

EXHIBIT 71



KENTUCKIANA
— COURT REPORTERS —

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)

Page 1	Page 2
<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>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE LOEVY PLAINTIFFS:</p> <p>4 Scott Rauscher, Esquire</p> <p>5 Loevy & Loevy</p> <p>6 311 North Aberdeen Street</p> <p>7 Third Floor</p> <p>8 Chicago, Illinois 60607</p> <p>9 Telephone No.: (312) 243-5900</p> <p>10 E-mail: scott@loevy.com</p> <p>11</p> <p>12 ON BEHALF OF THE FLAXMAN PLAINTIFFS:</p> <p>13 Joel Flaxman, Esquire</p> <p>14 Kenneth N. Flaxman P.C.</p> <p>15 200 South Michigan Avenue</p> <p>16 Suite 201</p> <p>17 Chicago, Illinois 60604</p> <p>18 Telephone No.: (312) 427-3200</p> <p>19 E-mail: jaf@kenlaw.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 4
<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO AND</p> <p>4 MICHAEL FITZGERALD:</p> <p>5 Paul Michalik, Esquire</p> <p>6 Reiter Burns</p> <p>7 311 South Wacker Drive</p> <p>8 Suite 5200</p> <p>9 Chicago, Illinois 60606</p> <p>10 Telephone No.: (312) 878-1294</p> <p>11 E-mail: pmichalik@reiterburns.com</p> <p>12</p> <p>13 ON BEHALF OF THE INDIVIDUAL DEFENDANTS AS REPRESENTED</p> <p>14 BY HALE & MONICO:</p> <p>15 William E. Bazarek, Esquire</p> <p>16 Hale & Monico</p> <p>17 53 West Jackson Boulevard</p> <p>18 Suite 330</p> <p>19 Chicago, Illinois 60604</p> <p>20 Telephone No.: (312) 341-9646</p> <p>21 E-mail: web@halemonico.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, RONALD WATTS:</p> <p>4 Brian Gainer, Esquire</p> <p>5 Johnson & Bell, LTD.</p> <p>6 33 West Monroe Street</p> <p>7 Suite 2700</p> <p>8 Chicago, Illinois 60603</p> <p>9 Telephone No.: (312) 984-0236</p> <p>10 E-mail: gainerb@jbltd.com</p> <p>11 (Appeared via videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, CALVIN RIDGELL:</p> <p>14 Steve Borkan, Esquire</p> <p>15 Borkan & Seahill, Ltd.</p> <p>16 Two First National Plaza</p> <p>17 20 South Clark Street</p> <p>18 Suite 1700</p> <p>19 Chicago, Illinois 60603</p> <p>20 Telephone No.: (312) 580-1030</p> <p>21 E-mail: sborkanseahill.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p>

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

Page 5	Page 6
<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> <p>10 Exhibit Page</p> <p>11 1 - Notice of Rule 30(b)(6) Deposition 34</p> <p>12 2 - Special Order S04-17 54</p> <p>13 3 - Special Order S04-18 59</p> <p>14 4 - Special Order S09-05-01 80</p> <p>15 5 - Vice Case Report, CPD-11.414 - General</p> <p>16 Instructions 98</p> <p>17 6 - Vice Case Report in re: Ben Baker 100</p> <p>18 7 - Ben Baker Arrest Report - Final</p> <p>19 Approval 108</p> <p>20 8 - Form Preparations Instructions 109</p> <p>21 9 - Chicago Police Department - Field</p> <p>22 Reporting Manual: General Reporting</p> <p>23 Instructions 122</p> <p>24 10 - Bureau of Patrol Special Order</p> <p>25 (BOPSO: 14-06) 136</p>
Page 7	Page 8
<p>1 EXHIBITS (CONTINUED)</p> <p>2 Exhibit Page</p> <p>3 11 - Office of Operations Special Order</p> <p>4 (BOPSO: 24-06) 139</p> <p>5 12 - Chicago Police Department Special</p> <p>6 Order S03-03-01 151</p> <p>7 13 - Chicago Police Department Special</p> <p>8 Order 98-13 163</p> <p>9 14 - Chicago Police Department Special</p> <p>10 Order 05-02 163</p> <p>11 15 - Chicago Police Department Special</p> <p>12 Order S04-19-01 187</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 STIPULATION</p> <p>2</p> <p>3 The VIDEO 30(b)(6) deposition of MICHAEL FITZGERALD,</p> <p>4 CITY OF CHICAGO was taken at LOEVY & LOEVY, 311 NORTH</p> <p>5 ABERDEEN STREET, 3RD FLOOR, CHICAGO, ILLINOIS 60607 on</p> <p>6 WEDNESDAY, the 6TH day of MARCH, 2024 at 10:03 a.m.</p> <p>7 (CT); said VIDEO 30(b)(6) deposition was taken pursuant</p> <p>8 to the FEDERAL Rules of Civil Procedure.</p> <p>9</p> <p>10 It is agreed that TALIA JACKSON, being a Notary Public</p> <p>11 and Digital Reporter for the State of Illinois, may</p> <p>12 swear the witness and that the reading and signing of</p> <p>13 the completed transcript by the witness is not waived.</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>

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

Page 9	Page 10
<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 & 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 &</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 & Monico.</p> <p>23 MR. GAINER: Brian Gainer for Ron Watts.</p> <p>24 MR. BORKAN: Steve Borkan for Ridgell.</p> <p>25 MR. PALLES: 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>
Page 11	Page 12
<p>1 Q. And not just in your personal capacity?</p> <p>2 A. That's correct. Yes.</p> <p>3 Q. And you're here to testify on behalf of the</p> <p>4 City of Chicago as to certain specific topics?</p> <p>5 A. Yes, sir.</p> <p>6 Q. All right. What did you do to prepare for</p> <p>7 today's deposition?</p> <p>8 A. I met with the city attorneys on two occasions</p> <p>9 for approximately two hours, two and a half hours.</p> <p>10 Generally reviewed a handful of general and special</p> <p>11 orders and bureau patrol orders. Reviewed summarily a -</p> <p>12 - a complaint form set and an excerpt from a general</p> <p>13 offense case report.</p> <p>14 Q. Do you know which city attorneys you met with?</p> <p>15 A. Yes. Mr. Michalik and then Dan Noland.</p> <p>16 Q. Did you meet with them for two and -- to two</p> <p>17 and a half hours each time or total?</p> <p>18 A. Total.</p> <p>19 Q. What -- when did you meet with those</p> <p>20 attorneys?</p> <p>21 A. Last week on the 28th, I believe. And then</p> <p>22 two weeks prior to that. I don't know the exact date.</p> <p>23 Q. Did you do any prep outside of meeting with</p> <p>24 those lawyers?</p> <p>25 A. Yes.</p>	<p>1 Q. And what was that?</p> <p>2 A. So I -- I reviewed -- in -- in terms of, like,</p> <p>3 looking for some of the department orders, just to</p> <p>4 refresh my recollection on some things. The orders that</p> <p>5 we reviewed were things that I produced to them. And</p> <p>6 then I also looked at user guides that are online on our</p> <p>7 CLEAR system for both arrests and eTrack.</p> <p>8 Q. Are those user guides publicly available when</p> <p>9 you say online?</p> <p>10 A. So they're -- they're posted on our department</p> <p>11 internal CLEAR website. On our wire, I should say.</p> <p>12 Q. What's your -- what's the wire?</p> <p>13 A. The wire is, like, our internal webpage that</p> <p>14 we have all of our -- our applications are housed on. In</p> <p>15 this particular instance, there's training user guides</p> <p>16 that are available that you can -- you can reference.</p> <p>17 Q. And what -- which -- what specific documents</p> <p>18 do you remember reviewing?</p> <p>19 A. The current tact team order, which</p> <p>20 encompasses, like, the responsibilities of lieutenants,</p> <p>21 sergeants, and patrol officers. We reviewed an order --</p> <p>22 I don't know -- I don't remember the exact order number,</p> <p>23 but one that discussed the ability to sign on behalf of</p> <p>24 another department member. We looked at their -- like,</p> <p>25 the tactical scheduling that we have, like the matrix,</p>

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

Page 13	Page 14
<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>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 & 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>
Page 15	Page 16
<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>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>

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

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

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

Page 21	Page 22
<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>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. 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>
Page 23	Page 24
<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. 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? 13 A. Yes. 14 Q. About how long were you -- did you work on a 15 tactical team? 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. 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? 24 A. Or similar, yes. Uh-huh. 25 Q. What -- can you put a time period -- I know it</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? 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. 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. 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. 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>

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

<p style="text-align: right;">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: right;">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: right;">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: right;">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>

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

Page 29	Page 30
<p>1 Q. Would you ride with another member of the</p> <p>2 team?</p> <p>3 A. Most generally, yes.</p> <p>4 Q. And how would that be reflected, generally, on</p> <p>5 reports?</p> <p>6 A. On reports, like, if I was on an arrest, then</p> <p>7 I would be on the paperwork as having been there. We</p> <p>8 would do a daily supervisor's log, but I would be</p> <p>9 separated from that on the log. Like, I wouldn't be</p> <p>10 listed in the car riding with them because I would be</p> <p>11 the one checking their -- their status. You know, we</p> <p>12 have to do a status check on all of our officers every</p> <p>13 45 minutes. And so it's like as that would go, you</p> <p>14 know, I would still be having my role as the 1561 car,</p> <p>15 but I would be with them.</p> <p>16 Q. And can you break down the years of when you</p> <p>17 were supervising the 1561 team versus the other similar</p> <p>18 team?</p> <p>19 A. So I believe -- I believe I had the 1561 team</p> <p>20 from 2010 to 2011, and then I was with the 67 team from</p> <p>21 2011 until 2013, I think. Yeah.</p> <p>22 Q. The -- tell me more about the daily</p> <p>23 supervisor's log.</p> <p>24 A. So every supervisor will do a supervisor's</p> <p>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</p> <p>2 you checked in with your -- your officers. In patrol,</p> <p>3 it's every 45 minutes you have to log the car. So as,</p> <p>4 like, a -- as a beat sergeant, that could be you saw</p> <p>5 them passing in traffic, to you saw them on a traffic</p> <p>6 stop, to you responded to a domestic with them. You</p> <p>7 assisted with some of the paperwork. But there's got to</p> <p>8 be, on your log, 45 -- something must be occurring every</p> <p>9 45 minutes in terms of some sort of supervisory role.</p> <p>10 The tact team sometimes a little bit different, just</p> <p>11 because of the circumstances under which you operate.</p> <p>12 If you're conducting a surveillance, per se, you know,</p> <p>13 and your team is all there, you know, you might only</p> <p>14 have a log for that hour, and then it turns into an</p> <p>15 arrest. Or, you know, there -- there might be larger</p> <p>16 gaps in the time frame for those things.</p> <p>17 Q. But there should be a log of -- every day that</p> <p>18 you work as the supervisor of a tact team, you should</p> <p>19 fill out a log at the end of the day?</p> <p>20 A. That's correct.</p> <p>21 Q. Do you fill it out as you're going, or do you</p> <p>22 fill it out at the end of the day?</p> <p>23 A. I filled it out as I was going.</p> <p>24 Q. Do you know if there was a policy or a</p> <p>25 procedure as to whether it should be done throughout the</p>
Page 31	Page 32
<p>1 day, or once, or something else?</p> <p>2 A. That, I'm not aware of.</p> <p>3 Q. Do you know when daily supervisor logs started</p> <p>4 being required?</p> <p>5 A. That, I don't know. I do know that when I was</p> <p>6 promoted to sergeant, there was one. So in 2008, there</p> <p>7 was one.</p> <p>8 Q. Had you seen a daily supervisor's log before</p> <p>9 2008?</p> <p>10 A. That, I don't -- I don't ever recall.</p> <p>11 Q. And do you know if you were familiar with the</p> <p>12 concept before you became a supervisor?</p> <p>13 A. I think when we went to our preservice</p> <p>14 training is when they introduced us to it and, like,</p> <p>15 what the concepts were behind it. I mean, it's a pretty</p> <p>16 self-explanatory form, but, you know, that -- it was</p> <p>17 only explained to us what it was and how we were</p> <p>18 supposed to fill it out in preservice training.</p> <p>19 Q. And when did you do that preservice training?</p> <p>20 A. So that would've been 2008.</p> <p>21 Q. Did someone have to review your daily logs?</p> <p>22 A. Yes.</p> <p>23 Q. Who reviewed the daily logs?</p> <p>24 A. We -- we would submit them for review by our</p> <p>25 lieutenant either on the watch, or if you're on the tact</p>	<p>1 team, it would've been the tactical lieutenant.</p> <p>2 Q. And then how did they get -- were they</p> <p>3 electronic forms?</p> <p>4 A. So they're -- they're PDF forms, but we print</p> <p>5 them out and obviously turn them in, so there's a</p> <p>6 physical paper copy of it.</p> <p>7 Q. And then --</p> <p>8 A. And I believe they were then transferred to</p> <p>9 our admin section.</p> <p>10 Q. And then are they scanned?</p> <p>11 A. What's that?</p> <p>12 Q. Do you know if they're scanned and stored</p> <p>13 electronically?</p> <p>14 A. That, I don't know.</p> <p>15 Q. Do they reflect arrests if there are arrests</p> <p>16 made?</p> <p>17 A. In terms of, like, the -- the information</p> <p>18 about the specific arrest or</p> <p>19 Q. Well, let's -- maybe just -- you can -- let's</p> <p>20 just -- maybe you can give me an example. Say you're</p> <p>21 out and you assist with, you know, an arrest of four or</p> <p>22 five people. Would that, in some way, be reflected on</p> <p>23 the daily log?</p> <p>24 A. It might be in the sense that if you put</p> <p>25 yourself down on -- there was a -- the front section</p>

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

<p style="text-align: right;">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: right;">Page 34</p> <p>1 log out within that 45-minute time frame.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>19 Q. Okay. Thanks.</p> <p>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.</p> <p>24 (EXHIBIT 1 MARKED FOR IDENTIFICATION) 25 BY MR. RAUSCHER:</p>
<p style="text-align: right;">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: right;">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>

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

<p style="text-align: right;">Page 37</p> <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 style="text-align: right;">Page 38</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>
<p style="text-align: right;">Page 39</p> <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 style="text-align: right;">Page 40</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>

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

Page 41	Page 42
<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. 12 Q. What does AO stand for? 13 A. Arresting officer. 14 Q. And then RO, you said, could be responding or 15 reporting officer? 16 A. That's correct. 17 Q. Is there a -- any training on when it stands 18 for what -- for which of those? 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>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? 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. 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? 17 A. I'd say that's fair to say. 18 Q. Okay. And did you receive training on who is 19 supposed to sign arrest reports and vice case reports? 20 A. Yes. 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? 24 A. So on the paper versions of them, I believe 25 our -- our instruction sheets were that the original</p>
Page 43	Page 44
<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. 9 Q. How do you sign an electronic report, if at 10 all? 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. 22 Q. Is that -- the thing you just described, does 23 that apply to vice case reports as well? 24 A. So case reports, presently, are all done 25 electronically, and so the reports are slightly</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. 7 Q. In this case, as you probably know from your 8 experience, a lot of the vice case reports are paper? 9 A. Paper. 10 Q. Who was supposed to sign paper vice case 11 reports? 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. 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. 20 A. Uh-huh. 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. 24 A. Okay. 25 Q. So set the issue aside of if you can sign for</p>

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

Page 45	Page 46
<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>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>
Page 47	Page 48
<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>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>

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

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

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

Page 53	Page 54
<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>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>
Page 55	Page 56
<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 & 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>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 & 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>

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

Page 57	Page 58
<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>
Page 59	Page 60
<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>

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

Page 61	Page 62
<p>1 A. Yes.</p> <p>2 Q. This is dated February 15th, 2006. That's the</p> <p>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</p> <p>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</p> <p>11 anything that indicates what changed. Do you know what</p> <p>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</p> <p>16 when Research & Development started utilizing the</p> <p>17 italics to identify changes in an order, so I don't know</p> <p>18 if that wasn't a policy then by Research & Development</p> <p>19 at the time.</p> <p>20 Q. So now that you've had a chance to look at it,</p> <p>21 can you identify anything that's different about this</p> <p>22 policy than about the previous policy for pre-planned</p> <p>23 narcotics enforcement operations?</p> <p>24 A. If I had to venture a guess, the only thing I</p> <p>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</p> <p>2 that the order "introduces the Arrestee Control Sheet,"</p> <p>3 but that would be just from the language, not from</p> <p>4 anything specifically.</p> <p>5 Q. Prior to 2006, were there special procedures</p> <p>6 for processing multiple arrest situations related to</p> <p>7 pre-planned narcotic enforcement operations?</p> <p>8 MR. MICHALIK: I'm just going to object to the</p> <p>9 extent I think this probably is not really within</p> <p>10 any of the designated topics for this particular</p> <p>11 witness.</p> <p>12 MR. RAUSCHER: I think it is because it has</p> <p>13 pretty specific things about how to document those</p> <p>14 investigations, including reports.</p> <p>15 MR. MICHALIK: Well, if you're going to talk</p> <p>16 about the documentation, it's one thing, but that's</p> <p>17 not what you're asking him.</p> <p>18 MR. RAUSCHER: Well, I'm getting there. I</p> <p>19 mean, I'm establishing that, if it even existed.</p> <p>20 THE WITNESS: Could you ask the question again,</p> <p>21 please?</p> <p>22 BY MR. RAUSCHER:</p> <p>23 Q. Yeah. Prior to February 2006, did the Chicago</p> <p>24 Police Department have a written policy about</p> <p>25 pre-planned narcotics enforcement operations?</p>
Page 63	Page 64
<p>1 A. That I wouldn't know for certain, but I would</p> <p>2 imagine yes. Because if it's saying it's rescinding</p> <p>3 this S05-02-03, I'd imagine whatever that was was</p> <p>4 contained inside that policy.</p> <p>5 Q. And this document describes multiple different</p> <p>6 roles that people have in processing individuals in</p> <p>7 these types of operations, including, you know, how to</p> <p>8 document it, right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Are these policies consistent with how you did</p> <p>11 things when you were on a tactical team?</p> <p>12 A. For</p> <p>13 Q. For the pre-planned narcotics enforcement</p> <p>14 operations?</p> <p>15 A. They look reasonably similar, yes.</p> <p>16 Q. Is there anything you can identify that's</p> <p>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</p> <p>21 seeing anything.</p> <p>22 Q. Did you participate in -- I should have asked</p> <p>23 this. Did you participate in any pre-planned narcotics</p> <p>24 enforcement operations as a tactical team member?</p> <p>25 A. Yes, I did.</p>	<p>1 Q. And what about as a sergeant in a tactical</p> <p>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</p> <p>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</p> <p>8 from pre-planned narcotics enforcement operations</p> <p>9 supposed to document which officers had which roles?</p> <p>10 A. In terms of the -- the processing of the</p> <p>11 individual?</p> <p>12 Q. At all. So they've got -- this refers to</p> <p>13 on-scene documenting team, arresting processing --</p> <p>14 arresting processing team, things like that. Should the</p> <p>15 reports show which officers were on which teams?</p> <p>16 A. I would say they did not, and the reason being</p> <p>17 is because they were processing on behalf of a report</p> <p>18 that was forwarded to them that was based on the</p> <p>19 observations that were made by other officers. So the</p> <p>20 processing team, more often than not, the ones that were</p> <p>21 actually preparing the reports, were housed, at least in</p> <p>22 -- in our situations, in the station. There was a team</p> <p>23 that was obviously working in the field as the</p> <p>24 undercover officers, and then there was another</p> <p>25 processing team that was involved in either the</p>

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

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

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

Page 69	Page 70
<p>1 to 2011 time period, is the only way to get an RD number 2 to go through dispatch? 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. 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 I said 13 "blows, blows, blows" before you went out and did the 14 operation? 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>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. 6 Q. And you could do that before you met the 7 person? 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>
Page 71	Page 72
<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. 3 Q. What about -- is the use of the quotation 4 marks appropriate before the offense happens? 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. 18 Q. In -- from 1999 to 2011, was it your 19 experience that everyone looking to buy heroin would 20 just say blows? 21 A. In terms of the -- the buyers -- 22 Q. Yeah. 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>1 know, the early 2001, '02, '03, I mean, it was -- that's 2 all you heard, was rocks and blows. 3 Q. And then at some point, were there, like, 4 different lines of drugs? 5 A. In terms of 6 Q. Like --- 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. 19 Q. What about different, like, brands of drugs? 20 Is that something you're familiar with? 21 A. In terms of 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? 25 A. No. I mean, predominantly everyone that we</p>

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

Page 73	Page 74
<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>
Page 75	Page 76
<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>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>

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

Page 77	Page 78
<p>1 processing team or the -- the team that's going to</p> <p>2 detain him. He's going to tell them what transpired.</p> <p>3 They're going to document all that information. They're</p> <p>4 going to hand him off to the team that's either going to</p> <p>5 transport him or hold him until a transport vehicle</p> <p>6 comes. All that paperwork then goes into the station</p> <p>7 with him. They're taking that -- that card -- almost</p> <p>8 like a -- a mass arrest card. You weren't necessarily</p> <p>9 on-scene. You're attesting to what's been supplied to</p> <p>10 you to be factual.</p> <p>11 Q. And if you were on-scene, does the attestation</p> <p>12 include all of your knowledge, including what you</p> <p>13 observed?</p> <p>14 A. The arrest report? The arrest report would</p> <p>15 just be the probable cause to effect the arrest and to</p> <p>16 support that charge. So in terms of, you know, that he</p> <p>17 -- he approached and requested to -- to purchase, you</p> <p>18 know, blows, you know, a street terminology for heroin,</p> <p>19 placed into custody, you know, just to support the</p> <p>20 probable cause because that's what the arrest report is</p> <p>21 there for.</p> <p>22 Q. And so that -- you're doing that based on --</p> <p>23 if you were not at the scene, you're attesting based on</p> <p>24 what you were -- the information you have received,</p> <p>25 right?</p>	<p>1 A. Yes.</p> <p>2 Q. If you were on the scene, you are attesting to</p> <p>3 whatever information you may have received plus what</p> <p>4 other personal knowledge you would have; is that right?</p> <p>5 A. Well, not necessarily, no. I mean -- and</p> <p>6 again, like, when it comes to the arrest report, the</p> <p>7 arrest report is just there to support that probable</p> <p>8 cause. So whatever we decided to charge that individual</p> <p>9 with, that's what the arrest report is there for.</p> <p>10 Q. You're attesting that you believe that there's</p> <p>11 probable cause?</p> <p>12 A. Based on the information that's been supplied</p> <p>13 to you, yes.</p> <p>14 Q. But also -- would it also be based on whatever</p> <p>15 information you have?</p> <p>16 A. In terms of, like, if I saw him --</p> <p>17 Q. Yeah.</p> <p>18 A. -- engage in it? Again, the person who would</p> <p>19 be going in that first box would be the individual he</p> <p>20 directly interacted with who then would say we need to</p> <p>21 arrest this individual because the transaction that --</p> <p>22 that happened.</p> <p>23 Q. It wouldn't -- it would not comply with CPD</p> <p>24 policy to attest to a report that you knew was not</p> <p>25 accurate?</p>
Page 79	Page 80
<p>1 A. Correct.</p> <p>2 Q. What does the on-duty watch commander do to</p> <p>3 approve an arrest report?</p> <p>4 A. So currently, the officers will come into the</p> <p>5 office. They'll indicate that they have an arrest</p> <p>6 report in the queue. They will review that arrest</p> <p>7 report for probable cause, ensure that the charges that</p> <p>8 are on there are applicable, and then they'll review it,</p> <p>9 and then apply their approval to it. There's now</p> <p>10 additional remedies that we have with the Pretrial</p> <p>11 Fairness Act that they have to -- you know, as -- as it</p> <p>12 progresses, you know, whether or not this person can be</p> <p>13 held for bond or not. There's additional aspects that -</p> <p>14 - none of that, obviously, existed when these reports</p> <p>15 were done. If it were a paper report, which would've</p> <p>16 been in 2002, 2003, they would come in with the arrest</p> <p>17 report, present it to the watch commander. Again, he</p> <p>18 would review it for completeness, accuracy, and the fact</p> <p>19 that the charge that's on the arrest report is</p> <p>20 substantiated by what's in the -- what's in the actual</p> <p>21 body of the narrative.</p> <p>22 Q. Did anything -- other than the new</p> <p>23 bond-related information, is there anything that changed</p> <p>24 from 1999 to 2011?</p> <p>25 A. I just -- everything became electronic in</p>	<p>1 terms of, you know, watch commander comments now are</p> <p>2 entered electronically. If someone's released without</p> <p>3 charging, I believe in the old arrest report form sets,</p> <p>4 that was done on the back or the reverse side of the</p> <p>5 paper form set. On this, it's all embedded into the --</p> <p>6 the document itself.</p> <p>7 Q. Substantively, did the review change at all</p> <p>8 during the 1999 to 2011 time frame?</p> <p>9 A. I would say no.</p> <p>10 MR. RAUSCHER: All right. We're going to mark</p> <p>11 Exhibit 4, which is special order 9-5-01,</p> <p>12 CITY-BG-62837 to 41. I may not have enough. I may</p> <p>13 be one short on that one. Do you want me to go and</p> <p>14 get another copy?</p> <p>15 (EXHIBIT 4 MARKED FOR IDENTIFICATION)</p> <p>16 MR. MICHALIK: Yeah, if you wouldn't mind.</p> <p>17 MR. RAUSCHER: Yeah. Sure.</p> <p>18 MR. MICHALIK: Unless you're only going to be,</p> <p>19 like, a couple of minutes.</p> <p>20 MR. RAUSCHER: Well, actually, do you have one?</p> <p>21 I'll just go print another one.</p> <p>22 MR. MICHALIK: 09-05-01?</p> <p>23 MR. RAUSCHER: Yeah.</p> <p>24 MR. MICHALIK: I got it.</p> <p>25 MR. RAUSCHER: Oh, you got it? Okay.</p>

