <p>12 A. I'm going to assume that this is who authored</p> <p>13 it from or was involved in the process from the Research</p> <p>14 &amp; Development Section, but without certainty, I don't --</p> <p>15 and it's just their initials. It's the initials of</p> <p>16 whatever reporting officer or department member was</p> <p>17 involved in this. So, like, when we do department</p> <p>18 memos, someone -- if they're going to craft it on my</p> <p>19 behalf, their initials will go on the bottom, and it may</p> <p>20 just be something that I then review, but it's, like, it</p> <p>21 was put together by them.</p> <p>22 Q. Is this crafted on behalf of Garry McCarthy as</p> <p>23 the superintendent?</p> <p>24 A. I -- I would say yes.</p> <p>25 Q. And is that how policies work, the</p>

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<p>1 superintendent ultimately issues them?</p> <p>2 A. Yes.</p> <p>3 Q. Let's look back at the first thing you</p> <p>4 identified as likely having changed. And that is what</p> <p>5 it says in here also. If you see at the end, that's</p> <p>6 consistent with what -- with your testimony. In the</p> <p>7 "Processing Vice Complaints" section, E3 is the first</p> <p>8 thing that has a change, and it looks like it's changing</p> <p>9 how you obtain the estimated street value of controlled</p> <p>10 substances that are recovered. And this is saying you</p> <p>11 do it by logging into CLEAR and then clicking on some</p> <p>12 links.</p> <p>13 A. Right.</p> <p>14 Q. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. How was that done prior -- how did you obtain</p> <p>17 estimated street value of controlled substance to place</p> <p>18 on a vice case report before this process was put into</p> <p>19 place?</p> <p>20 A. I'm trying to remember. I think -- you know,</p> <p>21 we -- we had a similar system where you logged in and</p> <p>22 they had street values for everything. Like, you would</p> <p>23 give them the weight of whatever it was that you had</p> <p>24 recovered, and then it would spit out a dollar value.</p> <p>25 Some people would just break it down if they were -- if</p>	<p>1 that wasn't available, they would just use it, like, you</p> <p>2 know, it was \$10 for every -- every gram. But it was</p> <p>3 all based off of, like, whatever the FBI value was, or,</p> <p>4 you know, there was a -- there was a set standard for</p> <p>5 how much, you know, a gram of cocaine went for, and then</p> <p>6 you entered it into the system and it gave you a value.</p> <p>7 Q. And I think as part of your answer -- was part</p> <p>8 of your answer in there -- you might just know because</p> <p>9 you do it so often --</p> <p>10 A. Yeah.</p> <p>11 Q. -- so you're not actually going to go look</p> <p>12 it up.</p> <p>13 A. Correct.</p> <p>14 Q. Would doing it that way still comply with</p> <p>15 CPD's policy?</p> <p>16 A. And -- and, again, I mean, it's an estimated</p> <p>17 street value. So by the time it goes to court, it might</p> <p>18 change. And ultimately, in terms of the value of what</p> <p>19 you have, the value doesn't really impact the charging.</p> <p>20 It's the weight of what you have, so</p> <p>21 Q. Sure. But the question, really, is just, if</p> <p>22 you -- does it comply with CPD's policy if you provide</p> <p>23 an estimated amount on a vice case report without going</p> <p>24 to a secondary source?</p> <p>25 A. I would say it -- it would've, yes, it</p>
<p>1 would've sufficed.</p> <p>2 Q. Do you need to have at least a reason -- you</p> <p>3 know, some basis for believing the estimated value to</p> <p>4 comply with the policy?</p> <p>5 A. In terms of do you have to print something out</p> <p>6 or --</p> <p>7 Q. Do you have to have any knowledge? I mean,</p> <p>8 you -- presumably, you can't just make it up.</p> <p>9 A. Correct. Right. I mean, so it's -- it's</p> <p>10 based on an understanding -- like, if you worked in an</p> <p>11 open-air drug market, I mean, it was like, you weren't</p> <p>12 going to say that, you know, 0.1 grams of crack cocaine</p> <p>13 was worth \$3,000. You know, there was a common sense</p> <p>14 factor that was applied to it.</p> <p>15 Q. Does the estimated value have any impact on</p> <p>16 the charging decisions?</p> <p>17 A. No. It's all based off of weight.</p> <p>18 MR. RAUSCHER: All right. We're going to mark</p> <p>19 Exhibit 3 as CITY-BG-062148 through 062165.</p> <p>20 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>21 BY MR. RAUSCHER:</p> <p>22 Q. Yeah. So this has multiple different special</p> <p>23 orders in it. And take a look at all of them, but I</p> <p>24 only have some specific questions about -- toward the</p> <p>25 end.</p>	<p>1 A. Okay.</p> <p>2 Q. Have you had a chance to flip through that?</p> <p>3 A. I did.</p> <p>4 Q. Did you review any of these policies to</p> <p>5 prepare for today?</p> <p>6 A. No.</p> <p>7 Q. Can you take a look at special order</p> <p>8 S04-18-03, which is almost toward the end? It starts at</p> <p>9 CITY-BG-062162. It's titled "Pre-Planned Narcotics</p> <p>10 Enforcement Operations." Do you see that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Are you familiar with this special order?</p> <p>13 A. In terms of knowing that it existed, yeah, at</p> <p>14 the time. Yeah.</p> <p>15 Q. And you believe you would've read it?</p> <p>16 A. From my involvement when I was on the tact</p> <p>17 team, yeah.</p> <p>18 Q. And have you had a chance to look it over</p> <p>19 today?</p> <p>20 A. Briefly, yes.</p> <p>21 Q. Are you familiar with the contents?</p> <p>22 A. Yes.</p> <p>23 Q. Does it reflect the policies of the CPD for</p> <p>24 pre-planned narcotics enforcement operations, including</p> <p>25 for preparation of reports for those investigations?</p>

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<p>1       A. Yes.</p> <p>2       Q. This is dated February 15th, 2006. That's the 3       issue date and the effective date. Do you see that?</p> <p>4       A. Yes, sir.</p> <p>5       Q. And it doesn't -- it says it rescinds 6       S05-02-03.</p> <p>7       A. Uh-huh.</p> <p>8       Q. Do you know what that policy is?</p> <p>9       A. No. That, I don't.</p> <p>10      Q. I don't see on here, really, any italics or 11      anything that indicates what changed. Do you know what 12      changed?</p> <p>13      A. From the original, from the --</p> <p>14      Q. Yeah.</p> <p>15      A. -- S05-02-03? No. And, again, I don't know 16      when Research &amp; Development started utilizing the 17      italics to identify changes in an order, so I don't know 18      if that wasn't a policy then by Research &amp; Development 19      at the time.</p> <p>20      Q. So now that you've had a chance to look at it, 21      can you identify anything that's different about this 22      policy than about the previous policy for pre-planned 23      narcotics enforcement operations?</p> <p>24      A. If I had to venture a guess, the only thing I 25      could point to, and it's just based on the language in</p>	<p>1       it, would be underneath the purpose for Item B, the fact 2       that the order "introduces the Arrestee Control Sheet," 3       but that would be just from the language, not from 4       anything specifically.</p> <p>5       Q. Prior to 2006, were there special procedures 6       for processing multiple arrest situations related to 7       pre-planned narcotic enforcement operations?</p> <p>8       MR. MICHALIK: I'm just going to object to the 9       extent I think this probably is not really within 10      any of the designated topics for this particular 11      witness.</p> <p>12      MR. RAUSCHER: I think it is because it has 13      pretty specific things about how to document those 14      investigations, including reports.</p> <p>15      MR. MICHALIK: Well, if you're going to talk 16      about the documentation, it's one thing, but that's 17      not what you're asking him.</p> <p>18      MR. RAUSCHER: Well, I'm getting there. I 19      mean, I'm establishing that, if it even existed.</p> <p>20      THE WITNESS: Could you ask the question again, 21      please?</p> <p>22      BY MR. RAUSCHER:</p> <p>23      Q. Yeah. Prior to February 2006, did the Chicago 24      Police Department have a written policy about 25      pre-planned narcotics enforcement operations?</p>
<p style="text-align: center;">Page 63</p> <p>1       A. That I wouldn't know for certain, but I would 2       imagine yes. Because if it's saying it's rescinding 3       this S05-02-03, I'd imagine whatever that was was 4       contained inside that policy.</p> <p>5       Q. And this document describes multiple different 6       roles that people have in processing individuals in 7       these types of operations, including, you know, how to 8       document it, right?</p> <p>9       A. Yes, sir.</p> <p>10      Q. Are these policies consistent with how you did 11      things when you were on a tactical team?</p> <p>12      A. For</p> <p>13      Q. For the pre-planned narcotics enforcement 14      operations?</p> <p>15      A. They look reasonably similar, yes.</p> <p>16      Q. Is there anything you can identify that's 17      different?</p> <p>18      A. Not in this general overview, no.</p> <p>19      Q. I'm sorry, not in what?</p> <p>20      A. Not in this general overview, no. I'm not 21      seeing anything.</p> <p>22      Q. Did you participate in -- I should have asked 23      this. Did you participate in any pre-planned narcotics 24      enforcement operations as a tactical team member?</p> <p>25      A. Yes, I did.</p>	<p style="text-align: center;">Page 64</p> <p>1       Q. And what about as a sergeant in a tactical 2       team?</p> <p>3       A. A sergeant, I don't believe I did, no.</p> <p>4       Q. Were they referred to as reverse stings, or is 5       that an example of a pre-planned narcotics operation?</p> <p>6       A. It -- that's -- like, in a general term, yes.</p> <p>7       Q. Are the vice case or arrest reports stemming 8       from pre-planned narcotics enforcement operations 9       supposed to document which officers had which roles?</p> <p>10      A. In terms of the -- the processing of the 11      individual?</p> <p>12      Q. At all. So they've got -- this refers to 13      on-scene documenting team, arresting processing -- 14      arresting processing team, things like that. Should the 15      reports show which officers were on which teams?</p> <p>16      A. I would say they did not, and the reason being 17      is because they were processing on behalf of a report 18      that was forwarded to them that was based on the 19      observations that were made by other officers. So the 20      processing team, more often than not, the ones that were 21      actually preparing the reports, were housed, at least in 22      -- in our situations, in the station. There was a team 23      that was obviously working in the field as the 24      undercover officers, and then there was another 25      processing team that was involved in either the</p>

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<p style="text-align: center;">Page 65</p> <p>1 transportation or the securing of those who were 2 identified or arrested during the course of the 3 pre-planned narcotics operation.</p> <p>4 Q. Did your team ever conduct those operations 5 and have it with the processing team on-site?</p> <p>6 A. So in terms of the actual arresting -- like 7 the teams that are typing out the arrest reports?</p> <p>8 Q. Yeah.</p> <p>9 A. We could not, no. And it is -- you couldn't 10 type the reports that way. So we had one group that was 11 sitting inside waiting for the arrestees to come, one 12 group that was responsible for the apprehension, another 13 group that was somewhat responsible for keeping them 14 until we were able to transport them, and -- and so on 15 and so forth.</p> <p>16 Q. And then the people who write -- wrote the 17 reports were none of those groups; is that right?</p> <p>18 A. Correct. So there would be an officer. And, 19 again, like with this, where it's the arrestee control 20 sheet, I don't believe the arrestee control sheet 21 existed when I was on the tact team. It seems to just 22 be -- what we used to do is just document the name of 23 the individual, their demographics, what the general 24 probable cause was for that person to be arrested, and 25 then it would go off with that individual, either in a</p>	<p style="text-align: center;">Page 66</p> <p>1 property bag. And then the -- the felt tip pen was the 2 mark and identifier this was arrestee number 1. And 3 then this is his card that goes with him. So that 4 whoever was processing him would receive both the 5 individual and the card, confirm the information about 6 at least their demographics to make sure that they had 7 the right individual, and then that was the narrative 8 that they were they were -- they were supplied.</p> <p>9 Q. So if this introduced the arrestee control 10 sheets in 2006, what was used in place of that?</p> <p>11 A. There might not have been anything. And, 12 again, from my recollection, I don't recall if there 13 was, other than we just kept like -- of -- what would be 14 considered a miscell ex card, which was blank on the 15 backside and had information that was placed on -- on 16 that, and then that would accompany the individual. But 17 to be honest, I don't know for sure.</p> <p>18 Q. If it was one of those two things or maybe it 19 was --</p> <p>20 A. If the arrestee control sheet existed at that 21 time.</p> <p>22 Q. It was either the arrestee control sheet or, 23 like, this kind of card you're describing?</p> <p>24 A. Right. But there -- but there was there was 25 somewhere for us to -- to document who this individual</p>
<p style="text-align: center;">Page 67</p> <p>1 was and then what transpired between them. And then how 2 that would be done, is the officers who were involved in 3 the undercover portion would inform the team that was 4 taking possession of that individual, he did X, Y, and 5 Z, and then they would document that based on the 6 observations from the undercover.</p> <p>7 Q. Would it comply with CPD policy to fill out 8 the narrative section for a reverse sting before the 9 operation was conducted?</p> <p>10 A. Before it was conducted? I mean, it wouldn't 11 necessarily be out of the realm of possibilities in the 12 sense that if it was a pre-designated offense where they 13 knew a specific location that they were going to was 14 only going to result in individuals coming to purchase 15 heroin, right, or crack cocaine, right, there wasn't 16 anyone that was going to be coming to that location for 17 anything other than that, they might have pre-printed 18 form sets already done with a location, RD number 19 absent, the date and time absent obviously because those 20 would be the things that would change within that, and 21 then what was specifically asked for in terms of he 22 asked for six or he asked for two, and then the dollar 23 amount that might have been exchanged in -- in terms for 24 that -- that alleged purchase, things like that would be 25 different. Obviously, the arrestee demographics would</p>	<p style="text-align: center;">Page 68</p> <p>1 be -- would be empty as well.</p> <p>2 Q. Could you get the RD number before you went 3 out?</p> <p>4 A. You would not, no.</p> <p>5 Q. Could you get it, though?</p> <p>6 A. I mean, you can get an RD number for anything. 7 All you have to do is -- the dispatcher won't know, but 8 the dispatcher will ask you what you're working on. You 9 can't just tell the dispatcher, I'd like, you know, an 10 RD number for this UCR. They'd be like, okay, where are 11 you at and what are you working on? You know, so to get 12 it ahead of time, I would say no.</p> <p>13 Q. Are you able to get an RD number on your own 14 as an officer?</p> <p>15 A. Yes.</p> <p>16 Q. So you could do that before you went out, 17 right?</p> <p>18 A. No. I mean, in terms of, like, getting -- 19 getting an RD number, like, if I responded to a job or I 20 made an arrest, whether it was for a domestic battery or 21 I on-viewed a PCS, I would then identify myself on the 22 radio, tell them that I had an arrest situation, I'm at 23 this location, and I need an RD number for UCR code, and 24 I would provide them with the UCR code.</p> <p>25 Q. And is the only way -- was it -- from the 1999</p>

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<p style="text-align: center;">Page 69</p> <p>1 to 2011 time period, is the only way to get an RD number 2 to go through dispatch?</p> <p>3 A. Yes. And that could happen in one of two 4 ways. So you could either do it, you know, over the air 5 with your radio, or you could call the ED desk itself 6 and provide the ED desk with your beat, your 7 information, and then they would enter that information 8 into our PCAD system to put you down on -- and generate 9 the records division number for you.</p> <p>10 Q. So back to a vice case report and a 11 pre-planned narcotics offense, would it be appropriate 12 to put quotation marks in there saying Offender 1 said 13 "blows, blows, blows" before you went out and did the 14 operation?</p> <p>15 A. Before you went out and did it? I mean, it 16 would depend on -- like, if you put it multiple times, I 17 would say that would say that that individual made that 18 statement that many times, right? To use that, my under 19 -- well, my experience is, if you're like, he was 20 yelling "blows, blows, blows," that's more or less like 21 someone who's out there soliciting the unlawful business 22 for the sale of that narcotic, right? As opposed to 23 there isn't necessarily going to be an individual, in my 24 experience, who's ever come up and told someone that 25 they were looking to buy narcotics from, "I need blows,</p>	<p style="text-align: center;">Page 70</p> <p>1 blows, blows," you know. It would be more or less like, 2 hey, what are you looking to buy? I'm looking to get 3 some blows. So then that would be in -- you could put 4 that in quotation marks because that's specifically what 5 they came and asked you for.</p> <p>6 Q. And you could do that before you met the 7 person?</p> <p>8 A. And, again, like, in regards to the locations 9 that some of these things were set up at, because they 10 were known spots, like, in open-air drug markets, 11 different corners only sold certain things. So if you 12 had, like, a particular person that was, I guess, in the 13 15th District, like Iowa and -- trying to remember -- 14 Lemont, I believe, was strictly, like, the heroin spot, 15 right? No one was going there to buy crack cocaine 16 because no one sold crack cocaine at that spot. So in 17 those instances, you could, yes, in theory, say, yeah, 18 the only thing that's going to transact here is for 19 someone to purchase heroin. Now, were there times where 20 other things did happen? If that happened, then those 21 anomalies would be indicated in a different case report. 22 So, like, if -- let's just say, for example, it's a 23 heroin spot, but someone did happen to come by and ask 24 for weed, right? All right, well, he's still soliciting 25 me for -- for weed. They'd let everyone know, he's not</p>
<p style="text-align: center;">Page 71</p> <p>1 a heroin guy. He's a -- he's -- he's for cannabis, and 2 then we would have to do a cannabis report for him.</p> <p>3 Q. What about -- is the use of the quotation 4 marks appropriate before the offense happens?</p> <p>5 A. Before it happens? And, again, like the 6 conversation that's going to be had, is that that's what 7 the individual is going to ask him for, right? He's not 8 going to come up and ask him for anything other than 9 that particular substance, right? He wouldn't refer to 10 the heroin as something different, you know. It 11 wouldn't be like -- I don't know. There -- there's so 12 many different names that they have now for some of the 13 stuff that's out there, and different spots call things 14 different things, so But back then, I mean, if you were 15 looking to buy crack cocaine, it was you were looking to 16 buy rocks. If you were buying heroin, you were looking 17 to purchase blow.</p> <p>18 Q. In -- from 1999 to 2011, was it your 19 experience that everyone looking to buy heroin would 20 just say blows?</p> <p>21 A. In terms of the -- the buyers --</p> <p>22 Q. Yeah.</p> <p>23 A. -- and the sellers? I mean, again, it would 24 all depend. As time evolved, things became different 25 from different spots. But when I was on tact in, you</p>	<p style="text-align: center;">Page 72</p> <p>1 know, the early 2001, '02, '03, I mean, it was -- that's 2 all you heard, was rocks and blows.</p> <p>3 Q. And then at some point, were there, like, 4 different lines of drugs?</p> <p>5 A. In terms of</p> <p>6 Q. Like ---</p> <p>7 A. Right -- right now, they -- I mean, now 8 ecstasy became, you know, something different, where, 9 you know, that would be solicited in a whole bunch of 10 different ways. Guys would cross their arms over each 11 other and make an X and bang them back and forth as cars 12 went by indicating that they were selling ecstasy. 13 Cannabis, guys would start doing, like, the smoking 14 gestures to cars as they went by, you know, indicating 15 that they were selling cannabis, and everyone would know 16 that, you know, making that smoking gesture, you weren't 17 selling heroin, and you weren't selling crack cocaine. 18 You were selling cannabis.</p> <p>19 Q. What about different, like, brands of drugs? 20 Is that something you're familiar with?</p> <p>21 A. In terms of</p> <p>22 Q. Like, people have referred to lines of drugs 23 as Obama or other names throughout the years in these 24 cases. Have you heard of that in your experience?</p> <p>25 A. No. I mean, predominantly everyone that we</p>

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<p>1        were dealing with would refer to it as either rocks or 2        blows.</p> <p>3        Q. If you were in an area where people did refer 4        to drugs by different names, different lines at 5        different buildings, things like that, would you still 6        say it could comply with CPD policy to put, you know, 7        Offender 1 came for -- or asked for "blows" before you 8        did that operation?</p> <p>9        A. I would --</p> <p>10      MR. MICHALIK: Object to the form.</p> <p>11      THE WITNESS: I would say essentially that the 12     report, if it was -- if it was a pre-completed form, 13     that it was specific to those people who asked for 14     that. And if there was an individual who came and 15     asked for something different, then that -- an 16     additional report would be generated, right, to 17     document that difference in what they were asking 18     for.</p> <p>19      BY MR. RAUSCHER:</p> <p>20      Q. So you could fill out a form -- you could fill 21     out the narrative before you completed the offense, 22     including a quotation, but you would not be complying 23     with CPD policy if you used that report for someone who 24     didn't actually say the quoted words; is that fair?</p> <p>25      A. I would say yes, but you also wouldn't sub --</p>	<p>1        you wouldn't submit that report either, you know. So 2        the thing is, is that just because you had the 3        pre-printed report didn't mean that you were submitting 4        that report for approval. The report -- because, again, 5        everything that was on that report, from the 6        demographics of the individual to the time to what was 7        asked for, was all blank, right? And so then it would 8        just be like a fill-in-the-blank-type instance where 9        it's like, okay, you know, Mike Fitzgerald came down and 10      he asked for blows, and he asked for three, and he gave 11      me \$30. And all of that would be documented so that the 12      officer who was receiving it would say, okay, this all 13      complies with what they said. We're using this report. 14      And it was just in order to sort of, like, expedite the 15      process, because in some of these instances, like, I 16      don't know how they did them in other districts, but 17      there would be sometimes in excess of maybe 30 to 40 18      people that were all being processed. So that was a way 19      to kind of expedite the process. But, again, if there 20      was something that was different or there was an anomaly 21      to that particular arrest, then it -- it got entered the 22      way it happened.</p> <p>23      Q. Right. You wouldn't say -- if 30 people came, 24      in your example, and 29 of them did ask for blows, but 25      Mike Fitzgerald just asked for heroin, it wouldn't use</p>
<p style="text-align: center;">Page 75</p> <p>1        the -- it would not comply with CPD policy to use that 2        same arrest report that said Mike Fitzgerald asked for 3        blows; is that fair?</p> <p>4        A. That's correct, yes.</p> <p>5        Q. C1 on here, on Page 62163, it says -- it 6        starts, "Department members designated to the arrestee 7        processing teams will."</p> <p>8        A. Okay.</p> <p>9        Q. And then it says, "Utilize the Arrestee 10      Control Sheet to identify each arrestee and complete an 11      Arrest Report, listing the arresting/decoy officer as 12      first arresting officer." Who is the arresting/decoy 13      officer in that scenario?</p> <p>14      A. So it would be whoever was approached by the 15      individual. So if I -- I'll use myself as an example. 16      If I went to a particular location and I was the buyer 17      looking to purchase heroin and I approached you, and I 18      said, hey, I want to buy some blows, and then you would 19      then escort me to the processing team, you know, to -- 20      like, hey, we're going to go back here and -- and 21      transact. You lead us to the arresting officer. He's 22      there to place him into custody. You would be the box 23      1, and that would be the officer who would -- then the 24      processing team would identify you as the individual he 25      interacted with.</p>	<p style="text-align: center;">Page 76</p> <p>1        Q. So at least in this scenario, there is a 2        policy about who should be the first arresting officer 3        in the report, right?</p> <p>4        A. Yes.</p> <p>5        Q. And do you know the reason for that policy?</p> <p>6        A. In terms -- oh, it's just because that's who 7        you interacted with. I mean -- so it's, like, you're 8        the one that's going to make the observations so that 9        when you go to court, you would be the one to say that, 10      yes, you know, I interacted with you, and then you would 11      be able to testify and say, yes, I interacted with this 12      -- this individual here, and this is what he asked me 13      for.</p> <p>14      Q. And then number 2 is that the processing team 15      will "attest to the information contained within the 16      arrest report"?</p> <p>17      A. Yes.</p> <p>18      Q. And what is the -- what are they attesting 19      based on?</p> <p>20      A. They're -- they're attesting based on the 21      information that's been supplied to them by all the 22      teams that are -- that are participating in this. So 23      whether -- starting from the very beginning in terms of 24      if the process is working the way it's supposed to, it's 25      the decoy officer brings the individual back to the</p>

