

EXHIBIT 28

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION
4 JUDGE FRANKLIN U. VALDERRAMA
5 MAGISTRATE JUDGE SHEILA M. FINNEGAN
6 MASTER DOCKET CASE NO. 19-CV-01717
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ORIGINAL

10 IN RE: WATTS COORDINATED
11 PRETRIAL PROCEEDINGS
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22 DEPONENT: TIMOTHY MOORE ON BEHALF OF THE CITY OF
23 CHICAGO
24 DATE: MARCH 19, 2024
25 REPORTER: TALIA JACKSON

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<p style="text-align: right;">Page 2</p> <p style="text-align: center;">APPEARANCES</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE LOEVY PLAINTIFFS:</p> <p>4 Wally Hilke, Esquire</p> <p>5 Loevy & Loevy</p> <p>6 311 North Aberdeen Street</p> <p>7 Third Floor</p> <p>8 Chicago, Illinois 60607</p> <p>9 Telephone No.: (312) 243-5900</p> <p>10 E-mail: hilke@loevy.com</p> <p>11</p> <p>12 ON BEHALF OF THE FLAXMAN PLAINTIFFS:</p> <p>13 Kenneth 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: knf@kenlaw.com</p> <p>20 (Appeared via videoconference)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">APPEARANCES (CONTINUED)</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, RONALD WATTS:</p> <p>4 Aleeza Mian, 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) 984-0284</p> <p>10 E-mail: miana@jbltd.com</p> <p>11 (Appeared via videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:</p> <p>14 Gary Ravitz, Esquire</p> <p>15 Mohan Groble Scolaro</p> <p>16 55 West Monroe</p> <p>17 Suite 1600</p> <p>18 Chicago, Illinois 60603</p> <p>19 Telephone No.: (312) 422-0784</p> <p>20 E-mail: gravitz@mohangroble.com</p> <p>21 (Appeared via videoconference)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">APPEARANCES (CONTINUED)</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO AND</p> <p>4 TIMOTHY MOORE:</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 Kelly Olivier, 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) 500-2951</p> <p>21 E-mail: kolivier@halemonico.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">APPEARANCES (CONTINUED)</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, MICHAEL SPAARGAREN AND</p> <p>4 MATTHEW CADMAN:</p> <p>5 Jake Stortz, Esquire</p> <p>6 Leinenweber Daffada & Sansonetti LLC</p> <p>7 120 North LaSalle Street</p> <p>8 Suite 2000</p> <p>9 Chicago, Illinois 60091</p> <p>10 Telephone No.: (815) 993-4656</p> <p>11 E-mail: jrs@ilesq.com</p> <p>12 (Appeared via videoconference)</p> <p>13</p> <p>14 Also Present: Sydney Little, Videographer</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 EXHIBITS (CONTINUED) Page 7</p> <p>2 Exhibit Page</p> <p>3 9 - January 13, 2017, DOJ Investigation of 195</p> <p>4 The Chicago Police Department</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 PROCEEDINGS Page 9</p> <p>2</p> <p>3 THE VIDEOGRAPHER: We're on record. My name is</p> <p>4 Sydney Little. I'm the video technician, and Talia</p> <p>5 Jackson is the court reporter today representing</p> <p>6 Kentuckiana Court Reporters. We are located at the</p> <p>7 offices of Loevy & Loevy, 311 North Aberdeen Street,</p> <p>8 Chicago, Illinois 60607. Today is the 19th day of</p> <p>9 March, and the time is 10:02 a.m. Central. We are</p> <p>10 convened in person and by videoconference to take</p> <p>11 the deposition of Timothy Moore in the matter of</p> <p>12 Watts Coordinated Pretrial Proceedings, pending in</p> <p>13 the United States District Court for the Northern</p> <p>14 District of Illinois, Eastern Division, Master</p> <p>15 Docket Case number 19-CV-01717. Will everyone, but</p> <p>16 the witness, please state you're appearance, how</p> <p>17 you're attending, and the location you are attending</p> <p>18 from, starting with Plaintiff's Counsel?</p> <p>19 MR. HILKE: Wally Hilke for the plaintiffs,</p> <p>20 represented by Loevy & Loevy.</p> <p>21 MR. MICHALIK: Paul Michalik on behalf of</p> <p>22 Defendant City of Chicago and the witness, Timothy</p> <p>23 Moore. I'm attending in person.</p> <p>24 MR. FLAXMAN: Kenneth Flaxman for the Flaxman</p> <p>25 plaintiffs, attending remotely.</p>

<p style="text-align: right;">Page 10</p> <p>1 MR. RAVITZ: Gary Ravitz for Kallatt Mohammed. 2 I'm attending remotely. 3 MS. OLIVIER: Kelly Olivier on behalf of the 4 individual defendants represented by Hale & Monico, 5 attending remotely. 6 MS. MIAN: Aleeza -- 7 MR. STORTZ: Jake Stortz -- 8 MS. MIAN: Sorry. Go ahead. 9 MR. STORTZ: Jake Stortz -- go ahead. 10 MS. MIAN: Aleeza Mian for Ronald Watts, 11 attending remotely. 12 MR. STORTZ: Jake Stortz on behalf of the 13 Leinenweber defendants, attending remotely. 14 THE VIDEOGRAPHER: Okay. Thank you. 15 Mr. Moore, will you please state your name for the 16 record? 17 THE WITNESS: Timothy Moore. 18 THE VIDEOGRAPHER: Thank you. And do all 19 parties stipulate that the witness is, in fact, 20 Timothy Moore? 21 MR. HILKE: Yes. 22 THE VIDEOGRAPHER: Counsel via Zoom, do we 23 stipulate to the witness' identity? 24 MR. MICHALIK: Well, hearing no objection. 25 THE VIDEOGRAPHER: Okay. I'm hearing no</p>	<p style="text-align: right;">Page 12</p> <p>1 time. I really can't. 2 Q. That's all right. So you've heard this 3 before, but just a few things. We should speak one at a 4 time so the reporter can take everything down, fair 5 enough? 6 A. Fair enough. 7 Q. I'll ask that you let me finish my question 8 and that you can -- I'll let you finish your answers; 9 does that sound good? 10 A. Sounds good. 11 Q. I want to ask you my -- the best questions I 12 can. If you don't understand me at any time, will you 13 please ask me to clarify? 14 A. I will. 15 Q. And if you answer my question, I'll assume 16 you've understood it, fair enough? 17 A. Fair enough. 18 Q. We can take breaks whenever you need, but I'll 19 just ask that you answer any pending question before we 20 go on break, fair enough? 21 A. Fair enough. 22 Q. Is there any reason you couldn't give true and 23 honest testimony today? 24 A. No. 25 MR. HILKE: I want to show you Exhibit 1, our</p>
<p style="text-align: right;">Page 11</p> <p>1 objection. Mr. Moore, will you please raise your 2 right hand for the court reporter to swear you in? 3 THE REPORTER: Sir, do you solemnly swear or 4 affirm that the testimony you're about to give will 5 be the truth, the whole truth, and nothing but the 6 truth? 7 THE WITNESS: I do. 8 THE REPORTER: Thank you. Counsel, you may 9 begin. 10 DIRECT EXAMINATION 11 BY MR. HILKE: 12 Q. Good morning, Mr. Moore. 13 A. Good morning. 14 Q. I know you've been deposed at least a couple 15 of times before. You've given testimony as the City of 16 Chicago's 30(b)(6) witness before, correct? 17 A. That is correct. 18 Q. How many times? 19 A. A -- a couple. I don't -- no more than four 20 or five, I think. 21 Q. Can you tell me what cases those were? 22 A. I don't recall. I -- it's been a while. 23 Q. What was the most recent time, if you 24 remember? 25 A. I honestly can't recall how -- the most recent</p>	<p style="text-align: right;">Page 13</p> <p>1 30(b)(6) Notice. Do you mind marking this? 2 (EXHIBIT 1 MARKED FOR IDENTIFICATION) 3 THE REPORTER: Sure. 4 THE WITNESS: Thank you. 5 BY MR. HILKE: 6 Q. Did -- sir, did you review this list of topics 7 in preparation for the deposition today? 8 A. I don't think I reviewed this document prior 9 to today. 10 Q. Let me draw your attention, do you see Topic 11 11 on Page 2, the disciplinary systems within the 12 Chicago Police Department available to address CRs 13 initiated between 1999 and 2001? I mean, sorry, 2011? 14 A. Yes. 15 Q. And are you prepared to give testimony on that 16 topic today? 17 A. Yes. 18 MR. MICHALIK: Okay. And, Wally, just for the 19 record, that topic has been limited by subsequent 20 conversations between Mr. Rauscher and Mr. Nolan, 21 what -- to specify certain areas within the broad 22 Topic 11. 23 MR. HILKE: Sure. I'll -- let me put on the 24 record what I understand. The subtopics that have 25 been specified to be, and we can have a further</p>