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

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

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

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

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

<p style="text-align: right;">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: right;">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: right;">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: right;">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>

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

<p style="text-align: right;">Page 93</p> <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 style="text-align: right;">Page 94</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 style="text-align: right;">Page 95</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 style="text-align: right;">Page 96</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>

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

Page 97	Page 98
<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. 5 Q. And then do you know if that is reflected in a 6 written policy? 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. 11 Q. What's hard card? 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. 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? 3 (EXHIBIT 5 MARKED FOR IDENTIFICATION) 4 MR. MICHALIK: Yeah, I think I might have that 5 one. 6 MR. RAUSCHER: You might have it in your stack. 7 BY MR. RAUSCHER: 8 Q. You know, before you get too far into that, 9 let me ask you one more question on -- 10 A. Sure. 11 Q. -- the previous exhibit. 12 A. Uh-huh. 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? 17 A. Well, for case reporting purposes, right. In 18 various case reports that we have. 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? 23 A. Yes. 24 Q. You always have to show that you've done it by 25 the initials --</p>
Page 99	Page 100
<p>1 A. Right. So this -- 2 Q. -- and star number? 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. 6 Q. Who's the "they" in your -- 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. 24 Q. Okay. Got it. 25 MR. RAUSCHER: So I've marked Exhibit 5. And</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. 3 (EXHIBIT 6 MARKED FOR IDENTIFICATION) 4 BY MR. RAUSCHER: 5 Q. Did you -- was Exhibit 5 one of the documents 6 reviewed to prepare for the deposition? 7 A. No, it was not. 8 Q. That's the vice case report instructions. 9 A. Oh, I'm sorry. 5, yes. 6, no. 10 Q. Okay. Right. 11 A. Sorry. 12 Q. 6 is a little more specific. 13 A. Sorry. Yeah. 14 Q. That's okay. 15 A. And, again, 5 was the document that I 16 produced. 17 Q. And I see some highlighting on here again. Was 18 that, again, highlighting that you made? 19 A. Yeah, it is highlighting that I made in, 20 again, response to what was contained in the 30(b)(6). 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. 24 A. (Witness complies.) 25 Q. You had a chance to review the narrative</p>

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

Page 101	Page 102
<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>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>
Page 103	Page 104
<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>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>

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

Page 105	Page 106
<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>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>
Page 107	Page 108
<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>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>

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

Page 109	Page 110
<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>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>
Page 111	Page 112
<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>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>

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

Page 113	Page 114
<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. 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? 9 MR. BAZAREK: Object to the form of the 10 question and incomplete hypothetical. 11 THE WITNESS: So are we talking about the 12 arrest report or the case report? 13 BY MR. RAUSCHER: 14 Q. So we're -- on the vice case report. 15 A. Okay. 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 -- 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>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. 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? 15 A. I would say yes. 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." 20 A. Yes, sir. 21 Q. What does that mean? 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>
Page 115	Page 116
<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 box 46. 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? 19 A. That's correct. Yes. 20 Q. And then staying on the form, we've got 48 and 21 50 talk about supervisor work? 22 A. Uh-huh. 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>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>

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

Page 117	Page 118
<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. 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? 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. 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? 2 A. That's correct. 3 Q. And then -- so 47, date investigation 4 completed and time -- 5 A. Uh-huh. 6 Q. -- is that when the auth -- what does that 7 mean? 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. 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 16 A. Yes. 17 Q. Okay. 18 A. Because you wouldn't present the report to 19 them until you were done. 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. 24 MR. MICHALIK: Again, I'm going to object to 25 the foundation, and it's beyond the scope of the</p>
Page 119	Page 120
<p>1 30(b)(6) notice. 2 MR. BAZAREK: Join. 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. 8 BY MR. RAUSCHER: 9 Q. And so this -- the narrative refers to AOs. Do 10 you see that? 11 A. Yes, sir. 12 Q. Do you know what that means in this context? 13 A. So that would be the arresting officers. 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? 17 MR. MICHALIK: Same objection. Beyond the 18 scope. 19 MR. BAZAREK: That and it also calls for 20 speculation. 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. 4 BY MR. RAUSCHER: 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? 8 A. He should, yes. 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. 12 MR. GAINER: Just object to form of that 13 question. This is Brian Gainer. 14 MR. MICHALIK: And also, again, it's beyond the 15 scope of the 30(b)(6) notice. 16 MR. BAZAREK: Join. 17 BY MR. RAUSCHER: 18 Q. Should this report have listed Watts as one of 19 the AOs? 20 MR. MICHALIK: Same objection. 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>

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

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

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

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

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

Page 129	Page 130
<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. 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? 17 A. Quotes. I'm sorry. Yes. 18 Q. And you -- so you might explain what the 19 quotes mean -- 20 A. Yes. 21 Q. -- right? But you wouldn't use quotes unless 22 it was a quote without saying in essence or something 23 like that? 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. 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? 13 A. Did not say. Correct. 14 Q. That's all I'm trying to clarify. 15 A. Yes. Yes. Correct. Yes. 16 Q. Okay. And that's consistent with CPD policy? 17 A. Yes, sir. 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? 24 A. According to this, yes. 25 Q. Well, is that the CPD policy?</p>
Page 131	Page 132
<p>1 A. Yes. 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? 6 A. Not that I'm aware of. No. 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. 13 A. Uh-huh. 14 Q. Do you know what that is? 15 A. Yes. 16 Q. Which policy talks about that topic? 17 A. In terms -- the ones that we 18 Q. So we've looked at -- didn't we look at an 19 exhibit 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. 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. 23 Q. Yeah. What is that? So I know there are 24 policies about assigning people -- or deputizing people 25 to be clerks.</p>

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

Page 133	Page 134
<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>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>
Page 135	Page 136
<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>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>

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

Page 137	Page 138
<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. 4 Q. Uh-huh. 5 A. So it's a Bureau Patrol special order, which 6 is one of our -- our general or special orders. 7 Q. That's like the broader one basically? 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. 11 Q. Do you know what the general or special order 12 number is that you reviewed? 13 A. No, I don't. 14 Q. Do you know the title of it? 15 A. I think it's just tactical teams or references 16 tactical teams. 17 Q. Is that something you found and provided to 18 the lawyers? 19 A. Yes, I believe it was one of the documents I 20 provided. 21 Q. Did you see a Bates -- do you know what a 22 Bates stamp is? 23 A. No. 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>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>
Page 139	Page 140
<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>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>

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

Page 141	Page 142
<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>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>
Page 143	Page 144
<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>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>

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

Page 145	Page 146
<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>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>
Page 147	Page 148
<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>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>

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

<p style="text-align: right;">Page 149</p> <p>1 from there. And -- and, again, each supervisor I think</p> <p>2 is different, just like any other job. Like, you have</p> <p>3 some people like me. I rode with my people. There are</p> <p>4 other people that -- that quarterbacked from -- you</p> <p>5 know, from a distance and said this is what you're going</p> <p>6 to do, and they rode by themselves, so</p> <p>7 Q. And either way, you had to fill out the daily</p> <p>8 supervisor log?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know what Watts -- where Watts fell</p> <p>11 on that continuum of riding with people versus</p> <p>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</p> <p>18 years. In passing. I saw a couple of the names that</p> <p>19 were listed on the report. I might've come into contact</p> <p>20 with them, but, like, to know them and say, you know,</p> <p>21 I've had interactions with them -- I might have even</p> <p>22 worked with some. I don't know.</p> <p>23 Q. You don't know that you don't know any; is</p> <p>24 that fair? I mean, I'm not -- this isn't a trick. I</p> <p>25 mean, I'm not --</p>	<p style="text-align: right;">Page 150</p> <p>1 A. Right. No, no. Right.</p> <p>2 Q. -- trying -- get established whether you have</p> <p>3 passed -- crossed paths once with someone. Do you know</p> <p>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</p> <p>7 team?</p> <p>8 A. So how I got on the tact team was I</p> <p>9 interviewed with our tactical lieutenant, and then he --</p> <p>10 he decided to -- to take me onto the team because there</p> <p>11 were openings. Presently, like, officers will submit a</p> <p>12 resume to the commander, and -- and that's how it goes.</p> <p>13 When I had my team, what I used to do is, as -- as the</p> <p>14 team would grow and develop, guys would sometimes go off</p> <p>15 to specialized units. They would transfer out. They</p> <p>16 would get promoted. So I would also monitor the</p> <p>17 activity of what was going on on the watch to see, you</p> <p>18 know, what officers were knowledgeable, what officers</p> <p>19 were hardworking, what officers were -- were good, and</p> <p>20 see how they would fit within the chemistry of my team.</p> <p>21 I would also, you know, talk to my team as things were</p> <p>22 coming up. If we knew someone was getting promoted, if</p> <p>23 they did well on an exam, like, hey, who is it that you</p> <p>24 guys would like to -- to have come to the team, and then</p> <p>25 I would take their opinion into consideration and</p>
<p style="text-align: right;">Page 151</p> <p>1 evaluate like, eh, we really don't want that guy because</p> <p>2 maybe he doesn't fit my standard for what I'm looking</p> <p>3 for, you know. And then we would put that list together,</p> <p>4 and we would forward it through the chain. Our</p> <p>5 lieutenant would review it, and then it would go up to</p> <p>6 the commander. Sometimes you would get who you wanted,</p> <p>7 and sometimes you wouldn't, you know. And, again, it -</p> <p>8 - it's one of those things where because it's a group of</p> <p>9 ten, like, you're always trying to find that balance</p> <p>10 with that chemistry amongst the people. So it's, like,</p> <p>11 you may have somebody who's really, really good, but you</p> <p>12 just know that they're going to rub everybody on the</p> <p>13 team the wrong way. So you're like, we're going to have</p> <p>14 to find a different home for that person.</p> <p>15 MR. RAUSCHER: We're going to mark the next</p> <p>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</p> <p>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: right;">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</p> <p>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</p> <p>10 written or, like, the guise of supervision in general,</p> <p>11 right? Because there's a responsibility of sergeants</p> <p>12 assigned to field activities, but then there's also,</p> <p>13 when you're a tact sergeant, you have slightly</p> <p>14 additional responsibilities or different</p> <p>15 responsibilities.</p> <p>16 Q. Okay.</p> <p>17 A. Like, as a field sergeant, you know, I would</p> <p>18 come to work, and I would be given the cars that I was</p> <p>19 supposed to supervise for a given day. And that could</p> <p>20 change from day to day, right? Whereas with the tact</p> <p>21 team, you have the same team unless those promotions or</p> <p>22 -- or other things happen, but the basic function of</p> <p>23 what you're supposed to do overall is the same, right,</p> <p>24 with the added responsibilities of also being aware of</p> <p>25 other, you know, crime activities and then, you know,</p>

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

Page 153	Page 154
<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>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>
Page 155	Page 156
<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>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>

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

Page 157	Page 158
<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>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>
Page 159	Page 160
<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>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>

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

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

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

Page 165	Page 166
<p>1 testing narcotics, or are those included in here as</p> <p>2 well?</p> <p>3 A. So that's -- again, there's -- I know they're</p> <p>4 outlined in here. In terms of where they go, they go --</p> <p>5 they'll go to our Illinois Police Crime Lab for testing</p> <p>6 and analysis.</p> <p>7 Q. CPD doesn't do the -- doesn't have an in-house</p> <p>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</p> <p>11 it out and where to send it?</p> <p>12 A. So I believe it's contained inside this order</p> <p>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</p> <p>18 right?</p> <p>19 A. Yes. Yes. I think it's -- I'm at -- was it -</p> <p>20 - I don't know -- the addendum -- it's the first</p> <p>21 addendum that's in here, so CITY-BG-062134. So it's,</p> <p>22 "The Forensic Services Section will automatically submit</p> <p>23 all narcotics evidence the ISP Lab for analysis when</p> <p>24 there's an associated arrest. In cases where no</p> <p>25 arrestee is listed or the invent -- on the inventory but</p>	<p>1 analysis of the substances is desired, the inventorying</p> <p>2 officer must submit a To-From-Subject report, approved</p> <p>3 by the officer's commanding officer, to the Forensic</p> <p>4 Services Section in order to have the evidence sent for</p> <p>5 testing," so</p> <p>6 Q. And which subsection -- can you just -- for</p> <p>7 the record, which subsection were you reading from?</p> <p>8 A. So this is -- again, it's off of Exhibit 14.</p> <p>9 The page on the bottom is marked CITY-BG-062134. It's</p> <p>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</p> <p>14 the same in both of them. There is a -- if you turn to</p> <p>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</p> <p>24 with 62177.</p> <p>25 BY MR. RAUSCHER:</p>
Page 167	Page 168
<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,</p> <p>8 this Exhibit 13.</p> <p>9 MR. RAUSCHER: Oh, all right. Yeah, that's the</p> <p>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</p> <p>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</p> <p>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>1 A. Yes, sir.</p> <p>2 Q. It talks about how the scales will provide a</p> <p>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</p> <p>7 case reports, you would need to have, like, an estimated</p> <p>8 weight of what the narcotics were, so that you could get</p> <p>9 an estimated street value so you can also charge</p> <p>10 accordingly. Because, again, with some of the</p> <p>11 controlled substances laws, depending on how much you're</p> <p>12 in possession of would dictate if there's a higher</p> <p>13 charge or not. So, essentially, the tactical units</p> <p>14 would have scales in their -- in their offices, like,</p> <p>15 little digital scales, some of them. Some of them have,</p> <p>16 like, the old school balances, depending on how much you</p> <p>17 actually recovered, and you would use -- or try and use</p> <p>18 those scales as a basis for, you know, your -- your</p> <p>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</p> <p>23 with the packaging?</p> <p>24 A. Yes.</p> <p>25 Q. And you keep it in the packaging?</p>

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

Page 169	Page 170
<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>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>
Page 171	Page 172
<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>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>

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

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

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

Page 177	Page 178
<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. 11 Q. Is there a -- is there a part of the process 12 where the tactical team sergeant reviews the inventory? 13 A. There could be, yes. 14 Q. What do you mean "there could be"? 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>1 -- into their safe. 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 -- 5 A. Yeah. 6 Q. -- did you sit down with -- for each arrest 7 where you with the approving supervisor and -- 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. 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? 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. 19 Q. And when you weren't there? 20 A. They would take it to the district station 21 supervisor or the desk sergeant for approval. 22 Q. And -- but for the rest where you were there, 23 they would still go to the desk sergeant for approval, 24 right? 25 A. Unless there were extenuating circumstances,</p>
Page 179	Page 180
<p>1 yeah. 2 MR. PALLES: 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. 5 MR. RAUSCHER: What kind of snack? I'm just 6 kidding. 7 MR. PALLES: Well, I -- we have like a 8 Pret-a-Manger downstairs. I'd probably pick up a 9 half sandwich or something. 10 MR. RAUSCHER: That sounds nice. 11 MR. PALLES: I wish I could get you some, but 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. 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 -- 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>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. 5 MR. PALLES: I'll plow -- I'll plow through, 6 too, as necessary. 7 MR. MICHALIK: Appreciate it, Eric. 8 MR. RAUSCHER: All right. 9 MR. PALLES: Paul, I've got to talk to you when 10 we're done here just momentarily before you depart. 11 MR. MICHALIK: All right. 12 BY MR. RAUSCHER: 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". 18 A. Uh-huh. 19 Q. Who determines whether the evidence will no 20 longer be needed? 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>

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

Page 181	Page 182
<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. 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. 20 A. Uh-huh. 21 Q. Are these accurate? These reflect what the 22 desk sergeant is supposed to do? 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>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. 4 Q. Does the desk sergeant weigh the narcotics 5 again? 6 A. No. 7 Q. They just -- they go by the reports and make 8 sure -- 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. 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? 16 A. Correct. 17 Q. Yeah. 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>
Page 183	Page 184
<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 -- 5 Q. Yeah. 6 A. -- and then people are going to have to start 7 answering questions. 8 Q. What is the Police Document Services Section 9 officer? 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>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. 6 Q. Is there anybody in CPD who is responsible for 7 weighing the narcotics, other than the inventory 8 officer? 9 A. To my knowledge, no. 10 Q. What is the narcotics recovery log? I'm 11 sorry, narcotic evidence log in transmittal form? 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>

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

Page 185	Page 186
<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. 15 Q. Who's allowed to check out narcotics evidence? 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>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. 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? 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. 25 Q. Okay. The last topic is "collection and</p>
Page 187	Page 188
<p>1 inventory of money from individuals who are arrested or 2 detained." Did you review any policies relating to that 3 topic? 4 A. No. 5 Q. Okay. 6 MR. RAUSCHER: I'm going to mark Exhibit 15 7 CITY-BG-06225 to 2257. 8 (EXHIBIT 15 MARKED FOR IDENTIFICATION) 9 BY MR. RAUSCHER: 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? 13 A. So it all depends on what you're arrested and 14 detained for. 15 Q. Let's say narcotics. 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. 21 Q. When did that policy change? 22 A. I don't know for sure. 23 Q. What's your best estimate as to when that \$500 24 threshold came into place? 25 A. I think it might have been around 2009, 2010,</p>	<p>1 somewhere in there. 2 Q. And how was that communicated? 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. 7 Q. And was that limited to search warrants, or is 8 that for anything? 9 A. So search warrants are slightly different. So, 10 like, search warrants, the -- the dollar threshold can 11 be anything -- 12 Q. Okay. 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. 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." 20 A. Okay. 21 Q. Have you reviewed this before? 22 A. I -- I -- not for this, but I've seen this 23 document before, yes. 24 Q. All right. You're familiar with it? 25 A. Yes.</p>

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

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

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

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

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

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

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

Page 201	Page 202
<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>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>
Page 203	Page 204
<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>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>

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

Page 205	Page 206
<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>1 something?</p> <p>2 MR. BAZAREK: Yeah. I've got just a few follow</p> <p>3 ups.</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. BAZAREK:</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>
Page 207	Page 208
<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 BY MR. BAZAREK:</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>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 THE WITNESS: I would say that's -- that's</p> <p>11 okay. You could -- you could do that.</p> <p>12 BY MR. BAZAREK:</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>

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

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

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

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

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

Page 217	Page 218
<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>
Page 219	Page 220
<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>

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

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

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

Page 1

A	127:13 130:22	address 33:18	84:20	202:3 220:10
a.m 8:6 9:6 94:3	132:10 133:25	46:14 143:2,15	alleged 50:1	answered 19:22
94:6	135:16 181:21	181:2	53:6 67:24	104:4
abatement 56:5	accurately	addressing	allow 14:10	answering 183:7
abbreviation	102:25 124:21	143:9	50:10 190:8	answers 37:13
41:8	accused 181:15	adjust 117:19	allowed 86:14	anybody 36:1,2
abbreviations	acronym 22:20	142:16	141:13 185:15	104:15 184:6
40:17,21,24	act 79:11 129:2	admin 32:9	alluded 128:13	222:20
41:1	159:22	155:12	alongside 103:9	anymore 91:1
Aberdeen 2:6	acted 122:13	administrative	alphanumeric	183:14
8:5	216:10	22:8	48:23	anyways 178:14
ability 12:23	acting 153:3	admission	ambiguity 174:5	AO 40:17 41:4,6
18:9 19:6	163:12	147:21	215:15,22	41:11,12 131:4
123:18 142:12	action 101:20	adopted 85:8	217:3	AOs 119:9,16,23
181:2 224:12	104:24 105:7	advent 82:12	ambiguous	120:7,19
able 17:16,20,22	224:15	advised 90:19	216:1	apologize
65:14 68:13	active 126:3,16	Affairs 21:25	amendment	141:21
76:11 89:14	activities 147:20	affirm 10:4 84:8	55:25 84:25	appear 41:6
96:24 102:7,8	152:12,25	affirmation	amendments	43:1 213:4,7
103:13 111:19	activity 25:9	82:16 91:11	84:3,7	213:11
113:4 121:13	27:9 28:14	96:9	amount 58:23	appearance
124:17 125:2	33:4 47:5 50:1	affix 117:4	67:23 97:2	110:4,10 111:9
138:23 159:11	144:22 150:17	affixed 132:8	141:8 143:12	APPEARAN...
190:7 213:21	160:2 206:17	affixes 43:20	161:20 170:13	2:1 3:1 4:1 5:1
220:3,4 221:6	211:13	afforded 142:19	188:16 189:18	appeared 3:22
absent 67:19,19	actual 43:6	afternoon 206:6	amounts 132:22	4:11,22 5:11
189:6	52:13 65:6	afternoons	analysis 108:3	105:13
Absolutely	79:20 175:16	142:11	165:6,23 166:1	appears 83:8
147:15	217:22	agencies 186:15	ANAs 17:15,16	117:23
academy 20:5	Adam 48:24	aggravated	86:15	applicable 79:8
21:10 39:16,20	add 47:24 116:5	128:6	anchors 159:4,5	114:19,22
40:3 97:15	117:19 128:19	agree 35:3	and/or 113:2	208:18 210:19
123:11 161:7	added 152:24	107:14 209:4	176:11	application
accepted 186:6	158:19	212:20	ankle 161:25	43:12 82:15,19
access 39:23	addendum	agreed 8:10	162:1	82:22 196:20
186:18	165:20,21	agreement	annotating	196:22
accident 87:17	adding 52:22	91:12	93:21	applications
accompany	130:11	ahead 35:1	annually 155:25	12:14 209:14
66:16	addition 40:10	68:12 89:2	anomalies 70:21	applied 43:7
account 96:24	55:25 93:7	105:23 156:9	anomaly 74:20	59:14
127:10	116:7	172:8 181:16	answer 14:1	applies 92:10
accountability	additional 13:4	196:11 219:22	37:9 58:7,8	93:4,8 98:15
159:2	25:17 73:16	aides 20:12	97:3 101:11,16	127:16
accuracy 79:18	79:10,13	air 69:4 86:20	101:18 106:17	apply 43:23 79:9
accurate 43:17	103:23 116:5	AIRA 53:2,4	120:6 124:10	138:12 152:8
78:25 110:9	152:14 153:7	AI 222:9	124:17 125:2	153:6,22
125:3 127:10	157:12 193:16	alerting 84:17	138:14 175:15	applying 132:11

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

Page 2

Appreciate 180:7	22:4,6,6,7,8 25:1,5,25	203:18,21 210:15 213:10	arrive 185:7	assist 32:21
apprehended 220:24	26:12,18 27:14 73:3 106:5	216:9 218:4,9 218:9 219:4,5	articulate 175:18 211:23 213:21 220:3	215:21 216:10 217:24
apprehension 65:12	144:15,19 145:6 147:23	221:14,21	arts 85:4	assistance 54:12 121:15 213:22 216:12
approached 75:14,17 77:17	148:3 173:5	arrested 33:6,17 47:7 49:20	aside 25:6 33:10 44:25 55:8 148:21	assisted 30:7 33:16 216:21
approaching 106:5	areas 21:18 25:8 27:2,6,7 28:17	50:12 65:2,24 88:25 161:25	asked 63:22 67:21,22,22 70:5 73:7,13 73:15 74:7,10 74:10,25 75:2 76:12 103:19 113:22 128:9 129:3 186:15 194:18 215:25	assisting 47:22 121:12,14 213:6 216:17 218:3,8,17 221:22,25
appropriate 52:8,9 69:11 71:4 86:11 90:12 201:6 208:6 209:5 210:23 212:7 215:10	argument 221:2 arms 72:10 arrest 6:18 29:6 30:15 32:18,21 33:16 34:16 39:21 40:1,5,6 41:3,6,7,10 42:19,23 43:12 45:15 46:6,20 47:3,14,18 48:4,14 49:9 49:17 54:3 62:6 64:7 65:7 68:20,22 74:21 75:2,11 76:16 77:8,14,14,15 77:20 78:6,7,9 78:21 79:3,5,6 79:16,19 80:3 82:1 88:1,9,14 88:17 89:2,8 89:19 93:10,20 95:17 97:7,9 97:15 103:4 104:17,18 105:14 108:18 108:23,23 109:14 110:23 111:12 112:7 113:12,21 114:2 115:12 118:21 121:23 148:3 161:24 165:24 168:6 169:2 176:24 178:6,8 195:18 196:21,25 197:3,8 200:10	171:14,16 187:1,12,13 190:5,16 204:3 217:10 arrestee 62:2 65:19,20 66:2 66:9,20,22 67:25 75:6,9 75:10 165:25 204:7 arrestees 65:11 arresting 41:13 43:1,4 46:4 64:13,14 65:6 75:12,21 76:2 88:20 96:9,12 96:15,20 110:3 110:10,11,14 110:18 111:8 111:13 112:7 114:14 119:13 120:10 121:12 134:9 171:3 172:18 173:3,6 174:3 202:9,11 214:14 218:11 221:22 arresting/decoy 75:11,12 arresting/reco... 171:12 172:16 173:23 174:6 arrests 12:7 32:15,15 82:15 115:18 145:24 160:5,8 178:15 200:15	asking 39:17 62:17 73:17 87:13,14 108:2 108:6 113:24 117:1 128:24 129:7 209:13 212:25 aspects 79:13 81:17 assaulted 130:2 Asset 56:7 assign 174:25 assigned 13:17 13:19 15:2,24 16:20 21:10,16 21:25 22:8,11 22:17 27:4 28:8 88:5,7 142:4,9 147:19 152:12 157:3,4 164:17 175:6 203:5,17 220:25 assigning 132:24 assignment 25:21 110:19 157:3 assignments 153:14 159:10	associated 85:21 86:4 158:15 159:22 165:24 169:12 185:22 187:20 assume 56:12 107:13 143:25 222:13 assumption 222:11 attached 34:23 125:20 attending 83:17 attentive 141:8 attest 76:15 78:24 197:13 attestation 77:11 attesting 43:21 76:18,20 77:9 77:23 78:2,10 attests 130:22 attorney 104:5 161:14 176:12 185:17 186:6 203:2 213:24 Attorney's 161:14 180:24 186:5 attorneys 11:8 11:14,20 August 82:7 Austin 26:16 161:17,18