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<p>1 processing team or the -- the team that's going to 2 detain him. He's going to tell them what transpired. 3 They're going to document all that information. They're 4 going to hand him off to the team that's either going to 5 transport him or hold him until a transport vehicle 6 comes. All that paperwork then goes into the station 7 with him. They're taking that -- that card -- almost 8 like a -- a mass arrest card. You weren't necessarily 9 on-scene. You're attesting to what's been supplied to 10 you to be factual.</p> <p>11 Q. And if you were on-scene, does the attestation 12 include all of your knowledge, including what you 13 observed?</p> <p>14 A. The arrest report? The arrest report would 15 just be the probable cause to effect the arrest and to 16 support that charge. So in terms of, you know, that he 17 -- he approached and requested to -- to purchase, you 18 know, blows, you know, a street terminology for heroin, 19 placed into custody, you know, just to support the 20 probable cause because that's what the arrest report is 21 there for.</p> <p>22 Q. And so that -- you're doing that based on -- 23 if you were not at the scene, you're attesting based on 24 what you were -- the information you have received, 25 right?</p>	<p>1 A. Yes. 2 Q. If you were on the scene, you are attesting to 3 whatever information you may have received plus what 4 other personal knowledge you would have; is that right? 5 A. Well, not necessarily, no. I mean -- and 6 again, like, when it comes to the arrest report, the 7 arrest report is just there to support that probable 8 cause. So whatever we decided to charge that individual 9 with, that's what the arrest report is there for. 10 Q. You're attesting that you believe that there's 11 probable cause? 12 A. Based on the information that's been supplied 13 to you, yes. 14 Q. But also -- would it also be based on whatever 15 information you have? 16 A. In terms of, like, if I saw him -- 17 Q. Yeah. 18 A. -- engage in it? Again, the person who would 19 be going in that first box would be the individual he 20 directly interacted with who then would say we need to 21 arrest this individual because the transaction that -- 22 that happened. 23 Q. It wouldn't -- it would not comply with CPD 24 policy to attest to a report that you knew was not 25 accurate?</p>
<p style="text-align: center;">Page 79</p> <p>1 A. Correct. 2 Q. What does the on-duty watch commander do to 3 approve an arrest report? 4 A. So currently, the officers will come into the 5 office. They'll indicate that they have an arrest 6 report in the queue. They will review that arrest 7 report for probable cause, ensure that the charges that 8 are on there are applicable, and then they'll review it, 9 and then apply their approval to it. There's now 10 additional remedies that we have with the Pretrial 11 Fairness Act that they have to -- you know, as -- as it 12 progresses, you know, whether or not this person can be 13 held for bond or not. There's additional aspects that - 14 none of that, obviously, existed when these reports 15 were done. If it were a paper report, which would've 16 been in 2002, 2003, they would come in with the arrest 17 report, present it to the watch commander. Again, he 18 would review it for completeness, accuracy, and the fact 19 that the charge that's on the arrest report is 20 substantiated by what's in the -- what's in the actual 21 body of the narrative. 22 Q. Did anything -- other than the new 23 bond-related information, is there anything that changed 24 from 1999 to 2011? 25 A. I just -- everything became electronic in</p>	<p style="text-align: center;">Page 80</p> <p>1 terms of, you know, watch commander comments now are 2 entered electronically. If someone's released without 3 charging, I believe in the old arrest report form sets, 4 that was done on the back or the reverse side of the 5 paper form set. On this, it's all embedded into the -- 6 the document itself. 7 Q. Substantively, did the review change at all 8 during the 1999 to 2011 time frame? 9 A. I would say no. 10 MR. RAUSCHER: All right. We're going to mark 11 Exhibit 4, which is special order 9-5-01, 12 CITY-BG-62837 to 41. I may not have enough. I may 13 be one short on that one. Do you want me to go and 14 get another copy? 15 (EXHIBIT 4 MARKED FOR IDENTIFICATION) 16 MR. MICHALIK: Yeah, if you wouldn't mind. 17 MR. RAUSCHER: Yeah. Sure. 18 MR. MICHALIK: Unless you're only going to be, 19 like, a couple of minutes. 20 MR. RAUSCHER: Well, actually, do you have one? 21 I'll just go print another one. 22 MR. MICHALIK: 09-05-01? 23 MR. RAUSCHER: Yeah. 24 MR. MICHALIK: I got it. 25 MR. RAUSCHER: Oh, you got it? Okay.</p>

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<p style="text-align: center;">Page 81</p> <p>1       MR. MICHALIK: Yeah. 2       BY MR. RAUSCHER: 3       Q. So this is Exhibit 4. Was this one of the 4       documents you reviewed to prepare for your deposition? 5       A. Yes, this is one of the ones I produced. 6       Q. Okay. To 41. Can you just give me the 7       general overview of what this document is? 8       A. Yeah, it -- it just walks through, you know, 9       in terms of -- if you look at the -- the first portion, 10       the -- the reporting standards, this reference to the 11       field reporting manual, that used to be the -- like, the 12       reporting guide. So this was something that we were 13       given when we were in -- in Training and Education 14       Division, which kind of just explained out how you were 15       supposed to write a report and -- and the facts of which 16       -- how it was supposed to be contained. Kind of walk 17       you through different -- different aspects of it, like, 18       the hotel rule, that kind of thing. It sort of, like, 19       was a more in-depth guide for -- for how you were 20       supposed to generally write reports. This is the one 21       where -- this is the report I was referencing where it 22       explains the circumstances under which you can sign on 23       behalf of someone else that you're going to find on Page 24       3, and then just kind of generally went over, like, 25       court complaints, what are supposed to be in there, and</p>	<p style="text-align: center;">Page 82</p> <p>1       -- and how to fill out certain portions of the arrest 2       reports. 3       Q. And are there any substantive changes from 4       S03-13-1, which this policy rescinded? 5       A. Again, that, I wouldn't know with certainty. I 6       mean, this -- this order was published in -- looks like 7       14 August of '03. So, how old the order was that it 8       rescinded, I don't know. 9       Q. So was there anything different in this order 10       starting in '03 that you weren't doing in '99? 11       A. I would say -- again, it looks like the 12       changes that were made in this are related to the advent 13       of the CLEAR system. So if you look at -- what page is 14       it -- Page 4 under Section -- or Item number 2, the 15       "Automated Application for Arrests, where it's 16       indicating that the signature and affirmation 17       requirements listed in III -- will be satisfied by a 18       [sic] member entering their own PC login," and then, 19       "The application at the beginning of the reporting 20       process or such other digital or electronic process of 21       authentication and approval as established in the 22       related computer application." Like, we didn't have, 23       obviously, automated reports back then. So that's kind 24       of what I'm seeing, is that it's perhaps that's what the 25       changes in this were.</p>
<p style="text-align: center;">Page 83</p> <p>1       Q. So no substantive changes about how to create 2       reports or not -- sorry, I shouldn't say it like that. 3       No substantive changes about how to fill out reports or 4       the information that needed to be in the reports? 5       A. No, I don't believe so. 6       Q. Just more about the process of doing it on a 7       more computerized basis? 8       A. That's what it appears to me, yes. 9       Q. There are -- the requirements for signing -- 10       or the rules about signing for other people, were those 11       new in 2003? 12       A. I don't believe so, no. 13       Q. Those were the same in 1999? 14       A. I believe they were, yes. 15       Q. Did you receive any training on whether you 16       could sign for someone else and under what circumstance? 17       A. I don't specifically recall, like, attending a 18       class or, you know, other than anything that would've 19       been in writing, potentially. But no, I don't -- don't 20       recall anything specifically. 21       Q. But you would've received the written 22       policies? 23       A. Yes. 24       Q. And how were -- how was a -- when a policy 25       like this comes out, how was that communicated to</p>	<p style="text-align: center;">Page 84</p> <p>1       officers? 2       A. So presently, we have our -- we get notified 3       that there's amendments that have come out to -- to new 4       orders. Every month, we're required by the department 5       to -- to log into our learning system and find the new - 6       - they have the new orders already pulled. And so with 7       all the amendments in them, then you're supposed to 8       review them, and then you affirm that you read it and 9       reviewed them by clicking a button that you mark as 10       completed. Prior to that, the reports used to be 11       forwarded to the department in stacks back when we were 12       -- you know, everything was still paper-based. We would 13       get the orders. There would be a pile of them. They 14       would tell you at roll call, hey, there's a new order 15       that came out. You guys have got to go get them. 16       They're downstairs. 17       Q. In 2003, what was the process for alerting 18       officers to rule changes? 19       A. I'm sorry? 20       Q. In 2003, what was the process for alerting 21       officers to new special orders or general orders? 22       A. I would say it was predominantly through -- 23       through roll call and, you know, a notification from, 24       you know, like, department memos that came out that 25       would say there's been an amendment to this particular</p>

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<p style="text-align: center;">Page 85</p> <p>1 order, and then the order would be released. Whether or 2 not they would put out, like, a -- a department notice 3 saying, hey, there's a new order that came out, you need 4 to send someone from the district down to graphic arts 5 to pick up, you know, all the new printed- out orders 6 and bring them to the district, I don't know if that was 7 something that was in place then, but I think that 8 became something that was adopted at some point.</p> <p>9 Q. If you could take a look at the Section C on 10 the second page, specifically C4. This talks about 11 getting an RD number, which is something we've talked a 12 little bit about already.</p> <p>13 A. Uh-huh.</p> <p>14 Q. What the -- what is an RD?</p> <p>15 A. It's a records division number.</p> <p>16 Q. What's the purpose of an RD number?</p> <p>17 A. The RD number identifies a particular incident 18 that you're then going to write a report off of, so that 19 going back in time, they can reference and linking 20 things together. Typically, every records division 21 number is associated with an offense number. So that 22 offense number is also tied to those two things. So, 23 like, if there's a phone call that came in for a 24 domestic battery, it would have come in under, you know, 25 offense number 123456. And then you get there and</p>	<p style="text-align: center;">Page 86</p> <p>1 you're like, okay, I need, you know, an RD number for -- 2 an 0486 for a domestic battery. And then those two 3 would be then linked because it would go into the PCAD 4 as associated with that ticket.</p> <p>5 Q. So if you look at b -- so C4b, it looks like 6 that gives a few ways that you get an RD number; is that 7 right?</p> <p>8 A. Yes.</p> <p>9 Q. What is -- can you explain b(2)?</p> <p>10 A. b(2)? "Entering the required information in 11 the appropriate computer menu on either a (PCAD) or a 12 [sic] terminal located in a unit or a PDT." So the 13 PCADs were terminals that were inside each station. 14 Those PCADs allowed you the opportunity to do, like, 15 offense searches, to enter daily ANAs before the 16 automation portion came in. So there was a screen that 17 was in there where you would indicate that for -- in the 18 station, more often than not, it was used when people 19 came in to make -- make out a police report. Like, you 20 would then get on the air and be like, 1502, which is 21 our -- our desk, we needed an RD number for this. They 22 would just go to the PCAD terminal, enter in the fact 23 that they had a walk-in report, that it occurred at the 24 15th District, type in the RD number -- or the UCR code 25 that they were looking for, and it would generate an RD</p>
<p style="text-align: center;">Page 87</p> <p>1 number for them.</p> <p>2 Q. So that's a way you could just directly get an 3 RD number without going through dispatch, right?</p> <p>4 A. So you're still kind of going through 5 dispatch, but electronically, yes.</p> <p>6 Q. In what way are you going through dispatch?</p> <p>7 A. So the -- it's -- it's -- everything's still 8 linked into the dispatch terminal. So it's, like, that 9 information's still going -- it's -- there's still a 10 record of it. There's not, like -- you're not doing it 11 under the cover of darkness.</p> <p>12 Q. It flows through dispatch, but there's no one 13 in dispatch who's asking you questions about it?</p> <p>14 A. Correct, but usually in -- in asking for an RD 15 number, a lot of times dispatch won't ask you any 16 questions. So if you want to view something, you'd be 17 like, hey, I -- I viewed a traffic accident at, you 18 know, Central and -- and -- and Madison. I need a 99 19 Boy. They put you down at Central and Madison, 99 Boy. 20 That's the extent of it. And then everything else that 21 comes from it is, you know, the information that you've 22 then entered into the report that's then subsequently 23 reviewed by your supervisor.</p> <p>24 Q. Is there anything in the PCAD or PDT that 25 would prevent someone from getting an RD number on their</p>	<p style="text-align: center;">Page 88</p> <p>1 own before going out and making an arrest?</p> <p>2 A. That would prevent -- I mean, you would have 3 to put yourself down on an offense. Like, you couldn't 4 just say I need, you know, an RD number and just say -- 5 and just generate it without being assigned to an 6 offense. So by doing that, you're identifying the fact 7 that you're assigned to a particular offense and that 8 this is what it is.</p> <p>9 Q. And that offense could be an arrest for 10 someone purchasing heroin, right?</p> <p>11 A. It -- right.</p> <p>12 Q. And there is no -- there's nothing to stop -- 13 like, preventing you from doing that before you go out 14 and make the arrest?</p> <p>15 A. Ethics, but yeah.</p> <p>16 Q. Why would it be unethical to get an RD number 17 before you make an arrest?</p> <p>18 A. I mean, in the sense that, like, if -- if 19 you're going to sit there and you're going to say I'm 20 going to -- I need an RD number for arresting someone 21 for the possession of a controlled substance, that would 22 raise questions as to where that controlled substance 23 came from. You know, why are you drawing an RD number 24 for, you know, a 2027 or a 2014 when you don't have any 25 narcotics or a person you have arrested for them? You</p>

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<p style="text-align: center;">Page 89</p> <p>1 know, we don't get our RD numbers because that's what we 2 intend to go arrest that day and get numbers ahead of 3 time to establish the fact, oh, I finally got one. Now 4 I'm going to use my number. You know, it's something 5 that you're doing during the course of it. In terms of, 6 like, these missions, they might have drawn it at the 7 very beginning of the mission, right, knowing that we're 8 going to arrest at least one individual. Because we're 9 tied to this offense, we already pulled the offense 10 number for we're at this location and -- you know. So 11 in that regard, yes, but, like, to just randomly go in 12 and say I need it for something else, I would say no. 13 Q. But you could -- you might do it -- would you 14 be able to do it and still be complying with CPD policy 15 for a pre-planned offense? 16 A. For a pre-planned offense? I would say you -- 17 under the circumstances under which I -- I just 18 explained, once the offense started, you could, in 19 theory, yes, because you know you're going to arrest at 20 least one person, but it wouldn't be like, hey, we're 21 going to draw the RD number the night before. 22 Q. You'd have to do it once you actually go to 23 the location? 24 A. Right. And you start the mission. 25 Q. And let's go to Section D on the next page,</p>	<p style="text-align: center;">Page 90</p> <p>1 "Case Report Signatures." 2 A. Uh-huh. 3 Q. Is this the section you were -- or one of the 4 sections you were talking about that gives the rules 5 about signing for other officers? 6 A. Yes. This is what I referenced earlier. 7 Q. And just can you explain it? 8 A. Yes. So I mean, essentially, it says that, 9 you know -- I'll -- I'll read it and then I'll explain. 10 It says, "Members working a two-person beat car and 11 completing a case report will personally sign the report 12 in the appropriate spaces. However, one member may sign 13 for a second member by signing the second member's name 14 and placing the member's initials and star number 15 immediately following the second member's signature only 16 if the following circumstances are met. The second 17 member is unavailable" -- or, I'm sorry, "unable or 18 unavailable to sign; and if the member actually 19 completing the report advised the second member of the 20 content of the report; and the second member gave the 21 first member permission to sign the report on behalf of 22 the second member." So, I mean, essentially what it's 23 saying is that you do have the -- the permission to sign 24 someone's name on a report if these three parameters are 25 met. Being unable to, could be anything from, you know,</p>
<p style="text-align: center;">Page 91</p> <p>1 he injured himself and he can't sign anymore. 2 Unavailable, left for -- left the tour before the report 3 was completed, or is tied up doing processing somewhere 4 else, but the report's completed and we need -- and 5 we're going to submit it. Typically, in -- in 6 interactions with my partner, we would always discuss 7 the report. So he would always be aware of what -- what 8 the content was. More often than not, we would probably 9 read each other's reports, too, so that we would know 10 what the content was in there, and then we would give 11 the affirmation verbally, that, yeah, I'm -- I'm in 12 agreement with what's on here. 13 Q. And then you would do -- you would show on 14 there that you signed for the other person? 15 A. Yeah. 16 Q. And that's in your personal experience? That's 17 how you did it? 18 A. Yes. 19 Q. It says -- this thing starts off by 20 referencing "members working a two-person beat car"?21 A. Yes, sir. 22 Q. Is it limited to people working a two-person 23 beat car? 24 A. I mean, under the -- the guise of this report, 25 that's what they -- they reference it as. I mean, it</p>	<p style="text-align: center;">Page 92</p> <p>1 could just be the fact that there isn't -- that every 2 single set of circumstances under the sun aren't going 3 to be incorporated into every -- every report. There's 4 just going to be different things for everything. 5 Because then if you take it to the next level, it's, you 6 know, members working a two-person tactical car and then 7 there is times when you have three guys inside the 8 tactical car, that I don't know that they would have 9 necessarily broken it down to that level. 10 Q. But this -- the same policy applies to three 11 people working in a tactical car? 12 A. I would say yes. 13 Q. It is not the case that whether it's two, 14 three, or six people working on a tactical team together 15 can just sign someone else's name without saying 16 anything about it? 17 A. Correct. You would have a conversation with 18 your partners, and they would be aware, you know, and 19 they would give you permission to do it. 20 Q. And then you'd have to show your initials and 21 star number? 22 A. You should, yes. 23 Q. Well, you should if want to comply with the 24 policy? 25 A. Correct.</p>

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<p>1 Q. And if you don't do that, you are not 2 complying with the policy? 3 A. Correct. 4 Q. And this applies to vice case reports, 5 correct -- 6 A. I -- 7 Q. -- in addition to other reports? 8 A. I would say it applies to all reports. 9 Q. Okay. There's a Section F, "Completion of 10 Arrest Reports and Related Documents." 11 A. Uh-huh. 12 Q. And there's some highlighting. 13 A. Yes. 14 Q. Did you do that highlighting? 15 A. I did. 16 Q. All right. Why -- what -- how'd you pick what 17 to highlight? 18 A. Well, I was just highlighting because it was 19 -- one of the questions that was brought up in the -- in 20 the 30(b)(6) was preparation of arrest reports. It was 21 just me annotating and highlighting for myself that this 22 might be something that we would have to reference 23 during our conversation. 24 MR. RAUSCHER: Can we take a five-minute break? 25 THE WITNESS: Sure.</p>	<p>1 MR. RAUSCHER: Thanks. 2 THE VIDEOGRAPHER: We are off the record. The 3 time is 11:47 a.m. 4 (OFF THE RECORD) 5 THE VIDEOGRAPHER: We are back on the record. 6 The time is 11:57 a.m. 7 MR. SCHALKA: And just -- I was a few minutes 8 late joining the deposition. My name is Michael 9 Schalka. I represent Defendants Spaargaren and 10 Cadman in the coordinated proceedings. 11 BY MR. RAUSCHER: 12 Q. All right, We were talking about -- I think 13 you had said right before the break, you highlighted the 14 sections that -- for topics that had come up. Was that 15 essentially right? 16 A. I highlighted them based off of what -- what I 17 received from the 30(b)(6), just so when I went in to 18 have meetings with Counsel, that the things that I was 19 referencing, I could point to them and say where I was 20 getting my information from. 21 Q. For any of the highlighted sections on this 22 document, did you have information beyond the -- what's 23 in this report? Like, did you have personal knowledge 24 where you said, well, the policy, you know, says this 25 specific thing, but I know there's a little more to it?</p>
<p>1 Was there anything like that? 2 A. No. I mean, essentially, when I was going 3 through everything, it -- it was all based off, like I 4 said, the -- receiving the 30(b)(6) and then looking for 5 the information, you know, just to refresh my 6 recollection or even look for department orders that 7 might substantiate some of the things that we needed to 8 present today. And, again, I know one of the -- the 9 conversations that we did have was about, you know, 10 signing on behalf of another member, which is part of 11 the reason why I highlighted that, because I wasn't, 12 prior to that, you know, familiar with remembering 13 exactly where I would have seen that before. So I made 14 a note of that and made sure I printed this and shared 15 it with them. The same thing with just some of the -- 16 the form sets that, you know, it was brought up about 17 preparing arrest reports and discussion about complaints 18 that was also included in the 30(b)(6). 19 Q. When you say "complaints," are you talking 20 about court complaints? 21 A. Yes, sir. 22 Q. Like, the preliminary complaint? 23 A. Correct. 24 Q. Okay. 25 A. Yes.</p>	<p>1 Q. And was there anything that you looked at when 2 you were preparing for this, anything in the written 3 policies, where you thought that's not exactly how I 4 remembered it from my time as an officer? 5 A. No. 6 Q. Page 4 of this document -- 7 A. Yes, sir. 8 Q. -- which would be F1. And then specifically 9 F1b refers to an arresting member signing an affirmation 10 statement. Do you see that? 11 A. Yes, sir. 12 Q. Who is the arresting member? What does that 13 mean? 14 A. My understanding of this would be whoever's in 15 what we would consider box 1, so the arresting officer. 16 I'd have to see the old paper form set to know for 17 certain. 18 Q. And then we looked at an example of, like, 19 that pre-planned narcotics offense where it said who's 20 the arresting -- you know, who should be in box 1. Are 21 there other contexts where there is a policy for who 22 should be in box 1? 23 A. Box 1 is essentially the individual who's 24 going to be able to go forward to provide an account for 25 all probable cause at -- at a court hearing, so that we</p>

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<p>1 wouldn't have seven officers going to go testify. It's 2 the individual who has the most amount of knowledge 3 about the case to answer up for any questions at a 4 preliminary hearing.</p> <p>5 Q. And then do you know if that is reflected in a 6 written policy?</p> <p>7 A. It might be in our hard card for arrest report 8 procedures, which would have been -- I don't know if 9 it's referenced in here. Like, the arrest report 10 instructions.</p> <p>11 Q. What's hard card?</p> <p>12 A. So we used to have, like, hard cards back when 13 -- like, I -- it was almost like a cardboard instruction 14 sheet that we were given when we were going through the 15 academy that explained vice case reports, arrest 16 reports, listed all the different boxes that were on 17 each of those reports, and then it kind of was, like, a 18 quick reference guide for, hey, what's box 7? I don't 19 remember what that is. So you go to it, and it will 20 tell you box 7 is specifically this. And I think it's 21 off of one of those hard cards.</p> <p>22 MR. RAUSCHER: So what I think I'm going to do 23 now is mark another exhibit. So Exhibit 5 is going 24 to be the vice case report document, and this is 25 Bates stamp CITY-BG-062853 to 854. Do you happen to</p>	<p>1 have one of those, Paul? Looks like I've got only 2 two of those, too, or do you have it -- this?</p> <p>3 (EXHIBIT 5 MARKED FOR IDENTIFICATION)</p> <p>4 MR. MICHALIK: Yeah, I think I might have that 5 one.</p> <p>6 MR. RAUSCHER: You might have it in your stack.</p> <p>7 BY MR. RAUSCHER:</p> <p>8 Q. You know, before you get too far into that, 9 let me ask you one more question on --</p> <p>10 A. Sure.</p> <p>11 Q. -- the previous exhibit.</p> <p>12 A. Uh-huh.</p> <p>13 Q. You had testified, I think, that your 14 understanding was the written -- the policy about 15 signing someone else's name applies to all documents, 16 not just the specific case report?</p> <p>17 A. Well, for case reporting purposes, right. In 18 various case reports that we have.</p> <p>19 Q. If you look at Section 6, which is the last 20 page of that document, does that essentially say you can 21 also sign other documents under the same circum -- or 22 similar circumstances?</p> <p>23 A. Yes.</p> <p>24 Q. You always have to show that you've done it by 25 the initials --</p>
<p style="text-align: center;">Page 99</p> <p>1 A. Right. So this --</p> <p>2 Q. -- and star number?</p> <p>3 A. You know, and the -- and the purpose behind 4 that is so that they understand who it was that signed 5 on your behalf.</p> <p>6 Q. Who's the "they" in your --</p> <p>7 A. Like, whoever's reviewing the report. So if 8 I'm bringing it to, you know, my commander or I'm 9 bringing it to my lieutenant and I'm like, all right, 10 well, we'll know that that signature belongs to someone 11 else. So in other words, there's been times in my role 12 as a lieutenant where I will have a conversation with my 13 -- well, he's now deceased. My -- my commanding officer 14 at the time was Joe Murphy. He died in December. But, 15 like, I would have conversations with him. He wouldn't 16 necessarily be in the office. We would have to have a 17 report that needed to be forwarded. I would ask him if 18 I had permission to sign his name. After I forwarded 19 him the document, he would review it and say it's good. 20 I'd sign his signature with my name, and then put my 21 name with my initials and my star next to it. I usually 22 put a circle around it so that people would identify 23 that it was -- it was my signature of his name.</p> <p>24 Q. Okay. Got it.</p> <p>25 MR. RAUSCHER: So I've marked Exhibit 5. And</p>	<p style="text-align: center;">Page 100</p> <p>1 now I'm going to also mark Exhibit 6, which is a 2 vice case report Bates stamped CITY-BG-29 to 30.</p> <p>3 (EXHIBIT 6 MARKED FOR IDENTIFICATION)</p> <p>4 BY MR. RAUSCHER:</p> <p>5 Q. Did you -- was Exhibit 5 one of the documents 6 reviewed to prepare for the deposition?</p> <p>7 A. No, it was not.</p> <p>8 Q. That's the vice case report instructions.</p> <p>9 A. Oh, I'm sorry. 5, yes. 6, no.</p> <p>10 Q. Okay. Right.</p> <p>11 A. Sorry.</p> <p>12 Q. 6 is a little more specific.</p> <p>13 A. Sorry. Yeah.</p> <p>14 Q. That's okay.</p> <p>15 A. And, again, 5 was the document that I 16 produced.</p> <p>17 Q. And I see some highlighting on here again. Was 18 that, again, highlighting that you made?</p> <p>19 A. Yeah, it is highlighting that I made in, 20 again, response to what was contained in the 30(b)(6).</p> <p>21 Q. If you could first read the narrative section 22 on Exhibit 6, it goes onto both pages, and then tell me 23 when you're done with that.</p> <p>24 A. (Witness complies.)</p> <p>25 Q. You had a chance to review the narrative</p>