<p style="text-align: right;">Page 14</p> <p>1 conversation about that if we need to.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. One of the subtopics the party discussed was</p> <p>4 which departments and divisions processed CRs, and how</p> <p>5 CRs were processed within the Chicago Police Department.</p> <p>6 Are you prepared to discuss that topic?</p> <p>7 A. Yes.</p> <p>8 Q. Another subtopic discussed was what changed</p> <p>9 and didn't change when the Office of Professional</p> <p>10 Standards became the Independent Police Review</p> <p>11 Authority. Is that a topic you're prepared to discuss?</p> <p>12 A. Yes.</p> <p>13 Q. Another subtopic was various disciplinary</p> <p>14 options, including SPARS and reassignment to desk duty.</p> <p>15 Are you prepared to discuss that subtopic?</p> <p>16 A. Yes, I am.</p> <p>17 Q. Another subtopic was policies and practices</p> <p>18 for accepting and investigating CRs. Are you prepared</p> <p>19 to discuss that subtopic?</p> <p>20 A. Yes, I am.</p> <p>21 Q. And another subtopic was purposes and goals of</p> <p>22 the disciplinary system. Are you prepared to discuss</p> <p>23 that subtopic?</p> <p>24 A. Yes.</p> <p>25 Q. And are you prepared to discuss all those</p>	<p style="text-align: right;">Page 16</p> <p>1 procedures form. There was one of our department</p> <p>2 orders. I think it was 93-03 That I reviewed. And</p> <p>3 there were -- there might have been an interrogatory and</p> <p>4 some, several other documents that -- that I reviewed.</p> <p>5 Q. And I'm sorry, I didn't hear what you said</p> <p>6 before several other documents.</p> <p>7 A. I think it was -- well, there -- there were</p> <p>8 several other documents, but there was an interrogatory.</p> <p>9 Q. Interrogatory response.</p> <p>10 A. Interrogatory, yes. That's -- yes.</p> <p>11 Q. Okay. I'm going to -- I'm going to take those</p> <p>12 things one thing at a time, please.</p> <p>13 A. Okay.</p> <p>14 Q. Whose depositions did you review?</p> <p>15 A. I reviewed retired Chief Debra Kirby, retired</p> <p>16 Chief Tina Skahill, retired Chief Juan Rivera, and</p> <p>17 Barbara West. I think she retired as an assistant</p> <p>18 deputy superintendent.</p> <p>19 Q. And to your knowledge, were those all</p> <p>20 depositions taken in proceedings by the Watts</p> <p>21 plaintiffs?</p> <p>22 A. I -- I believe, yes.</p> <p>23 Q. Okay. And you described some policy documents</p> <p>24 you reviewed, including 93 -- general Order 93-03?</p> <p>25 A. Yes. Correct.</p>
<p style="text-align: right;">Page 15</p> <p>1 subtopics for the time period of 1999 to 2011?</p> <p>2 A. Yes.</p> <p>3 Q. And then the Topic 12 on the next page is the</p> <p>4 Chicago Police Department's practices and policies for</p> <p>5 conducting confidential CR investigations and CR</p> <p>6 investigations associated with allegations of criminal</p> <p>7 conduct between 1999 and 2011. Are you prepared to</p> <p>8 discuss that topic?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And I'm not aware of anything that</p> <p>11 limits Topic 12 in any way. Are you prepared to discuss</p> <p>12 that topic in its entirety?</p> <p>13 A. Yes.</p> <p>14 Q. And that's the entirety -- that's -- as you</p> <p>15 understand it, those are the only two topics that, you</p> <p>16 know, as discussed just now that you're going to be</p> <p>17 presenting testimony on today, correct?</p> <p>18 A. As I understand it, yes.</p> <p>19 Q. Okay. Okay. Sir, without telling me what you</p> <p>20 said to your attorney, or what your attorney said to</p> <p>21 you, could you please tell me how you prepared for the</p> <p>22 deposition today?</p> <p>23 A. I reviewed, with my attorney, several</p> <p>24 depositions related to this case. I reviewed other</p> <p>25 police documents. There was an standard operating</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Other than General Order 93-03, did you review</p> <p>2 any other general orders?</p> <p>3 A. No, no. Well, there was a -- I think general</p> <p>4 -- one packet contained, like, General Order, it might</p> <p>5 have been 08-01, or something like that. I think there</p> <p>6 was some other general orders mixed in, but I -- I</p> <p>7 mainly review 93-03.</p> <p>8 Q. Okay. And you mentioned an interrogatory</p> <p>9 response. Do you remember what -- whose interrogatory</p> <p>10 response you reviewed?</p> <p>11 A. I don't remember.</p> <p>12 Q. What was the content of the interrogatory</p> <p>13 response?</p> <p>14 A. It -- it kind of spelled out, I believe, the</p> <p>15 -- the process of conducting internal affairs</p> <p>16 investigations, I believe it was.</p> <p>17 Q. Okay. And you mentioned several -- you --</p> <p>18 what other documents beyond these four depositions, the</p> <p>19 policies you named, and the IA investigations, did you</p> <p>20 review to prepare?</p> <p>21 A. There was a standard operating procedures, a</p> <p>22 document that I reviewed and I think it was dated 19 --</p> <p>23 might have been 1999 or so, and it was for the Bureau of</p> <p>24 Internal Affairs.</p> <p>25 Q. Okay. And how long was the standard operating</p>