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

Page 3

auth 118:6	back 16:2 17:14	182:1,2 192:20	113:9 119:2,19	78:10 80:3
authenticated	17:20 20:10,15	bailed 220:22	120:16 122:11	83:5,12,14
56:8	20:16 21:2	221:7	179:18 196:5,8	110:1 126:3
authentication	24:7,16 26:2	Baker 6:17,18	196:11 206:2,5	128:14 137:19
82:21	33:2 52:21	108:22 169:3	207:13,15	140:2 141:24
author 45:20,22	57:3 69:10	balance 15:4	208:12 209:16	154:4,23
46:4 51:20	71:14 72:11	151:9 184:14	209:17,22	155:17,19,23
106:15 201:23	75:20 76:25	203:8	210:22 211:9	158:17 162:25
219:1,9 222:15	80:4 82:23	balances 168:16	212:6 213:2,12	165:12 177:22
authored 44:13	84:11 85:19	bang 72:11	214:18 222:21	189:19 194:24
56:12 102:6,21	94:5 97:12	barcode 184:23	bears 38:17	203:23
112:24	101:3 103:17	Barnes 5:13 9:3	beat 30:4 34:11	believing 59:3
authors 222:14	111:8,24	based 39:9	54:11 69:6	Bell 4:5
automated	114:17 116:6	50:25 55:18	90:10 91:20,23	belongs 99:10
82:15,23	117:5,6,14	58:3 59:10,17	103:25 105:6	Ben 6:17,18
automatically	118:20 121:16	61:25 64:18	106:3 110:5	108:22 169:3
165:22 175:9	121:25 123:10	67:5 76:19,20	114:24 115:9	best 35:19,20,21
automation	123:17 127:9	77:22,23 78:12	144:11,13,16	43:16 143:17
86:16	127:20 129:13	78:14 94:16	144:18,19,22	150:5 187:23
autos 143:6	133:23 134:4,8	95:3 102:19	144:22 145:4	220:5 224:11
available 12:8	134:13 135:4	103:14 106:15	146:14,17	better 14:11
12:16 14:16	140:5 148:16	107:3,6 119:6	202:15 213:16	144:23
18:4 45:13	157:6,19	140:9 155:8,23	beats 27:4 145:3	beyond 18:1
58:1 114:1	166:11 174:14	169:4,5,9	bed 210:6	94:22 105:10
143:2 169:7,12	181:12 183:3	170:23 201:2	beginning 76:23	107:17 111:1
169:17 170:4	185:6 186:7	203:22,25	82:19 89:7	118:25 119:17
177:16 178:10	193:14 194:14	204:2 210:1	begins 202:9	120:14 122:9
192:3 203:4	197:6 198:19	basic 124:11	behalf 1:22 2:3	157:16 209:11
Avenue 2:15	199:16 200:1,6	152:22	2:12 3:3,13 4:3	212:24
20:10	207:13,22	basically 137:7	4:13 5:3 11:3	bid 138:10
aware 18:5 26:6	208:25 211:18	140:10 218:18	12:23 18:9	big 36:12
26:8 27:4,9	211:20 218:5,6	basis 24:23 25:7	19:6,10 36:14	Bill 196:6,9
28:13 31:2	221:2	26:22 59:3	36:16 45:14	205:25 207:10
38:23 50:20	backseat 194:7	83:7 101:17	56:19,22 64:17	208:9 209:10
91:7 92:18	backside 66:15	148:22 168:18	81:23 90:21	bills 191:15
131:3,6 142:21	bag 66:1 121:17	Bates 97:25	95:10 99:5	birth 124:23
144:23 145:7	170:1 172:2,7	100:2 108:21	108:14 211:15	bit 15:14 19:4
152:24 154:10	175:16 176:17	137:21,22,25	believe 11:21	25:4 30:10
162:3	177:1,2,2,4	138:3	13:1 18:13	85:12 141:8
	178:11 182:20	bathroom 47:9	20:13,22 21:2	144:25 145:1
B	182:25 190:24	battery 51:16	21:14,14 24:9	153:4 172:8
b 35:8 40:16	191:10,12	68:20 85:24	24:12 29:19,19	175:11 184:18
56:4 62:1 86:5	193:6 197:20	86:2 128:6	32:8 33:9,18	217:2
123:16 136:5	197:24 199:22	Bazarek 3:15	36:6,15 42:24	blank 66:14
166:10 174:17	bags 169:10	6:6 9:21,21	43:3,4 54:5	74:7 199:15
181:17	170:1 172:1	107:19 108:20	60:15 64:3	blanks 102:12
b(2) 86:9,10	175:21 176:1	108:24 111:6	65:20 70:14	104:12 117:18

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

Page 4

blended 24:1	113:20,25	95:16 120:25	210:12	cars 28:3 33:1
block 49:22	114:2,12,16,16	161:17 176:25	called 198:5	34:11,11 72:11
220:25	132:13 134:17	217:11	204:24 213:23	72:14 152:18
blow 71:17	134:25 135:23	brush 153:9	215:24 220:23	case 1:4 6:15,17
130:3 199:19	197:9,12 208:1	buildings 73:5	calling 25:24	9:13 11:13
blows 69:13,13	209:6,7,19	bunch 37:18	calls 119:19	15:17 19:8
69:13,20,20,20	210:24 212:14	72:9 127:24	144:16 153:18	41:2,2,7,11
69:25 70:1,1,3	212:15 215:3,7	159:21 194:21	CALVIN 4:13	42:19,23 43:23
71:20 72:2	215:7 216:23	212:15	cannabis 71:1,2	43:24 44:7,8
73:2,7 74:10	218:15 221:3,9	bundle 115:1,4	72:13,15,18	44:10 45:4,18
74:24 75:3,18	221:11,12	bureau 6:24	capabilities	46:1,24,25
77:18 129:10	box 46 115:14	11:11 21:24	52:21	47:1,12,23
129:10,10	boxes 33:20 40:9	22:5 55:23	capacity 11:1	48:1 49:4,8
board 25:20	46:13 54:4	137:5,10 139:3	122:13	50:21 51:3
body 79:21	97:16 109:25	140:6 148:10	CAPS 21:12	53:11 57:18
bomb 128:11	116:8,22 191:4	195:10	25:19,20	58:23 64:7
bombs 127:25	207:25 212:23	burglaries 143:6	car 28:2,4,5	69:10 70:21
bond 79:13	213:4 218:10	143:7	29:10,14 30:3	90:1,11 92:13
bond-related	Boy 48:24,25	Burns 3:6	34:12 46:16	93:4 97:3,15
79:23	49:1 87:19,19	business 69:21	47:7 48:5,9,18	97:24 98:16,17
book 174:18,20	brands 72:19	button 52:22	48:20,21,21,25	98:18 100:2,8
174:24 175:3,5	break 29:16	84:9 185:4	53:14 54:3	101:5,8 102:21
BOP 137:3	57:25 93:24	buy 69:25 70:2	90:10 91:20,23	102:22 106:18
139:9,18 195:4	94:13 139:18	70:15 71:15,16	92:6,8,11	111:25 112:1
195:10	161:12 179:20	71:19 75:18	103:10 104:10	113:12,14,18
BOPs 139:3	194:8 203:22	buyer 75:16	104:11 105:6	114:13 115:25
BOPSO 6:25 7:4	Brian 4:4 9:23	buyers 71:21	114:24 115:9	116:23 119:23
borders 26:14	120:13	buying 71:16	116:17 145:4	120:10 121:22
Borkan 4:14,15	brief 23:6		163:4 189:9	129:8 134:11
9:24,24 215:5	Briefly 60:20	C	192:14 207:4	135:15 168:7
222:22	bring 37:15 38:6	C 35:8 85:9	208:18 213:16	176:14 180:22
bottom 56:19	85:6 104:7	131:11 166:15	218:13 220:21	181:10 185:17
137:24 166:9	117:14 148:6	174:17	220:23 221:4	185:22 186:10
202:8 218:10	181:7 183:14	C1 75:5	card 66:3,5,14	191:24 199:15
218:12	183:17 221:2	C4 85:10	66:23 77:7,8	207:24 208:2
Boulevard 3:17	bringing 99:8,9	C4b 86:5	97:7,11 154:16	208:14 209:6
boundaries	136:1 182:19	Cadman 94:10	155:4 156:16	210:24 211:7,7
27:16 144:7	brings 76:25	calendar 202:21	158:12 198:6	212:12,23
box 33:9 43:5	broad-base	204:16	198:15,17	213:18 215:13
46:4 51:13,19	138:18	calendars 204:5	200:13,20,23	cases 72:24
52:14 75:22	broad-based	California 203:1	cardboard	111:5 165:24
78:19 96:15,20	153:9 172:16	call 48:19 51:14	97:13 199:13	180:15
96:22,23 97:18	broad 125:8,9	51:15 69:5	cards 97:12,21	cash 190:6
97:20 105:2,14	128:13 137:7	71:13 84:14,23	155:15,19	Castro 161:23
110:17 111:13	broken 92:9	85:23 114:25	157:16	161:23
111:25 112:3	169:8 202:22	153:19 162:11	carry 48:22,25	categories 40:13
112:15,16	brought 93:19	198:15 210:4	49:1 193:8	158:21,24

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

Page 5

159:16 cause 65:24 77:15,20 78:8 78:11 79:7 96:25 111:15 111:20 113:18 114:6 117:24 CB 116:10,13,15 Central 9:6 21:22 22:4 87:18,19 Ceriale 141:6,6 141:16,23 certain 11:4 21:18 25:15 27:4,6 44:14 45:12 54:4 63:1 70:11 82:1 96:17 101:13 106:21 128:21 134:8 135:9 141:17 145:23 153:1 155:13 160:18 183:14 certainly 55:4 120:6 certainty 56:14 82:5 122:2 CERTIFICA... 224:1 certify 224:4,12 chain 151:4 184:3 chance 54:21 55:11 60:2,18 61:20 100:25 109:8 123:1 152:1 change 52:25 57:8 58:18 67:20 80:7 112:24 113:1,8 114:2 142:18 152:20 187:21 188:5 changed 18:24	55:17 57:4 61:11,12 79:23 140:19 141:3 173:16 174:8 187:16,19 188:16 190:2 changes 61:17 82:3,12,25 83:1,3 84:18 140:9 146:19 188:4 changing 57:8 channel 157:5 charge 23:22 27:21 77:16 78:8 79:19 132:9,11 133:21 135:8 168:9,13 176:22 charged 132:15 charges 79:7 119:4,7 132:2 134:2 charging 58:19 59:16 80:3 133:23 Charlie 48:24 119:24 chasing 207:4 check 29:12 184:14 185:12 185:15 186:10 195:15 215:10 checked 30:2 116:8,22 191:5 checking 29:11 checkout 186:2 chemistry 150:20 151:10 Chicago 1:23 2:8,17 3:3,9,19 4:8,19 5:8 6:21 7:5,7,9,11 8:4 8:5 9:8,20 10:19,24 11:4 62:23 170:24	183:3 chief's 21:15 child 22:14 24:13 children 163:7 Christmas 20:18 Cicero 26:15 circle 99:22 circuit 138:24 circulated 34:22 circum 98:21 circumstance 83:16 circumstances 19:9,14,15 30:11 44:14 48:6,8,10 49:21 51:1,2 51:13 81:22 89:17 90:16 92:2 98:22 112:10,25 114:8 122:1 177:16 178:25 191:2 192:2 210:1 211:3 citizen 25:22 114:25 210:5 citizens 143:17 144:22 148:1 city 1:22 3:3 8:4 9:8,19 10:24 11:4,8,14 14:13 36:11,14 36:16,19 city's 35:12,20 136:6 CITY-BG-059... 151:16 CITY-BG-062... 165:21 166:9 CITY-BG-062... 173:11 CITY-BG-062... 59:19 CITY-BG-062... 60:9	CITY-BG-062... 187:7 CITY-BG-062... 97:25 CITY-BG-29 100:2 CITY-BG-3812 108:17 CITY-BG-621... 166:15 CITY-BG-621... 180:14 CITY-BG-621... 164:3 CITY-BG-621... 163:24 CITY-BG-628... 80:12 CITY-BG-628... 122:16 CITY-BG-628... 126:22 CITY-BG-628... 109:3 CITY_AG 138:2 citywide 13:19 14:22 15:9 21:4 Civil 8:8 civilian's 25:24 civilians 183:20 civility 127:22 clarification 120:2 clarify 37:6 130:14 174:7 clarity 201:15 202:1 Clark 4:17 class 45:6 83:18 132:4 classifications 123:13 clear 12:7,11 37:23 39:21 46:23 55:22	57:11 82:13 108:6 125:4 154:20 195:17 196:16,19 197:2,4,9 199:25 200:4 Clearance 126:3 clerk 132:19 133:5 clerking 132:21 clerks 132:25 click 55:22,24 clicking 52:22 57:11 84:9 clogging 203:20 closer 161:10 cocaine 58:5 59:12 67:15 70:15,16 71:15 72:17 170:3 175:22 code 46:15 48:23 68:23,24 86:24 123:18 123:21 198:24 coding 33:7 cohesive 147:3 collect 183:13 183:20 collecting 164:22 190:13 collection 163:22 164:11 164:15 186:25 187:11 collective 104:21 collectively 25:12 combination 34:5 171:23 come 26:1 28:10 43:14 45:6 49:2 55:4 65:11 69:24 70:23 71:8 79:4,16 84:3 85:24 94:14
--	--	---	---	---

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

Page 6

108:12 114:9 118:13 121:15 124:5,7 145:11 148:1 149:19 150:24 152:18 157:6 158:6 161:15 163:8 184:22 185:6 185:21 186:7 186:12,15,16 186:23 189:4 190:17 191:15 comes 26:11 77:6 78:6 83:25 87:21 157:2 184:1 208:25 215:16 215:17,24 218:25 coming 14:15 42:1 51:11 67:14,16 136:24 138:19 150:22 164:9 185:20 193:5 commander 24:22 28:11 79:2,17 80:1 99:8 119:5 141:11,11 143:2,15 144:4 145:11 150:12 151:6 160:17 commanding 23:2 99:13 166:3 comments 80:1 commingled 192:16 COMMISSION 224:24 committed 217:23 commodity 161:13 common 59:13 commonly 129:5	communicate 28:6 communicated 83:25 188:2 community 144:24 compare 54:3 173:10 comparing 148:12 competent 36:16 complainant 133:12 134:4 134:16,19 135:18 complainant's 133:14 complaining 135:3 complaint 11:12 95:22 121:18 131:12 132:2,3 132:5,7,8,20 132:21 133:9 133:15 134:3 134:12 135:14 136:1 214:8 complaints 25:22 57:7 81:25 95:17,19 95:20 complete 40:5 45:8 75:10 117:23 118:11 130:22 completed 8:13 73:21 84:10 91:3,4 116:14 118:4 130:23 184:12 completeness 79:18 completes 157:4 completing 90:11,19 112:2 200:21 completion 93:9	126:22 131:11 compliance 49:12 53:24 complies 74:13 100:24 118:22 comply 51:4 58:14,22 59:4 67:7 73:6 75:1 78:23 92:23 101:9,14 103:5 121:8 135:17 complying 73:22 89:14 93:2 computer 18:3 82:22 86:11 205:23 computerized 83:7 concealing 115:2 218:1 concentrate 26:18 27:8 concept 27:20 31:12 concepts 31:15 concise 101:22 103:15 106:17 106:25 116:23 125:1 CONCLUDED 223:9 conditions 143:3 143:16 144:2 conduct 56:2 65:4 conducted 22:22 22:25 51:18 67:9,10 conducting 30:12 210:21 confidential 22:1 confined 144:15 confirm 66:5 130:20 182:24 confiscation 180:25	confused 41:9 205:10 consent 188:18 189:3,10 consider 16:4 48:19 96:15 129:1 153:24 consideration 150:25 210:2 considered 21:16 66:14 111:12,13 142:9 176:20 186:2 consistency 158:10 consistent 39:11 57:6 63:10 130:16 consists 28:1 constitutes 224:10 contact 149:19 209:1 contain 40:11 124:9 contained 63:4 76:15 81:16 100:20 142:25 165:12 container 183:18 containing 175:21 contains 189:18 content 90:20 91:8,10 146:2 contents 60:21 177:1 182:24 191:10 context 119:12 170:20 contexts 96:21 continuance 111:21 112:17 continue 105:23 147:24	continued 3:1 4:1 5:1 7:1 44:1 continuing 28:18 171:2,10 continuum 149:11 contractual 142:17 control 62:2 65:19,20 66:9 66:20,22 75:10 173:7 controlled 57:9 57:17 88:21,22 129:12 132:16 168:11 171:21 200:15 conversation 37:4 71:6 92:17 93:23 99:12 127:2 130:1 158:1 conversations 95:9 99:15 220:18,19 Conversion 55:24 coordinated 1:12 9:10 94:10 copied 109:4 copies 38:4 40:7 139:17 copy 32:6 38:9 80:14 corners 70:11 correct 10:16 11:2 13:7 17:11 22:19 30:20 34:14,18 35:4,10 41:16 52:4 58:13 59:9 65:18 75:4 79:1 87:14 92:17,25 93:3,5 95:23
--	--	---	---	---

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

Page 7

110:12 112:20	court 1:1 9:5,11	216:15	139:9 156:24	15:3,5,8,9,22
115:19 118:2	10:2 58:17	CPD's 58:15,22	174:21 177:15	15:25,25 16:6
125:6 130:13	76:9 81:25	CPD-11.414	currently 10:15	16:9,21,22
130:15 132:8	95:20 96:25	6:15	10:18 18:18	17:2,9 26:23
132:11 134:14	106:22 107:3	CPD-63.450	22:17 79:4	30:17,19,22
135:7,13	110:3,6,10	126:12	196:20	31:1 48:18,21
139:25 147:12	111:9,14	crack 59:12	curtail 148:20	53:14 89:2
154:12 165:9	113:18 114:1	67:15 70:15,16	custody 75:22	110:5 152:19
167:14 169:1	114:14 132:3	71:15 72:17	77:19 184:3	152:20,20
172:22 173:19	133:6 134:19	170:3 175:21	185:5,13	160:3 161:11
175:9 182:16	134:23 135:14	craft 56:18	188:15 221:1	202:15,16
192:6 197:11	135:25 171:1	crafted 46:8	customs 35:13	203:4,5,8,9,21
197:14 199:11	176:8 180:16	56:22 107:6	38:24 39:2	204:6,7
200:2,19 201:9	180:22 181:6,7	create 83:1	cycled 181:11	days 13:15 16:3
206:8,9,14,19	186:22,22	183:22	cycles 20:7	16:7,9 28:3
206:24 208:8	202:3,24,25	created 39:21		142:10 146:21
209:9 212:18	203:11,15,20	creates 184:25	D	160:8 203:7
212:19 215:15	203:21,22,23	creating 53:5	d 89:25 175:11	204:14
216:23 220:16	204:2,3,4,6,8,9	184:3 197:8	daily 24:22 25:7	dealing 73:1
221:15,18	204:11,15,17	200:9	26:21 29:8,22	death 141:20
222:17	204:18,19,21	creation 53:2	31:3,8,21,23	debrief 148:7
correctly 43:6	204:22,25	crime 21:5 28:17	32:23 86:15	deceased 99:13
135:14 155:7	205:9,11 212:2	55:23 143:3,15	147:20 148:22	December 99:14
correspond	214:10 215:24	144:2 148:20	149:7	123:10 139:19
112:6	courts 133:8,10	152:25 165:5	damp 145:17	decide 146:5
counsel 9:13	180:22	217:23	Dan 11:15 36:24	194:5
10:8 38:13,14	cover 26:12	crimes 22:14	darkness 87:11	decided 78:8
94:18 224:13	35:11 87:11	123:19 143:6	data 126:1	134:15 150:10
count 170:1	coverage 15:6	criminal 25:9	database 37:23	decisions 59:16
182:21,22	16:25 144:20	27:9 28:14	date 1:24 11:22	decoy 76:25
190:19,19,22	covert 103:10,12	144:21 206:17	61:3,3 67:19	dedicated 16:21
190:24 191:16	104:10 105:6	206:19 211:13	118:3 124:23	16:21,22,23
counted 190:25	CPD 49:12 51:4	criminally 130:2	132:10 134:1	142:13
192:7	52:15 60:23	cross 72:10	139:19 177:8	deeply 52:2
counting 197:20	67:7 73:6,23	214:9	203:2 204:2,18	DEFENDANT
counts 192:21	75:1 78:23	CROSS-EXA...	204:18,20,21	4:3,13 5:3
couple 18:6 20:9	89:14 101:9,12	6:6 206:4	204:22 205:8	defendant's
80:19 149:18	103:5,20	crossed 150:3	224:5	132:7 134:1
196:5 212:13	104:14,16	CT 8:7 223:9	dated 61:2 123:9	Defendants 3:3
courier 185:1	105:17 106:12	Cubs 25:16	dates 204:13	3:13 94:9
couriers 183:10	107:14 118:22	cuffs 211:24	205:20	defense 176:12
183:15,16	119:15 121:8	currency 52:7	dating 198:19	181:6
184:22	122:7 125:14	188:14 190:9	David 48:24	defined 24:21
course 53:18	130:16,25	190:18 191:12	119:24	definitely 190:4
65:2 89:5	135:17 159:16	current 12:19	day 8:6 9:5	delay 153:16
219:7	165:7 170:12	18:8 125:22	13:19 14:6,10	delineated 44:15
courses 40:4	184:6 187:11	136:10 137:1	14:12,14,23	delivery 223:8

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

Page 8

demographics 65:23 66:6 67:25 74:6 denied 186:17 dep 179:19 180:3 depart 180:10 department 6:21 7:5,7,9,11 10:20 12:3,10 12:24 13:14,16 14:10,11 19:23 36:2,3,12 37:22 55:20 56:16,17 62:24 75:6 84:4,11 84:24 85:2 95:6 126:2,2,4 132:19 136:11 142:12 161:5 161:22 162:14 170:24 176:9 183:3 188:3,6 196:24 204:5 208:7 209:5 213:1,14,18 219:15 department-w... 39:23 depend 24:23 50:13 69:16 71:24 116:1 171:13 193:2 211:3 dependent 26:19 depending 133:18 168:11 168:16 191:1 depends 134:7 177:15 187:13 DEPONENT 1:22 deposited 177:8 deposition 6:11 8:3,7 9:9 11:7 34:21 54:25 81:4 94:8	100:6 123:4 194:17,22 207:12 208:17 209:12 212:25 223:9 deputized 132:19 deputizing 132:24 133:3 deputy 21:15 132:19 describe 103:1 164:22 175:20 219:1 described 26:19 43:22 135:11 174:11 215:3 describes 63:5 describing 15:21 66:23 129:14 174:19 description 134:10 175:23 215:7 designated 62:10 75:6 designator 48:23 49:2 designators 13:18 desire 146:1 desired 166:1 desk 41:24 42:8 42:16 69:5,6 86:21 176:17 176:18,19,21 177:5,22 178:21,23 181:17,22,24 182:4,19,20 183:23 184:13 184:19 185:3 191:8,18,24 192:5 desperate 194:5 destroyed 181:14	destruction 180:25 detail 19:2 20:17 detailed 21:15 52:19,20 details 25:14 116:5 detain 77:2 detained 49:22 51:9,17 54:12 187:2,12,14 detective 21:20 detectives 22:5 23:8 148:10,11 determination 104:8 determinations 214:6 determined 180:21 determines 180:19 determining 102:24 develop 25:1 144:21 145:16 150:14 development 14:4 17:19 55:19 56:14 61:16,18 136:6 devices 127:8 dictate 168:12 dictated 26:22 41:5 died 99:14 difference 73:17 differences 41:25 different 15:5 27:17 28:14 30:10 44:1,3 44:21 46:1 51:2 52:24 59:22 61:21 63:5,17 67:25 70:11,21 71:10	71:12,13,14,24 71:25 72:4,8 72:10,19 73:4 73:4,5,15 74:20 81:17,17 82:9 92:4 97:16 103:4 107:25 127:21 133:11 136:3 136:17 138:6,9 142:7 143:4,13 144:11 146:11 146:12 147:1 149:2 151:14 152:14 153:5 153:25 159:4,7 184:18 188:9 189:4 196:23 203:8 204:25 222:2 differently 44:2 106:2 109:5 differs 195:21 195:23 difficult 45:25 digital 8:11 40:7 40:7 82:20 168:15 224:1 224:23 digitally 224:9 digits 203:25 direct 6:4 10:10 28:16 55:9 102:23 147:21 directed 144:10 153:16,17 directing 153:1 direction 24:22 144:4 224:10 directive 154:1 directives 137:9 directly 25:23 28:11 50:23 78:20 87:2 224:14 director's 37:22 disagreement	220:20 disciplined 162:15 disciplining 108:11 discovered 132:15 215:4,9 215:14 discuss 91:6 131:4 discussed 12:23 124:14 134:6 211:19 discussing 18:20 18:22 discussion 95:17 dismissed 135:15 dispatch 69:2 87:3,5,6,8,12 87:13,15 dispatcher 68:7 68:8,9 disposal 143:15 dispose 181:3,11 disposing 181:15 distance 149:5 district 1:1,2 9:11,12 15:2,8 20:7,15,22,24 20:24 21:7,11 21:11 22:11 23:20 24:10,22 24:24 26:9,12 26:14 27:1,16 28:7,11,13 37:1,4 70:13 85:4,6 86:24 143:4,4,10,18 143:20 144:7 145:2 153:21 156:15 163:1 176:20 177:5 177:10 178:20 183:19,19,24 185:14 206:8
---	---	--	--	--