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<p style="text-align: right;">Page 101</p> <p>1 section?</p> <p>2 A. I did.</p> <p>3 Q. If you look back at Exhibit 5, there is a</p> <p>4 number 40 on Page 2. Does that give the policy for what</p> <p>5 should be in the narrative section of a vice case</p> <p>6 report?</p> <p>7 A. Yes.</p> <p>8 Q. And does this vice case report narrative</p> <p>9 section comply with the CPD policy?</p> <p>10 MR. MICHALIK: I'm going to object to that</p> <p>11 question. He's here to answer questions about the</p> <p>12 policies and practices of the CPD. He's not going</p> <p>13 to be offering opinions as to whether certain things</p> <p>14 comply with those policies.</p> <p>15 BY MR. RAUSCHER:</p> <p>16 Q. And you can still answer the question.</p> <p>17 A. I mean, on the basis of the fact that I wasn't</p> <p>18 there, I couldn't answer that question in its entirety.</p> <p>19 By reading the report, it seems to summarize the</p> <p>20 information that they receive and the enforcement action</p> <p>21 that they took. So I would say in terms of giving a</p> <p>22 concise statement of the facts, I would say yes. But,</p> <p>23 again, not being involved in the incident, I -- I don't</p> <p>24 know all the particulars of it.</p> <p>25 Q. Can you tell looking at this who the ROs are?</p>	<p style="text-align: right;">Page 102</p> <p>1 So the narrative references ROs a few times. Who are</p> <p>2 the ROs?</p> <p>3 MR. MICHALIK: Same objection.</p> <p>4 THE WITNESS: My response to that would be in -</p> <p>5 - in terms of that, that would be off of the</p> <p>6 knowledge from the officer who authored the report,</p> <p>7 and then he would be able to tell you who -- who ROs</p> <p>8 were and be able to expound upon -- expound upon</p> <p>9 everyone's roles. And there were other documents</p> <p>10 that would support in terms of who recovered what,</p> <p>11 inventories and so forth, that would fill in the</p> <p>12 blanks of who was where and -- and things of that</p> <p>13 nature.</p> <p>14 BY MR. RAUSCHER:</p> <p>15 Q. So RO 1 would be Jones, and this should be</p> <p>16 reflecting his knowledge, and he would be the person to</p> <p>17 say who else has knowledge. Is that what you're saying?</p> <p>18 MR. MICHALIK: Same objection.</p> <p>19 THE WITNESS: I would say it would be based</p> <p>20 upon the recollection of the indivi -- like, if</p> <p>21 you're looking for whoever authored the case report,</p> <p>22 which in this case, it seems to be Officer Jones, he</p> <p>23 would be the person that I would direct that</p> <p>24 question to in terms of determining the totality of</p> <p>25 -- of the offense. Like, does this accurately</p>
<p style="text-align: right;">Page 103</p> <p>1 describe what everyone did.</p> <p>2 BY MR. RAUSCHER:</p> <p>3 Q. And -- right. And I understand you weren't</p> <p>4 involved in this arrest, so maybe a different way to ask</p> <p>5 it is, is there -- to comply with CPD policy on writing</p> <p>6 narratives, do those ROs have to be any particular</p> <p>7 people listed anywhere else on this report?</p> <p>8 A. So, again, like, when he says that the ROs</p> <p>9 pulled alongside the passenger side of the vehicle, I</p> <p>10 mean -- and they were in a covert car, again, not being</p> <p>11 there, I don't know if all the officers that were listed</p> <p>12 inside were in that covert vehicle. So it's, like -- in</p> <p>13 terms of that, like, I wouldn't be able to respond to</p> <p>14 that, but I would say, based on reporting, that it does</p> <p>15 provide a concise explanation of what happened. I terms</p> <p>16 of identifying everyone's involvement, that then falls</p> <p>17 back on the officers that are listed on the report to</p> <p>18 then explain whose role was what if they get -- if they</p> <p>19 get asked.</p> <p>20 Q. So there is no CPD requirement that the report</p> <p>21 has to say what any particular officer did?</p> <p>22 A. Well, I mean, in -- in this particular one, it</p> <p>23 indicates that he was searched by an additional officer</p> <p>24 in the station at the very end. So it identifies PO</p> <p>25 Hurt as someone who searched him. The fact that Beat</p>	<p style="text-align: right;">Page 104</p> <p>1 211 was also there and what they did, so it spells out</p> <p>2 those portions of it. I would think that in terms of,</p> <p>3 like, the narcotics end of it, who recovered what, would</p> <p>4 be answered by the inventory reports because that would</p> <p>5 identify -- if a state's attorney was reading this for -</p> <p>6 - for trial purposes, to kind of then identify who did</p> <p>7 what, but then also they would bring all the officers in</p> <p>8 and interview everyone to make a determination of, you</p> <p>9 know, whose role was what. You know, who was in the</p> <p>10 covert car? Was it all of you? Was it not all of you?</p> <p>11 Was the enforcement car set up somewhere else? And then</p> <p>12 they would fill in the blanks on -- on that portion of</p> <p>13 it.</p> <p>14 Q. So the CPD policy does not require the</p> <p>15 identification of anybody -- sorry, I'm going to strike</p> <p>16 that. CPD policy doesn't require the report to identify</p> <p>17 who did what during the arrest?</p> <p>18 A. During the arrest or the incident?</p> <p>19 Q. During the incident.</p> <p>20 A. I -- I mean, the thing is, in -- in reading</p> <p>21 this report, I would say that, as a collective whole,</p> <p>22 they were all involved in receiving this information,</p> <p>23 setting up a surveillance, and then taking an</p> <p>24 enforcement action as a team.</p> <p>25 Q. They meaning?</p>

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<p style="text-align: center;">Page 105</p> <p>1        A. ROs. Meaning all the officers that are listed 2        on this -- in box 12, 8, and 18, right? That they were 3        identified -- to me, if I'm reading this report, I would 4        identify them as the ROs. As a team, they then set this 5        up, and then they use an enforcement vehicle along -- or 6        a covert enforcement vehicle, along with a beat car, to 7        take enforcement action, and then what transpired from 8        there.</p> <p>9        Q. And the 45 and 46 having two people's name and 10       signature doesn't signify any particular role beyond the 11       other people listed; is that right?</p> <p>12       A. In terms of -- I would say 45 and 46 are going 13       to be your two officers that more than likely appeared 14       in box 1 and 2 of the arrest report.</p> <p>15       Q. Sure. So it ties with that --</p> <p>16       A. Right.</p> <p>17       Q. -- but does it signify -- under CPD policy, 18       does it signify any particular role in the incident?</p> <p>19       A. That just that they were one of the responding 20       officers that were involved in this -- in this incident.</p> <p>21       Q. But that they --</p> <p>22       A. And then --</p> <p>23       Q. I'm sorry. Go ahead. Continue.</p> <p>24       A. -- and -- and -- I mean -- and then maybe even 25       to go -- I would say in this particular instance -- but,</p>	<p style="text-align: center;">Page 106</p> <p>1        again, this is just my -- my opinion, and everyone 2        writes it differently. But, like, where it specifically 3        indicates they set up a surveillance with Beat 211 and 4        after a short time -- RO, to me, would be Jones, 5        observed the vehicle approaching the area southbound on 6        Rhodes from 35th Street. But, again, not being there, I 7        mean, you'd have to ask them for who played what 8        specific role in this.</p> <p>9        Q. Right. What I'm trying to get from you is 10       more of what would the policy require them to put in 11       this report and how do you read it as the official from 12       CPD talking about the policies?</p> <p>13       A. I would say that according to our -- our 14       policies that, again, when you're writing narratives, 15       it's all -- it's all based on how the author wants to 16       write it. In the sense that does it provide -- does it 17       answer the question number 40? Does it give a concise 18       statement of the facts of the case? It does. Some 19       people would expound in their reports and indicate who 20       everyone did, and it made it easier, you know, for 21       recollection purposes for certain people when it went to 22       court to remember that I did this, you did that, he did 23       this, he did that. Other people didn't write that way. 24       You know, some people just wrote it as, you know, in 25       this general summary way where it gave a concise</p>
<p style="text-align: center;">Page 107</p> <p>1        statement of the facts that actually transpired and then 2        they had supporting documents that then explained who 3        did what. Or when they went to court, it was based off 4        of their recollection of the offense, and then they 5        would have to support their statements on the stand 6        based on the reports that they then crafted.</p> <p>7        Q. And under the policies, it's okay -- either 8        way is okay?</p> <p>9        A. I would say yes. I mean, as far as this is 10       written, I would say that it would've been a report that 11       would've been approved. Yes.</p> <p>12       Q. And then we've already talked about the policy 13       for signing, but if you assume that one person signed 14       for 45 and 46 here, would you agree that violates CPD 15       policy?</p> <p>16       MR. MICHALIK: I'm going to object. Again, 17       it's beyond the scope as to his interpretation of 18       the document. He's here to talk about the policies.</p> <p>19       MR. BAZAREK: Yeah, I'm joining in that 20       objection.</p> <p>21       THE WITNESS: I mean, I would say -- if we're 22       saying the same person signed all three names, then, 23       yes, obviously that would be a violation of policy. 24       However, I mean, just looking at it, I would say it 25       was signed by three different people.</p>	<p style="text-align: center;">Page 108</p> <p>1        BY MR. RAUSCHER:</p> <p>2        Q. Right. I am not asking for a handwriting 3        analysis --</p> <p>4        A. Right.</p> <p>5        Q. -- or necessarily saying three people signed 6        it. Just to be clear, I'm asking if somebody -- one 7        person signed two or multiple names on here, that would 8        violate -- that would've violated the policy?</p> <p>9        A. It would've violated the policy. But, again, 10       I don't know necessarily if you're talking about in 11       terms of, like, disciplining someone, that might be 12       something that would come down as a reprimand to remind 13       someone that if you're going to sign a report on 14       somebody's behalf, you've got to -- you've got to 15       document it.</p> <p>16       MR. RAUSCHER: All right. We're going to mark 17       Exhibit 7 as CITY-BG-3812 to 3816. This is an 18       arrest report from the same incident.</p> <p>19       (EXHIBIT 7 MARKED FOR IDENTIFICATION)</p> <p>20       MR. BAZAREK: Scott, what's -- I'm sorry, 21       what's the Bates, again, on that?</p> <p>22       MR. RAUSCHER: 3812 to 15. It's that Ben Baker 23       arrest report or final approval of an arrest report.</p> <p>24       MR. BAZAREK: Okay.</p> <p>25       MR. RAUSCHER: Oh, I'm sorry. It's 16. It</p>

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<p style="text-align: center;">Page 109</p> <p>1       goes through 16. I said it wrong. There we go. 2       I'm also going to show you -- I'm going to mark 3       Exhibit 8, which is CITY-BG-62855, and that's "Form 4       Preparation Instructions." They just copied them 5       differently. 6       (EXHIBIT 8 MARKED FOR IDENTIFICATION) 7       BY MR. RAUSCHER: 8       Q. Have you had a chance to look at those? 9       A. I did. 10      Q. So Exhibit 8 is "Form Preparation 11     Instructions." 12      A. Uh-huh. 13      Q. Is that giving instructions on how to fill out 14     an arrest report? 15      A. Not this one. 16      Q. It doesn't match up to this one, right? 17      A. Right. 18      Q. Yeah. 19      A. So this is -- this would've been the form set 20     for the paper reports. 21      Q. If you look at 44 -- you see there's some more 22     highlighting in here, which -- did you do that 23     highlighting? 24      A. That's me as well. Yes. 25      Q. One of the boxes you highlighted is -- I</p>	<p style="text-align: center;">Page 110</p> <p>1       believe it's 44? 2       A. Uh-huh. 3       Q. It says, "Arresting officer having court 4       appearance responsibility will print his name first 5       indicating beat, furlough, day off group, and 6       misdemeanor/ordinance court key." Do you see that? 7       A. Yes, sir. 8       Q. It obviously doesn't exactly match up on this 9       form, but is the substance still accurate that the 10      arresting officer having court appearance responsibility 11     will be the first arresting officer? 12      A. That's still correct. Yes. 13      Q. And so that's the person on this -- if you 14     look at Page 3, arresting officers, that matches up to 15     Jones; is that right? 16      A. Yes, sir. 17      Q. And then second -- the next box, 45, says, 18     "Second arresting officer will print his name, 19     indicating star number and unit of assignment." Do you 20     see that? 21      A. Yes, sir. 22      Q. And is that supposed to be Officer Mohammed in 23     this arrest report, which is Exhibit 7? 24      A. Yes. 25      MR. MICHALIK: And I'm going to just object to</p>
<p style="text-align: center;">Page 111</p> <p>1       the foundation. This is beyond the scope of the 2       30(b)(6) notice. 3       MR. RAUSCHER: I don't think it is because we 4       talked about how I was only going to use reports, if 5       I did, from test cases. 6       MR. BAZAREK: I'm going to join. 7       BY MR. RAUSCHER: 8       Q. What does -- so back to Exhibit 8, "Arresting 9       officer having court appearance responsibility will 10      print his name first, "what does that mean? 11      A. So on the paper form set, like, if you had the 12     old arrest reports that we did, they would be considered 13     -- this would be considered the box 1 arresting officer. 14     So he is the one that's going to be going to court for 15     the probable cause or the preliminary hearing. 16      Q. And is there a policy on who that person 17     should be? 18      A. I -- I mean, in theory, it should be the 19     individual who is going to be able to establish the most 20     at the probable cause hearing without them having to 21     either seek for a continuance or not have sufficient 22     evidence or information to go forward with a preliminary 23     hearing. 24      Q. And if you look -- looking back at the vice 25     case, box 45 -- so if I'm looking at Exhibit 5, which is</p>	<p style="text-align: center;">Page 112</p> <p>1       the vice case report form, and then it says, "Enter" -- 2       so 45, "Enter printed name of officer completing report, 3       star number, and the signature in the box below," do you 4       see that? 5       A. Yes, sir. 6       Q. Is that supposed to correspond to the first 7       arresting officer in the arrest report? 8       A. I don't, necessarily, think it -- it has to. 9       Q. Okay. 10      A. There could be circumstances where it kind of 11     -- like with everything, there's -- there's an exception 12     to every rule, right? Can I give you one off the top of 13     my head? No, probably not. But there probably could be 14     an instance where maybe he's on furlough and can't go, 15     right? So rather than put him in box 1, they might put 16     another guy in box 1, so that they can go to the 17     preliminary hearing and not have a continuance. 18      Q. Oh, he -- if he knows he's going to be on 19     furlough -- 20      A. Furlough, correct. Yes. 21      Q. And then would that -- would the report 22     indicate that that's why they wrote the report that way? 23      A. It probably wouldn't. I mean, because the 24     report itself wouldn't change in terms of who authored 25     this report and who did what. Like, the circumstances</p>

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<p style="text-align: center;">Page 113</p> <p>1 of that wouldn't change. And then the officer going to 2 testify would testify to what he saw and/or observed. 3 But that person who would be taking his place would be 4 the person that would still be able to testify and 5 explain the roles of everyone that's involved.</p> <p>6 Q. It -- would -- if the reporting officer had 7 not observed any of the things in the narrative, would 8 they have to change the narrative to reflect that?</p> <p>9 MR. BAZAREK: Object to the form of the 10 question and incomplete hypothetical.</p> <p>11 THE WITNESS: So are we talking about the 12 arrest report or the case report?</p> <p>13 BY MR. RAUSCHER:</p> <p>14 Q. So we're -- on the vice case report.</p> <p>15 A. Okay.</p> <p>16 Q. In your example where an officer may be going 17 on furlough and so that they don't want to be the 18 reporting officer and cause a court case --</p> <p>19 A. Well, they would still be the reporting 20 officer. They just wouldn't necessarily be box 1 for 21 the arrest report. So that was the question I thought 22 you asked is, is would there ever be a time where 45 23 wouldn't be the same as the 1? So maybe I misunderstood 24 what you were asking. So in that regard, the officer 25 would still write his report. He just wouldn't go box 1</p>	<p style="text-align: center;">Page 114</p> <p>1 because he might not be available for court. 2 Q. So box 1 on the arrest report would change? 3 A. Yes, because that -- 4 Q. Got it. 5 A. -- person could still satisfy the probable 6 cause hearing and still be there to testify for 7 everything that transpired. So there -- there could be 8 circumstances where that might arise, and that would 9 probably be, you know, like one that I could come up 10 with off the top of my head. That might be, you know, a 11 time when that might occur.</p> <p>12 Q. As a general rule, though, box 45 on a vice 13 case report would also be the same person who's expected 14 to go to court and be the first arresting officer?</p> <p>15 A. I would say yes.</p> <p>16 Q. And then box 46, the explanation of box 46, 17 back to the form, says, "Enter printed name, star 18 number, and signature of a second officer, if 19 applicable."</p> <p>20 A. Yes, sir.</p> <p>21 Q. What does that mean?</p> <p>22 A. So if it's applicable -- when we're recovering 23 -- this is for narcotics in general. So any time -- 24 let's just say I'm working in a beat car by myself, and 25 I respond to a call from a citizen who says I was doing</p>
<p style="text-align: center;">Page 115</p> <p>1 my gardening, and I came across a bundle of heroin, you 2 know, that someone was concealing on my property. I, as 3 an individual officer, would respond to that scene, and 4 they would point out that bundle of heroin. I would 5 recover it. I would write my report. For found 6 narcotics, there wouldn't be a need for a second officer 7 then. So in situations you may not always have a second 8 officer that's on scene. Or in the same regard, if I'm 9 working on a -- in a beat car and I'm by myself and I 10 view a hand-to-hand narcotics transaction, or I pull 11 someone over for a traffic violation that, subsequently, 12 leads to the arrest of an individual for narcotics, and 13 I'm the only one that's on scene and I'm the only one 14 involved, then there's no need for a box46.</p> <p>15 Q. Okay. And so would it be typically -- the 16 policy would -- typically, following the policy, you 17 would expect two people to be on there for tactical team 18 arrests?</p> <p>19 A. That's correct. Yes.</p> <p>20 Q. And then staying on the form, we've got 48 and 21 50 talk about supervisor work?</p> <p>22 A. Uh-huh.</p> <p>23 Q. And what is the supervisor doing to -- under 24 the following policy, what is a supervisor expected to 25 do before approving a vice case report?</p>	<p style="text-align: center;">Page 116</p> <p>1 A. So it would depend. If you were involved in 2 the situation and you knew you had personal knowledge of 3 it, then you would make sure that, obviously, the facts 4 were exactly as, you know, you remember them. And if 5 there were additional details that you need them to add 6 into it, you would say you need to send this back. In 7 addition to that, you know, they're -- they're reviewing 8 it to make sure all the boxes are checked. You know, as 9 they're going through the report, that, you know, IR 10 numbers and CB numbers are - - are put in there, 11 inventory numbers are there, because those are all 12 things that were typically generated after. Because as 13 you can see, the CB number or IR number is penned in 14 because the report was completed before we actually had 15 a CB number for that individual because he would've had 16 to go down to lockup first. And then he would just go 17 through and make sure, hey, if there was a car that was 18 involved, do we have all the vehicle identifiers and all 19 that information in there and then read the narrative. 20 If they weren't personally involved in it, their -- 21 their purpose would, again, be to read this, make sure 22 all the boxes are checked, and to make sure that it gave 23 a concise statement of the facts of the case, you know, 24 as they're reading it. You know, you're not grilling 25 the officer and being like is this really what happened</p>

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<p style="text-align: right;">Page 117</p> <p>1 and asking them all, because more often than not, 2 they're not there. So you're just going to read the 3 report, verify that everything's there, and then if 4 everything looks good, you're going to affix your 5 signature on the front and if it goes to the back, on 6 the back side.</p> <p>7 Q. So the supervisor is not expected and it would 8 not be typical to -- if they were not at the scene to go 9 talk to the officers involved and say, hey, I have some 10 questions. Is this really what happened?</p> <p>11 A. It -- no. Not about is this really what 12 happened? It would be more or less if there was 13 something that they failed to include in a report, they 14 would bring it back to them and say, hey, you know, I 15 read your report. It seems like you're -- you're 16 missing something in your narrative. Can you tell me a 17 little more about this? And then have them kind of fill 18 in the blanks for them to make -- okay, you need to 19 either adjust your narrative or you need to add, you 20 know, information about the vehicle in there. You 21 forgot to put that in there. So there would be reasons 22 why they would reject it for stuff like that.</p> <p>23 Q. But if it appears to facially complete and 24 shows probable cause, the supervisor would not typically 25 -- would not be expected to go talk to the officers</p>	<p>1 before approving it?</p> <p>2 A. That's correct.</p> <p>3 Q. And then -- so 47, date investigation 4 completed and time --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- is that when the auth -- what does that 7 mean?</p> <p>8 A. So by the -- by the time everything's all said 9 and done, like, you're done with the street, you're done 10 typing it, he's in lockup, you know, you're -- you're 11 done -- your investigation is -- is complete, you would 12 put that in there.</p> <p>13 Q. And does that have to come before the time in 14 49? Like, does that have to be earlier than the time 15 the supervisor</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 A. Because you wouldn't present the report to 19 them until you were done.</p> <p>20 Q. If we look back at Exhibit 7, that's the 21 arrest report. And look at the narrative, and let me 22 know if the narrative complies with CPD policy on 23 narratives.</p> <p>24 MR. MICHALIK: Again, I'm going to object to 25 the foundation, and it's beyond the scope of the</p>
<p style="text-align: right;">Page 119</p> <p>1 30(b)(6) notice.</p> <p>2 MR. BAZAREK: Join.</p> <p>3 THE WITNESS: I would say that, yes, the 4 narrative supports the charges; and -- and 5 therefore, if I were a watch commander reviewing 6 this, based on the narrative that was supplied here, 7 the charges that are in here are -- are supported.</p> <p>8 BY MR. RAUSCHER:</p> <p>9 Q. And so this -- the narrative refers to AOs. Do 10 you see that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Do you know what that means in this context?</p> <p>13 A. So that would be the arresting officers.</p> <p>14 Q. And so does that -- as the -- if this report 15 is following CPD policy, does that -- do the references 16 to AOs refer to Jones and Mohammed?</p> <p>17 MR. MICHALIK: Same objection. Beyond the 18 scope.</p> <p>19 MR. BAZAREK: That and it also calls for 20 speculation.</p> <p>21 THE WITNESS: Yes. And, again, I think it 22 would refer to the -- the same token what's in the - 23 - the case report for the ROs that the AOs is -- is 24 plural for, potentially, 264 David and 264 Charlie 25 because they're all involved. The information would</p>	<p>1 then be supplied by Jones and Mohammed, you know, if 2 there was a clarification as to who specifically did 3 what.</p> <p>4 BY MR. RAUSCHER:</p> <p>5 Q. But you'd expect, at least if it's following 6 policy, Mohammed will certainly know the answer to 7 these? He'll be one of the AOs?</p> <p>8 A. He should, yes.</p> <p>9 Q. And then what about Watts? He's listed on the 10 vice case report, but not listed as one of the arresting 11 officers.</p> <p>12 MR. GAINER: Just object to form of that 13 question. This is Brian Gainer.</p> <p>14 MR. MICHALIK: And also, again, it's beyond the 15 scope of the 30(b)(6) notice.</p> <p>16 MR. BAZAREK: Join.</p> <p>17 BY MR. RAUSCHER:</p> <p>18 Q. Should this report have listed Watts as one of 19 the AOs?</p> <p>20 MR. MICHALIK: Same objection.</p> <p>21 THE WITNESS: Again, without knowing what his 22 official role was in this, I don't know. I mean, 23 they might have listed him on there because on some 24 level, he participated in -- in helping process. 25 When they brought him into the station, that might</p>