<p style="text-align: right;">Page 18</p> <p>1 procedures document?</p> <p>2 A. I'd say maybe 40 pages.</p> <p>3 Q. Was that something you gathered on your own,</p> <p>4 or was it provided to you by counsel?</p> <p>5 A. It was provided to me by counsel.</p> <p>6 Q. Is that a document you had seen before?</p> <p>7 A. It is.</p> <p>8 Q. And any other documents you reviewed to</p> <p>9 prepare?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Okay. Would you -- are you currently employed</p> <p>12 by the Chicago Police Department?</p> <p>13 A. I am.</p> <p>14 Q. Could you talk me through the positions you've</p> <p>15 held and the time period you've held them since you've</p> <p>16 been in the department?</p> <p>17 A. I'll do my best. I entered the police academy</p> <p>18 in December of 1992. After completing my time in the</p> <p>19 academy, I was assigned to the 24th Police District.</p> <p>20 And that would've been in May of 1993. From there, I --</p> <p>21 I made sergeant in 1999 and I was assigned to the Third</p> <p>22 Police District. I remained -- in '99, in the third</p> <p>23 Police District until 2003, where I was detailed to the</p> <p>24 FBI's Joint Terrorist Task Force. I remained there for</p> <p>25 two years, and after I left in December of 2005, I was</p>	<p style="text-align: right;">Page 20</p> <p>1 Affairs, where I currently work.</p> <p>2 Q. When you were on the joint FBI Terrorist Task</p> <p>3 Force from 2003 to 2005, did you participate in any</p> <p>4 public corruption investigations?</p> <p>5 A. I did not.</p> <p>6 Q. Okay. And then in 2006, for the five months</p> <p>7 you did confidential investigations, would that have</p> <p>8 included investigations of police officers?</p> <p>9 A. Yes.</p> <p>10 Q. And would've included public corruption</p> <p>11 investigations?</p> <p>12 A. You talking about at -- well, mainly, when I</p> <p>13 was in confidential, during that time, I -- yeah, I -- I</p> <p>14 investigated police officers and it was misconduct, but</p> <p>15 they weren't criminal cases for the most part at the</p> <p>16 time, because that was new to the unit.</p> <p>17 Q. And then in 2013, when you could return to --</p> <p>18 well, strike that actually. In -- other than</p> <p>19 conversations with your attorney, did you speak with</p> <p>20 anyone else to get ready for the deposition today?</p> <p>21 A. I did not.</p> <p>22 Q. Anything else you did to prepare for the</p> <p>23 deposition that I haven't asked you about yet?</p> <p>24 A. No.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 19</p> <p>1 assigned to the Area 1 Detective Division, robbery,</p> <p>2 burglary, theft team. Stayed there for about five</p> <p>3 months.</p> <p>4 And then in, I think it was sometime in 2006,</p> <p>5 I was assigned to the Bureau of Internal Affairs, and I</p> <p>6 was assigned to the Confidential Investigations Section</p> <p>7 of Internal Affairs. With -- five months later, I was</p> <p>8 reassigned to the Special Investigation Section of</p> <p>9 Internal Affairs, where I remained there for</p> <p>10 approximately seven years. After that, that would --</p> <p>11 that would take me to about 2013, where I was reassigned</p> <p>12 back to the Confidential Investigation Section of</p> <p>13 Internal Affairs, and that was done just so I can be</p> <p>14 detailed to the FBI's Law Enforcement Anti- Corruption</p> <p>15 Task Force, which I ended up working inside the FBI</p> <p>16 office space. I think that was, like, April of</p> <p>17 2014.</p> <p>18 And I remained there as a sergeant until I got</p> <p>19 promoted to lieutenant in 2017. When I made lieutenant,</p> <p>20 I remained at the FBI Task Force until 2020, when I made</p> <p>21 commander of Internal Affairs. And, at that point, I</p> <p>22 left the task force. About a year and a half later, in</p> <p>23 December of 2021, is when I retired from the police</p> <p>24 department. February of 2023, I was hired back as a</p> <p>25 civilian deputy director of the Bureau of Internal</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Oh, I'm sorry. I -- I did -- I -- I reviewed</p> <p>2 some of our databases just so I could formulate a</p> <p>3 timeline of -- of my employment. And I used our police</p> <p>4 -- BIA, Bureau of Internal Affairs, database to</p> <p>5 determine the years that I was assigned to Special as</p> <p>6 opposed to Confidential. And that was based on the</p> <p>7 cases that I handled, and they were marked Special</p> <p>8 Investigations, as opposed to Confidential</p> <p>9 Investigations. So I was able to pull that up to see my</p> <p>10 movement within Bureau of Internal Affairs.</p> <p>11 Q. Thank you. So that was just in regard to your</p> <p>12 own employment timeline, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Okay. And in -- are you aware of any policies</p> <p>15 governing the conduct of Internal Affairs investigations</p> <p>16 during the time period you're talking about, other than</p> <p>17 the ones you mentioned reviewing to get ready for today?</p> <p>18 A. Yes. I'm familiar with the policies.</p> <p>19 Q. Yeah. I'm sorry. What I meant is, you</p> <p>20 described a few specific policies you looked at, right?</p> <p>21 93-03, 08-01 --</p> <p>22 A. Yeah.</p> <p>23 Q. As well as the BIA standard operating</p> <p>24 procedures --</p> <p>25 A. Yep.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q. -- correct?</p> <p>2 A. That's correct.</p> <p>3 Q. What I'm wondering is, other than those three</p> <p>4 sources of policies for those investigations, if there</p> <p>5 are any other sources you're aware of that govern how an</p> <p>6 Internal Affairs investigation should be conducted?</p> <p>7 A. Oh, yeah. We -- we have numerous department</p> <p>8 general orders and special orders that -- that govern</p> <p>9 that.</p> <p>10 Q. Okay. What are the other policies you're</p> <p>11 aware of that govern the conduct of Internal Affairs</p> <p>12 investigations?</p> <p>13 A. So I would have to -- I would have to access</p> <p>14 it in our Internal Affairs database, because there's --</p> <p>15 they all -- I mean, there's -- I think it's 08-01,</p> <p>16 08-02, 08-03. There's -- there's so many different</p> <p>17 department, general orders, and special orders that we</p> <p>18 have, and they're all numbered. But I just, I have not</p> <p>19 really committed those to memory.</p> <p>20 Q. And some of those I'm definitely aware of,</p> <p>21 like 93-03 has subcategories like 93-03-01, 93-03-02,</p> <p>22 correct?</p> <p>23 A. That's -- that is correct.</p> <p>24 Q. And the 08, whatever policy you're talking</p> <p>25 about has 08-01-01, 08-01-02, et cetera, correct?</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Could you tell me what your involvement was at</p> <p>2 the tail end?</p> <p>3 A. At the very end, and this is after both</p> <p>4 Mohammed and Watts had -- had been found guilty, we had</p> <p>5 to resolve the administrative portion. So I completed</p> <p>6 the summary, the closing summary report, and uploaded</p> <p>7 all their attachments to their case into our automated</p> <p>8 CR system. And I'm the one that recommended that they</p> <p>9 be separated from the police department</p> <p>10 administratively.</p> <p>11 Q. And what was your -- were you a sergeant at</p> <p>12 the time?</p> <p>13 A. I was a sergeant.</p> <p>14 Q. Okay. Okay. And so, your involvement, was</p> <p>15 that after there were actually the pleas or conviction</p> <p>16 in the criminal case and, subsequently, an</p> <p>17 administrative action?</p> <p>18 A. That is correct.</p> <p>19 Q. And then, other than recommending their</p> <p>20 separation following the guilty pleas or findings in the</p> <p>21 criminal case, was there any other step that Internal</p> <p>22 Affairs took then in relation to the Watts cases?</p> <p>23 A. No. I mean, aside from recommending that they</p> <p>24 be separated, that was -- that was basically it, because</p> <p>25 it is my understanding that they -- they both resigned</p>
<p style="text-align: right;">Page 23</p> <p>1 A. That is -- that's correct.</p> <p>2 Q. But other than those subcategories of 93 and</p> <p>3 08, can you help me understand what other policies are</p> <p>4 out there about Internal Affairs investigations, if</p> <p>5 there are any?</p> <p>6 A. Aside from our general orders and special</p> <p>7 orders, when we're talking about policy, that's --</p> <p>8 that's all that we -- we -- we go by, when we're</p> <p>9 conducting investigations.</p> <p>10 Q. Got it. So to understand the rules CPD has</p> <p>11 for conducting Internal Affairs investigations, it's the</p> <p>12 general orders and special orders where those will be</p> <p>13 memorialized, correct?</p> <p>14 A. That is correct.</p> <p>15 MR. HILKE: Okay. And just confirming to track</p> <p>16 it down, Paul, the standard operating procedures,</p> <p>17 that's a document produced in discovery by the City</p> <p>18 in this case?</p> <p>19 MR. MICHALIK: I believe it has been, yes.</p> <p>20 BY MR. HILKE:</p> <p>21 Q. Okay. So from your time working in Internal</p> <p>22 Affairs, did you have any personal involvement in the</p> <p>23 investigations into Ronald Watts and Kallatt Mohammed?</p> <p>24 A. Yes. At the tail end of the investigation, I</p> <p>25 -- I did.</p>	<p style="text-align: right;">Page 25</p> <p>1 from the police department, or retired at that moment,</p> <p>2 so...</p> <p>3 Q. Got it.</p> <p>4 A. There was nothing else to be done.</p> <p>5 Q. There wasn't at that time, for example, a</p> <p>6 follow-up into other officers under Watts who were</p> <p>7 supervised by Watts, was there?</p> <p>8 MR. MICHALIK: I'm just going to object to the</p> <p>9 question. It's beyond the scope of this particular</p> <p>10 deposition, but you can go ahead and answer.</p> <p>11 THE WITNESS: No, that -- that concluded the</p> <p>12 investigation into this Watts and Mohammed case.</p> <p>13 There was no further investigative work to be done.</p> <p>14 BY MR. HILKE:</p> <p>15 Q. Okay. And then I have just a couple questions</p> <p>16 about your personal knowledge and connection, and then</p> <p>17 I'm going to move on to another topic. But before your</p> <p>18 involvement at the tail end, following the criminal</p> <p>19 conviction, did you have any knowledge of the</p> <p>20 investigation into Watts, Mohammed, or any officers on</p> <p>21 Watts's squad prior to that time?</p> <p>22 A. I did not.</p> <p>23 Q. Okay. All right. So one of the topics is</p> <p>24 about the conduct of criminal investigations -- or</p> <p>25 strike that. One of the topics is about confidential</p>