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

Page 9

districts 21:5 74:16 143:5 183:12 disturbance 146:10 disturbances 56:3 division 1:3 9:12 21:20 26:15 69:9 81:14 85:15,20 Docket 1:4 9:13 document 18:15 19:5,7 38:16 54:22 62:13 63:5,8 64:9 65:22 66:25 67:5 73:17 77:3 80:6 81:7 94:22 96:6 97:24 98:20 99:19 100:15 107:18 108:15 123:7,13,18 124:20 132:21 133:4,7,7 152:3 167:10 177:7 181:13 183:8,11 188:23 191:5 202:5 documentation 62:16 documented 74:11 documenting 64:13 216:12 documents 12:17 13:5 18:2,7 19:5,19 37:15,17,18 38:16 54:24 81:4 93:10 98:15,21 100:5 102:9 107:2 123:3 137:19 142:2 164:21	176:8 194:19 195:19 196:24 doing 20:10 34:3 34:3 42:15 46:3,7 54:8 58:14 72:13 77:22 82:10 83:6 87:10 88:6,13 89:5 91:3 114:25 115:23 122:7 133:3 142:22 153:12 155:18 156:20 160:19 160:20 164:20 182:21 197:18 200:14 212:3 dollar 57:24 67:22 188:10 188:16 domestic 30:6 33:9 51:16 68:20 85:24 86:2 146:10 door 211:24 dope 177:9 209:1,23 double 195:15 doubt 130:5 downstairs 84:16 179:8 downtown 20:13,16,21 draw 89:21 drawing 88:23 drawn 89:6 drive 3:7 25:8 driver 201:17,21 211:20 221:10 dropping 128:10 drove 27:1 drug 59:11 70:10 143:11 181:9 drugs 52:7 72:4 72:19,22 73:4	146:8 170:14 186:13 216:2 DSS 177:16 due 204:8 duly 224:7 dumb 161:21 163:17 duty 163:4 206:12 DVDs 183:21 dying 194:6 <hr/> E E 3:15 35:8 136:4 e-learning 161:22 E-mail 2:10,19 3:11,21 4:10 4:21 5:10 e-tran 223:4 E3 57:7 earlier 90:6 118:14 131:7 136:7 169:3 189:25 194:17 208:16 early 72:1 easier 15:14 106:20 easily 53:1 Eastern 1:3 9:12 ecstasy 72:8,12 ED 69:5,6 Eddie 48:25 Education 81:13 effect 35:13 77:15 effective 61:3 139:19 154:22 effectively 159:8 efficiency 159:13 effort 160:6 efforts 27:8 eh 151:1 either 15:1 21:3	24:5 25:11 27:3 31:25 33:8 38:7 46:6 64:25 65:25 66:22 69:4 73:1 74:1 77:4 86:11 107:7 111:21 117:19 122:3 148:19 149:7 162:14 162:15 172:18 189:14 195:14 211:6 215:13 224:13 either/or 172:15 electronic 32:3 43:9 79:25 82:20 156:1,3 156:18 174:23 175:7 184:21 185:23 electronically 17:23 32:13 43:8,25 80:2 87:5 157:1 185:2,9 186:2 186:3,8 196:24 elements 132:13 else's 92:15 98:15 embedded 43:18 80:5 125:22 126:16 employee 224:13 empty 68:1 184:17 enacting 132:21 encompasses 12:20 ends 219:6 enforcement 9:22 20:20 25:5,13 60:10 60:24 61:23 62:7,25 63:13 63:24 64:8	101:20 104:11 104:24 105:5,6 105:7 161:12 206:8 engage 78:18 engaged 160:22 engaging 201:17 201:21 211:19 ensure 16:24 79:7 ensuring 153:13 enter 69:7 86:15 86:22 112:1,2 114:17 185:9 202:12 215:3,8 entered 58:6 74:21 80:2 87:22 entering 82:18 86:10 entire 14:13 127:2 170:13 entirely 208:6 209:5 210:23 212:7 entirety 101:18 170:16 envelopes 172:6 193:9 epalles@moh... 5:10 Eric 5:4 9:25 180:7 ERPS 22:18 escort 75:19 Esquire 2:4,13 3:5,15 4:4,14 5:4 essence 127:6,12 128:23 129:22 132:21 134:25 essentially 13:13 18:25 20:17 23:19,22 40:9 73:11 90:8,22 94:15 95:2 96:23 98:20
--	--	---	--	--

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

Page 10

132:5 142:23 142:25 163:15 168:13 173:15 176:21 183:10 195:25 200:7 200:11 establish 18:16 25:10 89:3 111:19 127:6 158:10 established 82:21 150:2 169:20 204:5 establishing 62:19 estimate 169:13 170:5 187:23 estimated 57:9 57:17 58:16,23 59:3,15 168:7 168:9 169:19 170:11 175:12 estimation 168:3 222:4 ESV 55:24 ethics 88:15 159:3 eTrack 12:7 23:4 39:21 174:21 185:9 195:18 196:20 evaluate 151:1 evaluated 157:20 evaluation 155:18 157:4,5 157:25 196:21 evaluations 154:15,17,19 event 14:14 217:22 eventually 157:6 everybody 151:12 214:5 everybody's 159:23 everyone's	102:9 103:16 162:3 203:17 everything's 43:7 87:7 117:3 118:8 135:16 evidence 22:16 23:2 111:22 164:18 165:23 166:4 172:6,13 172:23 173:1 173:13,19 174:2,2,12 176:16,17 180:15,19 181:2,4,8,12 181:14,15 182:15 184:11 185:15,22 192:19 193:9 194:7 evolve 44:1 evolved 26:10 71:24 154:18 155:17 ex 66:14 198:6 198:15 200:20 200:23 exact 11:22 12:22 19:7 217:5 exactly 95:13 96:3 110:8 116:4 127:13 exam 150:23 examination 6:4 6:5,7 10:10 131:12 133:15 196:14 214:24 examine 197:23 example 14:19 32:20 40:16 52:2 53:10 64:5 70:22 74:24 75:15 96:18 113:16 128:23 129:15	129:25 135:5 145:6,8 153:12 171:16 177:20 178:3 185:19 197:19 199:2 201:16 207:1 207:16 208:16 208:22 210:3 213:25 220:20 examples 51:25 123:23 125:13 exams 55:8 exceeds 207:12 exception 112:11 198:14 198:21,25 199:6 excerpt 11:12 excess 74:17 exchanged 67:23 Excuse 179:2 exhibit 6:10 7:2 34:20,24 54:16 54:19 59:19,20 80:11,15 81:3 97:23,23 98:3 98:11 99:25 100:1,3,5,22 101:3 108:17 108:19 109:3,6 109:10 110:23 111:8,25 118:20 122:16 122:17 125:22 126:6,7,9 131:19,21,23 136:13,14 139:7,21 151:16,19 154:22 163:24 164:1,4,5 165:14 166:8 166:19 167:8 173:11 174:11 180:13 187:6,8 188:18 202:5	208:13 212:12 215:2,8 exhibits 6:9 7:1 125:22 154:6 exist 140:23 existed 17:18,21 60:13 62:19 65:21 66:20 79:14 174:6 expanded 28:3 expect 115:17 120:5 expectations 160:15 expected 37:13 114:13 115:24 117:7,25 134:4 157:15 159:25 160:23 197:23 198:1 expedite 46:7,18 74:14,19 expeditiously 153:15 experience 44:8 50:10 69:19,24 71:19 72:24 91:16 169:9 170:24 experiencing 143:3 EXPIRES 224:24 explain 43:14 45:25 51:22 54:9,13 86:9 90:7,9 103:18 113:5 125:2 129:18 158:12 186:18 199:3 212:2 214:12 215:25 explainable 48:15 explained 31:17 81:14 89:18 97:15 107:2	158:4 217:2 219:17 explaining 54:15 123:12 123:21 124:1 explains 81:22 132:14 211:25 explanation 103:15 114:16 explicatives 128:6 expose 198:4 expound 102:8,8 106:19 extended 159:11 220:7 extent 62:9 87:20 207:11 extenuating 48:6,8,10 49:21 178:25 192:2 extra 122:18 eyewitness 217:9 <hr/> F F 35:8 93:9 127:24 128:10 F-I-T-Z-G-E-... 10:14 F1 96:8 F1b 96:9 facets 159:7 facially 117:23 fact 62:1 79:18 86:22 88:6 89:3 92:1 101:17 103:25 127:6 141:12 157:24 163:19 175:20 177:7 factor 59:14 facts 81:15 101:22 106:18 107:1 116:3,23 factual 77:10
---	---	--	---	---

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

Page 11

failed 117:13	fill 16:5 30:1,19	39:16 44:23	115:16,24	210:5 216:2
fair 13:4 42:13	30:21,22 31:18	47:15 50:17	119:15 120:5	220:15
42:17 73:24	40:9 46:5,10	51:6,9 53:3	180:16 207:20	foundation
75:3 128:19	67:7 73:20,20	57:3,7 75:12	209:2	111:1 118:25
149:24	82:1 83:3	76:2 78:19	force 20:18 41:9	122:9
fairly 40:13	102:11 104:12	81:9 90:21	forced 130:2,7	four 32:21
Fairness 79:11	109:13 117:17	100:21 110:4	foregoing 224:4	fourth 142:4,11
falls 103:16	135:14 149:7	110:11 111:10	Forensic 165:22	frame 18:19
false 127:14	155:14,15	112:6 114:14	166:3 185:6,7	30:16 34:1
falsely 53:19	168:6 189:10	116:16 129:14	forensics 184:2	39:18 40:2
falsified 161:24	198:18,20,20	129:25 131:9	forever 153:23	80:8 127:19
familiar 15:18	199:4	140:8 142:9	Forfeiture 56:7	140:5 161:4
17:25 23:9	fill-in-the-bla...	154:17,23	forget 125:21	162:11
26:4 27:2,6	74:8	155:4 156:14	forgot 117:21	frames 33:5
31:11 39:7	filled 30:23 43:2	165:20 169:21	form 6:20 11:12	framing 163:19
55:2,10 60:12	132:4 155:5	196:10 202:12	31:16 67:18	Frank 33:8
60:21 72:20	177:7 186:4	224:6	73:10,12,20	FRANKLIN 1:5
95:12 188:24	filling 33:25	firsthand	80:3,5 95:16	frankly 179:18
familiarity	46:6 133:17,20	211:12	96:16 109:3,10	front 32:25
144:21	133:21 153:3	fit 150:20 151:2	109:19 110:9	117:5 177:3
far 27:18 37:7	156:3 171:24	Fitzgerald 1:22	111:11 112:1	190:20 191:23
98:8 107:9	172:1 195:22	3:4 8:3 9:9,20	113:9 114:17	221:10
149:12 179:20	final 6:18	10:14 74:9,25	115:20 120:12	full 36:18 38:11
203:4	108:23 157:9	75:2 206:6	121:15 126:13	199:5
farm 148:18	202:4	five 32:22 180:3	156:7 175:13	function 140:18
fast 54:14	finally 55:24	five-minute	175:17,18	143:1 152:22
faster 223:7	56:6 89:3	93:24	184:11 186:4	159:6
favors 128:24	financially	Flaxman 2:12	189:11 200:7	functioning
FBI 58:3 186:16	224:14	2:13,14 6:5	202:6 211:14	155:22
February 61:2	find 28:6 48:18	9:17,17,17	216:24 218:22	functions
62:23	81:23 84:5	136:18 196:9	221:23 224:10	196:23
FEDERAL 8:8	126:12 140:5	196:13,15	formal 199:9	furlough 20:15
feelings 162:8	146:8 148:5,10	205:21 206:10	200:9,18,21,24	110:5 112:14
fell 149:10	148:25 151:9	flesh 51:22	formally 197:13	112:19,20
fellow 206:14,23	151:14 160:7	flip 51:19 60:2	forms 32:3,4	113:17 185:19
felony 132:5	222:6	Floor 2:7 8:5	forth 65:15	202:15,16,19
202:25	fine 139:15	flower 210:6	72:11 102:11	202:20
felt 66:1 143:16	finish 179:22,24	flows 87:12	forward 96:24	further 201:22
field 6:21 20:6,8	179:25 200:3	fly 193:12	111:22 133:9	
45:9 64:23	finishing 179:21	focus 26:24	151:4	G
81:11 123:9	FINNEGAN 1:6	fold 193:10	forwarded	G 35:8 56:1
125:18 126:12	firearm 134:9	follow 129:5	64:18 84:11	131:23
152:12,17	134:10 135:10	206:2	99:17,18 182:3	Gainer 4:4 9:23
199:3,20	201:18 221:8	follow-up 39:20	foul 126:24	9:23 120:12,13
figure 148:19	firearms 175:2	215:1	127:17 128:3	214:22 222:23
170:8 191:14	183:14	following 17:4	found 115:5	gainerb@jblt...
191:17	first 4:16 20:2	51:24 90:15,16	137:17 162:6	4:10

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

Page 12

game 25:16	150:6,22	109:1 111:22	38:15,19 42:3	153:24 157:19
gaps 16:6 30:16	153:18 156:15	112:14,16	44:5 46:2 48:5	158:6,8,9
36:7,9	156:18 157:19	113:25 114:14	51:9,20 54:16	160:11,24
gardening 115:1	176:11 186:23	116:16,16	56:12,18 58:11	161:15 162:3,4
Garry 56:22	gist 19:11	117:8,25	58:23 59:12,18	162:6,7,8
gates 158:6	give 10:5 14:18	123:20,23	62:8,15 67:13	163:21,24,25
geared 143:8	32:20 33:12	127:9 134:3,4	67:14,16 69:23	171:8 173:8
153:2 189:11	40:1 45:9,13	134:8,13 135:4	70:15,18 71:6	175:20 176:12
gears 136:3	57:23 81:6	135:12 136:3	71:7,8 75:20	177:17,24
general 6:15,22	91:10 92:19	138:10 141:11	76:8 77:1,2,3,4	179:3,13,14
11:10,12 18:11	101:4 106:17	144:5,10	77:4 78:19	182:21,22,24
22:2 24:18,20	112:12 138:18	145:17 146:8,8	80:10,18 81:23	182:25 183:2,6
36:25 37:10	138:21 145:6	146:9 147:6,7	85:18,19 87:3	187:6 189:23
41:1 55:3,20	146:22 188:18	147:22,25	87:4,6,9 88:1	189:23 191:2,4
63:18,20 64:6	203:22 204:19	148:3,4,16,24	88:19,19,20	194:4,5 196:6
65:23 81:7	207:1	148:25 150:14	89:4,8,19,21	198:4 199:19
84:21 106:25	given 14:12 15:8	151:5 156:9,21	91:5 92:2,4	199:23 202:25
114:12,23	15:24 25:19	157:5 161:20	95:2 96:24	203:1,3 204:6
123:9 124:4,8	26:23 28:1	162:7,11 165:4	97:1,14,22,23	204:15,20,22
136:25 137:6,8	40:4 48:23	165:4,5 169:11	100:1 101:10	205:17,18
137:11 142:15	81:13 97:14	169:14 174:14	101:12 104:15	207:5,10,13
142:24 143:23	142:17 152:18	175:4 178:23	105:12 107:16	208:22 209:10
147:16 152:10	152:19 155:8	179:3 182:7	108:13,16	211:20 212:2
153:10 154:2,4	157:25 158:9	183:12,16,20	109:2,2 110:25	221:2,5,7,12
164:16,17	164:22 206:13	196:7,9,11	111:4,6,14,14	221:16
166:10 169:17	gives 15:4 86:6	204:4,16,20	111:19 112:18	gold 161:16
173:12,18	90:4 123:11	205:19 207:22	113:1,16 116:9	Gonzalez 214:4
183:20 189:17	124:7 148:8	208:15 212:2	117:2,4 118:24	219:25
192:4 194:24	giving 37:13	219:22	122:15 123:11	good 99:19
194:25 195:5	51:1 101:21	goes 35:3 43:5	125:12 126:11	117:4 150:19
195:14,14	109:13 146:21	58:17 66:3	128:7,11,17,19	151:11 163:7
207:24 208:14	147:21 185:24	77:6 100:22	131:23 133:9	206:6 222:22
211:7	glance 140:8	109:1 117:5	133:24 134:15	gosh 198:11
generally 11:10	go 17:23 18:1	127:20 133:23	134:19,22,23	grabbing 179:4
15:19,20 29:3	19:1 23:3 25:1	150:12 157:3,9	134:24,24	gram 58:2,5
29:4 46:9	25:18,19 27:18	174:1 182:23	135:2,25 136:2	169:10
81:20,24 123:6	28:5 29:13	184:2,16,20	136:12 140:4	grams 59:12
generate 69:8	37:5 38:15	202:2 211:18	141:13 143:12	169:25 182:19
86:25 88:5	48:11 51:19	going 15:7 18:19	144:2,17,17,23	graphic 85:4
generated 73:16	56:19 58:11	18:21 19:24	145:1,11,12,16	gray 173:5
116:12	65:25 69:2	24:23 25:2,7,9	146:9,22,24,24	great 167:18
gesture 72:16	75:20 76:9	26:1,3,19	147:7 148:2,7	green 193:8
gestures 72:14	80:13,21 84:15	27:10 28:7,13	148:15,17,17	grilling 116:24
getting 15:13	86:3,22 88:13	28:16 30:21,23	148:19,23	Groble 5:5
62:18 68:18,19	89:2,11,22,25	33:22 34:20	149:5 150:17	grounds 135:15
85:11 87:25	96:24 97:1,19	35:14,24 36:4	151:12,13,15	group 13:20
94:20 146:3	105:23,25	36:25 37:9	151:21 153:22	14:4,14 15:10

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

Page 13

15:25 16:21,22 17:19 21:17 65:10,12,13 110:5 140:15 147:3,5 151:8 202:16,16 203:4,8,9 groups 14:10 15:3,6 16:1 65:17 grow 150:14 guess 14:11 25:4 26:18 35:7 41:9 42:13 45:24 61:24 70:12 203:20 guide 81:12,19 97:18 124:4 198:24 199:3 guides 12:6,8,15 37:24 39:23 196:1 guiding 163:14 guise 91:24 152:10 gun 148:6 196:12 207:2,7 207:17,19 208:6 211:22 221:3,14 guns 183:17 guy 71:1 112:16 133:23 146:7 151:1 153:19 161:25 185:18 187:18 207:5 211:24 214:7 215:20 221:3,4 221:11,12,16 guy's 153:20 guys 26:1 72:10 72:13 84:15 92:7 145:2,6,9 145:15,15 146:2,17 147:2 147:5 148:14 148:14,15	150:14,24 153:17 159:21 160:2 161:10 161:19 169:16 193:3,8 <hr/> H habit 41:9 Hale 3:14,16 9:22 half 11:9,17 21:23 22:13 23:17,20,21 179:9 192:15 hand 10:2 52:6 77:4 148:21 151:21 hand-to-hand 115:10 handcuffs 47:6 50:7 51:5,17 handed 52:7 handful 11:10 19:14 handle 153:14 159:9 handles 22:14 hands 201:23 handwriting 108:2 happen 19:15 43:11 69:3 70:20,23 97:25 124:22,25 148:4 152:22 162:20 172:10 192:12 206:20 206:25 207:8 happened 51:23 52:1 70:20 74:22 78:22 103:15 116:25 117:10,12 123:19 124:2,3 124:19 128:4 135:25 147:22 160:9 162:13	162:23 211:25 happens 71:4,5 156:24 190:5 222:16 happy 179:15 hard 54:14 97:7 97:11,12,21 154:16 155:4 155:15,19 156:16 157:16 158:9 162:8 hardworking 150:19 hazard 194:3 He'll 120:7 head 112:13 114:10 header 46:3 hear 215:5 heard 72:2,24 hearing 96:25 97:4 111:15,20 111:23 112:17 114:6 134:25 148:12,13,16 held 79:13 191:2 help 22:6 157:12 157:14 helped 47:6,9 50:16 121:18 214:8 helping 120:24 hereof 224:6 heroin 67:15 70:14,19,23 71:1,10,16,19 72:17 74:25 75:17 77:18 88:10 115:1,4 129:12 170:3 182:1,2,19 hey 25:24 51:22 70:2 75:18,20 84:14 85:3 87:17 89:20 97:18 116:17 117:9,14 128:8	129:3 135:12 144:9 145:12 145:14 146:6 147:5,21 148:13,16 150:23 160:19 161:8,19 181:9 181:25 184:14 185:19 188:5 189:8 191:10 191:13 221:13 hierarchy 123:22 145:9 145:14 high 21:5 25:3 143:5 147:23 high- 24:24 higher 168:12 highest 123:20 highlight 35:4 93:17 highlighted 35:1 94:13,16,21 95:11 109:25 highlighting 93:12,14,18,21 100:17,18,19 109:22,23 hire 155:24 hired 20:3 history 185:24 hitting 185:4 hold 77:5 153:23 196:6 home 146:23 151:14 homepage 55:22 honest 53:4 66:17 157:18 158:16 175:14 honestly 157:19 horrible 159:21 hotel 81:18 hotel/motel 123:25 hour 30:14 hours 11:9,9,17	33:24 142:16 153:20 177:17 221:13 house 189:5,6,9 housed 12:14 64:21 houses 196:20 housing 136:6 143:21 144:3 177:20 178:2,3 how'd 93:16 Hurt 103:25 hypothetical 113:10 208:4 209:13,14 <hr/> I I-UCR 123:15 I-UCRs 123:16 Ida 136:5 idea 14:11,16 34:15 124:8 163:7 identification 34:24 54:19 59:20 80:15 98:3 100:3 104:15 108:19 109:6 122:17 136:14 139:21 151:19 164:4,5 187:8 identified 57:4 65:2 105:3 219:11 identifier 66:2 identifiers 116:18 identifies 19:15 85:17 103:24 identify 9:14 61:17,21 63:16 68:21 75:10,24 99:22 104:5,6 104:16 105:4 172:17 218:16 identifying 88:6
--	--	---	---	--