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<p style="text-align: center;">Page 121</p> <p>1 have been the reason why they listed him on there. 2 I wouldn't know if he was physically present or not 3 and then if he was or was not, you know, what his 4 role would've been in that.</p> <p>5 BY MR. RAUSCHER:</p> <p>6 Q. Well, right. I understand you don't 7 personally know what he may have done or may not have 8 done, but to comply with CPD policy, should the reports 9 have indicated what he did if he was involved?</p> <p>10 A. If he was involved, he would've been listed as 11 -- on some level, he would've been listed, I would 12 imagine, as an assisting arresting officer. And in that 13 regard, they would've been able to ask him, well, what 14 was your role in assisting? You know, that -- that 15 assistance could come in the form of I processed him in 16 the back and -- and, you know, took his shoelaces out 17 and put them in the bag. I got his name. You know, I -- 18 I helped prepare the complaint or -- or something to -- 19 to that level.</p> <p>20 Q. Is there any issue or any violation of policy 21 by listing him as one of the reporting officers on the 22 vice case report, but not one of the involved officers 23 on the arrest report?</p> <p>24 MR. MICHALIK: Same objection.</p> <p>25 THE WITNESS: Again, I would refer back to not</p>	<p style="text-align: center;">Page 122</p> <p>1 knowing the totality of the circumstances that I 2 can't say with certainty, you know, why he was 3 listed on -- on either report or omitted from 4 another report.</p> <p>5 BY MR. RAUSCHER:</p> <p>6 Q. And you can't say yes or no as to whether 7 doing that violates CPD policy in preparation of 8 reports?</p> <p>9 MR. MICHALIK: Objection. Foundation. Beyond 10 the scope.</p> <p>11 MR. BAZAREK: Join.</p> <p>12 THE WITNESS: Without knowing what his official 13 role or what he -- what capacity he acted in, no, I 14 can't.</p> <p>15 MR. RAUSCHER: All right. We're going to mark 16 I think we're on Exhibit 9, CITY-BG-62842 to 62850.</p> <p>17 (EXHIBIT 9 MARKED FOR IDENTIFICATION)</p> <p>18 MR. MICHALIK: Do you have an extra one?</p> <p>19 MR. RAUSCHER: I'm looking for it.</p> <p>20 MR. MICHALIK: Which one is it?</p> <p>21 MR. RAUSCHER: It's the -- 62842.</p> <p>22 MR. MICHALIK: Yeah. I've got it.</p> <p>23 MR. RAUSCHER: You've got it? Okay. All 24 Thanks.</p> <p>25 BY MR. RAUSCHER:</p>
<p style="text-align: center;">Page 123</p> <p>1 Q. Have you had a chance to look at this?</p> <p>2 A. I did, sir, yes.</p> <p>3 Q. Was this one of the documents you reviewed to 4 prepare for today's deposition?</p> <p>5 A. Yes. And, again, I produced this one.</p> <p>6 Q. Okay. Can you tell me, generally, what this 7 document is?</p> <p>8 A. It was an instruction manual for just -- like, 9 as it states, field reporting in general. It's dated 10 back to -- last revised in December of 1985. Kind of 11 gives -- like, when we were going through the academy, 12 just, like, a way of explaining how you were supposed to 13 document reports, importance of UCR classifications. If 14 you look at the -- the second page where it has the 15 multiple I-UCR -- it would've been, like, Section 3, 16 letter B, multiple I-UCRs for Part 1 offenses, more than 17 one occurring at the same time. Back then, we only had 18 the ability to document something under one UCR code. 19 So if you had multiple crimes that happened, you would 20 go with the incident that had the -- the highest UCR 21 code. And so this was just explaining to officers, 22 like, there's -- there's a hierarchy rule for reporting. 23 And there were also examples of -- like, if you go to 24 the next page where it has up at the top, the 25 hotel/motel rule, the multiple thefts rule, just</p>	<p style="text-align: center;">Page 124</p> <p>1 explaining, like, how many times -- like, if you have to 2 produce multiple reports if something happened at this 3 location versus something that happened with this. And 4 kind of just sort of a general guide for some of those 5 nuances that come up where you're like, I don't know how 6 I'm supposed to report this, how many reports are 7 supposed to come out. This also kind of gives you a 8 general idea of -- I think in some point in here it 9 tells you what your narrative is supposed to contain, 10 you know. And every narrative is supposed to answer, 11 like, the basic questions of who, what, when, why, when, 12 where, and how, so</p> <p>13 Q. Are -- the substantive things you just 14 discussed, are they still valid, still policies?</p> <p>15 A. In terms of for reporting, yeah --</p> <p>16 Q. Yeah.</p> <p>17 A. -- your report should be able to answer those 18 questions so that when someone who reads the report, 19 they understand what happened. Your job is to -- to 20 respond to the scene and to, you know, document the 21 information in -- in -- accurately as you can. Will 22 mistakes happen? Will there be typos? Will sometimes 23 you get someone's phone number or birth date or spelling 24 on a name wrong, things like that? Yeah. Those things 25 always happen. But, you know, for the most part, yes,</p>

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<p style="text-align: center;">Page 125</p> <p>1 your report should be -- should be concise, and it 2 should also explain and be able to answer those 3 questions and -- and be accurate.</p> <p>4 MR. MICHALIK: Just to be clear, you're talking 5 about the narrative?</p> <p>6 THE WITNESS: Correct.</p> <p>7 MR. MICHALIK: Okay. I think your question was 8 a little broader than that.</p> <p>9 MR. RAUSCHER: It was broader than that.</p> <p>10 BY MR. RAUSCHER:</p> <p>11 Q. But -- so you've talked about, I think, a few 12 things when you were going -- you gave me a few 13 examples, and I'm -- I just want to know, are all the 14 things you talked about still policies of CPD --</p> <p>15 A. Just now --</p> <p>16 Q. Yeah.</p> <p>17 A. -- or -- yeah. I -- in terms --</p> <p>18 Q. In this field manual.</p> <p>19 A. So -- yes. I mean, in the sense that 20 everything that is in here, it's still attached to -- I 21 forget what -- we -- one -- it's one of the other 22 exhibits. It's still embedded in a current exhibit 23 today.</p> <p>24 Q. Something we've looked at already?</p> <p>25 A. Yeah. It's -- if you look at -- I think it's</p>	<p style="text-align: center;">Page 126</p> <p>1 the data and -- what -- can I get this one? The 2 department letters -- "Department Reports and Letters 3 for [sic] Clearance," which I believe is still an active 4 order within the department. If you look at Section II 5 where it says "Reporting Standards" --</p> <p>6 Q. Which -- you're looking at Exhibit 4?</p> <p>7 A. Exhibit 4.</p> <p>8 Q. Okay.</p> <p>9 A. I'm sorry. So if you look at Exhibit 4, 10 Page 1, Section II -- or Roman numeral II under 11 "Reporting Standards," next to letter A, you're going to 12 find "Field Reporting Manual," which is CPD-63.450, 13 which is the name of the form set, which is what we have 14 here.</p> <p>15 Q. Okay.</p> <p>16 A. So it's still embedded in -- in an active 17 order.</p> <p>18 Q. Okay.</p> <p>19 THE WITNESS: Thank you.</p> <p>20 BY MR. RAUSCHER:</p> <p>21 Q. And so if you look at Page -- in under the 22 "Report Completion" section on CITY-BG-62845 and then 23 specifically in the "Language" thing, It talks about 24 foul language of an offender and when you're supposed to 25 use it. And you're supposed to "indicate that the</p>
<p style="text-align: center;">Page 127</p> <p>1 language reported is not a verbatim quotation of the 2 entire conversation of the offender"?</p> <p>3 A. Yes.</p> <p>4 Q. What's the purpose of that policy?</p> <p>5 A. I think more or less, it's -- it's to 6 establish the fact that what's being taken is in essence 7 but not verbatim. And I think part of that is at the 8 time, obviously, we weren't wearing recording devices 9 like we are today. So to go back in time and get an 10 accurate account of what was said, to know verbatim that 11 this is what the person said, you would do that to say, 12 you know, in essence but not verbatim, it's individual 13 related this. That way, if it wasn't exactly accurate, 14 you weren't perjuring yourself or submitting a false 15 report.</p> <p>16 Q. And that doesn't -- that applies not just to 17 foul language, but to anything in the narrative, right?</p> <p>18 A. Well, I think part of this, like, the -- 19 again, you have to remember the -- the time frame under 20 which this was written. This goes back all the way to 21 1985. You know, I think there was a different level of 22 civility in society than there is today, you know. And 23 so I think that the whole purpose of this, that they 24 didn't want a -- a police report that had a bunch of F 25 bombs in it --</p>	<p style="text-align: center;">Page 128</p> <p>1 Q. Yeah.</p> <p>2 A. -- because it wasn't necessary, right? So if 3 there's foul language that he's using, it's got to be 4 pertinent to what happened. You know, so, like, if it 5 was an instance where you were the victim of an 6 aggravated battery and he was screaming explicatives at 7 you, you were going to put that in there because it was 8 like, hey, this is what he said. But, like, you know, 9 if it was you asked him a question and just -- that's 10 just how that person normally talked by dropping an F 11 bomb every other word, you weren't going to put that in 12 your report.</p> <p>13 Q. And you alluded, I think, to a broader point, 14 which I believe is reflected in Line Item 3 right above 15 that, and tell me if I'm wrong, which is you want to -- 16 if you're writing down what a witness said verbatim, 17 you're going to put quotes around it. And if you're not 18 trying to say that this was a verbatim quotation, you're 19 going to add that in as well; is that fair?</p> <p>20 A. Yes, but it also it -- it -- it lends to there 21 are times where quotation marks would be used in certain 22 instances where you wouldn't -- you wouldn't necessarily 23 say in essence or -- or whatnot. One, an example that 24 would be, you know, someone asking for sexual favors of 25 some sort. They might use, you know, what we would</p>

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<p style="text-align: center;">Page 129</p> <p>1 consider a street terminology for, you know, some sort 2 of sexual act for someone to perform, and they would be 3 like, hey, he -- he asked me to do this," and you would 4 just put it in, you know, in parentheses [sic]. 5 Typically, you would follow that with which is commonly 6 known as oral sex or, like, whatever it was that he was 7 asking for. Similarly, we might do that same thing in, 8 you know, a vice case report when it was in reference to 9 a narcotic where, you know, like I said, if they were 10 yelling blows, blows, blows, you might have that in -- 11 in quotation marks and then put next to that, like, 12 street terminology for the controlled substance heroin.</p> <p>13 Q. Sure. So -- and just for -- back for one 14 second. You said -- when you were describing the first 15 example, you said you would put in parentheses, but did 16 you mean quotes?</p> <p>17 A. Quotes. I'm sorry. Yes.</p> <p>18 Q. And you -- so you might explain what the 19 quotes mean --</p> <p>20 A. Yes.</p> <p>21 Q. -- right? But you wouldn't use quotes unless 22 it was a quote without saying in essence or something 23 like that?</p> <p>24 A. Not always. I mean, again, like, using the -- 25 the first example. If, you know, you were having a</p>	<p>1 conversation with, you know, a victim who had been 2 criminally sexually assaulted and she's like he forced 3 me to perform, pardon me, you know, a blow job on him, 4 right, and then you would put in there so that everyone 5 knew so that there wasn't a doubt, like you then 6 verified with her that this is what she meant, that she 7 may -- he forced her to perform oral sex, right? So 8 which through interview of the victim, you learned was 9 oral sex.</p> <p>10 Q. But the part that you put in the quotes, you 11 wouldn't be adding the quotes to a word that the victim 12 didn't say?</p> <p>13 A. Did not say. Correct.</p> <p>14 Q. That's all I'm trying to clarify.</p> <p>15 A. Yes. Yes. Correct. Yes.</p> <p>16 Q. Okay. And that's consistent with CPD policy?</p> <p>17 A. Yes, sir.</p> <p>18 Q. All right. So the second to last page talks 19 about signatures again. And then, specifically, I just 20 want to confirm that signing by the reporting officer 21 and the supervisor approving the report indicates that 22 this report is complete and accurate and attests that 23 the completed report has been proofread; is that right?</p> <p>24 A. According to this, yes.</p> <p>25 Q. Well, is that the CPD policy?</p>
<p style="text-align: center;">Page 131</p> <p>1 A. Yes.</p> <p>2 Q. Are there any policy -- any written policies, 3 or training modules, or training manuals you're aware of 4 that discuss what AO or RO means that we haven't looked 5 at yet?</p> <p>6 A. Not that I'm aware of. No.</p> <p>7 Q. One of the policies we looked at earlier, I 8 think, touches on another topic. So we've talked a lot 9 about preparation of reports, which is the first topic. 10 And then one of the policies, I think, also talks about 11 the -- one of the topics is -- Topic C is completion of 12 complaint for preliminary examination.</p> <p>13 A. Uh-huh.</p> <p>14 Q. Do you know what that is?</p> <p>15 A. Yes.</p> <p>16 Q. Which policy talks about that topic?</p> <p>17 A. In terms -- the ones that we</p> <p>18 Q. So we've looked at -- didn't we look at an 19 exhibit</p> <p>20 A. Yeah. So that's a -- I think that's 4 again, 21 Exhibit 4. And it should be, I think, one of the last 22 pages in 4. "Report Signatures" -- it's on Page 4. So, 23 yeah, it's going to be Exhibit 4, Page 4, letter G.</p> <p>24 Q. All right. So can you walk me through the -- 25 that policy?</p>	<p>1 A. Sure. Just -- I mean, in terms of preparing a 2 complaint, whenever we're placing charges against 3 someone, there's -- there's a court complaint that's 4 filled out, whether it's for a class A misdemeanor 5 through, you know, a -- a felony complaint. Essentially 6 what it is, is just making sure that prior to signing 7 that complaint, that they know that the defendant's name 8 that's affixed to that complaint is correct and that 9 their name is on there, that the related charge and the 10 offense date and everything are also accurate and 11 correct, so that you're not applying a charge that is 12 incorrect on an individual. And then in terms of the 13 elements of the offense, there's -- there's a box that's 14 underneath that sort of explains. Like, if an individual 15 was being charged with PCS, that he was discovered being 16 in possession of, you know, a controlled substance in 17 violation of the policy of the state. And then in terms 18 of Section 2, there's a member who is -- who is then 19 deputized by the department to serve as a deputy clerk 20 to witness the complaint, and they're just signing the 21 complaint enacting -- in essence, clerking the document 22 is what it amounts to.</p> <p>23 Q. Yeah. What is that? So I know there are 24 policies about assigning people -- or deputizing people 25 to be clerks.</p>

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<p style="text-align: right;">Page 133</p> <p>1       A. Right.</p> <p>2       Q. And I don't know that we need to through all</p> <p>3       them, but what are you doing when you're deputizing the</p> <p>4       document?</p> <p>5       A. You're serving as -- as the clerk for the</p> <p>6       court, right, so that you're not presenting that</p> <p>7       document or having to present the document to the -- the</p> <p>8       courts. You're verifying that, yes, you're signing this</p> <p>9       complaint and then they -- we're going to move forward</p> <p>10      and -- and send it through the courts.</p> <p>11      Q. And does that have to be a different person</p> <p>12      than the complainant?</p> <p>13      A. Yes.</p> <p>14      Q. What is the complainant's role in preparing</p> <p>15      the complaint for a preliminary examination?</p> <p>16      A. So in preparing it, they could be the one</p> <p>17      that's actually typing it all out and -- and filling it</p> <p>18      out themselves, depending on if they're working by</p> <p>19      themselves or if they're working with a team. Like, one</p> <p>20      of their teammates might be filling out the top portion</p> <p>21      of it for them and then filling in the charge to make</p> <p>22      sure that it's matching up of what this is what we're</p> <p>23      charging the guy with. And then when he goes back to</p> <p>24      it, it's going to be up to him to review it and verify</p> <p>25      that everything is accurate. That, yeah, that's the</p>	<p style="text-align: right;">Page 134</p> <p>1       right defendant's name. This is the date. These are</p> <p>2       the charges. This is what the narrative is. That's what</p> <p>3       I want to go with. And then signing the complaint.</p> <p>4       Q. Is the complainant expected to go back to the</p> <p>5       underlying reports to verify that information you just</p> <p>6       discussed?</p> <p>7       A. They -- like I mean, it depends. There might</p> <p>8       be certain things that you have to go back to verify on.</p> <p>9       Like, if you're arresting somebody for a firearm, right,</p> <p>10      you want to make sure the description of the firearm</p> <p>11      that's supplied in the case report matches what's in the</p> <p>12      complaint. So, yeah, I mean, there would be times where</p> <p>13      we would have to go back to the report just to verify</p> <p>14      that everything was correct.</p> <p>15      Q. How was it decided who was going to serve as</p> <p>16      the complainant?</p> <p>17      A. Again, that would be the -- the box 1 officer</p> <p>18      should be the one that's in -- serving as the</p> <p>19      complainant because he's the one going to court.</p> <p>20      Q. And what's the reason behind that policy?</p> <p>21      A. The reasoning behind it? That, I don't know.</p> <p>22      I'm going to surmise and say it's the same reason for</p> <p>23      your -- you're the one that's going to court. You're</p> <p>24      going to be the one that's going to testify in -- in a</p> <p>25      preliminary hearing. So in essence, you're the box 1</p>
<p style="text-align: right;">Page 135</p> <p>1       officer representing the State of Illinois in this</p> <p>2       instance, and you're -- you're the one that's going to</p> <p>3       be the complaining witness against him.</p> <p>4       Q. And so you may not have to go back for the</p> <p>5       narrative, for example, if you know it to be true; is</p> <p>6       that right? Because you were there?</p> <p>7       A. Well, correct. Yes. I mean, the -- the</p> <p>8       charge itself, if it's -- you know, like I said, there</p> <p>9       might be certain things that you might just want to</p> <p>10      verify to make sure that the way the firearm is</p> <p>11      described. If you had the serial number in it,</p> <p>12      sometimes you would go, hey, is the serial number</p> <p>13      correct?" You know, because for what it's worth, if you</p> <p>14      don't fill out your court complaint correctly, it could</p> <p>15      be grounds to have the case dismissed. So you want to</p> <p>16      make sure that everything's accurate.</p> <p>17      Q. And would you -- would it comply with CPD</p> <p>18      policy for someone to sign as a complainant who didn't</p> <p>19      have personal knowledge?</p> <p>20      A. I would say that they wouldn't, no.</p> <p>21      Q. And why is that?</p> <p>22      A. Because you're the one that -- this -- again,</p> <p>23      it's -- it's almost like the whole box 1 thing. If you</p> <p>24      -- if you don't have personal knowledge of what</p> <p>25      happened, you wouldn't be going to court. You wouldn't</p>	<p style="text-align: right;">Page 136</p> <p>1       be bringing that complaint against someone.</p> <p>2       Q. Okay. All right. We're going to switch</p> <p>3       gears, at least for now, and go onto a different topic,</p> <p>4       which would be Topic E, qualifications to become a</p> <p>5       tactical team member operating in or around Ida B. Wells</p> <p>6       housing development. And I understand the city's</p> <p>7       earlier statement about the scope of that topic. Did</p> <p>8       you review any policies that are relevant for this</p> <p>9       topic?</p> <p>10      A. Yes. We reviewed, I think, the current</p> <p>11      department policy for tactical teams.</p> <p>12      MR. RAUSCHER: So we're going to mark</p> <p>13      Exhibit 10. This is PL JOINT 087418 through 87422.</p> <p>14      (EXHIBIT 10 MARKED FOR IDENTIFICATION)</p> <p>15      BY MR. RAUSCHER:</p> <p>16      Q. If you can let me know if this is the policy</p> <p>17      you reviewed or if it's something different.</p> <p>18      MR. FLAXMAN: This is 10?</p> <p>19      MR. RAUSCHER: This is 10.</p> <p>20      BY MR. RAUSCHER:</p> <p>21      Q. Is this the policy you reviewed?</p> <p>22      A. I saw this this morning --</p> <p>23      Q. Okay.</p> <p>24      A. -- prior to coming. It is not. I -- there's</p> <p>25      a general or special order that we reviewed that pretty</p>

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<p style="text-align: center;">Page 137</p> <p>1 much is a summary of this, but it's the current version 2 of. And the other issue with this is that this is -- 3 this is a BOP.</p> <p>4 Q. Uh-huh.</p> <p>5 A. So it's a Bureau Patrol special order, which 6 is one of our -- our general or special orders.</p> <p>7 Q. That's like the broader one basically?</p> <p>8 A. So -- right. So that's our general 9 directives. This is more specific towards -- you know, 10 the Bureau Patrol pushed this one out.</p> <p>11 Q. Do you know what the general or special order 12 number is that you reviewed?</p> <p>13 A. No, I don't.</p> <p>14 Q. Do you know the title of it?</p> <p>15 A. I think it's just tactical teams or references 16 tactical teams.</p> <p>17 Q. Is that something you found and provided to 18 the lawyers?</p> <p>19 A. Yes, I believe it was one of the documents I 20 provided.</p> <p>21 Q. Did you see a Bates -- do you know what a 22 Bates stamp is?</p> <p>23 A. No.</p> <p>24 Q. So if you look at the bottom right, there's 25 two on this one. That PL JOINT is a Bates stamp --</p>	<p style="text-align: center;">Page 138</p> <p>1 A. Okay. 2 Q. -- and then CITY_AG is one. Did you see a 3 version with Bates stamps on it? 4 A. No, I did not. 5 Q. Is there anything in this order that is 6 different that you noticed than the one that you 7 reviewed? 8 A. In terms of overall, I don't think so. The 9 only thing that might be different is I think there's 10 now, like, an open, like, bid procedure to go on to the 11 tact team. Like, there's -- there's a policy where you 12 can apply for the tact team. I don't see -- I don't 13 know if that's listed in the new order or not because 14 what I was just looking for was to answer the question 15 about, like, what the roles and responsibilities were, 16 just so I could -- 17 Q. Right. 18 A. -- kind of give them a broad-base jumping-off 19 point for where my information was coming from. 20 Q. So -- 21 MR. MICHALIK: Scott, give me a second. 22 MR. RAUSCHER: Yeah. Okay. Sure. 23 MR. MICHALIK: We might be able to short 24 circuit this. 25 MR. RAUSCHER: Okay.</p>
<p style="text-align: center;">Page 139</p> <p>1 MR. MICHALIK: Is this what you wanted? 2 THE WITNESS: Oh, maybe it was. Oh, yeah. No, 3 these are the Bureau -- these are BOPs, though? 4 Yeah. Yeah. And these are more recent ones. 5 That's what it is. This is the '24 version of it. 6 MR. MICHALIK: All right. Yeah. So I don't 7 know if you want to mark this as an exhibit. 8 There's no reason not to produce it. The reason why 9 we didn't is because it's the current BOP special 10 order. 11 MR. RAUSCHER: Okay. 12 MR. MICHALIK: But if you want to take a look 13 at this and mark it -- 14 MR. RAUSCHER: Okay. Thanks. 15 MR. MICHALIK: -- that's fine with us. 16 MR. RAUSCHER: Yeah. Why don't we just mark 17 this as 11? I'll probably make copies next time we 18 take a break. So this is BOP Special Order 24-06, 19 issued date, December 11th, 2023, effective 20 January 4, 2024. 21 (EXHIBIT 11 MARKED FOR IDENTIFICATION) 22 BY MR. RAUSCHER: 23 Q. It rescinds an order, but not the order that 24 we're looking at? 25 A. Correct.</p>	<p style="text-align: center;">Page 140</p> <p>1 Q. Do you know which order it rescinds? 2 A. 23, I believe, 06. So I think they reissued 3 this in '23 and then reissued it again in '24. So I 4 don't know if it's -- I want to say when I was going 5 back and looking, I couldn't find one for the time frame 6 we were looking for that was posted on our -- our Bureau 7 Patrol website. 8 Q. Okay. At first glance, it looks similar with 9 maybe some changes based on, like, the number of teams 10 or the -- when they're working. Is that basically 11 right? 12 A. Possibly, yes. And -- and, again, like, I 13 don't know when they installed the matrix for the tact 14 teams to put them all on the -- you know, on the same 15 watch -- or the same group numbers with the same 16 watches. But for the most part, the roles and 17 responsibilities remain the same, you know. I mean, 18 like, the -- the function of what the tact team is 19 hasn't changed since -- you know, since when I served on 20 the tact team. 21 Q. All right. So it -- is it -- so starting in 22 1999, even if this policy -- the written policies in 10 23 and 11 didn't exist, the responsibilities were still the 24 same? 25 A. I would say yes.</p>