<p style="text-align: right;">Page 26</p> <p>1 investigations conducted within Internal Affairs from</p> <p>2 1999 to 2011.</p> <p>3 A. Okay.</p> <p>4 Q. And I think you already testified that any</p> <p>5 policies for conducting those investigations would be in</p> <p>6 the general orders or the special orders; is that</p> <p>7 correct?</p> <p>8 A. That is correct.</p> <p>9 Q. And so, in those orders, is there any way in</p> <p>10 which a confidential investigation differs in the</p> <p>11 investigative steps from any other Internal Affairs</p> <p>12 investigation to be conducted?</p> <p>13 A. Yes. Just by the -- the nature of the cases</p> <p>14 that were handled by the Confidential Investigation</p> <p>15 Section. Those cases, they were usually long-term</p> <p>16 investigations that required coordination with either</p> <p>17 the U.S. Attorney's office or the State's Attorney's,</p> <p>18 surveillance work, and sometimes working with outside</p> <p>19 agencies to fulfill the requirements of the</p> <p>20 investigation. So and the -- and so that's kind of the</p> <p>21 main thing that differed, was the fact that Confidential</p> <p>22 had covert vehicles, we used resources from other</p> <p>23 agencies, and we conducted a lot of surveillance at</p> <p>24 Confidential.</p> <p>25 Q. That makes sense. In terms of -- now the</p>	<p style="text-align: right;">Page 28</p> <p>1 and there may be more surveillance involved. But in</p> <p>2 terms of just how the policies list out the steps, it's</p> <p>3 the same set of steps that are listed in the policies</p> <p>4 for any kind of Internal Affairs investigation, correct?</p> <p>5 A. Yes. For the most part, yes.</p> <p>6 Q. Are there any -- is there anywhere you saw in</p> <p>7 the policies that sets out, here's how the steps that</p> <p>8 you take in an investigation are different when you're</p> <p>9 doing a confidential investigation?</p> <p>10 A. Well, like I said, the -- the different steps</p> <p>11 will be the -- the fact that these are long-term, covert</p> <p>12 operations in confidential, which differs from cases in</p> <p>13 special and general, where you just contact everyone,</p> <p>14 gather information, bring everybody in, and interview</p> <p>15 everyone, you know, in real time, as opposed to doing</p> <p>16 surveillance and gathering information and -- and</p> <p>17 working with the State's Attorney's office and the U.S.</p> <p>18 Attorney's office to pursue criminal charges for most of</p> <p>19 the cases that -- that happen outside of the -- inside</p> <p>20 of the Confidential Section.</p> <p>21 Q. And are those differences written out in the</p> <p>22 general order and special order that govern the</p> <p>23 investigations?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 27</p> <p>1 general orders and special orders, they provide, for</p> <p>2 example, a list of steps that should be taken in an</p> <p>3 Internal Affairs investigation, correct?</p> <p>4 A. That's correct.</p> <p>5 Q. And in terms of the overall investigative</p> <p>6 steps, are those the same between general Internal</p> <p>7 Affairs investigations and confidential investigations?</p> <p>8 A. Yes. On the onset, yes, they -- they are the</p> <p>9 same to the point where you -- you make contact with the</p> <p>10 complainant to find out the nature of the -- of the</p> <p>11 investigation and find out what we're dealing with here.</p> <p>12 At that point is where the case is assigned to either</p> <p>13 the Confidential Section, Special Investigation Section,</p> <p>14 or General Section. And after that's determined, the</p> <p>15 case is assigned to an investigator in that particular</p> <p>16 section and then the -- the investigation is worked up</p> <p>17 and handled. And if -- if you're asking about the</p> <p>18 processes of it, so we -- we have to gather, like, if we</p> <p>19 have witnesses to what happened, we -- we gather the</p> <p>20 information of the witnesses. If there's any kind of</p> <p>21 external, like, media, like, video camera footage or --</p> <p>22 we gather all of that just to build our case.</p> <p>23 Q. That makes sense and I understand that</p> <p>24 operationally, there are going to be different</p> <p>25 considerations, because, for example, it's longer term</p>	<p style="text-align: right;">Page 29</p> <p>1 A. Yes, I believe, yeah, that was in 93-03.</p> <p>2 Q. And so -- and was that the -- was the reason</p> <p>3 for listing the differences in investigative steps</p> <p>4 between confidential investigations and regular</p> <p>5 investigations, was the purpose of listing those</p> <p>6 differences in the general orders and special orders so</p> <p>7 that Internal Affairs investigators would know what</p> <p>8 other and additional things they need to do during any</p> <p>9 confidential investigations?</p> <p>10 A. Well, it -- it would -- it would provide --</p> <p>11 yeah, it would -- it would provide an understanding of</p> <p>12 what to be -- what's to be expected when you work in</p> <p>13 Confidential and the different types of cases you would</p> <p>14 work and the manner in which you would work those cases.</p> <p>15 I mean, I just -- wait, are you still asking about the</p> <p>16 differences, or...</p> <p>17 Q. I -- I'm more asking about the purpose of</p> <p>18 writing down the differences in the general orders and</p> <p>19 special orders. The purpose is so that confidential</p> <p>20 investigators can be informed as to what they might need</p> <p>21 to do differently in a confidential investigation,</p> <p>22 correct?</p> <p>23 A. No. Well -- well, I -- I think it's to a</p> <p>24 larger degree that we -- each order kind of spells out</p> <p>25 everything that needs to be done within Bureau of</p>

<p style="text-align: right;">Page 30</p> <p>1 Internal Affairs. So there are sections within our 2 department, with our department policy that just 3 explains, like, every nuance to the different 4 investigative sections, just so we -- everyone can kind 5 know what to do, what to expect, and how to do it, and 6 follow a certain guideline.</p> <p>7 Q. Right. And so, if, for example, if an -- 8 well, strike that. And did that -- in addition to 9 confidential investigations, there was also a unit 10 within Internal Affairs that did criminal 11 investigations, correct?</p> <p>12 A. Right. So -- yes.</p> <p>13 Q. And so, did -- is the same thing, true for the 14 criminal investigation section? The differences in how 15 they proceed are going to be in the general orders and 16 the special orders?</p> <p>17 A. Okay. So there -- there was not a criminal 18 investigation section.</p> <p>19 Q. Okay.</p> <p>20 A. There was there was the Confidential 21 Investigation Section that handled criminal matters.</p> <p>22 Q. I understand. Let me back up, then. What 23 were the sections of Internal Affairs investigators 24 during this time?</p> <p>25 A. So you -- you had Confidential, you had</p>	<p style="text-align: right;">Page 32</p> <p>1 investigations, and -- and then there was like, within 2 Confidential, there was a general team. There was a 3 General team that just handled kind of everything that 4 belongs to Confidential that is not one of those 5 subcategories that I mentioned.</p> <p>6 Q. So do I understand correctly that there are 7 four separate teams, medical, residential, criminal, and 8 general?</p> <p>9 A. Within Confidential.</p> <p>10 Q. Within Confidential?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And what about in the special 13 investigations unit? What subunits, if any, are there 14 within that group?</p> <p>15 A. So within special, you -- you had a team that 16 worked the EEOC complaints. There was a team that 17 worked a rank investigation, which were -- that's the 18 team I was on, and that was lieutenants and above. We 19 investigated those cases. We also investigated the, 20 what I considered to be the high-profile media cases. 21 These cases where you'll -- you'll see an -- an officer, 22 you know, conducting misconduct that's newsworthy that 23 needs to be worked up quickly because the people want 24 answers. So that also fell under the Special 25 Investigation Section.</p>
<p style="text-align: right;">Page 31</p> <p>1 Special, you had General. Then you have the 2 administrative section, the advocate section, and the 3 record section.</p> <p>4 Q. And then the three investigative subunits are 5 going to be confidential, special, and general, correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Okay. So a better question would've been the 8 differences between Confidential Investigations, Special 9 Investigations, and General Investigations, those are 10 going to be delineated in the general orders and special 11 orders, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And you mentioned different unit -- 14 could you tell me what are the different subunits within 15 the Confidential Investigation Section during this time 16 period?</p> <p>17 A. Within Confidential, you have the -- the 18 medical team that -- that oversaw medical abuse. If 19 somebody is on the medical and they're outside lifting 20 weights when they had an arm injury. So we have those 21 cases. We have residency cases. If you work for the 22 police department or the City, you have to live within 23 the City. So we -- we had a section that investigated 24 officers for residency violations. We had the -- the 25 criminal team that worked up the criminal</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Okay. So I'm hearing those as three separate 2 units, EEOC, rank, and high profile?</p> <p>3 A. High-profile, correct.</p> <p>4 Q. Okay. And what about in the -- among the 5 general investigations? Is that divided into different 6 subunits?</p> <p>7 A. So no, general investigations are handled by 8 -- usually, it's like some of the newer investigators, 9 and they handle everything that's not handled by Special 10 or Confidential, but they do handle officer intoxication 11 cases, on or -- on or off duty, officers involved in a 12 -- traffic crashes. Just your -- your run-of-the-mill 13 complaints that come in against officers that are not 14 handled by Special, Confidential, or IPRA, OPS, or now 15 COPA. So the bulk of our cases in BIA are handled by 16 general.</p> <p>17 Q. Okay. One second. So from 1999 to 2011, you 18 -- I'll use the abbreviation CR to mean complaint 19 registered, fair enough?</p> <p>20 A. Fair enough.</p> <p>21 Q. During that time period, the City could 22 receive complaints of misconduct from residents, 23 correct?</p> <p>24 A. That is correct.</p> <p>25 Q. And other officers could also make complaints</p>