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

Page 14

103:16	165:1 195:1,18	127:12 132:12	initially 157:2	41:20 42:11
IEP 157:11	212:4,17	132:14 148:8	209:8	interested
II 126:4,10,10	including 60:24	188:15 190:16	initials 19:12	224:14
166:10	62:14 63:7	190:20 193:6	56:15,15,19	internal 12:11
III 82:17	73:22 77:12	193:14 200:16	90:14 92:20	12:13 21:24
IIIB 154:23	incomplete	201:24 207:2	98:25 99:21	interpret 219:8
illegal 47:5 50:1	113:10	210:4 216:5	injured 91:1	219:16 220:11
Illinois 1:2 2:8	incorporated	220:22,24	inside 63:4	220:13
2:17 3:9,19 4:8	92:3	individual's	65:11 86:13	interpretation
4:19 5:8 8:5,11	incorrect 132:12	52:23 200:12	92:7 103:12	107:17 219:18
9:12 135:1	independently	individually	165:12 191:12	interpreted
165:5 224:2	144:13	48:3	192:22 193:4,5	222:7
imagine 39:13	INDEX 6:1	individuals	193:10	interview 104:8
39:14 50:9,14	indicate 49:8,11	47:21 52:13	installed 140:13	130:8
55:25 63:2,3	49:24 51:21	63:6 67:14	instance 12:15	interviewed
121:12 155:11	53:8,15,24	157:10 187:1	74:8 105:25	150:9
181:1	79:5 86:17	187:12 213:3	112:14 128:5	introduced
immediate	106:19 112:22	219:10,11	135:2 182:18	31:14 66:9
49:19	126:25 184:13	inform 67:3	184:1 201:10	introduces 62:2
immediately	201:20,20	informants	210:11	invent 165:25
51:3 90:15	221:7	148:1	instances 41:23	inventoried
153:13 172:5	indicated 70:21	information	70:17 74:15	176:13 177:6
192:18	121:9	25:2 28:9	128:22 186:14	183:13 184:15
impact 21:16	indicates 30:1	32:17 46:16	201:6 211:4	185:18 190:25
58:19 59:15	61:11 103:23	56:5 66:5,15	instructed 161:8	216:19
impacts 146:20	106:3 130:21	69:7,7 76:15	instructing	inventories
importance	indicating 19:9	76:21 77:3,24	163:14	102:11 176:23
123:13	72:12,14 82:16	78:3,12,15	instruction 40:4	176:24 184:24
in- 183:25	110:5,19 186:3	79:23 83:4	40:8 42:25	185:4 197:19
in-depth 81:19	202:15	86:10 87:21	97:13 123:8	inventory 104:4
in-house 165:7	indirectly 50:24	94:20,22 95:5	195:17 208:14	116:11 163:23
in-service	224:14	101:20 104:22	instructions	164:11,15
153:15	indivi 102:20	111:22 116:19	6:16,20,23	165:25 173:12
inactive 190:3	individual 3:13	117:20 119:25	97:10 100:8	173:18 174:18
incident 24:25	33:5,12 44:13	124:21 134:5	109:4,11,13	174:20,24,25
47:14 85:17	49:20,23 51:12	138:19 148:8	195:22 202:6	175:10,13,16
101:23 104:18	54:6 64:11	148:18 157:16	intend 89:2	175:17,18
104:19 105:18	65:23,25 66:5	166:10 174:18	intent 191:6	177:3,12
105:20 108:18	66:7,16,25	181:11 197:13	interacted 75:25	181:25 182:10
123:20 189:3	67:4 69:17,23	199:17,21	76:7,10,11	182:11,14
198:23 199:6	71:7 73:14	200:12,18	78:20	184:7,23
210:11 215:19	74:6 75:15,24	206:13,21	interaction	185:11,25
Incidents 188:19	76:12,25 78:8	211:11	34:10	186:7 187:1,11
include 77:12	78:19,21 89:8	information's	interactions	190:24 191:5
117:13 212:22	96:23 97:2	87:9	27:3 91:6	191:21,21,23
213:17	111:19 115:3	inherent 162:5	149:21	216:20
included 95:18	115:12 116:15	initial 19:18	interchangeable	inventorying

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

Page 15

164:23 166:1 173:22 189:1 190:13,13 investigate 26:1 investigation 51:18 52:3 56:6,7 118:3 118:11 148:11 186:20 191:3 210:20 213:15 217:19 investigations 22:1,2,14 23:6 60:25 62:14 143:13 involved 33:12 45:15 46:17,20 47:5,13,17,24 49:9 50:5 52:2 52:13 53:1 56:13,17 64:25 67:2 101:23 103:4 104:22 105:20 113:5 115:14 116:1 116:18,20 117:9 119:25 121:9,10,22 145:10 185:16 186:9 210:20 219:10,18,21 221:9 involvement 33:3 60:16 103:16 213:14 involves 15:17 219:4,5 Iowa 70:13 145:8 IR 116:9,13 isolated 147:1 210:11 ISP 165:23 169:20 170:13 170:21,22 176:11 182:23 182:23	issue 44:18,21 44:25 61:3 121:20 137:2 141:9 162:25 182:22 issued 139:19 issues 57:1 It'd 47:13 it'll 10:21 13:14 44:5 157:5 184:18 185:12 185:16 italics 61:10,17 item 55:21 56:1 56:6 62:1 82:14 128:14 186:17 items 183:21 185:2 IV 173:11 IV(A) 174:11 <hr/> J J 35:8 163:22 Jackson 1:25 3:17 8:10 9:4 224:22 jaf@kenlaw.c... 2:19 January 55:14 139:20 154:22 jewelry 183:17 JKH 56:8 job 20:2 21:17 33:19 68:19 124:19 130:3 141:9 146:25 147:19 149:2 149:17 153:23 154:17 155:4 159:7,8 160:10 160:12 161:3 182:22 jobs 146:3 153:2 163:18 Joe 99:14 Joel 2:13 9:17	Joel's 196:6 Johnson 4:5 join 111:6 119:2 120:16 122:11 joining 94:8 107:19 Joint 54:18 136:13 137:25 Jones 102:15,22 106:4 110:15 119:16 120:1 214:2 220:2 222:9,10 judge 1:5,6 180:25 jump 147:25 192:13 jumped 172:8 196:11 jumping-off 138:18 jumps 207:4 justified 214:15 <hr/> K K 35:9 Kallatt 5:3 9:25 222:9 keep 38:10,11 151:22 168:25 200:23 keeping 65:13 Kenneth 2:14 kept 66:13 185:24 key 110:6 203:15,18,22 203:23 204:3,4 204:6,9,11,12 204:15,18,18 204:21,25 205:5,9,11 keys 148:24 kidding 179:6 killed 141:6,17 141:23 kind 19:25 24:1	25:8 27:8 28:16 45:24 46:2,7,18 52:2 54:13 66:23 74:19 81:14,16 81:18,24 82:23 87:4 97:17 104:6 112:10 117:17 123:10 124:4,7 138:18 142:12 147:24 148:18 173:4 179:5 199:10 kinds 28:14 knew 67:13 78:24 116:2 130:5 145:9 150:22 160:2 200:15 know 11:14,22 12:22 13:22,23 13:25 14:12,22 15:11,12,15 18:1,2 23:25 25:3,5,16 26:2 26:6,7 27:1,3 28:14,17 29:11 29:14 30:12,13 30:15,24 31:3 31:5,5,11,16 32:12,14,21 34:8 35:3,22 35:24,24 36:10 37:8 38:18,19 40:12 41:9,22 42:10 44:7 46:14 47:4,9 48:2,9 49:22 50:7,14 51:17 52:18,21 53:3 54:6,10,12,14 54:14 55:16 56:11 57:20 58:2,4,5,8 59:3 59:12,13 61:8 61:11,15,17 63:1,7 66:17	68:7,9,11 69:4 70:1,25 71:10 71:11 72:1,8,9 72:14,15,16 73:6 74:1,9,16 75:19 76:5,10 77:16,18,18,19 79:11,12 80:1 81:8 82:5,8 83:18 84:12,23 84:24 85:5,6 85:24 86:1 87:18,21 88:4 88:23,24 89:1 89:4,10,19 90:9,25 91:9 92:6,8,18 94:24,25 95:5 95:8,9,12,16 96:16,20 97:5 97:8 98:8 99:3 99:8,10 101:24 103:11 104:9,9 106:20,24,24 108:10 114:9 114:10 115:2 116:4,7,8,9,23 116:24 117:14 117:20 118:10 118:22 119:12 120:1,6,22 121:2,3,7,14 121:16,17 122:2 124:5,10 124:20,25 125:13 127:10 127:12,21,22 128:4,8,24,25 129:1,4,8,9,25 130:1,3 131:14 132:5,7,16,23 133:2 134:21 135:5,8,13 136:16 137:9 137:11,14,21 138:13 139:7 140:1,4,13,14
---	--	--	--	---

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

Page 16

140:17,19	186:14,19,22	Krystal 5:13 9:3	187:15 193:16	53:1 151:3
141:3,7,13,17	187:22 189:17		194:8 207:5,16	184:25 185:2
141:23 142:8	190:21,22	L	208:13 212:11	185:12 208:7
143:1,5,7,14	191:6,13	lab 165:5,8,23	letter 123:16	214:9 215:13
144:1,14,16	192:11,13	170:25	126:11 131:23	216:6 218:8,17
145:12,21,24	193:5,10,11,18	lack 160:5	166:10 203:23	218:19 221:19
145:25 146:1	193:23 194:1,4	ladies 163:2	204:11,12	221:24
146:11,15,19	194:18 195:6	Lamon 145:8	205:11	listed 29:10 33:1
146:25,25	199:14 200:17	language 61:25	letters 56:4	51:3,6 52:9
147:3 148:12	201:25 202:22	62:3 126:23,24	126:2,2 205:17	82:17 97:16
148:25 149:5	203:3 204:8,14	127:1,17 128:3	level 45:8 47:25	103:7,11,17
149:10,13,20	204:21,22	larger 30:15	50:4 92:5,9	105:1,11 120:9
149:20,22,23	205:16,16	170:6 193:5	120:24 121:11	120:10,18,23
149:23 150:3	207:3 208:15	late 94:8	121:19 127:21	121:1,10,11
150:18,21	213:23,24	law 9:21 20:20	155:12 157:15	122:3 138:13
151:3,7,12	214:5,8,15	25:5 42:8	159:12 163:16	149:19 165:25
152:17,25,25	218:24 219:20	161:12,12	202:1 213:4,6	209:13 212:8
153:12 154:16	220:1,1,2,5,7,8	206:8	214:13 215:21	216:15,16
154:17 155:10	220:9,19 222:9	laws 168:11	levels 163:11	listing 40:17
155:13 157:8	222:11	lawyers 11:24	liability 161:6	75:11 121:21
157:11,18	knowing 60:13	137:18	License 56:5,7	lists 172:10
158:2,8,16,19	89:7 120:21	lays 201:23	lie 162:3	little 15:14
159:7,7,9,11	122:1,12	lead 75:21	lieutenant 9:20	18:23 19:4
159:22,24	178:18 193:21	leads 115:12	10:18 22:9,10	25:4 27:5
160:1,6,18,18	222:16	215:23	28:6,8 31:25	30:10 52:20
160:21,22,23	knowledge	Leano 214:4,6	32:1 99:9,12	85:12 94:25
160:25 161:6,8	26:10 35:19,20	219:25	144:5 150:9	100:12 117:17
161:11,12,14	35:22 36:7,9	learned 51:24	151:5 160:17	125:8 141:4,8
161:15,16,17	36:18 39:18	130:8	206:6 214:19	144:25 145:1,2
161:18,21	43:17 49:25	learning 84:5	214:23	153:4 168:15
162:4,7,8,16	52:1 59:7	leave 48:8,11,11	lieutenants	172:8 175:11
162:18,19,25	77:12 78:4	193:21	12:20	184:18 217:2
163:2,3,4,6,8	94:23 97:2	led 15:18 16:14	life 146:20	223:7
163:13,13,15	102:6,16,17	left 21:1 91:2,2	light 148:9	located 86:12
163:17,25	116:2 135:19	193:13 202:8	limited 52:12	location 33:2,13
165:3,20	135:24 145:1,5	legitimately	91:22 188:7	67:13,16,18
168:18 169:2,4	145:13,25	160:7	line 43:3 128:14	68:23 75:16
170:7,15,18	150:5 184:9	Lemont 70:14	159:24 205:19	89:10,23 124:3
171:13,20,21	201:2	lend 26:25	209:11	144:6
172:4,15 173:7	knowledgeable	lended 54:11	lines 72:4,22	locations 34:9
174:7 175:14	35:23 145:3	lends 128:20	73:4	70:8
175:24,24	150:18	let's 32:19,19	link 55:23,24	lockup 116:16
176:1,2,9	known 70:10	53:11 57:3	linked 43:18	118:10 190:8,8
177:19 178:16	129:6	70:22 89:25	86:3 87:8	190:10
180:2,2 182:1	knows 36:11	114:24 145:16	linking 85:19	Loevy 2:3,5,5
183:21 185:17	112:18 161:5	146:8 179:24	links 57:12	8:4,4 9:7,7,15
185:24 186:13	192:12 222:9	182:25 185:19	list 34:16 52:16	9:16

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

Page 17

log 29:8,9,23,25 30:1,3,8,14,17 30:19 31:8 32:23 34:1,2 84:5 149:8 177:7 184:10 184:11,12,15 184:16,19,19 184:21 189:13 logged 33:2 43:12,19 57:21 logging 55:22 57:11 login 82:18 logs 31:3,21,23 long 10:19 13:21 19:11,23 23:14 43:2 179:13,15 199:1 202:2 214:11 longer 179:3 180:15,20 181:10 look 17:13,20 35:3 49:6 54:21 55:11,21 57:3 58:11 59:23 60:7,18 61:20 63:15 81:9 82:13 85:9 86:5 95:6 98:19 101:3 109:8,21 110:14 111:24 118:20,21 123:1,14 125:25 126:4,9 126:21 131:18 137:24 139:12 152:1,3 159:21 166:11 180:14 182:15 194:23 195:16 203:2 208:13 212:11 212:11 looked 12:6,24 37:18 38:16	96:1,18 125:24 131:4,7,18 146:7 154:7,8 154:11 160:7 169:2 189:22 194:21,24 195:6,13,16 222:12 looking 12:3 17:17 69:25 70:2,2 71:15 71:15,16,19 75:17 86:25 95:4 101:25 102:21 107:24 111:24,25 122:19 126:6 138:14 139:24 140:5,6 151:2 154:21 165:14 174:14 178:11 191:3 201:16 207:2 212:14 looks 57:8 82:6 82:11 86:5 98:1 117:4 140:8 Loop 20:9 loosely 199:18 Lord 192:11 lose 192:21 lot 19:2 39:17 44:8 47:23 87:15 131:8 146:4 147:2 193:4 low 157:25 158:13 <hr/> M <hr/> M 1:6 M-I-C-E-L-L-... 198:11 M-I-C-H-A-E-L 10:13 ma'am 10:7 Madison 87:18	87:19 MAGISTRATE 1:6 main 143:14 maintain 159:12 maintained 154:20 major 162:22 making 47:14 48:3 72:16 88:1 132:6 163:16 201:22 222:11 man 207:2 manifest 183:19 183:23 185:8 185:11 manipulate 196:1 manner 143:16 216:21 217:24 219:12 manpower 14:16 20:18 203:9 manual 6:22 81:11 123:8 125:18 126:12 manuals 131:3 195:17 March 1:24 8:6 9:5 204:17,19 mark 34:20 54:16 59:18 66:2 80:10 84:9 97:23 100:1 108:16 109:2 122:15 136:12 139:7 139:13,16 151:15 163:24 163:25 187:6 marked 34:24 44:6 54:19 59:20 80:15 98:3 99:25 100:3 108:19	109:6 122:17 136:14 139:21 151:19 164:4,5 166:9 187:8 195:7 market 59:11 143:11 markets 70:10 marks 69:12 70:4 71:4 128:21 129:11 mass 77:8 Master 1:4 9:12 match 109:16 110:8 176:9 178:12 matched 177:3 matches 110:14 134:11 matching 133:22 matrix 12:25 13:10,14,21 17:18 140:13 205:15 matter 9:9 158:9 192:4 224:8 McCarthy 56:22 mean 14:6,18,23 27:19 31:15 35:21,22 36:8 40:25 41:19 45:7 47:21 49:16 50:13,25 54:1 55:3 58:16 59:7,9 59:11 62:19 67:10 68:6,18 69:15 71:14,23 72:1,7,25 74:3 76:7 78:5 82:6 88:2,18 90:8 90:22 91:24,25 95:2 96:13 101:17 103:10 103:22 104:20 105:24 106:7	107:9,21,24 111:10,18 112:23 114:21 118:7 120:22 125:19 129:16 129:19,24 132:1 134:7,12 135:7 140:17 142:6,23 146:15 147:8,8 148:21 149:17 149:24,25 157:18 159:18 160:14 161:7,7 162:5,19,24 168:5 169:8,14 169:16 171:13 172:25 173:6 177:14,23 178:8,14,17 179:13 180:1 192:8 193:3,18 194:2 195:25 197:25 198:3 199:11 202:19 205:14 211:17 213:9 214:11 216:23 217:20 217:22 218:9 220:11,17 meaning 17:9 37:25 104:25 105:1 217:22 means 42:2 56:11 119:12 131:4 203:16 meant 130:6 170:21 measure 146:6 170:17 meet 11:16,19 159:15,18 meeting 11:23 meetings 94:18 member 12:24 18:9 19:10 24:2,8 29:1
--	--	---	---	--

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

Page 18

56:16 63:24	138:23 139:1,6	misdemeanor/...	136:22	129:9 167:25
82:18 90:12,13	139:12,15	110:6 203:15	move 47:6 133:9	184:11 185:25
90:17,18,19,20	151:17 160:13	204:24	142:12 163:21	narcotics 54:9
90:21,22 95:10	165:14 166:22	misdemeanors	movements	60:9,24 61:23
96:9,12 132:18	167:4,7,16,19	205:1	201:22	62:25 63:13,23
136:5 156:12	167:21 171:6	missing 117:16	moves 157:2	64:5,8 65:3
174:1 211:12	176:4 180:1,7	183:4	183:24	69:11,25 88:25
219:15	180:11 194:10	mission 15:1	moving 16:9	96:19 104:3
member's 90:13	196:6 205:25	21:13 23:19	141:18 183:19	114:23 115:6
90:14,15	207:10 208:9	25:19,20 26:22	multiple 59:22	115:10,12
173:22	209:10,21,24	28:8 89:7,24	62:6 63:5	163:23 164:12
members 16:10	211:1,15	missions 89:6	69:16 108:7	164:16,23
25:11 75:6	212:24 213:19	mistaken 203:24	123:15,16,19	165:1,23 168:8
90:10 91:20	214:21 216:24	203:24	123:25 124:2	173:12,19
92:6 142:3,3	218:22 222:20	mistakes 124:22	159:9	174:19 175:2
149:14 150:4	222:24	163:17	multitask	176:1,22 177:7
159:15 161:4	Michigan 2:15	misunderstood	159:10	177:8,18 178:9
162:14 206:14	20:10	113:23	Murphy 99:14	178:12 181:4,7
212:21,22	middle 205:19	modules 131:3		181:7 182:4
213:18	midnight 142:8	Mohammed 5:3	N	184:1,7,10,23
memos 56:18	might've 149:15	9:25 110:22	N 2:14	185:7,15
84:24	149:19 178:8	119:16 120:1,6	name 9:3 10:12	186:10,21
mentioned 18:6	Mike 74:9,25	214:2 219:24	10:14 19:18	187:15,16
196:16 197:8	75:2	220:2 222:10	33:11 40:18	189:20,21
198:5	mind 80:16	222:10	43:5,20 52:23	190:6 191:8,24
menu 86:11	167:17 179:4	Mohan 5:5	65:22 90:13,24	193:1,2,13,19
157:1	mine 166:23	moment 206:18	92:15 94:8	194:6 197:19
met 11:8,14 70:6	167:16	momentarily	98:15 99:18,20	197:24 208:23
90:16,25	minutes 29:13	180:10	99:21,23 105:9	208:25 209:8
149:13,14	30:3,9 80:19	money 183:17	110:4,18	210:5,16
Michael 1:22	94:7 179:4,16	187:1,12 189:1	111:10 112:2	213:15 216:18
3:4 8:3 9:8	180:4	189:20 190:2	114:17 121:17	narcotics-rela...
10:13 94:8	mirror 18:21	190:14,21	124:24 126:13	25:10 51:15
Michalik 3:5	142:25	191:6 192:7,10	132:7,9 134:1	narrative 40:11
9:19,19 11:15	mirrored 18:19	192:17,23	185:6 199:5	46:8,11 51:21
36:22 37:6,11	23:19	Monico 3:14,16	202:12 205:7	52:5,16 53:7
46:23 62:8,15	miscell 66:14	9:22	209:7 214:16	53:15 66:7
73:10 80:16,18	198:6,15	moniker 49:1	name's 10:13	67:8 73:21
80:22,24 81:1	200:20,23	monitor 33:24	name(s) 215:3,8	79:21 100:21
98:4 101:10	miscellaneous	147:20 150:16	names 47:20	100:25 101:5,8
102:3,18	198:9,12,13,14	161:25 162:1	71:12 72:23	102:1 113:7,8
107:16 110:25	198:21,25	Monroe 4:6 5:6	73:4 107:22	116:19 117:16
118:24 119:17	199:5,6	month 22:12,12	108:7 149:18	117:19 118:21
120:14,20	misdemeanor	84:4 205:20	212:17,22	118:22 119:4,6
121:24 122:9	132:4 203:17	months 20:4	213:17	119:9 124:9,10
122:18,20,22	203:19,21	205:18	narcotic 51:10	125:5 127:17
125:4,7 138:21	204:4	morning 54:17	62:7 69:22	134:2 135:5

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

Page 19

narratives 103:6 106:14 118:23 National 4:16 nature 102:13 196:25 necessarily 33:17 41:7 50:15 67:11 69:23 77:8 78:5 92:9 99:16 108:5,10 112:8 113:20 128:22 145:21 185:18 necessary 128:2 180:6 214:11 need 14:15,16 15:11 26:1 59:2 68:23 69:25 78:20 85:3 86:1 87:18 88:4,20 89:12 91:4 115:6,14 116:5 116:6 117:18 117:19 133:2 142:13,16 146:13 147:3,6 147:13,13,22 157:11,11 168:7 177:17 179:25 180:3 181:10 185:20 185:21 186:11 214:10 needed 24:13 25:17 26:24 83:4 86:21 95:7 99:17 145:23 174:7 180:16,20 192:18 needs 143:17 nefarious 162:4 never 149:13 161:10 210:7 new 55:19,20	79:22 83:11 84:3,5,6,14,21 85:3,5 138:13 158:5 174:9 newer 165:17 189:24 195:2 newly-promot... 23:4,7 newly-sworn 23:4 nice 179:10 night 16:7,9 89:21 147:22 nights 16:4,8 Noland 11:15 Nope 222:21 normal 223:8 normally 128:10 North 2:6 8:4 Northern 1:2 9:11 Notary 8:10 224:23 note 95:14 170:10 note-taking 199:10 notebooks 199:18 notes 148:13 200:7,10 nothing's 158:9 notice 6:11 34:21 85:2 111:2 119:1 120:15 noticed 138:6 noticing 25:25 notification 84:23 186:23 notified 84:2 188:4 notifier 43:14 183:2 202:23 November 22:3 nuances 18:24 124:5	number 9:13 12:22 13:18 19:12 20:21 25:15 43:18 44:5 46:15 54:4,11 66:2 67:18 68:2,6 68:10,13,19,23 69:1,9 76:14 82:14 85:11,15 85:16,17,21,21 85:22,25 86:1 86:6,21,24 87:1,3,15,25 88:4,16,20,23 89:4,10,21 90:14 92:21 99:2 101:4 106:17 110:19 112:3 114:18 116:13,13,15 124:23 135:11 135:12 137:12 140:9 141:5 145:23 157:17 175:10 185:11 196:23 197:20 199:23,24 202:5,8 204:1 215:1 numbers 44:2 89:1,2 116:10 116:10,11 140:15 158:14 174:25 175:5 208:15 numeral 126:10 166:10 numerical 155:6 155:8 158:19 <hr/> O O 203:23 Obama 72:23 object 62:8 73:10 101:10 107:16 110:25	113:9 118:24 120:12 207:11 209:11,21 211:14 216:24 218:22 objection 102:3 102:18 107:20 119:17 120:20 121:24 122:9 160:13 208:9 209:24 211:1 211:15 212:24 213:19 observation 201:7,11 observations 64:19 67:6 76:8 146:5 206:17,19,22 observe 211:12 observed 25:9 52:6,14 77:13 106:5 113:2,7 201:22 206:19 217:8 obtain 57:9,16 obviously 26:9 28:1 32:5 40:3 64:23 67:19,25 79:14 82:23 107:23 110:8 116:3 127:8 147:18 158:5 159:19 182:23 194:3 occasions 11:8 206:16 occur 114:11 occurred 86:23 occurrence 33:19 34:16,17 46:14 occurring 30:8 123:17 October 10:21 19:24 20:3 OEMC 146:3	offender 52:6,7 52:7 69:12 73:7 126:24 127:2 offender's 46:15 offense 11:13 15:16 41:2 53:6,15,16,19 53:22 67:12 69:11 71:4 73:21 85:21,22 85:25 86:15 88:3,6,7,9 89:9 89:9,15,16,18 96:19 102:25 107:4 132:10 132:13 203:19 207:24 211:7 215:9,14,18 217:7,15,18,20 217:22 218:20 219:1,2,4,6,16 219:17 221:11 222:3 offenses 123:16 offering 101:13 offhand 199:1 office 7:3 21:15 79:5 99:16 177:20 180:24 186:5 officer 10:15 20:4 21:7 23:2 23:17 24:3,6 27:21 39:12 41:4,4,13,15 42:5,7,8,14,15 43:1,4,21 45:9 46:5 51:6 52:10 56:16 65:18 68:14 74:12 75:11,12 75:13,21,23 76:2,25 96:4 96:15 99:13 102:6,22 103:21,23
--	--	---	---	---