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<p style="text-align: right;">Page 141</p> <p>1       Q. And about the qualifications to be on a 2       tactical team?</p> <p>3       A. So I don't know when it originally changed. I 4       think they were a little less stringent before I got on 5       the team about the number of years you had. That was 6       pre-Michael Ceriale. After Officer Ceriale was killed, 7       I know that they -- they started to sort of restrict or 8       become a little bit more attentive to the amount of time 9       that you had on the job. And it became an issue of, 10      like, if you didn't have enough time, that you would 11      have to go through the commander, and then the commander 12      would have to be the one to sign off on the fact that, 13      you know, you were going to be allowed to do that.</p> <p>14      Q. It -- was it less than three years at some 15      point?</p> <p>16      A. It might have been when Officer Ceriale was 17      killed, but I don't know for certain. I think that's 18      what they wound up moving it up to --</p> <p>19      Q. Do you --</p> <p>20      A. -- after his death.</p> <p>21      Q. I'm sorry. I apologize.</p> <p>22      A. That's okay.</p> <p>23      Q. Do you know when Officer Ceriale was killed?</p> <p>24      A. Was it '90 -- '98, I believe.</p> <p>25      Q. Okay.</p>	<p style="text-align: right;">Page 142</p> <p>1       A. Somewhere in there.</p> <p>2       Q. This -- both of these documents, 10 and 11, 3       talk about tactical team members are sworn members 4       assigned to the fourth watch?</p> <p>5       A. Yes.</p> <p>6       Q. What does that mean?</p> <p>7       A. So it -- there are different watches for every 8       -- you know, for all of us. So, like, midnight officers 9       are assigned to what's considered the first watch. An 10      officer that works second watch are on days, and third 11      watch is afternoons. Fourth watch is sort of -- it's a 12      -- the ability for the department to kind of move you 13      around if they need to. You don't have a dedicated 14      start and end time. Even though there is typically one 15      for the tact teams, there's a -- there's a general start 16      time for them. If they need to adjust those hours, 17      they've given up the -- the contractual right to the 18      two-hour change in start time that everyone else is 19      afforded.</p> <p>20      Q. Are there any more specific policies that 21      you're aware of saying what tactical teams are 22      responsible for doing?</p> <p>23      A. So, I mean, essentially, we have the -- the -- 24      the special orders and the general orders that are -- 25      they essentially mirror what's contained in this. You</p>
<p style="text-align: right;">Page 143</p> <p>1       know, the -- the -- the function of the tact team is to 2       be a tool that's available for the commander to address 3       whatever crime conditions they're experiencing in their 4       district. And, again, every district is different. You 5       have some districts that are, you know, high property 6       crimes, right? They'll have burglaries to autos. 7       They'll have, you know, store burglaries and things like 8       that. So those teams might be more geared towards 9       addressing those things. You have other places that 10      were -- like, where I worked in the 15th District where 11      it was an open-air drug market that had a tremendous 12      amount of violence that was going on in there. And so 13      the investigations were slightly different. But the -- 14      the main purpose of them was to be, you know, at the 15      disposal of the commander to address those crime 16      conditions in a manner in which he felt was -- would -- 17      would best suit the needs of the citizens and the -- the 18      district.</p> <p>19      Q. Do you have any understanding of the 20      responsibilities of the 2nd District tactical team or 21      the Public Housing Tactical team by Ronald Watts?</p> <p>22      A. No. Not specifically, no.</p> <p>23      Q. Do you have any general understanding of what 24      their responsibilities were?</p> <p>25      A. I would assume they would've been the same</p>	<p style="text-align: right;">Page 144</p> <p>1       responsibilities as every other tact team. You know, 2       that whatever crime conditions were going on -- so if it 3       was the housing projects that were their priority 4       problem, that the commander at the direction of the 5       tactical lieutenant would have sent them to go to this 6       particular location. If it was somewhere else, like -- 7       I'm trying to think what the boundaries of the district 8       are, but, like, maybe, like, 35th and Princeton, like, 9       hey, we've got a problem over here. They would be 10      directed to go over there.</p> <p>11      Q. Are -- how are tact teams different than beat 12      officers?</p> <p>13      A. So beat officers work independently. You 14      know, some of them, they can work 99 or they work with a 15      partner. They're confined to a particular area. So if 16      I'm working, you know, beat 1512, the calls that I'm 17      going to receive are going to be predominantly on that 18      beat, and there has to be a reason why you're pulling me 19      off of that beat and away from -- from the area of -- of 20      my coverage. And the point and purpose behind that is 21      so that you develop a familiarity with the criminal 22      activity on your beat and the citizens on that beat, so 23      that you're aware of what's going on so you can better 24      serve the community. With the tact teams, you're a 25      little bit wider scoped, right? You're supposed to have</p>

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<p style="text-align: right;">Page 145</p> <p>1 a little bit more knowledge about what's going on in the 2 district overall. Some guys were a little more 3 knowledgeable of particular beats because maybe they 4 came up working that beat car, and so they had a 5 particular knowledge of what went on in this -- this 6 area. I'll give you an example. Like, we had guys that 7 were more aware of what went on on 1531, right? I'll 8 use that as another example. It's where Lamon and Iowa 9 was, and they knew the hierarchy of all the guys that 10 were involved over there. And so when something was 11 going on over there, the commander might come to that 12 particular team and say, hey, you know, what's going on 13 over here? And because they had a knowledge of the 14 structure of the hierarchy, they could say, hey, these 15 guys are at war with these guys over here and, like, 16 okay, let's develop a strategy. How are we going to 17 damp this down and make it go away?</p> <p>18 Q. Are there any qualifications to be on a tact 19 team, and were there from '99 to 2011 that are not 20 reflected in this policy?</p> <p>21 A. I don't know necessarily that it's -- it's a 22 qualification where it's, like, there's anything in 23 writing where you needed a certain number of statistics, 24 you know, in terms of arrests or anything else like 25 that. You know, you just had to have the knowledge and</p>	<p style="text-align: right;">Page 146</p> <p>1 -- and the desire to, you know, want to be proactive. 2 There are some guys who are perfectly content just 3 receiving jobs from OEMC. When you're getting -- when 4 you're on a tact team, a lot of times it's your own 5 personal observations or it's things that you decide to 6 take a proactive measure about. Like, hey, on the way 7 into work today, it looked like this guy was selling 8 drugs. Let's go find a place to go sit and watch them, 9 as opposed to, well, I'm going to go respond to my 10 domestic disturbance. And not that there's anything 11 wrong with that. It's just, you know, there's different 12 things for different people.</p> <p>13 Q. You need to be more proactive to be on a tact 14 team than to be a beat officer?</p> <p>15 A. You know, I wouldn't say that. I mean, I 16 would say that, like, because there are super proactive 17 guys that work on the beat, they just don't want to work 18 on the tact team. And part of that is -- is because of 19 the -- you know, I think the -- the changes in your 20 personal life that it impacts you with. Because now all 21 of a sudden, you're giving up -- if I'm working days, 22 right, I'm going to give that up to work a rotating 23 schedule that may not work so well at home for me. So 24 I'm still going to be proactive. I'm still going to do 25 my job, you know, but at the same time, like, you know,</p>
<p style="text-align: right;">Page 147</p> <p>1 it's different because you're -- you're isolated in a -- 2 in a lot of regards. With a team, you guys are that 3 cohesive group, and you're, you know, if you need to 4 work together, you have that ready -- that 5 readily-assembled group of ten guys. And, like, hey, we 6 need to go set up a surveillance, and this is -- this is 7 our team, and this is how we're going to go do it.</p> <p>8 Q. So I don't mean to -- I don't mean the 9 question to sound like --</p> <p>10 A. Yeah.</p> <p>11 Q. -- I'm saying you can't be proactive.</p> <p>12 A. No. Correct. I understand.</p> <p>13 Q. But you do need to -- you need to be proactive 14 to be a tact team officer; is that right?</p> <p>15 A. Absolutely. Yes.</p> <p>16 Q. What are the -- what are the general 17 responsibilities for a tact team sergeant?</p> <p>18 A. Again, it -- to be -- obviously, you're 19 assigned ten specific officers, and it's your job to 20 monitor their daily activities. And that could be by 21 giving them a direct admission and saying, hey, there 22 was a shooting that happened last night. We need to go 23 over to this particular area and just show a high police 24 visibility to kind of make sure things don't continue to 25 jump off, or to go out there and see if we've got</p>	<p style="text-align: right;">Page 148</p> <p>1 informants or if we have citizens that want to come out 2 and talk to us, or how that -- however that's going to 3 go. Or maybe we make an arrest in this particular area. 4 Just because we're there, we happen to see somebody go 5 through a stop sign. We pull them over, and we find out 6 they've got a gun. Now we bring someone into the 7 station. We're going to debrief them, and maybe this 8 individual gives us some information or shines some 9 light onto some things for us. At times you might also 10 reach out to the Bureau of Detectives and find out what 11 detectives were working on the investigation and, you 12 know, what they were hearing and, okay, comparing your 13 notes against theirs. Like, hey, we're hearing that 14 these guys are at war with those guys, and, like, well, 15 it's really not what's going on. Or maybe then guys 16 would then go back and be like, 'hey, they're hearing 17 that this is what's going on. Is that what's going on? 18 And then we would take that information and kind of farm 19 out and try and figure out how we were either going to 20 curtail the violence or solve the crime that -- that was 21 at hand. Aside from that, I mean, like, if they were 22 just working on a daily basis where it was like there 23 wasn't anything in particular going on, you would just 24 tell them, all right, here are your keys. Go on out 25 there. You know, see what you can find and -- and go</p>

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<p style="text-align: center;">Page 149</p> <p>1 from there. And -- and, again, each supervisor I think 2 is different, just like any other job. Like, you have 3 some people like me. I rode with my people. There are 4 other people that -- that quarterbacked from -- you 5 know, from a distance and said this is what you're going 6 to do, and they rode by themselves, so</p> <p>7 Q. And either way, you had to fill out the daily 8 supervisor log?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know what Watts -- where Watts fell 11 on that continuum of riding with people versus 12 quarterbacking from far away?</p> <p>13 A. I have never met him, so I don't know.</p> <p>14 Q. Have you met any of the Watts team members?</p> <p>15 A. I might've.</p> <p>16 Q. Okay.</p> <p>17 A. I mean, I've been on the job for almost 25 18 years. In passing. I saw a couple of the names that 19 were listed on the report. I might've come into contact 20 with them, but, like, to know them and say, you know, 21 I've had interactions with them -- I might have even 22 worked with some. I don't know.</p> <p>23 Q. You don't know that you don't know any; is 24 that fair? I mean, I'm not -- this isn't a trick. I 25 mean, I'm not --</p>	<p style="text-align: center;">Page 150</p> <p>1 A. Right. No, no. Right.</p> <p>2 Q. -- trying -- get established whether you have 3 passed -- crossed paths once with someone. Do you know 4 any of the Watts team members?</p> <p>5 A. To the best of my knowledge, no.</p> <p>6 Q. What was the process for getting on a tactical 7 team?</p> <p>8 A. So how I got on the tact team was I 9 interviewed with our tactical lieutenant, and then he -- 10 he decided to -- to take me onto the team because there 11 were openings. Presently, like, officers will submit a 12 resume to the commander, and -- and that's how it goes. 13 When I had my team, what I used to do is, as -- as the 14 team would grow and develop, guys would sometimes go off 15 to specialized units. They would transfer out. They 16 would get promoted. So I would also monitor the 17 activity of what was going on on the watch to see, you 18 know, what officers were knowledgeable, what officers 19 were hardworking, what officers were -- were good, and 20 see how they would fit within the chemistry of my team. 21 I would also, you know, talk to my team as things were 22 coming up. If we knew someone was getting promoted, if 23 they did well on an exam, like, hey, who is it that you 24 guys would like to -- to have come to the team, and then 25 I would take their opinion into consideration and</p>
<p style="text-align: center;">Page 151</p> <p>1 evaluate like, eh, we really don't want that guy because 2 maybe he doesn't fit my standard for what I'm looking 3 for, you know. And then we would put that list together, 4 and we would forward it through the chain. Our 5 lieutenant would review it, and then it would go up to 6 the commander. Sometimes you would get who you wanted, 7 and sometimes you wouldn't, you know. And, again, it - 8 - it's one of those things where because it's a group of 9 ten, like, you're always trying to find that balance 10 with that chemistry amongst the people. So it's, like, 11 you may have somebody who's really, really good, but you 12 just know that they're going to rub everybody on the 13 team the wrong way. So you're like, we're going to have 14 to find a different home for that person.</p> <p>15 MR. RAUSCHER: We're going to mark the next 16 exhibit CITY-BG-059166 through 168.</p> <p>17 MR. MICHALIK: Are we up to 12 now?</p> <p>18 MR. RAUSCHER: Yeah, this is 12.</p> <p>19 (EXHIBIT 12 MARKED FOR IDENTIFICATION)</p> <p>20 BY MR. RAUSCHER:</p> <p>21 Q. I'm just going to hand you this, so you can 22 just keep --</p> <p>23 A. Sure.</p> <p>24 Q. -- it with the other ones.</p> <p>25 A. Yes, sir.</p>	<p style="text-align: center;">Page 152</p> <p>1 Q. Have you had a chance to look at this?</p> <p>2 A. I did, sir.</p> <p>3 Q. Did you look at this document to prepare for 4 today?</p> <p>5 A. I did not.</p> <p>6 Q. Have you seen it before?</p> <p>7 A. Yes, I have.</p> <p>8 Q. Does this apply to tactical team sergeants?</p> <p>9 A. It -- it does. It -- I think the way it's 10 written or, like, the guise of supervision in general, 11 right? Because there's a responsibility of sergeants 12 assigned to field activities, but then there's also, 13 when you're a tact sergeant, you have slightly 14 additional responsibilities or different 15 responsibilities.</p> <p>16 Q. Okay.</p> <p>17 A. Like, as a field sergeant, you know, I would 18 come to work, and I would be given the cars that I was 19 supposed to supervise for a given day. And that could 20 change from day to day, right? Whereas with the tact 21 team, you have the same team unless those promotions or 22 -- or other things happen, but the basic function of 23 what you're supposed to do overall is the same, right, 24 with the added responsibilities of also being aware of 25 other, you know, crime activities and then, you know,</p>

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<p style="text-align: center;">Page 153</p> <p>1      directing your team in certain ways. Patrol is more 2      geared towards are you responding to your jobs? Are you 3      acting professionally? Are you filling out your reports 4      properly? It's just -- it's similar, but a little bit 5      different.</p> <p>6      Q. So these apply, but then there's also the 7      additional things that you've talked about already?</p> <p>8      A. I would say yes. I would say that this is 9      more -- more so like with a -- with a broad-based brush 10     of, like, in general, like, these are the things that 11     the supervisor -- regardless of who you are, this is 12     what you should be doing. Like, for example, you know, 13     ensuring that your subordinates respond immediately to 14     all assignments, right? They handle them as 15     expeditiously as possible and return to in-service 16     without delay. That's more so a -- a -- a directed -- 17     directed towards the guys in patrol because they're -- 18     they're the ones that are getting the calls, right? So 19     you don't want a guy that's sitting down on a call for - 20     - for two hours while some other guy's running all over 21     the district. But at the same time, like, it could 22     apply to a tact team. Like, you're not going to take 23     this job and then hold it for -- forever, and then 24     that's what going to consider your tour. So it's 25     similar but different.</p>	<p style="text-align: center;">Page 154</p> <p>1      Q. Are there -- is there another directive or 2      special order or general order that talks about sergeant 3      of tactical teams' responsibilities?</p> <p>4      A. Again, I believe there's the -- the general 5      special order that refers to -- to tactical teams. It 6      pretty much is what this is -- what the -- Exhibits 10 7      and 11 that we looked at is pulled from.</p> <p>8      Q. So that's what we looked at?</p> <p>9      A. Yeah.</p> <p>10     Q. There's nothing else that you're aware of that 11     we haven't looked at today?</p> <p>12     A. Correct.</p> <p>13     Q. Okay. Do tactical team sergeants have to rate 14     their subordinates' performance semi-annually?</p> <p>15     A. So we do performance evaluations now. I'm 16     trying to remember. I know we used to have hard card 17     evaluations when I first got on the job. I don't know 18     what they evolved into by the time I was on the tact 19     team, but today there's performance evaluations that are 20     maintained within the CLEAR system.</p> <p>21     Q. This says -- this policy that we're looking at 22     now, Exhibit 12, was effective in January 1983, and 23     Section IIIB on the first page says -- I believe it says 24     sergeants have to "rate their subordinates' performance 25     semi-annually".</p>
<p style="text-align: center;">Page 155</p> <p>1      A. Yes.</p> <p>2      Q. Is that right?</p> <p>3      A. So when you say -- like I said, when I -- when 4      I first got on the job, there was a -- a hard card 5      version that was filled out, presented to you, and it 6      was, like -- I think it was a numerical system. If I 7      remember correctly, it was, like, zero to 100, and you 8      were given, like, a numerical score based on your 9      performance.</p> <p>10     Q. Okay. Do you know where those were stored?</p> <p>11     A. Again, I would imagine, once they were signed 12     off on, that they went up to the admin level, but to 13     know for certain, no.</p> <p>14     Q. When you were the sergeant, did you fill out 15     -- did you ever fill out those hard cards?</p> <p>16     A. By the time I was a supervisor, we had 17     evolved, I believe, into the -- the performance 18     evaluation system, so we were doing those. I don't 19     believe I ever did hard cards.</p> <p>20     Q. Did you do those semi-annually?</p> <p>21     A. Those -- they're now -- they're now 22     functioning where it's not semi-annually. It's -- I 23     believe we do it off -- based off of the -- their period 24     of hire. So it -- you do it once a year, so it's 25     annually.</p>	<p style="text-align: center;">Page 156</p> <p>1      Q. Okay. Are those electronic?</p> <p>2      A. Yes.</p> <p>3      Q. When did you start filling out electronic 4      reviews for people?</p> <p>5      A. I want to say it was right around the time I 6      made sergeant, so around maybe 2008. Because like I 7      said, I don't ever recall having to do the paper form 8      sets.</p> <p>9      Q. Do you recall -- I'm sorry. Go ahead.</p> <p>10     A. No, it's okay.</p> <p>11     Q. Do you recall being reviewed when you were a 12     member of the tactical team?</p> <p>13     A. No, but I do remember being reviewed when I 14     was on -- when I was in patrol. When I first came to 15     the 15th District, I do remember getting reviewed.</p> <p>16     Q. Hard card?</p> <p>17     A. Yes.</p> <p>18     Q. Do you recall ever getting electronic reviews?</p> <p>19     A. No.</p> <p>20     Q. When you do -- when you were doing reviews as 21     the sergeant in the tactical team, did the reviews go to 22     the -- your subordinates?</p> <p>23     A. For -- oh, for the tact team, yeah. So what 24     ultimately happens is, is that in the current system 25     that we have now, there's a process by which everything</p>

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<p style="text-align: right;">Page 157</p> <p>1 is done electronically, and there's -- there's a menu 2 that it moves through. So that initially comes down for 3 assignment. It goes to an assigned supervisor. That 4 assigned supervisor then completes the evaluation. The 5 evaluation will then go through the channel. Then it'll 6 eventually, at some point in time, come back through for 7 a review with -- with the officer where they have the 8 opportunity to review, you know, what was said about 9 them. And then after that, it -- it goes to a final 10 status. For some individuals who require, like -- it's 11 almost like an IEP, you know, you need -- you need some 12 sort of additional help because you're just not 13 performing up to standard, then there's -- there's a 14 program that you get placed into that will then help you 15 perform to the level that you're expected.</p> <p>16 Q. Did the hard cards have any information beyond 17 the number?</p> <p>18 A. To be honest with you, I don't know. I mean, 19 we're going back -- like, I honestly remember getting 20 evaluated in, I think it was, like, 2001, while I was 21 still on third watch in 15. And -- but that's -- that's 22 about it. That's what I remember vividly, that one.</p> <p>23 Q. What is it that you remember?</p> <p>24 A. The fact that I had just started and that I 25 was given a supremely low performance evaluation and</p>	<p style="text-align: right;">Page 158</p> <p>1 didn't understand why and having the conversation with 2 my -- my supervisor, and he didn't even know what it 3 was. And so it was one of those things where it was 4 like okay. And it -- the way it was explained to me is 5 that, like, obviously, being a new officer, you're not 6 going to come out of the gates with 100, right? You've 7 got to work your way up. And so I was like okay. You 8 know, it's like, they're -- they're not just going to -- 9 nothing's going to be given to you no matter how hard 10 you work. You have to establish consistency and -- and 11 things like that.</p> <p>12 Q. The card didn't explain to you why you got a 13 low rating, though?</p> <p>14 A. I think everything just had numbers that were 15 associated -- like, you gave them, like, a rating. I 16 don't even -- to be honest with you, I don't even know 17 if it was a 1 to 10, but I believe it was, like, an 18 overall rating for everything, and then you got a 19 numerical score. I don't know if they added everything 20 up and then that's how you got it or -- or what it was.</p> <p>21 Q. Do you remember any of the categories you were 22 rated on?</p> <p>23 A. No, I don't.</p> <p>24 Q. Do you remember the categories that you've had 25 to rate people on when you were a tactical team</p>
<p style="text-align: right;">Page 159</p> <p>1 sergeant?</p> <p>2 A. Yeah. Their accountability. There's 3 questions about their ethics. There's -- I'm trying to 4 think of how many different performance anchors there 5 are. I think there's six performance anchors, but they 6 all predominantly -- they -- they function around just, 7 you know, different facets of your job. Like, you know, 8 can you do your job effectively? Can you -- are you 9 trustworthy? You know, can you handle multiple 10 assignments at the same time? Can you multitask? Are 11 you able to, you know, withstand working for extended 12 periods of time and still maintain some sort of level of 13 efficiency and things like that.</p> <p>14 Q. Is one of your responsibilities as sergeant of 15 a tactical team to make sure that the team members meet 16 CPD standards in those categories?</p> <p>17 A. I think that's every supervisor, as in, you 18 have to meet those standards, right? I mean, so the 19 thing is, is that you don't want -- obviously, as a team 20 supervisor, your team is a reflection of you, right? So 21 you don't want a bunch of guys that look horrible or 22 don't act responsibly, you know, associated with you, 23 right? So you want to make sure that everybody's in 24 line. You want to make sure that they know what the 25 standard is and that what they're expected to do and</p>	<p style="text-align: right;">Page 160</p> <p>1 that, you know -- and, again, in -- in terms of, like, 2 activity, no. Like, I knew that my guys were out there 3 and that they were trying every day and that whatever 4 came our way is what came our way. So if today we went 5 out and we made no arrests today, it wasn't out of lack 6 of effort or trying, you know. It was we went out, we 7 looked, we saw, we legitimately didn't find anything. 8 And on days when we made more arrests, it was just 9 because that's just what happened.</p> <p>10 Q. Is your job as supervisor -- is it the 11 supervisor sergeant -- I'm going to strike that. Is it 12 the sergeant's job to set the tone for the team?</p> <p>13 MR. MICHALIK: Objection. It's very vague.</p> <p>14 THE WITNESS: I mean, I think that with -- with 15 any team, like, there's -- there's expectations, 16 regardless of if you're -- all the way on down from 17 the commander to the lieutenant to the sergeant. 18 You know, there's certain people that, you know, 19 hey, I can get away with doing this with this 20 person, or I can't get away with doing it with this 21 person. But I think that, you know, if you're 22 engaged with your team, they -- they know what's 23 expected of them, and they understand, you know, 24 where you want them to perform and what you're going 25 to be willing to tolerate, you know.</p>