<p style="text-align: right;">Page 34</p> <p>1 against each other, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. And supervisors could request that an</p> <p>4 investigation of misconduct be initiated against their</p> <p>5 subordinates, correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Likewise, an officer could request an</p> <p>8 investigation against one of their superiors, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Other than coming from an officer or coming</p> <p>11 from a resident, were there any other sources from which</p> <p>12 complaints were generated?</p> <p>13 A. Yeah. During that time frame, a citizen can</p> <p>14 -- could go to OPS to file a complaint. They can go to</p> <p>15 IPRA to file a complaint. They can file a complaint</p> <p>16 over the phone. They can -- they can file a complaint</p> <p>17 with any supervisor, with any district, or with any</p> <p>18 unit. Yeah, that's the -- the main reason -- the main</p> <p>19 ways to do it, yes.</p> <p>20 Q. So other than, like, a civilian initiating a</p> <p>21 complaint or an officer making a complaint, there wasn't</p> <p>22 like a third way, like a computer system that would</p> <p>23 generate a complaint automatically, was there?</p> <p>24 A. At that time, no.</p> <p>25 Q. Okay. It would have to -- it would have to be</p>	<p style="text-align: right;">Page 36</p> <p>1 subject report. And then that, at the time, would be</p> <p>2 faxed over to IPRA or COPA.</p> <p>3 At that point, they will determined if they're</p> <p>4 going to keep that case and handle it, if it fell under</p> <p>5 their jurisdiction, or if they'll send it back to the</p> <p>6 BIA after they've assigned a log number to it. Then if</p> <p>7 it comes back to us, we'll handle the investigation. If</p> <p>8 they decide to keep it, if it's -- if it falls within</p> <p>9 their purview, they'll keep the case, and they will --</p> <p>10 they will investigate it themselves.</p> <p>11 Q. Okay. And when you say Internal Affairs, is</p> <p>12 that the same as the Bureau of Internal Affairs, or</p> <p>13 BIA?</p> <p>14 A. Yes. Yes, it is.</p> <p>15 Q. And the log number that's generated, is that</p> <p>16 the same as the CR number that's used to track the</p> <p>17 complaint?</p> <p>18 A. So what happens is, all cases, all</p> <p>19 investigations are assigned initially a log number.</p> <p>20 Q. Okay.</p> <p>21 A. That's the -- that's how it's -- especially</p> <p>22 back then, they were at log numbers. So when you</p> <p>23 mention CR number, these log numbers are converted to CR</p> <p>24 numbers when the sworn affidavit has been executed.</p> <p>25 Then once it's been executed and signed off by the</p>
<p style="text-align: right;">Page 35</p> <p>1 either a civilian deciding to initiate one or a -- an</p> <p>2 officer deciding to initiate one, correct?</p> <p>3 A. That is correct.</p> <p>4 Q. Can you walk me through, and I know that IPRA</p> <p>5 came onto the scene during this time frame we're talking</p> <p>6 about, right? 1999 to 2011. So if this process</p> <p>7 differs, you know, changed during the time, please just</p> <p>8 advise me of that and I'll ask you about, you know, any</p> <p>9 distinct time period where the process might have been</p> <p>10 different; is that fair enough?</p> <p>11 A. That's fair.</p> <p>12 Q. Can you tell me -- can you describe to me as</p> <p>13 sort of the initial stage of a complaint? What -- after</p> <p>14 a complaint is received, whether from an officer or from</p> <p>15 a civilian, what the initial stage is in processing that</p> <p>16 complaint.</p> <p>17 A. Okay. So -- so when the when the complaint is</p> <p>18 received to either Internal Affairs or directly to IPRA</p> <p>19 or COPA, the -- the cases -- all cases are like,</p> <p>20 basically, triaged through either OPS or IPRA, at the</p> <p>21 time. So if -- if I was a sergeant and I received a</p> <p>22 complaint from a citizen, I would do an initiation</p> <p>23 report that would spell out, you know, everything: who</p> <p>24 the complainant is, who the accused officer is, list of</p> <p>25 witnesses. And I would put that in a memo, a to-from</p>	<p style="text-align: right;">Page 37</p> <p>1 complainant, then within the auto CR system, there is a</p> <p>2 -- a toggle button and you would -- you would switch it</p> <p>3 over to a CR number. So that's -- so all the numbers</p> <p>4 come, in back then, as infos. Not all, but most of them</p> <p>5 come in as infos, and then we convert them -- I'm sorry,</p> <p>6 as log numbers. Then we convert them to CR numbers,</p> <p>7 unless the person making the complaint is a officer. If</p> <p>8 it's an officer complaining against an officer, that</p> <p>9 case is automatically a CR number.</p> <p>10 Q. I understand. And when it changes from a log</p> <p>11 number to a CR number, does that change the number?</p> <p>12 A. It does not.</p> <p>13 Q. Okay. One second. Okay. And IPRA is the</p> <p>14 agency that replaced OPS, correct?</p> <p>15 A. That is correct.</p> <p>16 Q. And when OPS was in -- was in effect all of</p> <p>17 its investigators were civilians, correct?</p> <p>18 A. I -- I believe, because this is going back</p> <p>19 sometime, but I believe there were sworn Chicago police</p> <p>20 officers assigned to work at OPS at the time.</p> <p>21 Q. And so, that would -- including up until the</p> <p>22 time it became IPA, correct?</p> <p>23 A. I'm not sure of the time frame, but I do</p> <p>24 recall there being Chicago Police officers at OPS.</p> <p>25 Q. Okay. And then when IPRA was created, did any</p>