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

Page 20

110:3,10,11,18	64:9,15,19,24	86:1 93:9	on-scene 64:13	option 169:22
110:22 111:9	67:2 79:4 84:1	95:24 99:24	77:9,11 220:12	169:25
111:13 112:2,7	84:18,21 90:5	100:10,14	on-site 65:5	oral 129:6 130:7
113:1,6,16,18	97:1 103:11,17	107:7,8 108:24	on-view 192:14	130:9
113:20,24	104:7 105:1,13	112:9 113:15	on-viewed 68:21	order 6:12,13,14
114:14,18	105:20 110:14	115:15 117:18	once 31:1 89:18	6:24 7:3,6,8,10
115:3,6,8	117:9,25	118:17 122:23	89:22 150:3	7:12 12:19,21
116:25 121:12	119:13 120:11	123:6 125:7	155:11,24	12:22 18:8,13
130:20 134:17	121:21,22	126:8,15,18	175:4 200:9	18:14 55:2
135:1 141:6,16	123:21 142:8	130:16 136:2	one's 162:8	56:1 60:7,12
141:23 142:10	144:12,13	136:23 138:1	one-page 202:5	61:17 62:2
146:14 147:14	147:19 150:11	138:22,25	ones 13:2 64:20	74:14 80:11
157:7 158:5	150:18,18,19	139:11,14	81:5 131:17	82:6,7,9 84:14
161:12,24	162:25 183:16	140:8 141:22	139:4 151:24	85:1,1,3 126:4
166:2,3 171:4	185:16 190:17	141:25 145:16	153:18 175:6	126:17 136:25
171:12,23,25	201:1 206:23	148:12 149:16	204:25	137:5,11 138:5
172:3,5,18,19	208:23,24	152:16 154:13	ongoing 186:19	138:13 139:10
172:23 173:1,3	211:11 215:17	155:10 156:1	online 12:6,9	139:18,23,23
173:6,24 174:2	218:8,17,19	156:10 158:4,7	37:19 38:1,2,3	140:1 154:2,2
174:3 177:6	219:8 220:9,17	166:11 167:17	onward 182:3	154:5 165:12
180:23 181:5	220:18,20,21	171:2 174:16	open 138:10	166:4 168:6
183:9 184:8,15	220:25 221:22	174:22 181:16	182:20 197:25	174:10 180:25
185:8,13,21,25	222:6	186:25 187:5	198:2	188:5 189:18
186:9 197:3,8	offices 9:7	188:12,20	open-air 59:11	189:19,20,20
197:12,16,23	168:14	189:17 190:11	70:10 143:11	189:25 194:25
201:7,10,12,25	official 40:16	194:10 195:12	openings 150:11	195:11,15
202:9,11	106:11 120:22	195:20 196:3,9	opens 211:23	orders 11:11,11
203:12 206:7	122:12	197:7 198:5,10	operate 30:11	12:3,4 14:5
206:11 207:25	offline 37:21,25	198:16,22	operating 136:5	18:12 24:21
208:1,8,19,20	oh 34:7 76:6	199:5,8,23,25	operation 21:16	44:15 55:20
209:19 210:4,8	80:25 89:3	201:1 202:8,19	64:5 65:3 67:9	59:23 84:4,6
212:8,17 213:6	100:9 108:25	205:4,21	69:14 73:8	84:13,21,21
214:2,2,3,3,4,4	112:18 139:2,2	206:10 207:1	operations 7:3	85:5 95:6
216:17 218:3	156:23 166:18	207:14,22	60:10,24 61:23	137:6 142:24
218:11,12	167:9 175:16	208:4,11,22	62:7,25 63:7	142:24 164:19
221:25	202:4 204:18	209:4,18	63:14,24 64:8	164:20 189:24
officer's 166:3	219:23	212:10,20	65:4	223:1
181:23 182:18	okay 16:10	214:9 219:23	opinion 34:6	ordinance
201:7 203:3	17:12 19:1	222:18 223:1,6	41:20 106:1	203:18
211:5	24:18 34:15,19	old 34:23 46:1	150:25	ordinances
officers 9:22	35:7 36:1,21	80:3 82:7	opinions 101:13	205:1
12:21 20:8,11	38:9,15,20	96:16 111:12	opportunity	Organized
21:17 28:2,24	42:18 44:24	168:16 218:9	86:14 157:8	55:23
29:12 30:2	45:2 50:20	older 163:10	opposed 34:7	original 18:2
39:5 40:18	60:1 68:10	omitted 122:3	37:1 69:22	42:25 56:1
47:4,13 50:11	74:9,12 75:8	on- 219:25	146:9 170:14	61:13
53:1,5,7,13	80:25 81:6	on-duty 79:2	174:2 175:25	originally 141:3

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

Page 21

other's 91:9	184:19 197:6	144:6,15 145:3	86:11,22 87:24	160:24
outlined 165:4	199:18	145:5,12	PCADs 86:13,14	performance
outside 11:23	paper-based	147:23 148:3	PCS 68:21	154:14,15,19
186:15	84:12	148:23 213:25	132:15	154:24 155:9
overall 18:24	paperwork	particulars	PDF 32:4	155:17 157:25
138:8 145:2	15:14 29:7	101:24	PDT 86:12	159:4,5 196:21
152:23 158:18	30:7 77:6	partner 24:12	87:24	performing
overserved	parade 25:17	25:11 44:14	pen 66:1 172:3,7	157:13
163:2	Paragraph	48:8,17 91:6	penalty 43:15	period 16:1,8
overview 19:25	172:20 202:8	144:15 171:18	pending 9:10	17:1 18:22
23:7 40:1	parameters	201:19 206:18	penitentiary	20:25 21:1
63:18,20 81:7	90:24	206:23 207:3,4	161:10	23:25 24:2
P	parcel 204:1	207:6,7,17,19	penned 116:13	35:11 45:12
P.C 2:14 5:5	pardon 130:3	208:5,7 209:1	177:2	69:1 155:23
P.M 223:9	parent 163:13	209:19 210:14	people 20:20,21	190:14 204:14
packaging	parentheses	210:24 211:5	25:4,15 27:5	207:6
168:23,25	129:4,15	211:21	32:22 41:8	periods 159:12
page 6:2,10 7:2	part 16:11 18:23	partner's 209:7	44:3 47:3,4,24	perjuring
35:4,4 55:21	46:10 48:9	partners 24:14	48:9,11 50:17	127:14
56:3,9 75:5	58:7,7 95:10	45:12 92:18	53:8 57:25	perjury 43:15
81:23 82:13,14	123:16 124:25	parts 173:15	63:6 65:16	permission
85:10 89:25	127:7,18	passed 20:9	72:22 73:3,13	90:21,23 92:19
96:6 98:20	130:10 140:16	150:3	74:18,23 83:10	99:18
101:4 110:14	146:18 162:10	passenger 103:9	86:18 91:22	person 41:21
123:14,24	169:16 177:11	201:18,22	92:11,14 99:22	42:3,9,15
126:10,21	213:9,15	221:10	103:7 105:11	43:19 44:22
130:18 131:22	217:15	passing 30:5	106:19,21,23	45:4 46:8,9,19
131:23 154:23	participate	149:18	106:24 107:25	47:7 48:12
166:9,16,21	63:22,23	password 43:19	108:5 115:17	49:3,8,9,25
167:23 171:10	participated	197:16	132:24,24	50:7 65:24
180:13 181:17	33:16 120:24	paths 150:3	146:12 149:3,3	70:7,12 78:18
224:6	216:9 217:12	patrol 6:24	149:4,11	79:12 88:25
pages 100:22	217:17 218:2	11:11 12:21	151:10 156:4	89:20 91:14
131:22	219:2 221:23	20:25 21:7	158:25 160:18	102:16,23
pairs 48:16,16	participating	23:17 24:3,6	161:4 163:9,11	107:13,22
Palles 5:4 9:25	40:18 76:22	27:3,21 29:25	163:19 179:16	108:7 110:13
9:25 179:2,7	213:5 217:24	30:2 34:11,12	179:25 180:3	111:16 113:3,4
179:11 180:5,9	particular 12:15	137:5,10 140:7	183:6 192:17	114:5,13
222:25	13:17,19 17:9	153:1,17	194:5 199:20	127:11 128:10
paper 18:2 32:6	25:1,21,25	156:14 195:11	204:2 215:13	133:11 151:14
40:6 42:24	26:18,24 62:10	patrolling 28:24	215:24 217:4,9	160:20,21
43:2 44:8,9,10	70:12 71:9	Paul 3:5 9:19	217:25 218:19	171:22 172:13
46:1 52:18	74:21 75:16	33:8 98:1	221:19 222:1	173:7 174:10
79:15 80:5	84:25 85:17	180:9 222:21	people's 105:9	174:12 190:18
96:16 109:20	88:7 103:6,21	PC 43:17 44:5	perfectly 146:2	192:9,23 193:4
111:11 156:7	103:22 105:10	82:18	perform 129:2	193:19 199:24
	105:18,25	PCAD 69:8 86:3	130:3,7 157:15	215:4

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

Page 22

personal 11:1 34:6 49:25 51:25 78:4 91:16 94:23 116:2 135:19 135:24 146:5 146:20 175:2 200:12 201:2	132:2 176:16 plaintiffs 2:3,12 9:16,18 plan 14:15 plastic 193:5 played 106:7 playing 162:19 Plaza 4:16 please 9:13 10:2 10:12 62:21 plow 180:2,5,5 plural 119:24 plus 78:3 pmichalik@re... 3:11 PO 103:24 pocket 192:16 point 24:15 55:4 61:25 72:3 85:8 94:19 115:4 124:8 128:13 138:19 141:15 144:20 157:6 176:25 191:1,6 197:15	132:24 136:8 140:22 142:20 164:7,10,14,22 164:25 165:10 179:23 180:22 187:2,11 194:18,21 209:15,15 policy 17:5 18:18 19:17 30:24 45:17,22 49:12 50:10,15 51:4 52:15 53:25 54:7 55:19 58:15,22 59:4 61:8,18 61:22,22 62:24 63:4 67:7 73:6 73:23 75:1 76:2,5 78:24 82:4 83:24 89:14 92:10,24 93:2 94:24 96:21 97:6 98:14 101:4,9 103:5 104:14 104:16 105:17 106:10 107:12 107:15,23 108:8,9 111:16 115:16,16,24 118:22 119:15 120:6 121:8,20 122:7 127:4 130:16,25 131:2,16,25 132:17 134:20 135:18 136:11 136:16,21 138:11 140:22 145:20 154:21 164:2,21 168:22 169:5 170:9,12 171:2 181:1 187:16 187:19,21 188:3 190:2,3	190:4 192:4 209:18 213:1,2 213:14 216:15 216:23 218:21 pops 197:9 populates 175:9 portion 46:5 67:3 81:9 86:16 104:12 133:20 170:14 170:19 215:18 215:19 216:7 portions 82:1 104:2 positive 170:18 possession 67:4 88:21 132:16 168:12 185:1 217:8 219:5 possibilities 67:11 possibility 19:16 possible 25:9 153:15 178:10 Possibly 140:12 posted 12:10 140:6 poster 163:7 potentially 33:19 83:19 119:24 powder 197:24 powdery 175:21 powers 162:16 practical 14:19 practice 53:22 218:19 practices 35:13 38:23 39:2 101:12 pre-completed 73:12 pre-designated 67:12 pre-Michael 141:6 pre-planned	60:9,24 61:22 62:7,25 63:13 63:23 64:5,8 65:3 69:11 89:15,16 96:19 pre-printed 67:17 74:3 predated 18:3 174:21 predominantly 40:11 72:25 84:22 144:17 159:6 preliminary 95:22 97:4 111:15,22 112:17 131:12 133:15 134:25 prep 11:23 preparation 60:25 93:20 109:4,10 122:7 131:9 202:6 Preparations 6:20 prepare 11:6 43:13 60:5 81:4 100:6 121:18 123:4 152:3 194:22 207:23 214:8 prepared 35:17 36:16 161:21 216:20 preparing 55:7 64:21 95:17 96:2 132:1 133:14,16 197:3 201:1,8 201:10 209:6 presence 20:20 176:17 present 5:13 49:16 51:3 79:17 95:8 118:18 121:2 133:7 180:23
---	--	---	--	---

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

Page 23

181:23 185:2	prior 11:22	57:18 74:15,19	181:3,8,12	32:24 33:4,7
186:5 206:18	52:17 57:16	76:24 82:20,20	183:13,20,24	43:19 44:3,5
207:18 208:5	62:5,23 84:10	83:6 84:17,20	192:15 199:22	47:20,21 54:6
209:20 211:5	95:12 132:6	120:24 150:6	protect 163:16	56:21 57:18
213:8,9	136:24	156:25 177:11	proved 162:1	69:8,12,16
presentation	priority 144:3	190:13 216:7,9	provide 15:6	70:3 73:6 85:2
23:6	prison 162:2,7	221:23	25:3 53:9	87:19 88:3
presented 155:5	194:4	processed 74:18	58:22 68:24	99:20,22
presenting 19:8	proactive 146:1	121:15 176:11	69:6 96:24	106:10 112:15
133:6 172:2	146:6,13,16,24	214:6	103:15 106:16	112:15 116:10
182:20	147:11,13	processing 57:7	168:2 186:11	117:21 118:12
presently 43:24	probable 65:24	62:6 63:6	provided 137:17	121:17 128:7
52:19 84:2	77:15,20 78:7	64:10,13,14,17	137:20	128:11,17
150:11	78:11 79:7	64:20,25 65:5	provides 202:1	129:4,11,15
preservice 21:9	96:25 111:15	66:4 75:7,19	public 8:10	130:4,10
23:3 31:13,18	111:20 114:5	75:24 76:14	143:21 162:22	140:14 151:3
31:19	117:24	77:1 91:3	177:20 178:2,3	161:22 176:10
presumably	probably 14:2	171:18 199:19	publicly 12:8	177:9,25
59:8	17:18,20 19:1	214:14 219:7	published 82:6	184:13 190:23
Pret-a-Manger	37:3,9 40:13	produce 124:2	pull 14:17 15:11	193:9,10
179:8	41:24 44:7	139:8 171:1	15:12 115:10	199:21 200:17
Pretrial 1:13	62:9 91:8	produced 12:5	148:5 186:1	203:9 208:19
9:10 79:10	112:13,13,23	18:15 81:5	201:17	209:6,18
pretty 24:21	114:9 139:17	100:16 123:5	pulled 25:18	210:19,24
31:15 62:13	162:7 179:8	professionally	84:6 89:9	211:6 213:16
136:25 154:6	202:24 207:11	153:3	103:9 154:7	214:16 217:25
187:17 194:9	probationary	profile 24:25	220:21	218:13,14
196:10	20:3,6,11	program 157:14	pulling 15:10	221:6
prevent 28:17	21:17 45:8	progresses	144:18	puts 13:14 55:19
87:25 88:2	problem 25:21	79:12	purchase 67:14	183:25 211:24
preventing	144:4,9 189:10	projects 144:3	67:24 70:19	putting 47:5
88:13	196:13	promoted 21:8,9	71:17 75:17	178:16
previous 61:22	problems 25:19	22:9,10 31:6	77:17	
98:11	procedure 8:8	150:16,22	purchasing	Q
primary 47:4	30:25 138:10	promotional	88:10	qualification
prime 47:4	188:6 208:7	55:8	purpose 34:2	145:22
Princeton 144:8	209:5	promotions	62:1 85:16	qualifications
principle 169:18	procedures	152:21	99:3 116:21	136:4 141:1
print 32:4 37:17	23:10 52:20	proofread	127:4,23	145:18
38:4 59:5	62:5 97:8	130:23	143:14 144:20	quarterbacked
80:21 110:4,18	173:12,19	properly 153:4	181:9	149:4
111:10	190:8	property 22:16	purposes 98:17	quarterbacking
printed 37:20	proceedings	23:3 66:1	104:6 106:21	149:12
38:10 43:5	1:13 6:3 9:1,10	115:2 143:5	201:15 202:24	quell 25:4
95:14 112:2	94:10	164:18 174:18	pursuant 8:7	question 44:17
114:17 218:16	process 46:8,18	174:20,24	pushed 137:10	58:21 62:20
printed- 85:5	50:16 56:13	175:2,13,17,17	put 23:25 24:1	98:9 101:11,16

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

Page 24

101:18 102:24	158:18	86:1,6,21,24	reasoning	164:18 168:17
106:17 113:10	Rauscher 2:4	86:25 87:3,14	134:21	171:15,20
113:21 120:13	6:4,7 9:15,15	87:25 88:4,16	reasons 117:21	173:5,8 175:1
125:7 128:9	10:11 34:20,25	88:20,23 89:1	213:7	175:19,20,23
138:14 147:9	37:2,7,12,14	89:21	reassign 24:25	178:13 181:3,8
171:8 172:8	46:25 47:2	reach 148:10	reassigned	181:12 183:25
200:3 216:25	54:16,20 59:18	reaching 201:18	22:13,16	186:17 190:15
218:23	59:21 62:12,18	read 35:14 55:3	recall 31:10 45:5	193:1 207:19
questioning	62:22 73:19	55:7 60:15	66:12 83:17,20	208:5 216:19
209:11	80:10,17,20,23	84:8 90:9 91:9	156:7,9,11,18	221:8
questions 59:24	80:25 81:2	100:21 106:11	208:20	recovering
87:13,16 88:22	93:24 94:1,11	116:19,21	receive 39:5,8	114:22 171:3
93:19 97:3	97:22 98:6,7	117:2,15 217:6	40:20 42:18	171:22,25
101:11 117:10	99:25 100:4	217:7	66:4 83:15	172:4,5,18
124:11,18	101:15 102:14	readily-assem...	101:20 144:17	188:14 192:9
125:3 159:3	103:2 108:1,16	147:5	183:18 185:8	210:16
183:7 194:9	108:22,25	reading 8:12	received 39:9,11	recovers 207:7
196:4,5 205:24	109:7 111:3,7	55:6,9 101:19	42:21 77:24	207:17,18
209:14 212:13	113:13 119:8	104:5,20 105:3	78:3 83:21	208:25 209:2
214:22 215:2	120:4,17 121:5	116:24 166:7	94:17 184:3	211:22
217:4 220:9	122:5,15,19,21	reads 124:18	receives 39:12	recovery 170:7
222:19	122:23,25	ready 147:4	receiving 74:12	184:10 189:14
queue 79:6	125:9,10	180:2	95:4 104:22	208:23 209:8
quick 97:18	126:20 136:12	really 48:10	146:3 176:22	209:23 210:10
194:8 196:10	136:15,19,20	58:19,21 61:10	recollection 12:4	210:13 211:5
Quite 179:18	138:22,25	62:9 116:25	55:9 66:12	216:8
quotation 69:12	139:11,14,16	117:10,11	95:6 102:20	redeployed
70:4 71:3	139:22 151:15	148:15 151:1	106:21 107:4	20:16
73:22 127:1	151:18,20	151:11,11	220:5	REDIRECT 6:7
128:18,21	161:1 163:21	177:21 198:20	record 9:14	214:24
129:11	164:6 165:16	212:12 214:10	36:23 87:10	reduced 224:9
quote 129:22	166:25 167:5,9	realm 67:11	94:2,4,5 166:7	reenter 197:16
quoted 73:24	167:11,17,20	rear 201:18,21	184:22 185:24	refer 71:9 73:1,3
quotes 128:17	167:22 171:7,9	reason 15:9 59:2	194:12,13,14	119:16,22
129:16,17,19	176:5 179:5,10	64:16 76:5	200:4 224:10	121:25
129:21 130:10	179:12,22	95:11 121:1	recorded 224:9	reference 12:16
130:11	180:8,12 187:6	134:20,22	recording 127:8	42:9 81:10
	187:9 194:8,16	139:8,8 144:18	174:18	85:19 91:25
R	196:3 205:23	175:25 186:11	records 14:3	93:22 97:18
radio 68:22 69:5	211:14 214:25	192:17 194:2	17:12 69:9	129:8
raise 10:2 88:22	215:6 217:14	199:11 210:14	85:15,20	referenced
randomly 89:11	219:13 222:18	212:4 213:10	recover 115:5	18:14 90:6
rank 10:17	223:3,5,7	217:3	216:18	97:9
rate 154:13,24	RD 46:15 67:18	reasonable	recovered 22:16	references 102:1
158:25	68:2,6,10,13	168:3	23:2 46:16	119:15 137:15
rated 158:22	68:19,23 69:1	reasonably	57:10,24	referencing
rating 158:13,15	85:11,14,16,17	63:15	102:10 104:3	81:21 91:20

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

Page 25

94:19	relevant 136:8	49:14 50:22	125:1 126:22	reports 29:5,6
referred 64:4	relief 16:5,5,10	51:3,7,10,21	127:15,24	39:19,21 40:1
72:22	16:11	52:6,9,12	128:12 129:8	40:5,6,16 41:2
referring 175:16	rely 200:10	53:12 54:3	130:21,22,23	41:2 42:19,19
refers 64:12	201:7	57:18 58:23	131:22 134:11	42:22,23,23
96:9 119:9	remain 140:17	64:17 69:10	134:13 149:19	43:6,23,24,25
154:5 205:13	remained 181:7	70:21 71:2	161:24 166:2	44:2,8,11 46:1
reflect 32:15	remedies 79:10	73:12,16,23	169:3 170:10	47:23 52:17,18
33:5,11 60:23	remember 12:18	74:1,3,4,4,5,13	171:24 176:10	52:23 53:3,5
113:8 181:21	12:22 13:2,3,6	75:2,11 76:3	197:3,9,10,13	60:25 62:14
reflected 29:4	18:7,11 19:7	76:16 77:14,14	198:14,19,20	64:7,15,21
32:22 97:5	19:20 40:23	77:20 78:6,7,9	198:25 199:6,7	65:7,10,17
128:14 145:20	43:5 55:5,5	78:24 79:3,6,7	199:9,15 200:1	79:14 81:20
191:23	57:20 70:13	79:15,17,19	201:8,11,11,16	82:2,23 83:2,3
reflecting	97:19 106:22	80:3 81:15,21	207:14,23,24	83:4 84:10
102:16	116:4 127:19	85:18 86:19,23	208:2,14 209:6	91:9 93:4,7,8
reflection	154:16 155:7	87:22 90:1,11	210:9,19,24	93:10,20 95:17
159:20	156:13,15	90:11,19,20,21	211:7,8 212:1	97:15,16,17
refresh 12:4	157:19,22,23	90:24 91:2,7	212:5,12,23	98:18 104:4
95:5	158:21,24	91:24 92:3	213:7,11,18	106:19 107:6
regard 42:8	197:21	94:23 97:7,9	215:13 218:4,9	109:20 111:4
52:24 89:11	remembered	97:24 98:16	218:10 219:9	111:12 121:8
113:24 115:8	96:4	99:7,17 100:2	222:6,14,15	122:8 123:13
121:13 178:17	remembering	100:8 101:6,8	report's 91:4	124:2,6 126:2
210:7 216:8,10	95:12	101:19 102:6	221:7	131:9 134:5
217:23	remind 108:12	102:21 103:7	reported 127:1	153:3 168:7,21
regardless	163:9	103:17,20	215:9,14	170:25 176:24
153:11 160:16	reminder	104:16,21	reporter 1:25	182:7 195:18
regards 70:8	162:18	105:3,14	8:11 9:5 10:3,4	195:20,23
147:2 185:23	remove 190:17	106:11 107:10	10:8 223:1,4,6	197:1 200:10
regular 195:10	removes 174:3	108:13,18,23	224:1,23	200:18,21,24
rehabilitation	reopen 22:7	108:23 109:14	reporting 6:22	201:2 217:4
20:10	reopened 22:6	110:23 112:1,2	6:22 41:4,15	represent 94:9
reissued 140:2,3	replaced 164:2	112:7,21,22,24	41:21 42:7,8	194:3
Reiter 3:6	175:7	112:25 113:12	42:14 48:1	representative
reject 117:22	report 6:15,17	113:12,14,21	52:19 53:7,12	9:8 10:23
related 62:6	6:18 11:13	113:25 114:2	56:16 81:10,11	represented
82:12,22 93:10	19:9 26:2	114:13 115:5	81:12 82:19	3:13 9:22
127:13 132:9	40:11 41:3,6,7	115:25 116:9	98:17 103:14	representing
188:13	41:7,10,11,24	116:14 117:3	113:6,18,19	135:1
relates 211:21	42:6 43:9,12	117:13,15	121:21 123:9	reprimand
relating 38:24	43:13,16,21	118:18,21	123:22 124:15	108:12
187:2	44:5,6,13,22	119:14,23	126:5,11,12	request 180:25
relations 163:3	45:4,8,10,13	120:10,18	130:20 196:19	requested 77:17
relative 224:12	45:18,20 46:7	121:22,23	198:23 199:3	require 104:14
released 80:2	46:24 47:1,12	122:3,4 124:6	207:25 208:1,8	104:16 106:10
85:1	47:25 49:4,8	124:17,18	212:8	157:10 170:9