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<p style="text-align: center;">Page 161</p> <p>1 BY MR. RAUSCHER:</p> <p>2 Q. Did you think it -- did you ever think it was 3 your job as the sergeant of a tactical team to tell your 4 team members not to frame people?</p> <p>5 A. I think everyone on this department knows, 6 like, the liability that rests with that. You know what 7 I mean? When we were in the academy, I mean, we -- we 8 were instructed, you know, like, hey, this is what this 9 is. And one of the things that they told us was you 10 guys are never any closer to the penitentiary than you 11 are today, you know, because at the end of the day, you 12 know, as a law enforcement officer, if I break the law, 13 I'm the most valuable commodity that any state's 14 attorney or, you know, United States Attorney's ever 15 going to come across because, you know, you're -- you're 16 gold to them, right? You know, we sat through training 17 seminars where they brought up the Austin -- you know, 18 Austin Seven, right? And so, you know, where they 19 showed us, hey, this is what these guys did, and this is 20 the amount of time they all got. So if you want to go 21 do dumb stuff, be prepared, you know, to ride the pine 22 with them. The department also put out e-learning 23 videos with Xavier Castro. And Xavier Castro was an 24 officer who falsified an arrest report. I think he said 25 he arrested a guy who was on an ankle monitor, right?</p>	<p style="text-align: center;">Page 162</p> <p>1 And the ankle monitor proved that he wasn't where he 2 said he was, and ultimately he went to prison. And so 3 everyone's aware of the risks if they're going to lie 4 and they're going to do nefarious things. You know what 5 I mean? That there's -- there's an inherent risk and 6 more than likely, you're going to get found out, and 7 you're probably going to go to prison, you know, and no 8 one's going to have, you know, any -- any hard feelings 9 about sending you there.</p> <p>10 Q. It was not -- it wasn't, like, part of roll 11 call where you'd say to your team don't go on and frame 12 anyone today?</p> <p>13 A. No, but there were times when things happened 14 within the department where members either got 15 disciplined for things, or either they got stripped of 16 their police powers or, you know, they -- they did 17 something that got them arrested where you would have to 18 sit down with everyone and say as a reminder, you know 19 what I mean? Like, they're not playing, you know, and 20 this is what can happen to you if you do this, so think 21 about the things you do before you do them.</p> <p>22 Q. It's like a -- if something major and public 23 happened, you'd talk about it; is that --</p> <p>24 A. Sometimes, yeah. I mean -- so it's, like, you 25 know, when we had the issue with the officers, I believe</p>
<p style="text-align: center;">Page 163</p> <p>1 they were in the 23rd District, that were picking up 2 young ladies who were overserved, you know, and then, 3 you know, having sexual relations with them while they 4 were on duty, you know, in the squad car or whatever -- 5 whatever came out of it, and they all got arrested, you 6 know. And it's like, anyone who thinks that this is a 7 good idea, here are the poster children for why it's 8 not, you know. So when things did come up, yeah, we 9 would talk to our people and remind them. And, again, 10 like, as a supervisor, you may be older than some of the 11 people that you're supervising, but on some levels, 12 like, you're still -- you're still acting as almost like 13 parent, you know, for some of them, you know, and you're 14 -- you're guiding them and you're instructing them, and 15 you know, you're supposed to be there to, essentially, 16 on that level, like, protect them from -- from making 17 dumb mistakes, you know.</p> <p>18 Q. Is it one of your jobs to try to make sure 19 that they are not in fact framing people?</p> <p>20 A. Yes.</p> <p>21 MR. RAUSCHER: All right. We're going to move 22 on to another topic. J is the collection, 23 inventory, and testing of suspected narcotics. And 24 I'm going to mark Exhibit 13 as CITY-BG-62177 to 25 62192. And you know what, I'm going to also mark</p>	<p style="text-align: center;">Page 164</p> <p>1 Exhibit 14 at the same time, which I think is a 2 policy that replaced this one. So 14 is 3 CITY-BG-62130 to 62147.</p> <p>4 (EXHIBIT 13 MARKED FOR IDENTIFICATION)</p> <p>5 (EXHIBIT 14 MARKED FOR IDENTIFICATION)</p> <p>6 BY MR. RAUSCHER:</p> <p>7 Q. Have you -- did you review these policies 8 before?</p> <p>9 A. Before coming, no.</p> <p>10 Q. All right. Did you review other policies on 11 the collection, inventory, and testing of suspected 12 narcotics?</p> <p>13 A. No. Not for this, no.</p> <p>14 Q. Have you reviewed other policies on the 15 collection, inventory, and testing of suspected 16 narcotics in general?</p> <p>17 A. Just in general because I'm assigned to the 18 Evidence and Recovered Property Section. There's times 19 where I've got to review orders just to make sure that 20 we're doing things in accordance to the orders.</p> <p>21 Q. But do these policy -- do these documents that 22 I have given you describe the policies for collecting 23 and inventorying narcotics?</p> <p>24 A. Yes.</p> <p>25 Q. And then are there other policies about</p>

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<p style="text-align: right;">Page 165</p> <p>1 testing narcotics, or are those included in here as 2 well?</p> <p>3 A. So that's -- again, there's -- I know they're 4 outlined in here. In terms of where they go, they go -- 5 they'll go to our Illinois Police Crime Lab for testing 6 and analysis.</p> <p>7 Q. CPD doesn't do the -- doesn't have an in-house 8 lab. It sends out for testing, right?</p> <p>9 A. That's correct, yes.</p> <p>10 Q. So there will be policies about when to send 11 it out and where to send it?</p> <p>12 A. So I believe it's contained inside this order 13 here.</p> <p>14 MR. MICHALIK: You're looking at Exhibit 14?</p> <p>15 THE WITNESS: Yes. I think it's this one.</p> <p>16 BY MR. RAUSCHER:</p> <p>17 Q. And so 14 is the newer version of 13; is that 18 right?</p> <p>19 A. Yes. Yes. I think it's -- I'm at -- was it - 20 - I don't know -- the addendum -- it's the first 21 addendum that's in here, so CITY-BG-062134. So it's, 22 "The Forensic Services Section will automatically submit 23 all narcotics evidence the ISP Lab for analysis when 24 there's an associated arrest. In cases where no 25 arrestee is listed or the invent -- on the inventory but</p>	<p style="text-align: right;">Page 166</p> <p>1 analysis of the substances is desired, the inventorying 2 officer must submit a To-From-Subject report, approved 3 by the officer's commanding officer, to the Forensic 4 Services Section in order to have the evidence sent for 5 testing," so</p> <p>6 Q. And which subsection -- can you just -- for 7 the record, which subsection were you reading from?</p> <p>8 A. So this is -- again, it's off of Exhibit 14. 9 The page on the bottom is marked CITY-BG-062134. It's 10 under Roman numeral II, "general information," letter B.</p> <p>11 Q. Okay. If you can look back at 13 --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- although I think, substantively, they'll be 14 the same in both of them. There is a -- if you turn to 15 CITY-BG-62119, Section V, Subsection C about the scales.</p> <p>16 A. I'm sorry, what page was it? 621 --</p> <p>17 Q. 62119.</p> <p>18 A. Oh.</p> <p>19 Q. It's in Exhibit 13.</p> <p>20 A. Why am I not seeing 62119?</p> <p>21 Q. It's the third page in.</p> <p>22 MR. MICHALIK: Let me see.</p> <p>23 THE WITNESS: Because I -- mine starts 24 with 62177.</p> <p>25 BY MR. RAUSCHER:</p>
<p style="text-align: right;">Page 167</p> <p>1 Q. 177?</p> <p>2 A. Yeah.</p> <p>3 Q. Are you -- maybe it got stapled the wrong way.</p> <p>4 MR. MICHALIK: Maybe you got the wrong one.</p> <p>5 BY MR. RAUSCHER:</p> <p>6 Q. Or I gave you the wrong thing.</p> <p>7 MR. MICHALIK: Yeah, this is the wrong one, 8 this Exhibit 13.</p> <p>9 MR. RAUSCHER: Oh, all right. Yeah, that's the 10 wrong document.</p> <p>11 BY MR. RAUSCHER:</p> <p>12 Q. Does your 14 start with --</p> <p>13 A. It's 62130.</p> <p>14 Q. All right. So you have the correct 14 and the 15 wrong 13.</p> <p>16 MR. MICHALIK: I can share mine, Scott.</p> <p>17 MR. RAUSCHER: Okay. If you don't mind, that 18 would be great.</p> <p>19 MR. MICHALIK: Yeah.</p> <p>20 MR. RAUSCHER: Thanks.</p> <p>21 MR. MICHALIK: It's right there.</p> <p>22 BY MR. RAUSCHER:</p> <p>23 Q. So on the third page of that, which is 6211 --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- Section V, "Narcotic Safes and Scales"?</p>	<p style="text-align: right;">Page 168</p> <p>1 A. Yes, sir.</p> <p>2 Q. It talks about how the scales will provide a 3 reasonable weight estimation.</p> <p>4 A. Uh-huh.</p> <p>5 Q. What does that mean?</p> <p>6 A. So, again, in order to fill out the arrest and 7 case reports, you would need to have, like, an estimated 8 weight of what the narcotics were, so that you could get 9 an estimated street value so you can also charge 10 accordingly. Because, again, with some of the 11 controlled substances laws, depending on how much you're 12 in possession of would dictate if there's a higher 13 charge or not. So, essentially, the tactical units 14 would have scales in their -- in their offices, like, 15 little digital scales, some of them. Some of them have, 16 like, the old school balances, depending on how much you 17 actually recovered, and you would use -- or try and use 18 those scales as a basis for, you know, your -- your 19 values --</p> <p>20 Q. And you see --</p> <p>21 A. -- in your reports.</p> <p>22 Q. Sorry. And the policy says that you weigh it 23 with the packaging?</p> <p>24 A. Yes.</p> <p>25 Q. And you keep it in the packaging?</p>

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<p style="text-align: center;">Page 169</p> <p>1       A. That's correct.</p> <p>2       Q. So we -- you know, we looked at an arrest</p> <p>3       report earlier for Ben Baker. It has an approximate</p> <p>4       weight. Was that weight based on -- I know you weren't</p> <p>5       there, but under the policy, should that weight be based</p> <p>6       on weighing it at the station?</p> <p>7       A. Well, if the scales were available, yes.</p> <p>8       Sometimes scales were broken or whatever. But I mean,</p> <p>9       typically, just based on experience, they were selling</p> <p>10      0.1 gram bags for everything. So it's just, like,</p> <p>11      typically that would be the weight that would go and be</p> <p>12      associated with that. So if the scale wasn't available,</p> <p>13      that was typically the rough estimate that someone would</p> <p>14      have to go with. I mean, unless it was, like, softball</p> <p>15      sized or something, then you would seek out the scales.</p> <p>16      But for the most part, I mean, guys would weigh it, but</p> <p>17      if the scales weren't available, that was the general</p> <p>18      principle that they went with. And then, ultimately,</p> <p>19      ours was just an estimated weight. The weight would be</p> <p>20      established by ISP.</p> <p>21      Q. So the -- at the station you would -- first</p> <p>22      option is, if there's a scale that is working, you use</p> <p>23      the scale?</p> <p>24      A. Yes.</p> <p>25      Q. Second option is, if not, you'd use 0.1 grams</p>	<p style="text-align: center;">Page 170</p> <p>1       per bag and you just count the bags?</p> <p>2       A. If it -- if it was -- yes, if it was like a</p> <p>3       crack cocaine or heroin and we had nothing else</p> <p>4       available, that was typically the size that we went with</p> <p>5       because that was a roundabout estimate of what it was.</p> <p>6       If it was something larger, like I said, like, if it was</p> <p>7       a -- you know, a softball-size recovery, then you would</p> <p>8       have to seek out something and figure it out.</p> <p>9       Q. Would you -- would the policy require you to</p> <p>10      note on the report whether you used a scale or not?</p> <p>11      A. No, because it's all estimated.</p> <p>12      Q. And then is the -- does CPD have a policy as</p> <p>13      to whether ISP should test -- weigh the entire amount of</p> <p>14      drugs as opposed to just a portion of them?</p> <p>15      A. That, I don't know, but I -- my understanding</p> <p>16      is, is that they weigh the entirety of what is there,</p> <p>17      and then from that sample, they then measure out, like,</p> <p>18      which -- of which, you know, one sample tested positive</p> <p>19      for -- for this, like, a portion of it.</p> <p>20      Q. And when you said "they" in that context, you</p> <p>21      meant ISP?</p> <p>22      A. ISP, yes, sir.</p> <p>23      Q. And that understanding is based on your 25</p> <p>24      years of experience with the Chicago Police Department?</p> <p>25      A. Yes. And the lab reports that they would</p>
<p style="text-align: center;">Page 171</p> <p>1       produce for court.</p> <p>2       Q. Okay. Continuing on on that policy, it talks</p> <p>3       about responsibility for arresting and recovering</p> <p>4       officer.</p> <p>5       A. Uh-huh.</p> <p>6       MR. MICHALIK: Are we still on 13?</p> <p>7       MR. RAUSCHER: Yeah, we're still on 13, but I'm</p> <p>8       going to ask the question about 14 also.</p> <p>9       BY MR. RAUSCHER:</p> <p>10      Q. But 13's just continuing on on the same page.</p> <p>11      A. Uh-huh.</p> <p>12      Q. What is arresting/recovering officer?</p> <p>13      A. So it would depend. You know, like, I mean,</p> <p>14      it's -- it could be -- if -- even though I arrested you,</p> <p>15      I may not have been the one that recovered from you.</p> <p>16      So, again, using it as an example, I might have arrested</p> <p>17      somebody for retail theft and when we took him in for</p> <p>18      processing, my partner searched him, right? Or somebody</p> <p>19      else searched him because I maybe was working 99 and</p> <p>20      they searched him and they recovered, you know, whatever</p> <p>21      it was that -- you know, whatever controlled substance</p> <p>22      he had. Then that person would be the recovering</p> <p>23      officer for it. So of that combination, somebody should</p> <p>24      be filling out the report.</p> <p>25      Q. Should it be the recovering officer?</p>	<p style="text-align: center;">Page 172</p> <p>1       A. So in terms of, like, filling out the bags and</p> <p>2       presenting everything, the bag itself is -- anyone can</p> <p>3       pen on it. Typically, it was the officer who did the</p> <p>4       recovering. There were times, though, when, you know,</p> <p>5       the recovering officer would take it, immediately secure</p> <p>6       it in one of the evidence envelopes, and somebody else</p> <p>7       on the team would just pen the bag.</p> <p>8       Q. My question maybe jumped ahead a little bit.</p> <p>9       So this -- Section VI is "Responsibility," and then it</p> <p>10      lists things that are supposed to happen.</p> <p>11      A. Uh-huh.</p> <p>12      Q. Are those things supposed to be done by the</p> <p>13      person who seizes the evidence?</p> <p>14      A. It's -- according to this, it can be</p> <p>15      either/or. So, you know, where it says</p> <p>16      "Arresting/Recovering," I think it's -- it's broad-based</p> <p>17      in the sense that it doesn't identify it. It says</p> <p>18      either the arresting officer can do it or the recovering</p> <p>19      officer can do it, but somebody's got to do it.</p> <p>20      Q. Well, Paragraph 1 does say something, though,</p> <p>21      right?</p> <p>22      A. Well, right. Correct. This is when an</p> <p>23      officer seizes evidence, what he's supposed to do with</p> <p>24      it. He's supposed to secure it, right? So --</p> <p>25      Q. So -- but that doesn't mean to you that the</p>

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<p style="text-align: center;">Page 173</p> <p>1      officer who seizes the evidence is supposed to do the 2      things that -- 3      A. He may not be the arresting officer. So -- 4      and I -- and I think that's -- that's where it's kind of 5      a gray area, because, like, just because I recovered, it 6      doesn't mean that I'm his arresting officer. So the 7      person who's in control of it, yes, you know, who 8      ultimately recovered it, then that's when it's going 9      down from there. 10     Q. So if you can, you can compare it to the next 11    Exhibit 14 and Section IV, which is CITY-BG-062135, and 12    it's "General Inventory Procedures for Narcotics 13    Evidence." 14     A. Uh-huh. 15     Q. And essentially, the substantive parts are the 16    same, but the titles have changed somewhat. Do you see 17    that? 18     A. Right, where it becomes "General Inventory 19    Procedures for Narcotics Evidence," correct? 20     Q. Right, instead of "Responsibility." 21     A. Yeah. 22     Q. And then A says "Inventorying Member's 23    Responsibilities" instead of "Arresting/Recovering 24    Officer." 25     A. Yes.</p>	<p style="text-align: center;">Page 174</p> <p>1      Q. And then 1 goes -- says "when a member seizes 2      evidence" as opposed to "an officer seizes evidence," 3      but it removes the arresting officer title, so -- 4      A. Right. Right. And I think that sort of -- I 5      think it's because maybe the ambiguity of the 6      arresting/recovering that existed in this. Maybe they 7      needed to clarify it. I don't know why they would've 8      changed it. 9      Q. Starting in 2005, at least with this new 10     order, the person who's supposed to do the things 11    described in what is Section IV(A) of Exhibit 14, that's 12    supposed to be the person who seizes the evidence? 13     A. Yes. 14     Q. All right. So then looking at -- go back to 15    13 now -- 16     A. Okay. 17     Q. -- same section, though. B and C talk about 18    recording information in a property inventory book and 19    describing and specifying the suspected narcotics. So 20    the -- what is the property inventory book? 21     A. So that predated our current eTrack system -- 22     Q. Okay. 23     A. -- which is all electronic. Within every 24    station, there was a property inventory book that had 25    unique inventory numbers that you would then assign to</p>
<p style="text-align: center;">Page 175</p> <p>1      whatever it was that you recovered, whether it was 2      narcotics or firearms, somebody's personal property, and 3      you would have to wait your turn for the book. And then 4      you would go in -- once it was your turn to get the 5      book, then you would -- the numbers that you wrote on be 6      the ones that were assigned to you. 7      Q. And that was replaced by the electronic 8      system? 9      A. Correct, which automatically populates an 10     inventory number for you. 11     Q. Skipping down a little bit to d, it says you 12     should "not place the weight or the estimated street 13     value on the Property Inventory form." Why is that? 14     A. I think -- to be honest with you, I don't know 15     the answer to this because I -- I think what they're 16     referring to is the actual inventory bag. Oh, no, the 17     property inventory form. No, because the property 18     inventory form is just supposed to articulate what it is 19     that you recovered. So in other words, like, you're 20     going to describe the fact that I recovered six Ziploc 21     bags each containing a white powdery substance, crack 22     cocaine. So it's just specifically to be for the 23     description of what it is that you recovered. 24     Q. Do you know -- do you know any -- if there is 25     a reason why it is like that as opposed to saying, you</p>	<p style="text-align: center;">Page 176</p> <p>1      know, six bags suspected narcotics weighing? 2      A. I could theorize, but I don't know for sure. 3      Q. While we're here -- 4      MR. MICHALIK: Don't speculate. 5      BY MR. RAUSCHER: 6      Q. Why don't you theorize, though? 7      A. I would say because you don't want something 8      to get thrown out of court because two documents don't 9      match, you know, but that would -- the department 10     wouldn't want you to put something in a report that's 11     getting processed and/or tested later by ISP that's 12     going to have a value and then a defense attorney can 13     say that's not the same thing that you've inventoried 14     and now your case gets thrown out on a technicality. 15     That would be my thought. 16     Q. Section i talks about placing "the evidence in 17     the Evidence Bag in the presence of a [sic] desk 18     sergeant." Who is a desk sergeant? 19     A. So the desk sergeant is -- he works up with 20     the -- they're now considered a district station 21     supervisor. So, essentially, the desk sergeant was in 22     charge of receiving the narcotics. They would -- and 23     the inventories. So he would typically approve the 24     inventories along with the arrest reports that were 25     brought to him. And then at that point in time, he</p>

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<p style="text-align: center;">Page 177</p> <p>1 would review the contents of the bag to make sure that 2 the bag -- what was penned on the bag and what was on 3 the inventory matched what was in front of him, right? 4 And then after that, the bag would get sealed. It would 5 get signed by both the district -- the desk sergeant and 6 by the officer who inventoried it. There was a 7 narcotics log that was filled out to document the fact 8 that on today's date, I deposited these narcotics, and 9 then they would turn around and put it in the dope safe 10 in -- in the district.</p> <p>11 Q. Is there a -- is there a part of the process 12 where the tactical team sergeant reviews the inventory?</p> <p>13 A. There could be, yes.</p> <p>14 Q. What do you mean "there could be"?</p> <p>15 A. So it depends. Like, in current 16 circumstances, like, if DSS isn't available and they 17 need to -- they're not going to sit around for hours on 18 end with narcotics just sitting on a table. In some of 19 these other units, like, if you were working -- I know 20 Public Housing, for example, they had their own office 21 that was there, so there wasn't really -- I don't 22 believe they had a -- a desk sergeant there. So that 23 would mean, like, whoever was there would be the 24 supervisor that was going to approve it. He would be 25 the one to review it and approve it and then put it into</p>	<p style="text-align: center;">Page 178</p> <p>1 -- into their safe.</p> <p>2 Q. And then -- so Public Housing is maybe one 3 example. What about after Public Housing? Well, when 4 you were a tactical team sergeant --</p> <p>5 A. Yeah.</p> <p>6 Q. -- did you sit down with -- for each arrest 7 where you with the approving supervisor and --</p> <p>8 A. For each arrest, no. I mean, there might've 9 been times when I approved their narcotics because 10 someone wasn't available. That's possible, yes.</p> <p>11 Q. But you were not typically looking at each bag 12 of narcotics, saying does this match up with what they 13 said that recovered?</p> <p>14 A. I mean, typically, I was there anyways for 15 most of the arrests. So, like, I was watching them as 16 they were putting everything together, you know. So I 17 mean, in that regard, not the one physically approving 18 it, but knowing what was there, yes.</p> <p>19 Q. And when you weren't there?</p> <p>20 A. They would take it to the district station 21 supervisor or the desk sergeant for approval.</p> <p>22 Q. And -- but for the rest where you were there, 23 they would still go to the desk sergeant for approval, 24 right?</p> <p>25 A. Unless there were extenuating circumstances,</p>
<p style="text-align: center;">Page 179</p> <p>1 yeah.</p> <p>2 MR. PALLE: Excuse me. May I ask, are we 3 going to go much longer? Because if so, I wouldn't 4 mind, like, grabbing a snack for about ten minutes.</p> <p>5 MR. RAUSCHER: What kind of snack? I'm just 6 kidding.</p> <p>7 MR. PALLE: Well, I -- we have like a 8 Pret-a-Manger downstairs. I'd probably pick up a 9 half sandwich or something.</p> <p>10 MR. RAUSCHER: That sounds nice.</p> <p>11 MR. PALLE: I wish I could get you some, but</p> <p>12 MR. RAUSCHER: No, but in all seriousness, I 13 don't think I'm going super long. I mean, I'm on 14 the second to last topic. The last one is not going 15 to take long, but I'm also happy to take 15 or 20 16 minutes if people want. Or whatever everyone wants 17 to do.</p> <p>18 MR. BAZAREK: Quite frankly, I'd rather -- 19 there's -- another dep at 3:00. If we do, like, a 20 short break, it sounds like Scott's not too far away 21 from finishing, so that's my only --</p> <p>22 MR. RAUSCHER: Why don't I finish this topic 23 with the -- I don't have other policies to show him 24 for this topic. Why don't I finish that and let's 25 take whatever time people need and then finish up?</p>	<p style="text-align: center;">Page 180</p> <p>1 MR. MICHALIK: Yeah, it's up to you. I mean, 2 we're ready to, you know, plow through. I know 3 there is another dep, but if people need five or ten 4 minutes.</p> <p>5 MR. PALLE: I'll plow -- I'll plow through, 6 too, as necessary.</p> <p>7 MR. MICHALIK: Appreciate it, Eric.</p> <p>8 MR. RAUSCHER: All right.</p> <p>9 MR. PALLE: Paul, I've got to talk to you when 10 we're done here just momentarily before you depart.</p> <p>11 MR. MICHALIK: All right.</p> <p>12 BY MR. RAUSCHER:</p> <p>13 Q. All right. Turn to Page 6 of Exhibit 13, 14 CITY-BG-62122. And then if you look at 4f, it talks 15 about "cases for which evidence will no longer be 16 needed, submit one of the following to the court 17 sergeant".</p> <p>18 A. Uh-huh.</p> <p>19 Q. Who determines whether the evidence will no 20 longer be needed?</p> <p>21 A. I would say that that's determined by the 22 courts. So our policies are now that when a court case 23 is terminated, that the officer is supposed to present, 24 through the State's Attorney's Office, through the 25 judge, a request for confiscation and destruction order.</p>