<p style="text-align: right;">Page 38</p> <p>1 sworn CPD officers work there?</p> <p>2 A. No.</p> <p>3 Q. And do you know -- and did OPS also employ</p> <p>4 civilian investigators?</p> <p>5 A. Yes.</p> <p>6 Q. Were most of the investigators at OPS</p> <p>7 civilians?</p> <p>8 A. Yes. Yes.</p> <p>9 Q. What was the extent of sworn officers</p> <p>10 participation as in -- as working within OPS?</p> <p>11 A. From what I recall, the sworn officers and the</p> <p>12 civilian investigators, they did the same work. It's</p> <p>13 just that they had sworn officers doing investigations</p> <p>14 for them as well.</p> <p>15 Q. Okay. What is the -- what is the Auto CR</p> <p>16 system?</p> <p>17 A. The Auto CR system is the -- is the -- it's an</p> <p>18 electronic system that we use to investigate our cases.</p> <p>19 So we were able to upload all of our attachments to the</p> <p>20 cases. We were able to memorialize who the accused</p> <p>21 were, the witnesses were, and that's the case we use to</p> <p>22 -- just really to work up the whole investigation and</p> <p>23 then to submit it for approval once we close the case.</p> <p>24 So that -- that was a standalone system. It had nothing</p> <p>25 to do with OPS or IPRA. It was our internal database</p>	<p style="text-align: right;">Page 40</p> <p>1 THE WITNESS: I'm -- I'm not aware.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. Got it.</p> <p>4 A. I'm not aware of that.</p> <p>5 Q. So you wouldn't have an answer one way or</p> <p>6 another as to whether CPD participated in -- like, for</p> <p>7 example, the superintendent participated in selecting</p> <p>8 the leadership of IPRA?</p> <p>9 A. I would have no knowledge of that.</p> <p>10 Q. Okay. You're not aware of any role that</p> <p>11 prevent the superintendent from weighing in on these</p> <p>12 leadership of IPRA, are you?</p> <p>13 MR. MICHALIK: Object to form.</p> <p>14 THE WITNESS: I'm not aware.</p> <p>15 BY MR. HILKE:</p> <p>16 Q. You understand, just because I got a form</p> <p>17 objection, that by weighing in, I mean the</p> <p>18 superintendent participating in, you know, giving</p> <p>19 feedback on or otherwise having involvement in the</p> <p>20 selection of IPRA's leaders?</p> <p>21 A. Yes. I understood, yeah.</p> <p>22 Q. Then -- so when IPRA and OPS investigated CRs,</p> <p>23 did the Bureau of Internal Affairs have any involvement</p> <p>24 in that investigation by OPS or IPRA?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 39</p> <p>1 that was used to work up our complaints.</p> <p>2 Q. Did the Bureau of Internal Affairs also use --</p> <p>3 wait, sorry. Let me take a step back. Did OPS and IPRA</p> <p>4 also use Auto CR, or was it just -- well, actually,</p> <p>5 strike that. Did both the Bureau of Internal Affairs</p> <p>6 and OPS and IPRA use the Auto CR system?</p> <p>7 A. No, that was just our system. Now, if they</p> <p>8 had a different version of our system, I wasn't aware of</p> <p>9 that because I never worked there. But I -- as I -- as</p> <p>10 a supervisor, even up to a commander, I -- I just -- I</p> <p>11 never saw their cases within our system. It was only</p> <p>12 our investigators that were working within that system.</p> <p>13 Q. During -- no. Was the -- was the leadership</p> <p>14 -- well, it was leadership of OPS Civilian Law</p> <p>15 Enforcement, or could it be either?</p> <p>16 A. I -- I'm not aware -- I wasn't aware of their</p> <p>17 leadership structure. I'm not sure.</p> <p>18 Q. And what about IPRA?</p> <p>19 A. IPRA, their -- their leadership was civilian.</p> <p>20 I do recall that.</p> <p>21 Q. And, the City -- what was -- what was CPD's</p> <p>22 role, if any, in giving input to the leadership of</p> <p>23 IPRA?</p> <p>24 MR. MICHALIK: Object to the form of the</p> <p>25 question.</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. And when OPS investigated CRs, did the Bureau</p> <p>2 -- and -- so let me -- there's kind of two separate</p> <p>3 sides to it, right? One is the Bureau of Internal</p> <p>4 Affairs, and the other is OPS, later IPRA, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Did either agency have involvement in the</p> <p>7 other's investigations?</p> <p>8 A. I can say with certainty for IPRA, no. OPS,</p> <p>9 it goes back -- it goes back quite a while and, as I</p> <p>10 said, they had sworn CPD officers working at OPS. So I</p> <p>11 just don't know if they had any involvement in Internal</p> <p>12 Affairs cases back then.</p> <p>13 Q. Sure.</p> <p>14 A. I can't say for certain.</p> <p>15 Q. During our time period, 1999 to 2011, do you</p> <p>16 have any reason to believe they would have had</p> <p>17 involvement in those investigations?</p> <p>18 A. I -- I have no reason to believe that they</p> <p>19 would have.</p> <p>20 Q. Okay. Other than OPS or IPRA, you know,</p> <p>21 taking the -- being the first reviewer of complaints to</p> <p>22 decide if they were going to keep them or refer them to</p> <p>23 Bureau of Internal Affairs, are you aware of --</p> <p>24 actually, Let me take a step back. At one point during</p> <p>25 this time period, I believe it's the 2003 to 2007</p>

<p style="text-align: right;">Page 42</p> <p>1 Fraternal Order of Police contract, there is introduced</p> <p>2 an affidavit requirement for investigating complaints,</p> <p>3 and also an affidavit override procedure. Are you</p> <p>4 familiar with those?</p> <p>5 A. I am.</p> <p>6 MR. MICHALIK: I'm just going to object to that</p> <p>7 form of that question, the preliminary aspect of</p> <p>8 that, but the answer can stand.</p> <p>9 BY MR. HILKE:</p> <p>10 Q. Sure. And as far as the affidavit override</p> <p>11 procedure, that meant the head of OPS or IPRA could</p> <p>12 override the lack of a civilian affidavit if requested</p> <p>13 to by the Bureau of Internal Affairs, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. And, likewise, the other way, that the head of</p> <p>16 the other agency could override from the first, correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Other than sort of processing the complaint</p> <p>19 initially for assignment and that override procedure,</p> <p>20 are you aware of any other interaction between Bureau of</p> <p>21 Internal Affairs and OPS-IPRA during this time period?</p> <p>22 A. No. No.</p> <p>23 Q. And would it be -- would it be all right if we</p> <p>24 agree when we say OPS or IPRA, we're referring to both</p> <p>25 during this time period, unless we further specify?</p>	<p style="text-align: right;">Page 44</p> <p>1 A. If it's assigned to OPS or IPRA?</p> <p>2 Q. Yeah.</p> <p>3 A. I don't know their process. You know what I</p> <p>4 mean? So if they -- if they keep the case, I don't know</p> <p>5 how -- how they would assign their cases because that's</p> <p>6 not -- I don't -- I -- I was never able to see what they</p> <p>7 did.</p> <p>8 Q. Okay. So you don't -- do you have any reason</p> <p>9 to believe that OPS and IPRA had a procedure for what</p> <p>10 they did when they assigned an investigation, in terms</p> <p>11 of putting the materials together for the investigator?</p> <p>12 A. Well, I'm -- I'm sure they had a procedure</p> <p>13 because what I -- what I do know is at the tail end of</p> <p>14 your investigations, their cases would come to the</p> <p>15 Internal Affairs Division and it would be housed in our</p> <p>16 records section, and their file folders and attachments</p> <p>17 looked similar to ours. So I'm -- I'm almost certain</p> <p>18 that their processes were pretty similar.</p> <p>19 Q. Okay. And is that -- and so, based on how the</p> <p>20 folders -- well, strike that. Okay. And in describing</p> <p>21 what's similar, you're specifically describing the</p> <p>22 process of gathering materials to assign a case to an</p> <p>23 investigator, correct?</p> <p>24 A. Right. So what I'm -- what I'm saying is you</p> <p>25 have a manila folder, right? Inside the folder --</p>
<p style="text-align: right;">Page 43</p> <p>1 A. If that helps you.</p> <p>2 Q. It will help me. I'm going to get tired of</p> <p>3 saying OPS-IPRA, if you don't correct me.</p> <p>4 A. Sure. Not a problem.</p> <p>5 Q. Thank you. So getting back to the stages.</p> <p>6 After OPS decides whether it will retain the complaint</p> <p>7 or refer it back to the Bureau of Internal Affairs,</p> <p>8 what's the next stage in the investigation?</p> <p>9 A. Well, if it's -- if it's returned back to the</p> <p>10 Internal Affairs Division, then that case would -- well,</p> <p>11 first of all, it would be a determination made of what</p> <p>12 section within Bureau of Internal Affairs it would go</p> <p>13 to. So if it stays in Special, then the administrative</p> <p>14 sergeant in the Special Investigations section would</p> <p>15 create a folder, put whatever attachments he or she has</p> <p>16 available into the folder, and then assign that case to</p> <p>17 an investigator. And that's the same for General and</p> <p>18 Special as well, they all have administrative sergeants</p> <p>19 assigned to those sections, and they'll create the file</p> <p>20 folder and add any attachments that were obtained from</p> <p>21 COPA. Well, not -- I'm sorry. IPRA or OPS and have it</p> <p>22 -- it will be in a file already.</p> <p>23 Q. Is that the same process for OPS-IPRA? You</p> <p>24 put everything in a folder, you put in the attachments,</p> <p>25 and you assign it to an investigator?</p>	<p style="text-align: right;">Page 45</p> <p>1 inside every folder is going to be a face sheet, and</p> <p>2 that's going to spell out the allegations and who the --</p> <p>3 the complaint itself, and who the complainant is, and</p> <p>4 who the accused officers or witnesses are. If we have</p> <p>5 them, it's going to be on the face sheet. And that's --</p> <p>6 unless there's some other photos or anything, that is</p> <p>7 what the investigators are going to get NBIA and now, I</p> <p>8 can assume, as well as OPS or IPRA.</p> <p>9 Q. Okay. So then, what's the next step in the</p> <p>10 investigations?</p> <p>11 A. The next step is to -- you're going to review</p> <p>12 the face sheet. I'm going to see what the allegations</p> <p>13 are. I'm going to see who the accused officer is.</p> <p>14 You're going to determine whether or not that accused</p> <p>15 officer is still employed with the City because why</p> <p>16 conduct this investigation when he's no longer working,</p> <p>17 you know, to a certain extent. And then, from there,</p> <p>18 you'll determine who the -- if there were any witnesses</p> <p>19 and at -- so, at that point, once you have everything,</p> <p>20 then you reach out to the complainant and you set up an</p> <p>21 interview with the complainant to see if everything</p> <p>22 that's contained in that initial quick view sheet, face</p> <p>23 sheet, is the extent of their complaint, or if they have</p> <p>24 anything else to add, or additional information.</p> <p>25 Q. Okay. If -- when -- if the investigator</p>