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

Page 26

required 31:4 54:7 84:4 86:10 193:16 202:1 218:20	191:20 responsibility 110:4,10 111:9 152:11 171:3 172:9 173:20 191:18,22,25	136:10,17,21 136:25 137:12 138:7 156:11 156:13,15 164:14 188:21 194:19,19,22 197:1	106:9 108:2,4 108:16 109:16 109:17 110:15 112:12,15 121:6 122:15 127:17 128:2 128:14 129:21 130:4,7,18,23 131:24 133:1,6 134:1,9 135:6 136:2 137:8,24 138:17 139:6 140:11,21 142:17 143:6 144:25 145:7 146:22 147:14 148:24 150:1,1 152:11,20,23 153:14,18 155:2 156:5 158:6 159:18 159:20,23 161:16,18,25 163:21 164:10 165:8,18 167:9 167:14,21 171:18 172:21 172:22,24 173:18,20 174:4,4,14 177:3 178:24 180:8,11,13 182:9,15,18 185:25 188:24 189:7 190:12 191:1,25 193:23,25 194:11 199:13 200:7,13,15 201:2,8,16,19 201:22 202:25 203:23 204:5 204:17 205:12 205:21 208:1 208:13 209:16 210:23,25 211:10,13	212:8 213:13 215:14 216:3,7 217:5 218:4 219:2,3,4,19 220:2,12,23 risk 162:5 risks 162:3 RO 40:17 41:3 41:10,14 102:15 106:4 131:4 rocks 71:16 72:2 73:1 rode 48:19 149:3,6 role 27:23 29:14 30:9 50:13 99:11 103:18 104:9 105:10 105:18 106:8 120:22 121:4 121:14 122:13 133:14 213:4 213:22 214:12 214:17 215:25 220:6 roles 20:1 51:19 63:6 64:9 102:9 113:5 138:15 140:16 217:5 roll 84:14,23 162:10 Roman 126:10 166:10 Ron 9:23 Ronald 4:3 15:18 16:14 26:4 143:21 room 54:4 Roosevelt 26:15 ROs 40:25 42:2 52:6,13,14,16 53:22 101:25 102:1,2,7 103:6,8 105:1 105:4 119:23
requirement 103:20	responsible 65:12,13 142:22 184:6	reviewing 12:18 18:7 99:7 116:7 119:5		
requirements 82:17 83:9	responsibly 159:22	reviews 156:4 156:18,20,21 177:12		
rescinded 82:4,8	rest 50:16 178:22	revised 123:10 Rhodes 106:6 ride 29:1 48:18 161:21		
rescinding 63:2	restrict 141:7	Ridgell 4:13 9:24		
rescinds 55:13 61:5 139:23 140:1	restructured 22:5	riding 29:10 149:11 218:13		
research 14:3 17:19 39:4 55:18 56:13 61:16,18	rests 161:6	right 10:1,2 11:6 13:6 15:3,4 16:19,23 18:6 19:19,22 28:21 35:11,16 36:20 37:11 41:20 42:4,7 45:11 46:2,13 47:11 48:20 52:3 53:18,20 57:13 59:9,18 63:8 65:17 66:7,24 67:15,15 68:17 69:18,22 70:15 70:24,24 71:7 71:9 72:7,7 73:16 74:7,23 76:3 77:25 78:4 80:10 86:7 87:3 88:10,11 89:7 89:24 93:16 94:12,13,15 98:17 99:1,9 100:10 103:3 105:2,11,16		
researched 37:21	result 67:14 resulted 210:15			
reserve 222:24	resume 150:12			
resources 15:11 15:12 26:25 28:16 39:24	retail 171:17 return 153:15 191:4			
respond 41:23 42:10 103:13 114:25 115:3 124:20 146:9 153:13	returned 22:3 reverse 64:4 67:8 80:4 200:14 revert 197:6			
responded 30:6 41:22 51:15,22 68:19 210:4,12	review 19:9 31:21,24 45:10 56:20 60:4 79:6,8,18 80:7 84:8 99:19 100:25 133:24 136:8 151:5 157:7,8 164:7 164:10,19 177:1,25 182:25 187:2 191:9			
responding 15:15 41:4,14 42:5,15 53:13 53:13 105:19 153:2	reviewed 11:10 11:11 12:2,5 12:21 13:5 31:23 45:11 54:24 81:4 84:9 87:23 100:6 123:3			
response 21:4 100:20 102:4				
responsibilities 12:20 24:18,20 27:18 138:15 140:17,23 143:20,24 144:1 147:17 152:14,15,24 154:3 159:14 173:23 181:18				

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

Page 27

201:21 rotate 203:6 rotated 16:1 rotating 14:9 146:22 rough 169:13 roughly 22:2 roundabout 170:5 routinely 206:13 rub 151:12 rule 6:11 34:21 54:14 81:18 84:18 112:12 114:12 123:22 123:25,25 rules 8:8 50:20 83:10 90:4 running 153:20 220:23	221:4 saying 25:14 34:7,11,12 36:13 46:10,11 51:8 54:2 57:10 63:2 69:12 85:3 90:23 92:15 102:17 107:22 108:5 129:22 142:21 147:11 147:21 175:25 178:12 181:25 182:11 183:3 186:23 216:4 218:18 says 33:23 52:6 55:13,22 56:8 57:5 61:5 75:5 75:9 90:8,10 91:19 94:24 103:8 110:3,17 112:1 114:17 114:25 126:5 154:21,23,23 168:22 172:15 172:17 173:22 174:1 175:11 184:25 185:17 202:11,12,15 203:14 215:3,8 216:23 sborkanscahil... 4:21 Scahill 4:15 scale 169:12,22 169:23 170:10 scales 166:15 167:25 168:2 168:14,15,18 169:7,8,15,17 scan 184:23 185:11 scanned 32:10 32:12 184:2,25 scenario 75:13 76:1	scene 41:22 42:2 42:10,16 49:9 51:5,23 77:23 78:2 115:3,8 115:13 117:8 124:20 192:7 192:18 213:5 214:14 216:5 216:14 220:1 Schalka 94:7,9 schedule 14:7,24 24:14 146:23 204:2 scheduled 203:12 scheduling 12:25 13:10 202:24 school 168:16 Scolaro 5:5 scope 107:17 111:1 118:25 119:18 120:15 122:10 136:7 207:12 209:12 212:25 scoped 144:25 score 155:8 158:19 Scott 2:4 9:15 36:22 108:20 138:21 167:16 215:5 Scott's 179:20 scott@loevy.c... 2:10 screaming 128:6 screen 86:16 se 26:7 30:12 sealed 177:4 search 188:7,9 188:10,13,19 189:3,6,6,8,9 189:11 193:16 193:20 215:20 216:1,13 searched 103:23	103:25 171:18 171:19,20 214:7 216:5,14 217:16 218:1 220:7,14 221:16 searches 86:15 searching 217:13 season 20:18 seat 211:21 221:10 second 43:4 49:3 49:8 51:8 52:2 85:10 90:13,13 90:15,16,19,20 90:22 110:17 110:18 114:18 115:6,7 123:14 129:14 130:18 138:21 142:10 169:25 179:14 208:1,8,19,20 209:19 210:8 212:8 secondary 58:24 218:12 secreted 193:15 section 14:3 22:1,17 23:3,6 32:9,25 33:6 55:19 56:4,14 57:7 67:8 82:14 85:9 89:25 90:3 93:9 98:19 100:21 101:1,5 101:9 123:15 126:4,10,22 132:18 154:23 164:18 165:22 166:4,15 167:25 172:9 173:11 174:11 174:17 176:16 181:3,8,12,17 183:8,11 185:7	185:8 sections 46:1 90:4 94:14,21 sectors 27:5 secure 172:5,24 192:11,18,20 193:3 194:7 secured 183:18 securing 65:1 see 17:17,20 25:1,8 52:10 55:13 56:1 57:5,14 60:10 61:3,10 96:10 96:16 100:17 109:21 110:6 110:20 112:4 116:13 119:10 137:21 138:2 138:12 147:25 148:4,25 150:17,20 166:22 168:20 173:16 195:16 201:19 202:9 202:12 207:19 211:20 212:14 212:15 215:10 seeing 47:5 63:21 82:24 166:20 seek 111:21 169:15 170:8 seen 31:8 33:21 95:13 152:6 188:22 segments 202:22 202:23 seize 187:17,19 190:12 seizes 172:13,23 173:1 174:1,2 174:12 seizure 191:3 select 25:15 selected 22:6 self-explanatory
--	--	--	--	--

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

Page 28

31:16 33:22 sellers 71:23 selling 72:12,15 72:17,17,18 146:7 169:9 semantics 41:25 semi-annually 154:14,25 155:20,22 seminars 161:17 send 28:10 85:4 116:6 133:10 165:10,11 183:2 196:24 199:22 sending 162:9 203:20 sends 165:8 sense 32:24 45:25 59:13 67:12 88:18 106:16 125:19 172:17 189:4 201:24 202:25 215:18,20 216:17 221:22 sent 20:5,9 21:4 25:13 54:17 144:5 166:4 separate 40:12 189:22 202:18 separated 29:9 210:14 September 20:14 sergeant 16:21 16:23 21:8,9 21:11,12,12,13 21:13,20,25 22:8 23:11,18 27:12 28:11,19 28:20,23 30:4 31:6 64:1,3 147:17 152:13 152:17 154:2 155:14 156:6 156:21 159:1	159:14 160:11 160:17 161:3 176:18,18,19 176:21 177:5 177:12,22 178:4,21,23 180:17 181:18 181:22,24,24 182:4,19,20 183:23 185:3 191:8,9 192:5 214:3 219:16 sergeant's 160:12 191:18 191:25 sergeants 12:21 23:5 152:8,11 154:13,24 serial 135:11,12 seriousness 179:12 serve 132:19 134:15 144:24 183:16 served 140:19 217:11 service 210:13 Services 165:22 166:4 183:8 serving 133:5 134:18 215:20 set 11:12 14:22 25:12 38:10,11 44:25 58:4 70:9 80:5 92:2 96:16 104:11 105:4 106:3 109:19 111:11 126:13 147:6 160:12 186:4 203:2 204:7,20 204:23 224:6 sets 67:18 80:3 95:16 156:8 setting 104:23 seven 97:1 161:18	sex 22:14 129:6 130:7,9 sexual 128:24 129:2 163:3 sexually 130:2 share 167:16 206:22 211:11 shared 95:14 206:13 sheet 62:2 65:20 65:20 66:20,22 75:10 97:14 sheets 42:25 48:22 66:10 SHEILA 1:6 shift 16:9 206:13 shifted 24:16 shines 148:8 shoe 193:17 shoelaces 121:16 shooting 24:24 147:22 short 20:25 21:1 80:13 106:4 138:23 179:20 191:12,13 shortage 191:15 Shortly 22:4 show 18:17 34:2 34:6 41:10,11 50:12 64:15 91:13 92:20 98:24 109:2 147:23 179:23 184:4 185:12 186:6 188:17 189:5 showed 49:13 50:6 51:4,8 161:19 221:12 showing 25:4 216:11 217:4 shows 117:24 209:1 sic 82:18 86:12 126:3 129:4 176:17 198:11	side 33:3 80:4 103:9 117:6 199:16 205:17 sig 49:13 sign 12:23 18:9 19:6,10,17 42:19,22,23 43:9 44:10,13 44:18,25 45:10 45:14,14,18,19 50:11 53:12 81:22 83:16 90:11,12,18,21 90:23 91:1 92:15 98:21 99:18,20 108:13 135:18 141:12 148:5 185:20 186:3 signature 19:13 43:1,3 49:3,7 49:13 82:16 90:15 99:10,20 99:23 105:10 112:3 114:18 117:5 222:24 signatures 43:7 90:1 130:19 131:22 signed 49:25 50:18 51:6 91:14 99:4 107:13,22,25 108:5,7 155:11 177:5 184:15 signers 50:21 52:11 signify 105:10 105:17,18 signing 8:12 44:22 45:4,21 46:9,19 47:12 53:7,23 83:9 83:10 90:5,13 95:10 96:9 98:15 107:13 130:20 132:6	132:20 133:8 134:3 similar 23:22,24 29:17 57:21 63:15 98:22 140:8 153:4,25 191:7 similarly 56:3 129:7 207:9 single 16:17 92:2 184:24 sir 10:1,16,25 11:5 17:8 18:10 28:22 35:6,19 38:21 40:15,19 54:23 60:11 61:4 63:9 91:21 95:21 96:7,11 110:7,16,21 112:5 114:20 119:11 123:2 130:17 151:25 152:2 168:1 170:22 196:17 200:8 202:7,10 202:13 206:9 208:3 209:3 sit 88:19 146:8 162:18 177:17 178:6 Sites 55:23 sitting 65:11 153:19 177:18 situation 26:9 49:18 52:5 54:2 68:22 116:2 210:15 situations 62:6 64:22 115:7 207:8 six 20:4 67:22 92:14 159:5 175:20 176:1 203:6,6 size 170:4 sized 169:15
--	---	---	--	--

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

Page 29

skills 224:11	108:20,25	25:6 28:8	square 215:10	state's 104:5
skip 181:16	126:9 129:17	32:18 37:1,3	stack 98:6	161:13 180:24
Skipping 175:11	141:21 156:9	38:22 45:5	stacks 84:11	185:17 186:5,6
slash 54:6	166:16 168:22	49:6 53:1	staff 20:13	203:1 213:24
slightly 43:25	184:11 189:15	59:24 62:13	stage 205:6	statement 69:18
52:24 143:13	195:21 210:8	67:13 73:13	staggered 15:5	96:10 101:22
152:13 188:9	215:2 219:22	94:25 98:16	16:24	106:18 107:1
small 215:1	sort 18:18 25:3	100:12 106:8	stamp 97:25	116:23 136:7
Smith 214:3	26:19 28:17	137:9 142:20	137:22,25	statements
219:24	30:9 74:14	147:19 200:13	stamped 100:2	107:5
smoking 72:13	81:18 124:4	218:15	stamps 138:3	states 1:1 9:11
72:16	128:25 129:1	specifically 13:5	stance 221:3	123:9 161:14
snack 179:4,5	132:14 141:7	15:2 26:11	stand 41:12	188:14 190:9
society 127:22	142:11 157:12	33:11 40:25	107:5	190:18 191:12
softball 169:14	159:12 174:4	41:5 52:22	standard 58:4	station 47:10
softball-size	sound 147:9	54:15 62:4	151:2 157:13	64:22 77:6
170:7	sounds 179:10	67:21 70:4	159:25	86:13,18
sold 70:11,16	179:20	83:17,20 85:10	standards 81:10	103:24 120:25
sole 193:17	source 58:24	96:8 97:20	126:5,11	148:7 169:6,21
solemnly 10:4	South 2:15 3:7	106:2 120:2	159:16,18	174:24 176:20
solicited 72:9	4:17 21:20	126:23 130:19	stands 41:17	178:20 192:13
soliciting 69:21	southbound	143:22 175:22	stapled 167:3	192:22,24
70:24	106:5	183:13 189:12	star 19:12 90:14	193:14 216:6
Soltis 214:3	Spaargaren	212:14 219:11	92:21 99:2,21	216:13 217:11
219:24	94:9	219:20	110:19 112:3	220:15 221:17
solve 148:20	space 218:3	specificity 13:3	114:17 203:25	statistics 145:23
somebody 42:7	spaces 90:12	specifying	start 39:25	status 20:6
49:21 108:6	speak 189:1	174:19	72:13 89:24	29:11,12
134:9 148:4	special 6:12,13	speculate 176:4	142:14,15,18	157:10 183:25
151:11 171:17	6:14,24 7:3,5,7	speculation	156:3 167:12	stay 24:16
171:18,23	7:9,11 11:10	119:20	183:6 194:17	192:23
172:6 205:23	18:12 22:13	spell 10:12	started 31:3	stayed 20:22
somebody's	23:5 55:2,20	198:8	39:16 53:3	21:5,22 22:2,9
108:14 172:19	59:22 60:7,12	spelling 124:23	61:16 89:18	22:15
175:2	62:5 80:11	spells 104:1	141:7 157:24	staying 115:20
someone's 28:3	84:21 136:25	spend 16:8	starting 76:23	steady 24:14
80:2 90:24	137:5,6,11	spending 21:9	82:10 140:21	stemming 64:7
124:23 189:5	139:9,18	spent 20:4 21:13	174:9	Steve 4:14 9:24
somewhat 48:21	142:24 154:2,5	21:20	starts 56:2 60:8	sticking 215:2
65:13 173:16	189:17 194:25	spikes 28:15	75:6 91:19	sting 67:8
215:16	195:15	spit 57:24	166:23 207:4	stings 64:4
soon 194:9	specialized	spoke 36:24	215:8 219:6	200:14
sorry 38:1 42:22	150:15	spot 34:17 70:14	221:5	STIPULATION
63:19 83:2	specific 11:4	70:16,23	state 8:11	8:1
84:19 90:17	12:17 13:2	spots 53:11	132:17 135:1	stock 199:13
100:9,11,13	14:22 15:25	70:10 71:13,25	181:6 201:11	stolen 220:22
104:15 105:23	18:7,11 19:19	squad 163:4	224:2	stood 40:10 41:3

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

Page 30

stop 30:6 37:13 88:12 148:5 211:19 213:16	166:7,15 subsequent 193:20	supervised 21:19	45:18,19,23 64:9 76:24	54:9 104:23 106:3 147:6
stops 33:3	subsequently 51:24 87:22	supervising 29:17 34:7	81:15,16,20,25 84:7 110:22	220:8
store 143:7	115:11 220:24	163:11	112:6 123:12	suspect 213:17
stored 32:12 155:10	substance 57:17 71:9 88:21,22	supervision 152:10	124:6,7,9,10 126:24,25	suspected 163:23 164:11
strategy 145:16	110:9 129:12	supervisor 15:24 27:22,23	144:25 152:19 152:23 163:15	164:15 174:19
street 2:6 4:6,17 8:5 57:9,17,22	132:16 171:21	27:25 29:24	172:10,12,23 172:24 173:1	176:1
58:17 77:18	175:21	30:18 31:3,12	174:10,12	swallow 194:5
106:6 118:9	substances 57:10 166:1	34:3 87:23	175:18 180:23	swear 8:12 10:3
129:1,12 168:9	168:11	115:21,23,24	181:22,23	10:4
175:12 189:9	substantiate 95:7	117:7,24	182:2,11,14	switch 136:2
strictly 70:14	substantiated 79:20	118:15 130:21	186:4 190:7	sworn 142:3
strike 104:15 160:11 206:11	substantive 82:3 83:1,3 124:13	149:1,8 153:11	191:9 215:12	183:16 224:7
stringent 141:4	173:15	155:16 157:3,4	215:13 216:23	system 12:7
stripped 162:15	substantively 80:7 166:13	158:2 159:17	supremely 157:25	13:16 15:21
structure 18:25 145:14	sudden 146:21 192:10,15	159:20 160:10	sure 10:13 14:2	16:2 18:1 23:4
stuck 191:15	sufficed 59:1	160:11 163:10	14:20 19:3	37:23 39:21
stuff 18:4 71:13 117:22 161:21	sufficient 111:21	176:21 177:24	20:2 33:25	57:21 58:6
192:21	suit 143:17	178:7,21 206:8	36:8,11,18	69:8 82:13
sturdy 199:17	summarily 11:11	supervisor's 29:8,23,24	55:7 58:21	84:5 154:20
sub 73:25	summarize 101:19	31:8	66:6,17 80:17	155:6,18
subcategories 40:14	summary 106:25 137:1	supervisory 30:9	93:25 95:14	156:24 174:21
submit 31:24 43:13 74:1	sun 92:2	supplement 20:12	98:10 105:15	175:8 185:10
91:5 150:11	super 146:16 179:13	supplemental 20:17	116:3,8,17,21	186:8 195:17
165:22 166:2	superintendent 56:23 57:1	supplied 66:8 76:21 77:9	116:22 129:13	196:16,19,21
180:16	superiors 25:23	78:12 119:6	132:1,6 133:22	196:21,22
SUBMITTED 224:25	supervise 152:19	120:1 134:11	134:10 135:10	197:2,4,5,6,9
submitting 43:16 44:6		support 20:19 25:17 77:16,19	135:16 138:22	203:20
74:3 127:14		78:7 102:10	147:24 151:23	systems 18:3
197:10		107:5 181:13	159:15,23,24	196:2
subordinates 153:13 156:22		supported 119:7 107:2 220:8	163:18 164:19	
subordinates' 154:14,24		supporting 107:2 220:8	176:2 177:1	T
subpoena 185:21 214:1		supports 119:4 28:12 31:18	182:8 187:22	table 177:18
subsection 166:6		supposed 15:15 42:19,22,23	189:10 190:25	204:9,13 205:7
		44:10,22 45:3	191:10 192:4	205:13
			195:6,16 200:5	tact 12:19 13:15
			203:13 214:20	14:8,17 15:7
			surmise 134:22	18:17 21:12
			surveillance 25:11 30:12	23:16,18 24:6
			49:17,19 51:10	28:4 29:25
			51:12 52:8	30:10,18 31:25
				36:25 48:1
				60:16 65:21
				71:25 138:11
				138:12 140:13
				140:18,20

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

Page 31

142:15 143:1	153:22 172:5	15:1,2,7,16,17	158:25 159:15	147:19 151:9
144:1,11,24	178:20 179:15	15:22,24 16:3	159:15,19,20	179:4 180:3
145:18 146:4	179:15,25	16:3,4,5,5,6,7	160:12,15,22	tendered 38:12
146:13,18	190:7,9 192:9	16:11,11,14,19	161:3,4 162:11	term 53:9 64:6
147:14,17	192:17 194:8	16:19,19,20,22	172:7 177:12	terminal 86:12
150:8 152:13	200:7 210:2	16:23 17:2,10	178:4 206:12	86:22 87:8
152:20 153:22	212:11 220:17	18:8,13,14	206:14,23	terminals 86:13
154:18 156:23	taken 8:4,7 23:1	21:1,2,13	212:21,21,22	terminated
194:25 206:14	127:6 191:7	23:11,12,15,16	213:16 214:1	180:23
219:15	224:5,11	23:18,19,22,23	219:15 221:1	terminology
tactical 12:25	takes 207:3	24:2,6,8,9,19	teammates	77:18 129:1,12
13:10,17 14:21	Talia 1:25 8:10	24:25 25:12	133:20	terms 12:2 30:9
14:25 15:1,16	9:4 224:22	26:5,5,13,17	teams 13:15	32:17 33:3
15:17,22 16:11	talk 19:5 36:1,2	27:11,13,17,18	14:8,17 15:5	36:23 41:20
16:13,14 18:8	36:4 38:18	27:20,21,24,25	15:12 18:17	42:5 45:24
18:13,14 20:25	62:15 107:18	28:1,9,20,24	23:10 36:25	47:19 48:1,13
21:2 23:10,11	115:21 117:9	29:2,17,18,19	37:1 48:1,16	49:16 55:7
23:12,15,22,23	117:25 142:3	29:20,25 30:10	64:15 65:7	58:18 59:5
24:2,8,19	148:2 150:21	30:13,18 32:1	75:7 76:22	60:13 64:10
26:13,17 27:11	162:23 163:9	34:3 36:23	136:11 137:15	65:6 67:21,23
27:24,25 28:6	174:17 180:9	45:15 47:8	137:16 140:9	68:18 71:21
28:8 32:1	194:20 209:15	48:4,23 49:22	140:14 142:15	72:5,21 76:6
36:23 37:1	talked 85:11	54:11 60:17	142:21 143:8	76:23 77:16
63:11,24 64:1	107:12 111:4	63:11,24 64:2	144:11,24	78:16 80:1
92:6,8,11,14	125:11,14	64:13,14,20,22	154:5 194:25	81:9 89:5
115:17 136:5	128:10 131:8	64:25 65:4,5	teams' 154:3	101:21 102:5
136:11 137:15	153:7 181:18	65:21 67:3	technicality	102:10,24
137:16 141:2	195:23 197:18	75:19,24 76:14	176:14	103:13,15
142:3,21	201:1 208:17	77:1,1,4 92:14	Telephone 2:9	104:2 105:12
143:20,21	talking 36:25	104:24 105:4	2:18 3:10,20	108:11 112:24
144:5 150:6,9	42:1 46:11,24	115:17 133:19	4:9,20 5:9	124:15 125:17
152:8 154:3,5	47:1 90:4	136:5 138:11	telephones	131:17 132:1
154:13 156:12	94:12 95:19	138:12 140:18	183:21	132:12,17
156:21 158:25	106:12 108:10	140:20 141:2,5	tell 13:15 17:16	138:8 145:24
159:15 161:3	113:11 125:4	142:3 143:1,20	29:22 37:5	160:1 165:4
168:13 177:12	189:18 200:1,6	143:21 144:1	68:9,22 77:2	172:1 183:20
178:4 206:7,7	201:12	145:12,19	84:14 97:20	213:22 216:4
206:11,12,23	talks 85:10	146:4,14,18	100:22 101:25	test 111:5
212:21,21,22	126:23 130:18	147:2,7,14,17	102:7 117:16	170:13
213:15	131:10,16	149:14 150:4,7	123:6 128:15	tested 170:18
take 9:7 35:2	154:2 168:2	150:8,10,13,14	148:24 161:3	176:11
59:23 60:7	171:2 176:16	150:20,21,24	187:10 190:11	testified 98:13
85:9 92:5	180:14 181:17	151:13 152:8	203:15 214:4	testify 11:3 35:2
93:24 105:7	Targeted 21:3	152:21,21	220:4	35:18 36:14,16
139:12,18	team 12:19	153:1,22	tells 124:9	38:25 76:11
146:6 148:18	13:18,19 14:9	154:13,19	189:13	97:1 113:2,2,4
150:10,25	14:13,21,25	156:12,21,23	ten 28:1 147:5	114:6 134:24