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<p style="text-align: right;">Page 181</p> <p>1 I would imagine this was our policy that was in place at 2 the time that would address the ability for the Evidence 3 and Recovered Property Section to dispose of the 4 evidence. So not every -- not every piece of narcotics 5 went to trial. So in other words, if an officer went to 6 court and the defense or the state didn't ask them to 7 bring the narcotics to court, those narcotics remained 8 in the Evidence and Recovered Property Section in the 9 our drug vault. So the purpose of this would be, hey, 10 we no longer need this. The case is done. We can 11 dispose of it. That information would then be cycled 12 back to the Evidence and Recovered Property Section who 13 would then have a verified document to support why they 14 destroyed evidence, so they wouldn't, in turn, be 15 accused of -- disposing of evidence before its time.</p> <p>16 Q. Okay. And then if you could skip ahead to 17 62124, Section B on that page. It talks about desk 18 sergeant responsibilities. I think we've already talked 19 about that.</p> <p>20 A. Uh-huh.</p> <p>21 Q. Are these accurate? These reflect what the 22 desk sergeant is supposed to do?</p> <p>23 A. Yes. The officer's supposed to present to the 24 desk sergeant or the approving sergeant of the 25 inventory. They will then -- they're saying, hey,</p>	<p style="text-align: right;">Page 182</p> <p>1 there's, you know, 50 bags of heroin in here. You're 2 supposed to verify that there's 50 bags of heroin in 3 here. And then onward, it gets forwarded.</p> <p>4 Q. Does the desk sergeant weigh the narcotics 5 again?</p> <p>6 A. No.</p> <p>7 Q. They just -- they go by the reports and make 8 sure --</p> <p>9 A. Right. Well, they're -- and, again, like, the 10 -- what they're approving is the inventory. So if the 11 inventory is saying there's supposed to be 50 here, then 12 there's 50 here and -- and that's it.</p> <p>13 Q. But -- and they are -- they're approving the 14 inventory, and they are also -- they are supposed to 15 actually look at the evidence; is that right?</p> <p>16 A. Correct.</p> <p>17 Q. Yeah.</p> <p>18 A. Right. So in this instance, if an officer's 19 bringing 50 grams of heroin to the desk sergeant, he's 20 presenting him the open bag, and the desk sergeant is 21 going to physically count out the -- if he's doing his 22 job, he's going to count out the 50. So the issue with 23 that is that obviously when it goes down to ISP, ISP is 24 also going to confirm the contents of that, and they're 25 going to review it off of what's on the bag. And let's</p>
<p style="text-align: right;">Page 183</p> <p>1 just say I said there's 50 in there and it gets down 2 there and there's 30, they're going to send a notifier 3 back to the Chicago Police Department saying you're 4 missing 20 --</p> <p>5 Q. Yeah.</p> <p>6 A. -- and then people are going to have to start 7 answering questions.</p> <p>8 Q. What is the Police Document Services Section 9 officer?</p> <p>10 A. So those are essentially our couriers, and 11 they work out of the document section. So what they do 12 is they go around to each one of the districts and they 13 collect property that's been inventoried. Specifically 14 -- they don't bring firearms anymore except for certain 15 units, but our -- our couriers today, what they do is 16 they'll go -- sworn officers serve as couriers for -- 17 for guns, money, and jewelry, and they'll bring those in 18 a secured container to us. And then we receive the 19 manifest from them moving it from district to district. 20 In terms of general property, civilians go and collect 21 those items. So it's, like, you know, telephones, DVDs, 22 things like that. And then, again, they'll create a 23 manifest, which is approved by that desk sergeant, which 24 then moves the property from the district where we 25 recovered and puts it into an in-transit status until</p>	<p style="text-align: right;">Page 184</p> <p>1 it comes to us. Or in this instance, if it's narcotics, 2 until it goes to forensics, where, again, it's scanned 3 and received. So it's creating that chain of custody to 4 show who had it, who touched it, where it went, and 5 when.</p> <p>6 Q. Is there anybody in CPD who is responsible for 7 weighing the narcotics, other than the inventory 8 officer?</p> <p>9 A. To my knowledge, no.</p> <p>10 Q. What is the narcotics recovery log? I'm 11 sorry, narcotic evidence log in transmittal form?</p> <p>12 A. So there's -- there's a log that's completed 13 at the desk to indicate what you put in the safe. So, 14 again, it's another check and balance, like, hey, 15 Officer A inventoried this. He signed off on the log. 16 That should be in there. So as it goes, that log should 17 be empty. And now, the transmittal for us today is a 18 little bit different because what it'll do is, there's a 19 log that -- there's a paper log at the desk for what 20 everything is that goes in the safe, and then there's 21 another log, a transmittal, which is an electronic 22 record, that when the couriers come to get the 23 narcotics, they scan each inventory. There's a barcode 24 that's on every single one of the inventories that gets 25 scanned, and then it creates a list that says whoever</p>

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<p style="text-align: center;">Page 185</p> <p>1 the courier is is taking possession of all of these 2 items. And then they present that list electronically 3 to the desk sergeant who verifies that these are the 4 inventories you have, I'm hitting the approval button, 5 they're now in your custody, and they're in transit in 6 your name until they come back around to the Forensic 7 Section for narcotics. When they arrive in the Forensic 8 Section, an officer there will receive that manifest 9 from them. They'll electronically enter the eTrack 10 system. And then, again, they'll -- they'll type in the 11 manifest number, and then they will scan each inventory. 12 And it'll check it off on the list to show that, yes, we 13 indeed transferred custody of everything that Officer A 14 said that he took out of whatever district it was.</p> <p>15 Q. Who's allowed to check out narcotics evidence?</p> <p>16 A. So it'll be the officers that are involved in 17 the case. Or if a state's attorney says, you know -- it 18 doesn't necessarily have to be the guy who inventoried 19 it. Let's use the -- the furlough example again. Hey, 20 it's coming up on trial. We need it. They can sign out 21 a subpoena and say we need this officer to come get this 22 evidence because he's associated with the case. In 23 those regards, the same thing. There's an electronic 24 history and a record that's kept of, you know, us giving 25 that narcotic to that officer or that inventory, right?</p>	<p style="text-align: center;">Page 186</p> <p>1 So we'll pull it from our vault. We'll do, 2 electronically, what's considered a checkout. They'll 3 sign for it electronically, indicating that they have 4 it. There's a form set that's supposed to be filled out 5 that they present to the State's Attorney's Office that 6 will show which state's attorney accepted this 7 inventory. And then it'll come back to us, and then 8 electronically, we turn it over to the system.</p> <p>9 Q. Does the off -- if an officer who was involved 10 in the case wants to check out the narcotics, do they 11 need to provide a reason?</p> <p>12 A. Yes. Like, you can't just come down and be 13 like I want to get all the drugs out of here. You know, 14 we -- we've had instances where -- you know, even 15 recently, outside agencies have come in and asked for 16 things. Like, I had the FBI come in and say that they 17 wanted an item that we had recovered, and I denied them 18 access to it because they couldn't explain why they 19 wanted it. You know, if it wasn't tied to an ongoing 20 investigation, then you can't have it. And, like, for 21 this, the narcotics, it would be if you're not taking it 22 to court and you don't have a court, you know, 23 notification saying come get this, you're not getting 24 it.</p> <p>25 Q. Okay. The last topic is "collection and</p>
<p style="text-align: center;">Page 187</p> <p>1 inventory of money from individuals who are arrested or 2 detained." Did you review any policies relating to that 3 topic?</p> <p>4 A. No.</p> <p>5 Q. Okay.</p> <p>6 MR. RAUSCHER: I'm going to mark Exhibit 15 7 CITY-BG-06225 to 2257.</p> <p>8 (EXHIBIT 15 MARKED FOR IDENTIFICATION)</p> <p>9 BY MR. RAUSCHER:</p> <p>10 Q. But before I do that, can you tell me what the 11 policies of CPD are for collection and inventory of 12 money from individuals who are arrested or detained?</p> <p>13 A. So it all depends on what you're arrested and 14 detained for.</p> <p>15 Q. Let's say narcotics.</p> <p>16 A. For narcotics, that policy has changed over 17 time. It used to be you could pretty much seize 18 anything. If the guy had \$2 on him, you could -- you 19 could seize it. That policy then changed, and there's a 20 \$500 threshold that's associated with it now.</p> <p>21 Q. When did that policy change?</p> <p>22 A. I don't know for sure.</p> <p>23 Q. What's your best estimate as to when that \$500 24 threshold came into place?</p> <p>25 A. I think it might have been around 2009, 2010,</p>	<p style="text-align: center;">Page 188</p> <p>1 somewhere in there.</p> <p>2 Q. And how was that communicated?</p> <p>3 A. Again, it was a department policy that came 4 out. There were changes that came out. You're notified 5 that, hey, there's a change in the order and this is -- 6 this is what the procedure of the department is now.</p> <p>7 Q. And was that limited to search warrants, or is 8 that for anything?</p> <p>9 A. So search warrants are slightly different. So, 10 like, search warrants, the -- the dollar threshold can 11 be anything --</p> <p>12 Q. Okay.</p> <p>13 A. -- because it's related to a search warrant. 14 When you're physically recovering United States currency 15 from an individual who's been placed into custody, that 16 dollar amount has now changed to \$500.</p> <p>17 Q. And then let me show you -- so why don't I 18 give you Exhibit 15, and this is titled "Consent to 19 Search Incidents."</p> <p>20 A. Okay.</p> <p>21 Q. Have you reviewed this before?</p> <p>22 A. I -- I -- not for this, but I've seen this 23 document before, yes.</p> <p>24 Q. All right. You're familiar with it?</p> <p>25 A. Yes.</p>

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<p style="text-align: center;">Page 189</p> <p>1       Q. Does this speak to inventorying money, or is 2       it -- 3       A. This -- so a consent to search incident is -- 4       is different in the sense that where this would come 5       from is if we show up at someone's house and we want to 6       search their house absent a search warrant -- 7       Q. Right. 8       A. -- and we ask them, hey, can I search your 9       house, or can I search your car on the street? And 10      like, yeah, sure, no problem. We fill out a consent to 11      search form, but that's what this is -- this is geared 12      towards specifically. 13      Q. And this tells you how to then log the 14      recovery of either less than or more than \$5,000 -- I'm 15      sorry, \$1,000? 16      A. 1,000, yes. 17      Q. Okay. Do you know what general or special 18      order contains the \$500 amount you were talking about? 19      A. So I believe there's an order for -- I think 20      it's both in the narcotics order and in our money order. 21      Q. Do you think it's in the narcotics one we just 22      looked at or a separate one? 23      A. No, they're going to be in -- they're going to 24      be in our -- in our newer orders. 25      Q. So not an order from 2011 or earlier?</p>	<p style="text-align: center;">Page 190</p> <p>1       A. I would -- I -- I'm trying to think of when we 2       changed our policy for -- for the money, but it -- it 3       would be an inactive policy now because it -- it's 4       definitely in -- in policy now. 5       Q. So what happens when someone is arrested for 6       narcotics and they have \$450 in cash? 7       A. They're supposed to be able to take it into 8       lockup with them. The lockup procedures allow them to 9       take up to \$500 in United States currency into -- into 10      lockup with them. 11      Q. Okay. So tell me, from -- in 1999, there 12      wasn't -- you could seize \$2, right? What was the 13      process for inventorying -- collecting and inventorying 14      money during that time period? 15      A. So it would be recovered from whoever the 16      individual was. So if I was arrested and I had \$1,000 17      on me, the officers would come in, they would remove my 18      United States currency from my person, and they would 19      count it. Whatever the count was -- typically we used 20      to do it in front of the individual who was there. 21      Sometimes we'd ask them, do you know how much money do 22      you have on you, you know, and then we would count it 23      out. And then from there, it would get put into an 24      inventory bag. We would count it again before we 25      inventoried it just to make sure that we counted it</p>
<p style="text-align: center;">Page 191</p> <p>1       right. At that point in time, depending on the 2       circumstances, if it was going to be held for 3       investigation, if we were looking for the seizure, or if 4       we're just going to return it to them, there were boxes 5       that were checked on the inventory to document, you 6       know, what the intent was for the money. At that point 7       in time, it would then have been taken, similar to the 8       narcotics, to the desk sergeant or the approving 9       sergeant. And same thing. They were supposed to review 10      the contents of the bag to make sure that, hey, I said 11      there was \$1,000 in here and there's \$1,000 in United 12      States currency inside this bag. If it was short, 13      they'd be like, hey, you're short, you know, and they 14      would then have to figure out, like, where did the 15      shortage come from. Was it two bills stuck together, or 16      you just can't count, or -- or whatever it is, and they 17      would figure it out. 18      Q. But that's the desk sergeant's responsibility? 19      A. It -- one of his -- his -- one of his 20      responsibilities is to -- if he's approving the 21      inventory or whoever's approving that inventory, it's 22      their responsibility to verify that what's on that 23      inventory is reflected in what's in front of them. 24      Q. So in a narcotics case, that is the desk 25      sergeant's responsibility, right?</p>	<p style="text-align: center;">Page 192</p> <p>1       A. And -- and, again, like, unless there were 2       those extenuating circumstances where he wasn't 3       available or... 4       Q. Sure. But as a general matter, the policy is 5       the desk sergeant does that? 6       A. Correct. 7       Q. And is the money counted at the scene? 8       A. Usually not. I mean, like, if we're 9       recovering it from a person, you don't want to take all 10      their money out and then all of a sudden you've got to - 11      - you've got to secure it, and, you know, Lord only 12      knows sometimes what might happen on the way into the 13      station, you know. You don't want to jump out of the 14      car because you -- you on-view something else, and now 15      all of a sudden, you've got half of his property in your 16      pocket and things get commingled. You used to wait to 17      take the money from people unless there was a reason why 18      you needed to immediately secure it on scene. And then 19      even then, you used to, like -- we would have evidence 20      bags and things like that with us to secure things in, 21      so we didn't lose stuff, but usually the -- the counts 22      were done inside the station. 23      Q. So the money would stay with the person until 24      you got to the station? 25      A. Yes.</p>

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<p style="text-align: center;">Page 193</p> <p>1 Q. What about narcotics that you recovered? 2 A. The narcotics, it would all depend. Like, I 3 mean, some guys would secure it somewhere on their 4 person, like, in -- inside their vest. Because a lot of 5 times, it was coming inside, you know, a larger plastic 6 bag. It wasn't just, like, one individual thing. 7 Q. Yeah. 8 A. Other guys would carry, like, our green 9 evidence envelopes with them and put it in there and 10 then fold it up and then, you know, put it inside their 11 vest and zip it up so it wouldn't -- you know, it 12 wouldn't fly away. 13 Q. But narcotics were not left with the 14 individual until you got back to the station? 15 A. Unless he had them secreted somewhere that 16 required an additional search. Like, let's just say we 17 took him in, and he had them in the sole of his shoe. 18 You know what I mean? Like -- so would there be times 19 where someone might have narcotics on their person 20 subsequent to the search? Yes. But no, we wouldn't, in 21 theory, leave something on someone knowing that they had 22 it. 23 Q. Right. If they -- if you didn't know, 24 though -- 25 A. Right. Yeah.</p>	<p style="text-align: center;">Page 194</p> <p>1 Q. -- you didn't know? 2 A. Yeah. I mean, and the -- and the reason for 3 that is, obviously, it would represent a hazard to them 4 because they know that they're going to prison now. Some 5 people may be desperate and decide I'm going to swallow 6 narcotics, and now I have someone who's dying in my 7 backseat because I didn't secure my evidence. 8 MR. RAUSCHER: Let's take a quick break. I'll 9 be wrapping on my questions pretty soon. 10 MR. MICHALIK: Okay. 11 THE VIDEOGRAPHER: All right. We're off the 12 record. The time is 2:05. 13 (OFF THE RECORD) 14 THE VIDEOGRAPHER: We're back on the record. 15 The time is 2:10. 16 BY MR. RAUSCHER: 17 Q. Earlier at the start of the deposition, I 18 asked you to let me know if there are any policies you 19 reviewed that we -- or any documents you reviewed that 20 we didn't talk about today. So I'll ask you again now 21 that we've looked at a bunch. Are there any policies 22 you reviewed to prepare for this deposition that we 23 didn't look at today together? 24 A. We -- so I believe we looked at general -- 25 like, a general or special order for the tact teams that</p>
<p style="text-align: center;">Page 195</p> <p>1 wasn't included in this. 2 Q. That's the newer version that you said is 3 substantively the same -- 4 A. But it's not the BOP version of it. It 5 would've been, like, the general or -- I want to say 6 that we looked at that, but I don't know for sure. 7 Q. Yeah. Not this one that we marked today. 8 Something else? 9 A. It would've been -- it would've been, like, 10 just a regular -- that's a BOP, so that's a Bureau of 11 Patrol order. 12 Q. Okay. 13 A. I want to say I also looked at -- like, 14 there's a more general -- it's either a general or a 15 special order, but I -- I'd have to double check and 16 look to see for sure. And then I also looked at 17 instruction manuals for -- off the -- the CLEAR system 18 for eTrack and for arrest reports that weren't included 19 in these documents. 20 Q. Okay. Anything substantively in those reports 21 that differs from what -- or sorry. Anything 22 substantively in the instructions for filling out 23 reports that differs from things we've talked about 24 today? 25 A. No. No. I mean, essentially, they're just</p>	<p style="text-align: center;">Page 196</p> <p>1 user guides that walk the user through how to manipulate 2 the systems. 3 MR. RAUSCHER: Okay. I don't have any other 4 questions. 5 MR. BAZAREK: I've got a couple of questions -- 6 MR. MICHALIK: Hold on, Bill. Joel's going 7 to go. 8 MR. BAZAREK: Yeah. 9 MR. FLAXMAN: Yeah. Bill, is it okay if I go 10 first? I'll be pretty quick. 11 MR. BAZAREK: Yeah, go ahead. I jumped the 12 gun. 13 MR. FLAXMAN: No problem. 14 EXAMINATION 15 BY MR. FLAXMAN: 16 Q. You mentioned the CLEAR system. 17 A. Yes, sir. 18 Q. What is that? 19 A. So the CLEAR system is our -- our reporting 20 application. So it houses, currently, our eTrack 21 system, our arrest system, our performance evaluation 22 system. It's just -- it's -- it's an application suite 23 that has a different number of functions that we have 24 for the department to electronically send documents and 25 -- and things of that nature. So, like, all our arrest</p>

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<p style="text-align: center;">Page 197</p> <p>1 reports that we reviewed today, that came out of the 2 CLEAR system.</p> <p>3 Q. So a police officer preparing an arrest report 4 would use the CLEAR system?</p> <p>5 A. Today, yes, unless the system went down, and 6 then we would revert back to the paper system.</p> <p>7 Q. Okay. And one thing that I think you 8 mentioned about a police officer creating an arrest 9 report in the CLEAR system was that a box pops up when 10 they're submitting the report?</p> <p>11 A. Correct.</p> <p>12 Q. And is -- that box is for the officer to 13 formally attest to the information in the report?</p> <p>14 A. That's correct, yes.</p> <p>15 Q. And did you say that at that point, the 16 officer has to reenter his password to do that?</p> <p>17 A. Yes.</p> <p>18 Q. Another thing you talked about was doing 19 inventories of narcotics, and the example, I think, you 20 gave was counting the number of pills in a bag. Do you 21 remember that?</p> <p>22 A. Yes.</p> <p>23 Q. Would an officer also be expected to examine 24 powder in a bag of narcotics?</p> <p>25 A. You mean open it physically?</p>	<p style="text-align: center;">Page 198</p> <p>1 Q. Well, yes or no, would they be expected to 2 open it?</p> <p>3 A. More -- more often than not, no. I mean, 4 you're not going to expose yourself to it.</p> <p>5 Q. Okay. You mentioned something called a 6 miscell ex card?</p> <p>7 A. Yes.</p> <p>8 Q. How do you spell that?</p> <p>9 A. So, like, miscellaneous.</p> <p>10 Q. Okay.</p> <p>11 A. So gosh, M-I-C-E-L-L-A-N-O-U-S [sic].</p> <p>12 Q. So miscellaneous?</p> <p>13 A. Miscellaneous. And it's a -- it's -- so it's 14 a miscellaneous exception report is what it is. We used 15 to call them a miscell ex card, so...</p> <p>16 Q. Okay. And what is that?</p> <p>17 A. So it's just -- it's a -- it's a card that we 18 would fill out for when there wasn't a -- and this was 19 dating back years when -- it was a report that we would 20 fill out when there wasn't really a report to fill out, 21 but you had, like, a miscellaneous exception.</p> <p>22 Q. Okay.</p> <p>23 A. It would be within our incident reporting 24 guide. It would say there's no UCR code for this. It's 25 a miscellaneous exception report. I'm trying to think</p>
<p style="text-align: center;">Page 199</p> <p>1 offhand, it's been so long since I've done one, what 2 would be an example of one. It might actually be in the 3 field reporting guide, which would explain when you 4 would -- when you would fill one out.</p> <p>5 Q. Okay. But the full name is miscellaneous --</p> <p>6 A. Miscellaneous exception report -- incident 7 report.</p> <p>8 Q. Okay. And just -- and I think I understand 9 this, but so that would be a formal report. It wouldn't 10 be some kind of, like, note-taking?</p> <p>11 A. It -- well, correct. But I mean, the reason 12 why we would use them is because they were -- they were 13 cardboard stock, right? And because they weren't -- you 14 know, I think it had, like, a -- it wasn't, like, a -- a 15 case report or anything like that, and they were blank 16 on the back side. We could use that to write down 17 information, and it was sturdy enough that it wasn't, 18 like, a piece of paper loosely from one of our notebooks 19 that was going to blow away. So when we were processing 20 people in the field, it would be -- we would use a -- 21 that to write down the information sometimes to put in 22 there and then send in their property bag when they were 23 going in so that they would say, okay, this is number 1. 24 Number 1 is this person.</p> <p>25 Q. Okay. And so -- just so I'm clear in that,</p>	<p style="text-align: center;">Page 200</p> <p>1 you're talking about using the back of this report as --</p> <p>2 A. Correct.</p> <p>3 Q. Let me just finish the question, so we can 4 make the record clear.</p> <p>5 A. Sure.</p> <p>6 Q. You're talking about using the back of this 7 form to take notes essentially, right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And then once you're creating the formal 10 arrest reports, you would rely on those notes?</p> <p>11 A. The -- it -- essentially, it would be the 12 individual's personal information is what would be on 13 that card, right? So when we're -- and it's specific to 14 when we were doing these reverse stings or -- or the -- 15 the controlled arrests, right? Is that this way we knew 16 who each individual was.</p> <p>17 Q. And you wanted to know who they were to put 18 that information into the formal reports?</p> <p>19 A. Correct.</p> <p>20 Q. But the miscell ex card is something you would 21 use as before completing the formal reports?</p> <p>22 A. Yes.</p> <p>23 Q. And would you keep the miscell ex card after 24 you did the formal reports?</p> <p>25 A. No.</p>

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<p style="text-align: center;">Page 201</p> <p>1       Q. Okay. We talked about officers preparing 2       reports based on personal knowledge, right? 3       A. Uh-huh. 4       Q. Is that a yes? 5       A. Yes. 6       Q. And in some instances, it would be appropriate 7       for an officer to rely on another officer's observation 8       when preparing a report, right? 9       A. That's correct, yes. 10      Q. In that instance, should the officer preparing 11     the report state in the report that whatever observation 12     he's talking about was made by another officer? 13      A. They could, yes. 14      Q. Well, should they? 15      A. For clarity purposes -- like, again, if we're 16     looking at a report, right -- and we'll use an example 17     of I pull someone over and I'm engaging the driver, and 18     the rear passenger is reaching for a firearm. I can't 19     see that because my partner can, right? So you would 20     indicate in there -- you could. You could indicate that 21     ROs did this while we were engaging the driver. The rear 22     passenger was observed making further movements, right? 23     Again, I think it lays in the hands of the author. 24     Would it make more sense for the individual to say 25     Officer A saw this? Yes. You know, because then it</p>	<p style="text-align: center;">Page 202</p> <p>1       provides that -- that level of clarity. Is it required? 2       I would say, again, it's not as long as when it goes to 3       court, everyone can answer up to what they did. 4       Q. Oh, the final thing I wanted to ask you about 5       was on Exhibit number 8. That's a one-page document, 6       "Form Preparation Instructions". 7       A. Yes, sir. 8       Q. Okay. Paragraph number 44 on the bottom left 9       begins, "The arresting officer." Do you see that? 10      A. Yes, sir. 11      Q. And it says things that the arresting officer 12     must enter. It says, "Name first." Do you see that? 13      A. Yes, sir. 14      Q. The next one -- and the next thing is, 15     "Indicating beat." And then it says, "Furlough, day off 16     group." Is furlough, day off group one thing, or is 17     that -- 18      A. It's two separate things. 19      Q. Okay. What does furlough mean? 20      A. So your furlough is when your vacation is for 21     the year. So we have the 13-period police calendar 22     that's broken down into, you know, two segments, 14-day 23     segments. So it's another -- it's a -- it's a notifier 24     for -- probably for court scheduling purposes. In the 25     sense that, like, if it's going to felony court, right,</p>
<p style="text-align: center;">Page 203</p> <p>1       and it's going to 26 and California, the state's 2       attorney can look and say I don't want to set a date at 3       this time because I know the officer's not going to be 4       available. As far as the day off group, that's the -- 5       your day off that you're assigned. So we have a -- 6       rotate -- we used to work six and twos. So every six 7       days, you would be off for two. Everyone would be in a 8       different day off group. Again, for balance of 9       manpower. And so you would just put what day off group 10      you were in for that as well. 11      Q. And, again, that would be so the court 12     wouldn't be scheduled and the officer was not working? 13      A. In theory, sure. Yeah. 14      Q. And the last thing, it says, 15     "Misdemeanor/ordinance court key." Can you tell me what 16     that means? 17      A. So everyone's assigned a misdemeanor or 18     ordinance key. So when you would arrest someone for a 19     misdemeanor offense, so that we weren't -- we weren't, 20     like, I guess, clogging the court system and sending 21     every misdemeanor arrest to court on this day, they 22     would break us all down and give us a court key based 23     off of letter, right? So I believe my court key was O, 24     if I'm not mistaken. And if I'm not mistaken, it was 25     also based off of the last two digits of your star</p>	<p style="text-align: center;">Page 204</p> <p>1       number, and they -- they -- they parcel it out that way. 2       So you would schedule people for your court date based 3       off what your court key was. So if I arrested you for a 4       misdemeanor, I would go to my court key, which was 5       established on department calendars and say all right, 6       my next court key is going to be this day here, and I 7       would set it for that day and then that way the arrestee 8       would also know when he was also due in court. 9       Q. So the court key is like a table -- 10      A. Uh-huh. 11      Q. -- or is the court key is the letter? 12      A. So the key itself is what letter you were, and 13     then there's a table that has the dates for -- so for 14     every -- every period, you know, it was 21 days out, you 15     were -- you were going for your court key. And so you 16     would go off the calendar, and you would be like, all 17     right, we're in -- we're in March. When's my next court 18     key date up? Oh, my next court key date for -- for 19     March is tomorrow. Well, I can't give him that court 20     date. I've got to set it out. So now I'm going to go 21     to my next court key date, you know. So we would be 22     going for -- you know, April is then when my court date 23     would be for that. That's what I would set it for. 24      Q. And is it just called a misdemeanor/ordinance 25     court key, or are there different ones for a</p>