<p style="text-align: right;">Page 46</p> <p>1 contacts the complainant and the complainant gives a</p> <p>2 statement that indicates additional allegations, maybe</p> <p>3 warranted, are you able to expand the allegations in the</p> <p>4 investigation?</p> <p>5 A. Oh, definitely.</p> <p>6 Q. And, you mentioned to an extent why</p> <p>7 investigate an officer if they've left the department.</p> <p>8 What was the practice during this time as to what would</p> <p>9 be done, if the officer had left the department?</p> <p>10 A. Well, depending on the nature of the</p> <p>11 allegation and depending on the date that the incident</p> <p>12 happened and the date that the officer retired because,</p> <p>13 if the date of the incident, like, occurred -- April 1st</p> <p>14 is the date of the incident, but the officer retired in</p> <p>15 March, that officer is no longer a department member, so</p> <p>16 we would not investigate that case.</p> <p>17 Q. But, what if -- what if the incident is from</p> <p>18 before the date the officer left the department? What</p> <p>19 is the --</p> <p>20 A. Right. So we would -- we would -- so we would</p> <p>21 in -- we would investigate the case. We would take all</p> <p>22 the witness statements and we'll interview the</p> <p>23 complainant and, at that point, when it's -- so, we</p> <p>24 won't -- we would reach out to the -- to the officer, if</p> <p>25 we're going to serve allegations. But, most times, if</p>	<p style="text-align: right;">Page 48</p> <p>1 was the process by which an accused officer's supervisor</p> <p>2 would be assigned a CR to investigate during this time</p> <p>3 period?</p> <p>4 A. Okay. During that time period, there were</p> <p>5 certain districts, if they had the manpower, they would</p> <p>6 assign -- they would have a CR sergeant that handled all</p> <p>7 CRs, if they had the manpower to do that. If -- but,</p> <p>8 that's -- that's -- that didn't happen a lot. So where</p> <p>9 you had units that didn't have a CR sergeant, those</p> <p>10 cases would be assigned to the district and it would be</p> <p>11 handled by the officer's immediate supervisor.</p> <p>12 Q. And would that be -- would OPS decide that the</p> <p>13 complaint should go to the district as part of its</p> <p>14 process of reviewing the CR?</p> <p>15 A. Well, the -- no. So what happens is OPS,</p> <p>16 they're like the repository, they all go to OPS. Those</p> <p>17 cases are assigned to Internal Affairs, and then</p> <p>18 Internal Affairs supervisors, or administrative</p> <p>19 sergeants, will determine if those cases are to be</p> <p>20 handled in the unit with the -- where the incident</p> <p>21 occurred, or if it will be kept at BIA.</p> <p>22 Q. Got it. So the only CRs that would be</p> <p>23 investigated by the unit would be those CRs that had</p> <p>24 first been referred to Bureau of Internal Affairs by</p> <p>25 OPS or IPRA, correct?</p>
<p style="text-align: right;">Page 47</p> <p>1 the officer is no longer employed, they refuse to come</p> <p>2 in because they're not going to be paid to come in, so</p> <p>3 they're not going to want to come in. So then, we would</p> <p>4 finalize the investigation and oftentimes put it in a --</p> <p>5 what's considered a closed hold status.</p> <p>6 Q. Okay. So the practice during this time was to</p> <p>7 continue investigations against an officer, even if that</p> <p>8 officer had retired, as long as the allegation occurred</p> <p>9 before the retirement, correct?</p> <p>10 A. And as you -- and -- and as long as the</p> <p>11 complainant signs the affidavit.</p> <p>12 Q. Okay. Let me take a step back. During this</p> <p>13 time period, CRs could also be assigned to supervisors</p> <p>14 within the accused officer's chain of command for</p> <p>15 investigation, correct?</p> <p>16 A. That is correct.</p> <p>17 Q. And I've heard that referred to as, like, an</p> <p>18 accountability sergeant. Is that familiar to you?</p> <p>19 A. That's -- that's the newer term. We do have</p> <p>20 accountability sergeants currently in all districts in</p> <p>21 all units.</p> <p>22 Q. Okay. So if that's newer, what was -- I want</p> <p>23 to focus on this 1999 to 2011 period --</p> <p>24 A. Okay.</p> <p>25 Q. -- and not what's newer. How did it -- what</p>	<p style="text-align: right;">Page 49</p> <p>1 A. That is correct. So -- because here's the</p> <p>2 thing. So if a -- if a sergeant in, say, the 18th</p> <p>3 District types up an initiation report and takes a</p> <p>4 complaint from a citizen, that complaint would be --</p> <p>5 would be generated, and then it would be faxed over to</p> <p>6 IPRA or OPS. OPS would take a look at it. The --</p> <p>7 whatever they -- they'll do whatever they do with it,</p> <p>8 and then if -- it's not going -- if they're not going to</p> <p>9 handle it themselves, they will send it back to Internal</p> <p>10 Affairs. Internal Affairs will then look at it and say,</p> <p>11 okay, this could be handled at the district level, and</p> <p>12 they would -- Internal Affairs would send it back to the</p> <p>13 district for it to be handled by a sergeant in the</p> <p>14 district.</p> <p>15 Q. Got it. And how did OPS and IPRA decide which</p> <p>16 complaints they would investigate and which ones they</p> <p>17 would refer to Internal Affairs?</p> <p>18 A. Well, the -- the -- OPS and IPRA only handled</p> <p>19 certain types of cases. Police-involved shootings,</p> <p>20 domestics, excessive force complaints. So they -- they</p> <p>21 just really didn't handle a lot of investigations. Only</p> <p>22 those types of investigations. And they've expanded it</p> <p>23 to, you know, search and seizure, and some other</p> <p>24 categories. But back then, it was really only a handful</p> <p>25 of complaint types they handled.</p>