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

Page 32

224:7 testifying 37:12 testimony 10:5 57:6 222:8 testing 163:23 164:11,15 165:1,5,8 166:5 Thank 10:8 126:19 214:18 214:22 Thanks 34:19 94:1 122:24 139:14 167:20 222:21 That'd 49:2 theft 171:17 thefts 123:25 theirs 148:13 themselves 208:18 then-Comman... 22:7 theorize 176:2,6 theory 28:2 70:17 89:19 111:18 193:21 203:13 210:17 213:20 they'd 14:25 68:10 70:25 191:13 thing 28:5 43:22 44:4 54:1 57:3 57:8 61:24 62:16 70:18 74:2 81:18 91:19 94:25 95:15 104:20 126:23 129:7 135:23 138:9 159:19 167:6 176:13 185:23 191:9 193:6 197:7,18 202:4 202:14,16 203:14 205:2,5 205:15 212:10	219:24 222:8 things 12:4,5 25:6 30:16 35:25 38:9 39:17 62:13 63:11 64:14 66:18 67:20,24 70:9,11,20 71:13,14,24 73:5 85:20,22 92:4 94:18 95:7 101:13 102:12 113:7 116:12 124:13 124:24,24 125:12,14 134:8 135:9 143:7,9 146:5 146:12 147:24 148:9 150:21 151:8 152:22 153:7,10 158:3 158:11 159:13 161:9 162:4,13 162:15,21 163:8 164:20 172:10,12 173:2 174:10 183:22 186:16 192:16,20,20 195:23 196:25 202:11,18 215:23 think 17:12 18:21 19:22 22:12 23:16 29:21 31:13 33:6,19 34:5 35:2 36:10,13 36:17,20,23 37:5,9 38:17 41:19,24 44:16 50:14 51:1 52:17 53:2 54:8 57:20 58:7 62:9,12 85:7 94:12	97:20,22 98:4 98:13 104:2 111:3 112:8 119:21 122:16 124:8 125:7,11 125:25 127:5,7 127:18,21,23 128:13 131:8 131:10,20,21 136:10 137:15 138:8,9 140:2 141:4,17 144:7 146:19 149:1 152:9 155:6 157:20 158:14 159:4,5,17 160:14,21 161:2,2,5,24 162:20 164:1 165:15,19 166:13 172:16 173:4 174:4,5 175:14,15 179:13 181:18 187:25 189:19 189:21 190:1 197:7,19 198:25 199:8 199:14 201:23 205:21,23 207:11 210:3 211:17 215:15 215:22 217:2 218:25 220:16 thinks 163:6 third 2:7 24:13 142:10 157:21 166:21 167:23 thought 96:3 113:21 176:15 three 20:7 21:23 23:21 24:15 48:20 53:12,13 53:16 54:7 74:10 90:24 92:7,10,14 107:22,25	108:5 141:14 218:14 221:13 three-man 54:3 218:13 three-person 28:4 threshold 187:20,24 188:10 thrown 176:8,14 ticket 86:4 tie 207:13 tied 85:22 89:9 91:3 186:19 ties 105:15 time 9:6,6 11:17 13:23 18:19,22 18:24 20:25 21:1 22:4 23:25 24:1,12 24:15 30:16 33:1,4,24,24 34:1 35:11 39:18 40:2,5 42:14 43:2 45:12 48:2 58:17 60:14 61:19 66:21 67:19 68:12 69:1 71:24 74:6 80:8 85:19 89:3 94:3,6 96:4 99:14 106:4 113:22 114:11 114:23 118:4,8 118:13,14 123:17 127:8,9 127:19 139:17 140:5 141:8,10 142:14,16,18 146:25 153:21 154:18 155:16 156:5 157:6 159:10,12 161:20 164:1 176:25 179:25	181:2,15 187:17 190:14 191:1,7 194:12 194:15 203:3 207:6,23 208:24 209:23 211:22 224:5 times 25:22 69:16,18 70:19 87:15 92:7 99:11 102:1 124:1 128:21 134:12 146:4 148:9 162:13 164:18 172:4 178:9 193:5,18 timestamp 33:13,23 tip 66:1 title 19:7 137:14 174:3 224:6 titled 60:9 188:18 titles 173:16 To-From-Sub... 166:2 today 9:4,5 10:23 25:22 35:18 36:4 37:15 38:6,16 38:19 55:11 60:5,19 95:8 125:23 127:9 127:22 146:7 152:4 154:11 154:19 160:4,5 161:11 162:12 183:15 184:17 194:20,23 195:7,24 197:1 197:5 218:15 today's 11:7 43:6 123:4 177:8 token 119:22 told 69:24 161:9 tolerate 160:25
---	--	--	---	---

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

Page 33

tomorrow 204:19	83:15 131:3,3 161:16	154:16 159:3 160:3,6 190:1	19:16 41:1 54:8 85:20	underneath 43:20 62:1
tone 160:12	transact 70:18	198:25	91:5 115:15,16	132:14
tool 143:2	75:21	Tuesday 16:15	116:12 117:24	understand
top 46:5,10	transaction	tune 28:12	129:5 142:14	10:23 36:8,13
112:12 114:10	78:21 115:10	turn 32:5 166:14	169:9,11,13	36:15 43:15
123:24 133:20	transcript 8:13	175:3,4 177:9	170:4 172:3	99:4 103:3
205:16	223:2,3 224:5	180:13 181:14	176:23 178:11	121:6 124:19
topic 35:15 37:7	224:11	186:8	178:14 190:19	136:6 147:12
37:8 40:14	transfer 24:11	turned 210:15	typing 44:4 65:7	158:1 160:23
131:8,9,11,16	150:15	turns 30:14	118:10 133:17	199:8 222:5
136:3,4,7,9	transferred	two 4:16 11:8,9	typos 124:22	understanding
163:22 179:14	20:23 21:3,6	11:9,16,16,22	<hr/>	18:16 36:24
179:22,24	21:22,24 24:7	21:21,23 23:17	U	37:2 39:10
186:25 187:3	32:8 185:13	23:20 24:15	U 1:5	55:18 59:10
topics 11:4 35:1	transit 183:25	33:20 41:8	UCR 46:15	96:14 98:14
35:5,17,23	185:5	42:12 47:3,4	68:10,23,24	143:19,23
36:3,7,17	transmittal	47:13,15,20	86:24 123:13	170:15,23
38:17,22,24	184:11,17,21	48:9,9,11 49:4	123:18,20	unethical 88:16
62:10 94:14	transpired 67:1	49:4 50:11,17	198:24	uniform 13:16
131:11 209:12	77:2 105:7	50:21 52:10,13	Uh-huh 22:21	14:6 15:3
total 11:17,18	107:1 114:7	53:6,11 55:17	23:24 44:20	unique 174:25
totality 102:24	214:13	66:18 67:22	45:16 49:5	unit 21:4,4
122:1 210:1	transport 65:14	69:3 85:22	61:7 85:13	22:14 23:7
211:3 217:17	77:5,5	86:2 92:13	90:2 93:11	48:22 56:6,7
217:18 219:3	transportation	98:2 105:9,13	98:12 109:12	86:12 110:19
touched 184:4	65:1	108:7 115:17	110:2 115:22	210:12
touches 131:8	transported	137:25 153:20	118:5 131:13	United 1:1 9:11
tour 91:2 153:24	47:8	176:8 191:15	137:4 166:12	161:14 188:14
206:12	tremendous	202:18,22	167:24 168:4	190:9,18
track 17:13,14	143:11	203:7,25	171:5,11	191:11
traffic 20:9,12	trial 104:6 181:5	218:10 220:25	172:11 173:14	units 25:18
20:12,19 30:5	185:20	two-hour 142:18	180:18 181:20	150:15 168:13
30:5 87:17	trick 149:24	two-man 28:2	201:3 204:10	177:19 183:15
115:11 205:5	true 43:17 135:5	two-part 44:17	ultimately 43:11	unlawful 56:2
211:19	224:10	two-person	57:1 58:18	69:21
trained 39:19	trustworthy	90:10 91:20,22	156:24 162:2	unwritten 35:12
training 12:15	159:9	92:6	169:18 173:8	38:23 39:1,2
20:5,8,8 21:10	truth 10:6,6,6	twos 203:6	unable 90:17,25	ups 206:3
22:22,25 23:3	224:7,7,8	type 24:25 33:19	unavailable	use 14:9 40:16
31:14,18,19	try 148:19	65:10 86:24	90:17,18 91:2	40:20 42:11
35:13 39:4,5,8	163:18 168:17	185:10	undercover	58:1 69:18
39:9,10,11,15	trying 36:15	types 63:7	64:24 67:3,6	71:3 74:25
39:17,22 40:1	57:20 70:13	typewritten	underlined	75:1,15 89:4
40:20,23 41:17	106:9 128:18	224:9	55:21 56:2	105:5 111:4
42:18,21 45:3	130:14 144:7	typical 117:8	underlying	126:25 128:25
45:5,9 81:13	150:2 151:9	typically 17:7	134:5	129:21 145:8

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

Page 34

168:17,17 169:22,25 185:19 197:4 199:12,16,20 200:21 201:16 user 12:6,8,15 37:24 39:23 196:1,1 usually 41:21 48:5 87:14 99:21 192:8,21 Utilize 75:9 utilizing 61:16	verify 51:11 117:3 133:24 134:5,8,13 135:10 182:2 191:22 verifying 133:8 version 34:22,23 55:14 137:1 138:3 139:5 155:5 165:17 195:2,4 218:16 versions 40:7 42:24 55:17 versus 29:17 124:3 149:11 vest 193:4,11 VI 172:9 vice 6:15,17 41:2 42:19,23 43:23 44:8,10 45:4 45:18 46:24,25 46:25 47:1,12 49:4,8 50:21 53:11 57:7,18 58:23 64:7 69:10 93:4 97:15,24 100:2 100:8 101:5,8 111:24 112:1 113:14 114:12 115:25 120:10 121:22 129:8 208:14 209:6 210:24 211:7 212:12,23 213:18 215:12 vicinity 49:19 victim 128:5 130:1,8,11 video 8:3,7 223:2 videoconference 3:22 4:11,22 5:11 videographer 5:13 9:3,4 10:1 94:2,5 194:11	194:14 videos 161:23 view 87:16 115:10 viewed 87:17 violate 108:8 violated 108:8,9 violates 107:14 122:7 violation 107:23 115:11 121:20 132:17 violence 25:4 28:15 143:12 148:20 visibility 25:3 147:24 visual 20:20 vividly 157:22	159:21,23,24 160:24 161:20 176:7,10 179:16 186:13 189:5 192:9,13 195:5,13 203:2 205:25 208:15 212:10 223:7 wanted 37:6 139:1 151:6 186:17,19 200:17 202:4 213:24 wants 106:15 179:16 186:10 war 145:15 148:14 warrant 188:13 189:6 warrants 188:7 188:9,10 wasn't 48:5 51:2 51:14 58:1 61:18 67:15 95:11 101:17 127:13 128:2 130:5 148:23 160:5 162:1,10 169:12 177:21 178:10 186:19 190:12 192:2 193:6 195:1 198:18,20 199:14,17 208:19 209:7 209:20 210:6 218:5,14 220:1 watch 21:2,12 24:7,17 31:25 79:2,17 80:1 119:5 140:15 142:4,9,10,11 142:11 146:8 150:17 157:21 watched 34:8 watches 15:6 16:25 140:16	142:7 watching 178:15 Watts 1:12 4:3 9:9,23 15:18 16:14 17:2,10 26:4,5 120:9 120:18 143:21 149:10,10,14 150:4 214:3 219:25 way 14:1 15:10 18:4 32:22 38:7 50:16 58:14 65:10 68:25 69:1 74:18,22 76:24 87:2,6 103:4 106:23,25 107:8 112:22 123:12 127:13 127:20 135:10 146:6 149:7 151:13 152:9 158:4,7 160:4 160:4,16 167:3 192:12 200:15 204:1,7 207:5 210:20 219:8 219:19,20 224:13 ways 69:4 72:10 86:6 153:1 we'll 14:9 19:1 49:6 99:10 186:1,1 201:16 we're 18:19,22 34:20 36:3 38:15 40:3 47:1 51:1 54:16 59:18 74:13 75:20 80:10 84:4 89:7,8,10,20 91:5 107:21 108:16 113:14 114:22 122:15 122:16 132:2
V		W		
V 166:15 167:25 vacation 202:20 vague 160:13 VALDERRA... 1:5 valid 124:14 valuable 161:13 value 57:9,17,24 58:3,6,17,18 58:19 59:3,15 168:9 175:13 176:12 values 57:22 168:19 various 21:5 98:18 vary 44:12 vault 181:9 186:1 vehicle 77:5 103:9,12 105:5 105:6 106:5 116:18 117:20 221:6 venture 61:24 verbally 91:11 verbatim 127:1 127:7,10,12 128:16,18 verified 130:6 181:13 verifies 185:3		Wacker 3:7 wait 175:3 192:16 waiting 65:11 waived 8:13 walk 19:25 21:18 49:7 81:16 131:24 196:1 walk-in 86:23 walks 19:8 81:8 wallet 216:19 217:16 220:15 221:17 want 24:4 53:23 75:18 80:13 87:16 92:23 113:17 125:13 127:24 128:15 130:20 134:3 134:10 135:9 135:15 139:7 139:12 140:4 146:1,17 148:1 151:1 153:19 156:5 159:19		

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

Page 35

133:9,22 136:2	35:1 39:15	107:21 113:11	206:7	89:20 97:1
136:12 139:24	48:16 52:18	119:3,21	working 13:15	99:15 103:13
147:7 148:4,7	58:5 68:2,16	120:21 121:25	14:12 15:5,8	112:23,24
148:13 151:13	69:13,15 72:12	122:12 125:6	16:3,3,6,8	113:1,20,23,25
151:15 154:21	72:14 75:16	126:19 128:16	17:10 26:8	115:6 118:18
157:19 163:21	81:24 94:17	132:20 135:3	45:11 48:13	121:2 128:22
164:20 171:7	106:21 107:3	139:2 160:14	64:23 68:8,11	128:22 129:21
176:3 180:2,10	145:5,7 155:12	165:15 166:23	76:24 90:10	130:11 135:20
191:4 192:8	160:4,6 162:2	208:10 209:25	91:20,22 92:6	135:25,25
194:11,14	169:18 170:4	211:2,16,17	92:11,14	146:15 151:7
200:13 201:15	181:5,5 184:4	213:3,20	114:24 115:9	176:10 179:3
204:17,17	197:5 220:14	214:20 215:19	133:18,19	181:14 193:11
212:1,2	weren't 25:6	215:21 216:8,9	140:10 144:16	193:12,20
we've 44:1 85:11	45:13 59:11	216:15 217:1	145:4 146:21	199:9 203:12
107:12 115:20	72:16,17 77:8	217:12,15	148:11,22	208:18 210:8
125:24 131:8	82:10 103:3	218:20,24	159:11 169:22	wound 141:18
131:18 144:9	116:20 127:8	219:16,17	171:19 177:19	wrapping 194:9
147:25 181:18	127:14 128:11	222:2 224:4	203:12 206:11	write 19:12
186:14 194:21	169:4,17	witnessed 53:6	208:17 210:13	39:19 44:1
195:23 220:18	178:19 195:18	53:15,16,19,22	210:18 212:1	65:16 81:15,20
wearing 127:8	199:13 203:19	215:4,9,14,18	212:21	85:18 106:16
web@halemo...	203:19 208:5	216:2,7 217:7	works 47:22	106:23 113:25
3:21	213:8	217:10	142:10 176:19	115:5 199:16
webpage 12:13	West 3:17 4:6	witnesses 218:19	worth 59:13	199:21
website 12:11	5:6	221:20	135:13	writes 106:2
140:7	whatnot 128:23	witnessing	would've 15:23	writing 17:21
WEDNESDAY	When's 204:17	218:25 219:1	19:17 31:20	18:17 42:6
8:6	white 175:21	word 128:11	32:1 37:22	83:19 103:5
weed 70:24,25	whoever's 43:11	130:11 217:20	42:5 45:6 48:2	106:14 128:16
week 11:21	44:4 96:14	words 14:8	48:3 58:25	145:23 207:14
34:22	99:7 191:21	42:12 73:24	59:1 60:15	written 35:12
weeks 11:22	wider 144:25	99:11 175:19	79:15 83:18,21	55:10 62:24
20:9	William 3:15	181:5	107:10,11	83:21 96:2
weigh 168:22	9:21	work 17:7 23:14	108:8,9 109:19	97:6 98:14
169:16 170:13	willing 160:25	24:20 25:1	116:15 121:4	107:10 127:20
170:16 182:4	window 20:16	30:18 56:25	121:10,11,13	131:2 140:22
weighing 169:6	Winstrom 22:7	115:21 144:13	123:15 143:25	152:10 216:22
176:1 184:7	wire 12:11,12,13	144:14,14	174:7 195:5,9	218:21 219:19
weight 57:23	37:24 38:3	146:7,17,17,22	195:9 210:9,9	wrong 37:5
58:20 59:17	wish 179:11	146:23 147:4	wouldn't 14:25	109:1 124:24
168:3,8 169:4	withstand	152:18 158:7	18:5 29:9	128:15 146:11
169:4,5,11,19	159:11	158:10 183:11	33:10,11 42:14	151:13 167:3,4
169:19 175:12	witness 8:12,13	203:6	50:14 63:1	167:6,7,10,15
Wells 136:5	9:20 10:7	worked 20:24	67:10 71:9,11	wrote 65:16
went 20:14,15	62:11,20 73:11	23:10 24:17	73:25 74:1,23	106:24 112:22
21:2,19 24:7	93:25 100:24	53:14 59:10	74:25 78:23	175:5 222:6
24:16 31:13	102:4,19	143:10 149:22	80:16 82:5	

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

Page 36

X	202:21	111:13 112:15	13A 35:8	1985 123:10
X 67:4 72:11	years 10:21	112:16 113:20	14 7:9 82:7	127:21
Xavier 161:23	19:24 20:1	113:23,25	164:1,2,5	1996 55:14
161:23	21:21,23 22:23	114:2 123:16	165:14,17	1999 13:24 20:3
Y	23:17,20,21	126:10 134:17	166:8 167:12	35:14 39:16
Y 67:4	24:15 29:16	134:25 135:23	167:14 171:8	40:2,5 68:25
yeah 26:21	72:23 141:5,14	158:17 172:20	173:11 174:11	71:18 79:24
27:15 29:21	149:18 170:24	174:1 199:23	14-06 6:25	80:8 83:13
34:8 36:22	198:19 219:15	199:24 221:3,9	14-day 202:22	140:22 190:11
45:12 55:3	yelling 69:20	221:11,12	14th 20:6,15,22	1999- 17:1
58:10 59:22	129:10	1,000 189:15,16	15 7:11 23:17	19th 21:6
60:13,14,17	young 163:2	190:16 191:11	28:23 108:22	2
61:14 62:23	Z	191:11	157:21 179:15	2 6:12 52:7
65:8 70:17	Z 67:5	10 6:4,24 58:2	187:6,8 188:18	53:22 54:5,16
71:22 78:17	zero 155:7	136:13,14,18	215:2	54:19 55:21
80:16,17,23	zip 193:11	136:19 140:22	1502 86:20	76:14 82:14
81:1,8 88:15	Ziploc 175:20	142:2 154:6	151 7:6	101:4 105:14
91:11,15 98:4	0	158:17	1512 144:16	132:18 187:18
100:13,19	0.1 59:12 169:10	10:03 8:6 9:6	1531 145:7	190:12
107:19 109:18	169:25	100 6:17 155:7	1561 14:9,13	2:05 194:12
122:22 124:15	01 24:5	158:6 218:17	27:13,17 28:20	2:10 194:15
124:16,24	02 24:5,5,6 72:1	108 6:19	28:23 29:14,17	2:42 223:9
125:16,17,25	03 21:3 24:4,6	109 6:20	29:19 48:24	20 4:17 21:14
128:1 131:20	72:1 82:7,10	11 7:3 139:17,21	1563 24:9 27:18	179:15 183:4
131:23 132:23	04 21:3	140:23 142:2	54:11	200 2:15
133:25 134:12	04/09/2024	154:7	15th 20:23,24	2000 20:23
138:22 139:2,4	224:25	11/28/2027	21:10,11 24:10	2001 20:23 24:4
139:4,6,16	0486 86:2	224:24	26:8,12,14	72:1 157:20
147:10 151:18	05-02 7:10	11:47 94:3	61:2 70:13	2002 79:16
154:9 156:23	06 140:2	11:57 94:6	86:24 143:10	2003 79:16
159:2 162:24	062165 59:19	11th 139:19	156:15	83:11 84:17,20
163:8 167:2,7	087418 136:13	12 7:5 105:2	16 15:16 108:25	2005 174:9
167:9,19 171:7	087423 54:18	151:17,18,19	109:1	2006 61:2 62:5
173:21 178:5	09-05-01 80:22	154:22 212:14	1600 5:7	62:23 66:10
179:1 180:1	1	122 6:23	163 7:8,10	2007 21:6,7,8
182:17 183:5	1 6:11 22:3 33:8	123456 85:25	168 151:16	2008 21:8 31:6,9
189:10 193:7	34:20,24 46:4	13 7:7 163:24	1700 4:18	31:20 156:6
193:25 194:2	51:13,19 52:6	164:4 165:17	177 167:1	2009 187:25
195:7 196:8,9	52:7,14 53:22	166:11,19	18 105:2 212:15	201 2:16
196:11 203:13	54:5 55:14	167:8,15 171:6	215:3,7	2010 29:20
205:14 206:2	66:2 69:12	171:7 174:15	187 7:12	187:25
207:10 211:15	73:7 75:23	180:13	18th 22:11	2011 29:20,21
211:17 213:2	96:15,20,22,23	13's 171:10	19 21:7 33:8	35:14 40:2
223:5	102:15 105:14	13-period	19-cv-01717 1:4	69:1 71:18
year 20:14 23:17		202:21	9:13	79:24 80:8
23:18 155:24		136 6:25	196 6:5	145:19 189:25
		139 7:4	1983 154:22	

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

Page 37

2012 13:24	30(b)(6) 6:11 8:3	209:6,19	62177 166:24
2012-time 17:1	8:7 9:8 34:21	210:24	62192 163:25
2013 21:14	93:20 94:17	47 118:3	62842 122:21
29:21	95:4,18 100:20	48 115:20	62850 122:16
2014 21:14	111:2 119:1	49 118:14	63 16:19,23
88:24	120:15 207:12	4f 180:14	67 29:20
2016 21:21	209:12 212:25		6th 8:6 9:5
2019 21:24 22:3	311 2:6 3:7 8:4	5	
2021 22:10,10	312 2:9,18 3:10	5 6:15 22:6,7,8	7
2022 22:15	3:20 4:9,20 5:9	97:23 98:3	7 6:18 97:18,20
2023 139:19	33 4:6	99:25 100:5,9	108:17,19
2024 1:24 8:6	330 3:18	100:15 101:3	110:23 118:20
9:6 139:20	34 6:11	111:25 208:13	8
2027 88:24	341-9646 3:20	215:2,8	8 6:20 105:2
206 6:6	35th 106:6 144:8	5,000 189:14	109:3,6,10
21 204:14	3812 108:22	50 115:21 182:1	111:8 202:5
211 104:1 106:3	3816 108:17	182:2,11,12,19	80 6:14
214 6:7	3D 48:19	182:22 183:1	854 97:25
2257 187:7	3RD 8:5	500 187:20,23	87422 136:13
23 140:2,3	4	188:16 189:18	878-1294 3:10
23rd 163:1	4 6:14 22:6 35:4	190:9	9
24 139:5 140:3	80:11,15 81:3	5200 3:8	9 6:3,21 122:16
24-06 7:4 139:18	82:14 96:6	53 3:17	122:17
243-5900 2:9	126:6,7,9	54 6:12	9-5-01 80:11
25 10:21 19:24	131:20,21,22	55 5:6	90 141:24
149:17 170:23	131:22,23,23	580-1030 4:20	98 6:16 141:24
219:15	139:20	59 6:13	98-13 7:8
26 203:1	40 74:17 101:4	6	984-0236 4:9
264 16:14	106:17	6 1:24 6:17	99 48:5 82:10
119:24,24	41 80:12 81:6	98:19 100:1,3	87:18,19
2700 4:7	422-9999 5:9	100:9,12,22	144:14 145:19
28 16:9	425 54:18	180:13 212:12	171:19 210:12
28th 11:21	427-3200 2:18	60603 4:8,19 5:8	
29 74:24	44 109:21 110:1	60604 2:17 3:19	
2nd 37:1,3	202:8	60606 3:9	
143:20	45 29:13 30:3,8	60607 2:8 8:5	
3	30:9 105:9,12	61 13:18 15:16	
3 6:13 35:3,4	107:14 110:17	16:19,20	
55:21 56:3,6	111:25 112:2	62 16:19,22	
59:19,20 81:24	113:22 114:12	621 166:16	
110:14 123:15	208:15	6211 167:23	
128:14	45-minute 34:1	62119 166:17,20	
3,000 59:13	450 190:6	62124 181:17	
3:00 179:19	46 105:9,12	62130 167:13	
30 74:11,17,23	107:14 114:16	62147 164:3	
100:2 183:2	114:16 208:15	62163 75:5	