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<p style="text-align: center;">Page 205</p> <p>1      misdemeanors and ordinances?</p> <p>2      A. No, it's just a -- it's the same thing. So</p> <p>3      it's, like, our --</p> <p>4      Q. Okay.</p> <p>5      A. -- traffic key was the same thing, and they</p> <p>6      would just -- they would stage them off each other.</p> <p>7      Q. Is there a name for the table that had the</p> <p>8      date in it?</p> <p>9      A. It was just a court key.</p> <p>10     Q. Because I -- and what I'm confused about is</p> <p>11     that the court key is the letter, but it --</p> <p>12     A. Right.</p> <p>13     Q. -- also refers to the table.</p> <p>14     A. Yeah. I mean, it -- so it's -- it's, like,</p> <p>15     almost like the same thing as, like, a matrix. You</p> <p>16     know, where it's you've got -- you know, up at the top,</p> <p>17     you have all the letters going across and on the side,</p> <p>18     you have all the months going down, and then you just</p> <p>19     line it up as you go. And then in the middle, there's</p> <p>20     all the dates for the month.</p> <p>21     MR. FLAXMAN: Okay. All right. I don't think</p> <p>22     I have anything else.</p> <p>23     MR. RAUSCHER: I think somebody on the computer</p> <p>24     had questions for you.</p> <p>25     MR. MICHALIK: Bill, did you want to ask</p>	<p style="text-align: center;">Page 206</p> <p>1      something?</p> <p>2      MR. BAZAREK: Yeah. I've got just a few follow</p> <p>3      ups.</p> <p>4      <b>CROSS-EXAMINATION</b></p> <p>5      <b>BY MR. BAZAREK:</b></p> <p>6      Q. Good afternoon, Lieutenant Fitzgerald. You've</p> <p>7      worked as both a tactical officer and a tactical</p> <p>8      supervisor in district law enforcement, correct?</p> <p>9      A. That's correct, sir. Yes.</p> <p>10     Q. Okay. And you just -- not you. Mr. Flaxman</p> <p>11     just -- strike that. As a tactical officer working with</p> <p>12     a tactical team throughout your tour of duty on any</p> <p>13     given shift, you routinely shared information with your</p> <p>14     fellow tact team members; is that correct?</p> <p>15     A. Yes.</p> <p>16     Q. And there would be occasions where even, say,</p> <p>17     you made observations of criminal activity, but your</p> <p>18     partner was not present at that moment where you</p> <p>19     observed the criminal observations, correct?</p> <p>20     A. That could happen, yes.</p> <p>21     Q. And then you -- with that information, though,</p> <p>22     you would share the observations that you made with your</p> <p>23     partner and other fellow officers on the tactical team,</p> <p>24     correct?</p> <p>25     A. That could happen, yes.</p>
<p style="text-align: center;">Page 207</p> <p>1      Q. Okay. And I'll give an example. Say you're</p> <p>2      looking for a man with a gun and say an individual, you</p> <p>3      know, just takes off. You're with your partner. Maybe</p> <p>4      your partner jumps out of the car, starts chasing the</p> <p>5      guy, and you're going another way, and let's say you and</p> <p>6      your partner are not together for some period of time,</p> <p>7      but your partner recovers the gun. Have you had a --</p> <p>8      have you had situations like that happen?</p> <p>9      A. Similarly, yes --</p> <p>10     MR. MICHALIK: Yeah. Bill, I'm just going to</p> <p>11     object to the extent that I think this probably</p> <p>12     exceeds the scope of the 30(b)(6) deposition.</p> <p>13     MR. BAZAREK: Well, I'm going to tie it back to</p> <p>14     just report writing. Okay.</p> <p>15     <b>BY MR. BAZAREK:</b></p> <p>16     Q. So later on, let's say that example I gave</p> <p>17     where someone -- your partner recovers a gun, but you're</p> <p>18     not present when he recovers it. Later on, though, you</p> <p>19     do see the gun because your partner has recovered it.</p> <p>20     Are you following me?</p> <p>21     A. I am.</p> <p>22     Q. Okay. So then you go back and you -- it's</p> <p>23     time to prepare the police report on it. And whether --</p> <p>24     it's a, like, general offense case report and you have</p> <p>25     the boxes for the reporting officer, and then you have</p>	<p style="text-align: center;">Page 208</p> <p>1      the box for the second reporting officer, right, on the</p> <p>2      case report?</p> <p>3      A. Yes, sir.</p> <p>4      Q. Okay. And so the hypothetical I gave where</p> <p>5      you actually weren't present when your partner recovered</p> <p>6      the gun, it would be entirely appropriate under</p> <p>7      department procedure for your partner to list you as the</p> <p>8      second reporting officer, correct?</p> <p>9      MR. MICHALIK: Same objection, Bill.</p> <p>10     <b>THE WITNESS:</b> I would say that's -- that's</p> <p>11     okay. You could -- you could do that.</p> <p>12     <b>BY MR. BAZAREK:</b></p> <p>13     Q. Right. And then let's look at Exhibit 5.</p> <p>14     That's the "Vice Case Report General Instruction," and</p> <p>15     what I want to go to is numbers 45 and 46. And I know</p> <p>16     you've already -- you gave an example actually earlier</p> <p>17     in the deposition where you talked about someone working</p> <p>18     in a car by themselves. It wouldn't be applicable for</p> <p>19     them to put a second officer because he wasn't with a</p> <p>20     second officer. Do you recall that?</p> <p>21     A. Yes.</p> <p>22     Q. Okay. So now my example is going to be a</p> <p>23     narcotics recovery where you do have officers that are</p> <p>24     not together at the time where one of the officers</p> <p>25     recovers the narcotics but then later he comes back into</p>

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<p style="text-align: right;">Page 209</p> <p>1 contact with his partner, and he shows them the dope 2 that he recovers. Are you following me?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. And you would agree that it would be 5 entirely appropriate, under department procedure when 6 preparing the vice case report for box 46, to put your 7 partner's name in that box, even though he wasn't there 8 initially when you made the narcotics recovery; is that 9 correct?</p> <p>10 MR. MICHALIK: Bill, I'm going to have to 11 object to this line of questioning. It's beyond the 12 scope of the 30(b)(6) deposition and the topics 13 listed here. You're asking him hypothetical 14 questions, applications of your hypothetical to 15 policies. He's here to talk about policies.</p> <p>16 MR. BAZAREK: Right.</p> <p>17 BY MR. BAZAREK:</p> <p>18 Q. Well, okay. Is that within policy to put a 19 second officer in box 46 if it was your partner and he 20 wasn't present --</p> <p>21 MR. MICHALIK: Same object --</p> <p>22 BY MR. BAZAREK:</p> <p>23 Q. -- at the time recovery of the dope?</p> <p>24 MR. MICHALIK: Same objection.</p> <p>25 THE WITNESS: Again, I would say it would be</p>	<p style="text-align: right;">Page 210</p> <p>1 based on, like, the totality of the circumstances 2 that you would have to take that into consideration. 3 The example that I gave, I think was, more or less, 4 like, an individual officer responded to a -- a call 5 from a citizen who had found narcotics in their 6 flower bed, and there wasn't anyone else there with 7 them. So in that regard, there would never be -- 8 sorry. There wouldn't be a -- a second officer that 9 would've been on that report because no one would've 10 been there other than him when he made the recovery. 11 So in that instance, it was an isolated incident 12 where it was a 99 unit that responded to a call for 13 service and made a recovery. If I was working with 14 my partner and for some reason we got separated and 15 it turned into an arrest situation where it resulted 16 in me recovering narcotics and then them being 17 there, I would say yes, in theory, because we were 18 still working together, that -- that would be 19 applicable to put him on the report if there was -- 20 in some way he was involved in the investigation we 21 were conducting.</p> <p>22 BY MR. BAZAREK:</p> <p>23 Q. Right. It would be entirely appropriate to 24 put your partner on the vice case report in box 46, 25 right?</p>
<p style="text-align: right;">Page 211</p> <p>1 MR. MICHALIK: Same objection.</p> <p>2 THE WITNESS: Again, like I would say, it would 3 depend on the totality of the circumstances, but 4 yes, there -- there could be instances where an 5 officer's partner was not present when a recovery of 6 anything was made, and you would either put them on 7 the general offense case report or the vice case 8 report.</p> <p>9 BY MR. BAZAREK:</p> <p>10 Q. Right. And then you -- and that's what police 11 officers do. They share information with each other, 12 even if one member is not there to observe firsthand the 13 criminal activity, right?</p> <p>14 MR. RAUSCHER: Object to form.</p> <p>15 MR. MICHALIK: Yeah. Same objection on behalf 16 of the witness.</p> <p>17 THE WITNESS: Yeah. I mean, again, I think 18 what -- what it goes back to is almost, like, the -- 19 the traffic stop that I discussed where I'm engaging 20 the driver. I don't see what's going on in the back 21 seat but my partner does, and he relates to me after 22 he recovers a gun. Maybe he didn't have time to 23 articulate to me that he saw it. He just opens the 24 door and puts the guy in cuffs. And I'm like, well, 25 what just happened? He explains it to me. And yes,</p>	<p style="text-align: right;">Page 212</p> <p>1 it's our report because we're working together. 2 When we go to court, we're going to explain what 3 each one of us was doing, and that would be the 4 reason why they would both be included in the 5 report.</p> <p>6 BY MR. BAZAREK:</p> <p>7 Q. But it would be entirely appropriate for you 8 to be listed as the second reporting officer, right?</p> <p>9 A. It could be, yes.</p> <p>10 Q. Okay. And then the other thing I want you to 11 look at -- and I'm almost done. Let's take a look at 12 Exhibit 6. That's the "Vice Case Report." And really 13 just a couple questions on this. And I'm just 14 specifically looking at -- do you see box 12? And 15 there's box 18, and you see a bunch of --</p> <p>16 A. Yes.</p> <p>17 Q. -- police officer names are included in there; 18 is that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. And would you agree that when you're 21 working on a tactical team, tactical team members would 22 include all the names of the tactical team members in 23 those boxes on a vice case report?</p> <p>24 MR. MICHALIK: Objection. It's beyond the 25 scope of the 30(b)(6) deposition. Are you asking</p>

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<p style="text-align: right;">Page 213</p> <p>1 what -- that's the policy of the police department?    2 MR. BAZAREK: Yes. Yeah. The policy. Yes.    3 THE WITNESS: I would say that the individuals    4 that appear in those boxes on some level had a role.    5 Whether it was being on scene or participating as an    6 assisting officer on some level would be the only    7 reasons why they would appear in the report. If    8 they weren't present, then I would say that they    9 would not -- and by present, I mean for any part of    10 the arrest -- there would be no reason for them to    11 appear on that report.</p> <p>12 BY MR. BAZAREK:</p> <p>13 Q. Right. So -- but it would be within    14 department policy if you had some involvement, say, in    15 the narcotics investigation, you're part of a tactical    16 team or even a beat car that could put a stop on a    17 suspect, that you would include the names of the    18 department members in the vice case report?</p> <p>19 MR. MICHALIK: Same objection.    20 THE WITNESS: Again, in theory, you could, but    21 then you would also have to be able to articulate    22 what their role was in terms of their assistance in    23 it. You know, so, again, like, if you get called    24 down and the state's attorney wanted to know -- in -    25 - in this particular example, they would be like --</p>	<p style="text-align: right;">Page 214</p> <p>1 they -- they would maybe subpoena the whole team,    2 and they would ask Officer Jones, Officer Mohammed,    3 Officer Smith, Officer Soltis, Sergeant Watts,    4 Officer Gonzalez, and Officer Leano, tell me what    5 everybody did, you know. And then they would make    6 determinations, and Leano may be like I processed    7 the guy. Just -- I searched him when he came in.    8 And, you know, I helped prepare the complaint. They    9 might cross them off the list and say, okay, I don't    10 need you for court because, really, you're not    11 necessary for it. So, I mean, as long as everyone    12 that was on here could explain that they had a role    13 of some level in what -- what transpired, whether it    14 was from processing to arresting to being on scene,    15 that would all have to be justified by, you know,    16 what -- why their name was put on there. It was    17 because they had some role in this somewhere.    18 MR. BAZAREK: That's all I have. Thank you,    19 Lieutenant.    20 THE WITNESS: Sure.    21 MR. MICHALIK: Anyone else?    22 MR. GAINER: I don't have any questions. Thank    23 you, Lieutenant.    24 REDIRECT EXAMINATION    25 BY MR. RAUSCHER:</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. I've got just a small number of follow-up    2 questions. So sticking with 15 -- I'm sorry, Exhibit 5.    3 Box 18 is described -- it says, " Enter name(s) of    4 person who discovered, witnessed --</p> <p>5 MR. BORKAN: Can't hear you, Scott.    6 BY MR. RAUSCHER:</p> <p>7 Q. The box -- the description for box 18 on    8 Exhibit 5 says -- starts with, "Enter name(s) of persons    9 who discovered, witnessed, or reported the offense and    10 check the appropriate square." Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. That's what you're supposed to do on that vice    13 case report. It's supposed to list people who either    14 discovered, reported, or witnessed the offense, right?</p> <p>15 A. Correct, but I think where the ambiguity    16 somewhat comes in with that, and even with some of our    17 officers, is when it -- when it comes down to the -- the    18 portion of witnessed the offense. In the sense that,    19 did they witness a portion of the incident? In the    20 sense, did I search this guy? Was I there serving as an    21 assist and therefore, in some level, I did witness    22 something? And I think that's -- that's an ambiguity,    23 and that leads to things like this. And that's why it    24 comes down to people being called to court and being    25 asked to explain what their role was.</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. What's ambiguous about it? If you search    2 someone and you found drugs, you witnessed something,    3 right?</p> <p>4 A. Well, no. What I'm saying is, in terms of if    5 you -- if you searched that individual not on scene but    6 in the station, they might list you on here because you    7 witnessed that portion of the process, right? So in    8 that regard, you didn't witness the recovery, you didn't    9 witness the arrest, but you participated in the process.    10 So because you, in that regard, acted as an assist,    11 that's why you're showing up on there because you're    12 documenting your assistance in it.</p> <p>13 Q. So if you search someone at the station after    14 they were already searched on the scene, you would still    15 be listed as a witness under the CPD policy?</p> <p>16 A. You could be. You could be listed as an    17 assisting officer. In the sense that, like, just    18 because you didn't recover the narcotics, if you    19 recovered his wallet that was later inventoried or    20 whatever you prepared that inventory for I, now you've    21 assisted in that manner.</p> <p>22 Q. But that -- so that is not what the written    23 policy says that box is supposed to mean, correct?</p> <p>24 MR. MICHALIK: Object to the form of the    25 question.</p>

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<p style="text-align: right;">Page 217</p> <p>1       THE WITNESS: I would say what -- what I 2       explained before. I think there's a little bit of 3       ambiguity in there, which is the reason why there's 4       these questions about people showing up on reports 5       and what their exact roles were, right? Because 6       someone may read this and be like, well, he 7       witnessed the offense, and I might read that to me, 8       like, I physically observed you in possession of 9       that. Now I'm an eyewitness to that. Other people 10      might say, well, he witnessed it because we arrested 11      him. We brought him in the station, and he served 12      as a witness because he also participated in 13      searching.</p> <p>14      BY MR. RAUSCHER:</p> <p>15      Q. Which part of the offense would you witness if 16      you searched someone and just took their wallet?</p> <p>17      A. Because you participated in the totality of 18      the offense. Like, the -- the -- the totality of the 19      investigation.</p> <p>20      Q. How -- what does the word "offense" mean to 21      you?</p> <p>22      A. Offense would mean the actual event, meaning 23      the crime that was committed. However, in this regard, 24      because they're still participating in an assist manner, 25      people might say, well, if you didn't put him on there</p>	<p>1       and he searched him, now you're concealing who 2       participated.</p> <p>3       Q. So there is a space for assisting officer on 4       the arrest report, right?</p> <p>5       A. There wasn't back then.</p> <p>6       Q. There was not back then?</p> <p>7       A. No.</p> <p>8       Q. You couldn't list assisting officers?</p> <p>9       A. I mean, the arrest report -- the old arrest 10      report only had two boxes. There was one on the bottom 11      for the arresting officer, and then one on the -- the 12      bottom for the -- the secondary officer. Sometimes you 13      would put -- if you were riding a three-man car, you 14      would put all three of them in there, but there wasn't a 15      -- a specific box, as there is today, where you can 16      identify in the printed version that we have, you could 17      list 100 officers as assisting.</p> <p>18      Q. And then -- so basically what you're saying 19      is, in practice, officers would list people as witnesses 20      even if they didn't witness the offense as required by 21      the written policy?</p> <p>22      MR. MICHALIK: Object to the form of the 23      question.</p> <p>24      THE WITNESS: I don't know that -- again, I 25      think where it comes in is that witnessing the</p>
<p style="text-align: right;">Page 219</p> <p>1       offense is how the author would describe witnessing 2       the offense, right, and who actually participated in 3       the totality of it, right? Because, again, the 4       offense involves an arrest, right? It -- it 5       involves the arrest of someone being in possession 6       of something, but that offense starts and ends 7       throughout the course of processing. So for the 8       officers, they may interpret it that way, but you 9       would have to ask the author of the report and the 10      individuals who are involved, like, why they 11      specifically identified these individuals in the 12      manner that they did.</p> <p>13      BY MR. RAUSCHER:</p> <p>14      Q. How do you, as someone who's been in the 15      department for 25 years, was a member of tact team, and 16      sergeant, interpret and witness the offense?</p> <p>17      A. Witness the offense? Again, as I explained to 18      you, my interpretation of it is those that were involved 19      in it, right? So, again, the way that this is written, 20      the only way to know who did what is to specifically ask 21      those that were involved. Because --</p> <p>22      Q. Well -- sorry. Go ahead.</p> <p>23      A. Oh, no, that's okay. And -- and the -- and 24      the thing is -- is that, again, Mohammed, Smith, Soltis, 25      Watts, Gonzalez, Leano, they all could have been on-</p>	<p>1       scene. I don't know. I wasn't there, you know, but who 2       does know is Jones and Mohammed, right? And they would 3       be able to -- to articulate to you who was there. And - 4       - and then everyone should be able to tell you, you 5       know, to the best of their recollection, what -- what 6       their role was in this. And it could be anything that 7       extended from, you know, I searched him. I -- I was 8       there as, you know, one of the supporting surveillance 9       officers. You know, that's -- that's questions for them 10      to answer.</p> <p>11      Q. You interpret it, though, to mean someone who 12      was on-scene, right?</p> <p>13      A. That's how I interpret it, yes.</p> <p>14      Q. Not someone who went later and searched and 15      found their wallet at the station?</p> <p>16      A. Correct. But some -- again, I think some 17      officers take that to mean that -- because I have -- 18      we've had these conversations with other officers 19      before. We -- you know, I've been in conversations with 20      officers where, as an example, we had a disagreement 21      amongst officers where there was a car that was pulled 22      over for -- for being stolen, and an individual bailed 23      out of the car, took off running, right? They called it 24      out. That individual was subsequently apprehended a 25      block away by two other officers that are assigned to</p>

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<p style="text-align: center;">Page 221</p> <p>1 that team. They placed him into custody. When they 2 bring him back, there's an argument over who's going in 3 box 1 for the guy who had the gun, and my stance was 4 it's -- it's the guy who saw him get out of the car is 5 where it starts because you're the one that's going to 6 be able to say, yes, I put him in that vehicle when he 7 bailed out, and then my report's going to indicate that 8 you recovered a firearm from him. So, yes, you're -- 9 you're involved in this, but, like, I'm not box 1 on the 10 driver and the passenger in the front seat and you're 11 box 1 on the guy because it's all one offense.</p> <p>12 Q. Box 1 is not going to be the guy who showed up 13 three hours later and you were -- when you said, hey, 14 there was an arrest for a gun?</p> <p>15 A. Correct.</p> <p>16 Q. And it's not going to be the guy who searched 17 for the wallet at the station?</p> <p>18 A. Correct.</p> <p>19 Q. And you would not list those people as 20 witnesses?</p> <p>21 A. Again, to the arrest, no, but they could be 22 assisting arresting officers in the sense that they 23 participated in some form of the process.</p> <p>24 Q. And you might list that as someone who's 25 assisting officer?</p>	<p style="text-align: center;">Page 222</p> <p>1 A. Yes. People might, yes. 2 Q. Which is different than a witness to the 3 offense? 4 A. Again, in my estimation, yes, but you would 5 also have to understand what the perspective of the 6 officers who wrote this report was and find out from 7 them how they interpreted that. 8 Q. One thing you said during that testimony was 9 that, you know, who knows is Al Jones and Kallatt 10 Mohammed -- or you said Jones and Mohammed. Why are you 11 making the assumption that they know what everyone did? 12 they looked at? 13 A. Well, I would assume because they're the 14 authors of the report. 15 Q. And you would not be the author of the report 16 without knowing what happens yourself? 17 A. Correct. 18 MR. RAUSCHER: Okay. I don't have any other 19 questions. 20 MR. MICHALIK: Anybody else? 21 MR. BAZAREK: Nope. Thanks, Paul. 22 MR. BORKAN: All good. 23 MR. GAINER: Not from me. 24 MR. MICHALIK: We will reserve signature. 25 MR. PALLE: Not for me.</p>
<p style="text-align: center;">Page 223</p> <p>1 THE REPORTER: Okay. Any orders of the 2 transcript or the video? 3 MR. RAUSCHER: Transcript, yes. 4 THE REPORTER: Just, like, an e-tran? 5 MR. RAUSCHER: Yeah. 6 THE REPORTER: Okay. 7 MR. RAUSCHER: We might want it a little faster 8 than normal delivery, though. 9 (DEPOSITION CONCLUDED AT 2:42 P.M. CT)</p> <p>10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">Page 224</p> <p>1 CERTIFICATE OF DIGITAL REPORTER 2 STATE OF ILLINOIS 3 4 I do hereby certify that the witness in the foregoing 5 transcript was taken on the date, and at the time and 6 place set out on the Title page hereof by me after first 7 being duly sworn to testify the truth, the whole truth, 8 and nothing but the truth; and that the said matter was 9 recorded digitally by me and then reduced to typewritten 10 form under my direction, and constitutes a true record 11 of the transcript as taken, all to the best of my skills 12 and ability. I certify that I am not a relative or 13 employee of either counsel, and that I am in no way 14 interested financially, directly or indirectly, in this 15 action. 16 17 18 19 20 21 22 TALIA JACKSON, 23 DIGITAL REPORTER / NOTARY 24 COMMISSION EXPIRES ON: 11/28/2027 25 SUBMITTED ON: 04/09/2024</p>

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