<p style="text-align: right;">Page 50</p> <p>1 Q. Okay. And the expansion to search and</p> <p>2 seizure, that was after the time frame we're talking</p> <p>3 about of 1999 --</p> <p>4 A. That is correct.</p> <p>5 Q. Okay.</p> <p>6 A. That is correct.</p> <p>7 Q. And then, for those complaints that were</p> <p>8 referred to Internal Affairs during that time period,</p> <p>9 how did Internal Affairs decide which complaints should</p> <p>10 be investigated by BIA investigators as opposed to</p> <p>11 assigned to the unit?</p> <p>12 A. So typically, when cases go back to the unit,</p> <p>13 the administrative sergeant would review that face sheet</p> <p>14 or the -- the quick view and determine that, okay, this</p> <p>15 case is -- everything about this case happened within</p> <p>16 that district. So he can go back to the district and it</p> <p>17 be handled by a sergeant within that district because it</p> <p>18 didn't cross over to another district. So I mean, if</p> <p>19 it's -- if it's one of those situations where it's not</p> <p>20 criminal, it doesn't -- it doesn't take a lot of</p> <p>21 investigatory work -- investigative work, and that</p> <p>22 sergeant can handle it with, really, just minimal</p> <p>23 investigative avenues, then it would handle -- be</p> <p>24 handled in the district because we can't -- we can't</p> <p>25 afford to have our district sergeants taking on lengthy</p>	<p style="text-align: right;">Page 52</p> <p>1 don't -- we don't need them to spend so much time</p> <p>2 working an investigation if these -- if -- you know,</p> <p>3 hey, this officer threw my keys down a manhole cover.</p> <p>4 All right, do we have witnesses? Are there cameras?</p> <p>5 Did you do it? Did you not do it? And it's done. We</p> <p>6 just don't -- we just do not assign cases to the</p> <p>7 districts or units that were complex and took a lot of</p> <p>8 investigative steps.</p> <p>9 Q. I think I understand, but just to make sure I</p> <p>10 did, that was a question of the exercise of judgment</p> <p>11 within Internal Affairs and not a written policy with</p> <p>12 criteria for assigning --</p> <p>13 A. That is --</p> <p>14 Q. -- one to the other, correct?</p> <p>15 A. Yeah. That is correct.</p> <p>16 Q. Okay. And could -- and like -- and you talked</p> <p>17 about allegations of, you know, where the conduct would</p> <p>18 be criminal, right? Did Internal Affairs receive some</p> <p>19 CRs, some complaints alleging conduct that would be</p> <p>20 criminal, if proven?</p> <p>21 A. Yes.</p> <p>22 Q. And did -- and actually, who within Internal</p> <p>23 Affairs actually makes that decision of whether the</p> <p>24 complaint is going to be kept by IA investigators or</p> <p>25 assigned to the unit?</p>
<p style="text-align: right;">Page 51</p> <p>1 investigations because it would take away from them</p> <p>2 monitoring and overseeing these -- the officers on the</p> <p>3 watch. So if they're, like, very straightforward cases,</p> <p>4 they will go back to the district.</p> <p>5 Q. And as part of the practice for assigning to</p> <p>6 the unit versus an Internal Affairs investigators, was</p> <p>7 the seriousness of the allegation also a factor? Was it</p> <p>8 believed that more serious allegations should be</p> <p>9 investigated by the Internal Affairs investigators?</p> <p>10 A. Well, there's -- there's two ways of looking</p> <p>11 at it because when you talk about seriousness, a lot of</p> <p>12 cases are serious. I mean, are -- if we're -- we're</p> <p>13 talking criminal, or we just talking in serious? Because</p> <p>14 these cases, when citizens make complaints, it's serious</p> <p>15 to them, so in that respect, all cases are -- are</p> <p>16 serious unless you're talking about the criminal cases,</p> <p>17 you know?</p> <p>18 Q. So one -- am I correct that -- well, actually,</p> <p>19 let me ask you this. Was -- were there written</p> <p>20 standards that -- were there written standards for which</p> <p>21 cases should be assigned to IA investigators versus</p> <p>22 assigned to the units?</p> <p>23 A. No. As I -- as I explained, it -- it all</p> <p>24 depends on how much effort it would take an investigator</p> <p>25 to complete that at -- at the district level because we</p>	<p style="text-align: right;">Page 53</p> <p>1 A. Well, they would be -- once the case comes in,</p> <p>2 it -- it's kind of triaged by a lieutenant in the -- a</p> <p>3 lieutenant in the General Investigation Section, at the</p> <p>4 time, during that time frame. And then, that case would</p> <p>5 either be sent to Confidential, Special, or kept in</p> <p>6 General, depending on the type of the case it was.</p> <p>7 Q. Okay. Or, it could be sent out to the unit to</p> <p>8 investigate, correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And, did the -- was there any policy, any</p> <p>11 written policy, that prevented that lieutenant from</p> <p>12 assigning allegations that alleged criminal conduct to</p> <p>13 the unit to be investigated?</p> <p>14 A. A written policy?</p> <p>15 Q. Yes, sir.</p> <p>16 A. Well, I -- I don't -- I don't really -- I</p> <p>17 don't really believe there was a written policy. I</p> <p>18 don't think that's spelled out in the Special Order or</p> <p>19 General Order.</p> <p>20 Q. Who did that lieutenant report to?</p> <p>21 A. The -- well, during that time, there was a</p> <p>22 commander, and then there were -- there was also the</p> <p>23 chief. But there was no deputy chief. There was a</p> <p>24 commander or a chief.</p> <p>25 Q. And could you walk me through the chain of</p>

<p style="text-align: right;">Page 54</p> <p>1 command between the lieutenant and the superintendent, 2 please?</p> <p>3 A. And the superintendent?</p> <p>4 Q. Yes, sir.</p> <p>5 A. Okay. Sure. You -- you have the lieutenant, 6 then you have captains -- or are you talking about 7 within BIA?</p> <p>8 Q. Yeah. Specifically, for that -- you know, 9 that lieutenant in BIA who is making these decisions, 10 who is his chain or her chain of command up to the 11 superintendent?</p> <p>12 A. Okay. So you have the lieutenant, then you 13 have the commander of the unit, then you have the chief 14 of Internal Affairs, and then you have the 15 superintendent.</p> <p>16 Q. So let me go back -- let me go back to the 17 stages of the investigation again. We had gotten so far 18 as trying to interview the complaining. And again, if 19 you have reason to believe the steps would be different 20 for a BIA investigation versus an OPS investigation, 21 please tell me and we'll lay them out separately. But 22 my question is: After interviewing the complainant, 23 what's the next step?</p> <p>24 A. Well, it all depends on what information you 25 gather from the complainant. If the complainant, let's</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. In terms of these general steps for proceeding 2 in an investigation, do those differ between units 3 within Bureau of Internal Affairs?</p> <p>4 A. They -- they could. So those -- those steps 5 that I laid out are pretty consistent with General and 6 Special investigations. But then, when it comes -- 7 yeah. There -- there's some differences where we work 8 up cases that are confidential.</p> <p>9 Q. Got it. So tell you what, let's put 10 confidential to the side and we'll walk through it next 11 and if it changes in any other unit or subunit, we'll 12 figure -- we'll specify as we go.</p> <p>13 A. Okay.</p> <p>14 Q. Okay. So after the allegations are served on 15 the accused officer -- well, actually, one question. 16 You mentioned trying to contact witnesses in -- as one 17 of the investigative steps. Does that include 18 non-accused officers?</p> <p>19 A. Yes.</p> <p>20 Q. And so, any -- okay. And so, after all that 21 has been completed, all of those investigative steps are 22 completed and the allegations are served on the accused 23 officer, what happens next?</p> <p>24 A. Okay. At that -- at that point, the -- the 25 officer is given 72 hours to -- to submit to a -- a form</p>
<p style="text-align: right;">Page 55</p> <p>1 see, for instance, tells us that it -- it happened in 2 front of a 7-11 and I saw cameras, then the investigator 3 would have to go out to that 7-11 and try to get video 4 evidence of the incident if there is some available. If 5 the complainant lists several witnesses to the incident, 6 we would -- the investigator would try to make contact 7 with the witnesses to -- to interview the witnesses. 8 And if the complainant was able to identify the officer, 9 then, at that point, either the officer would have 10 already been named as the accused in the investigation 11 or, at that point, the investigator will name the 12 officer as the accused.</p> <p>13 Q. Okay. And what happens next after those 14 steps?</p> <p>15 A. So after -- after that, once all the 16 investigative steps have been taken for the case, then 17 there's the -- the accused member is served with their 18 allegations.</p> <p>19 MR. MICHALIK: And I don't mean to interrupt, 20 but just so that we're clear, we're talking about 21 the BIA general investigations, as opposed to 22 confidential investigations, compared to?</p> <p>23 MR. HILKE: Well, I'm sorry. Let me ask that 24 as a question then.</p> <p>25 BY MR. HILKE:</p>	<p style="text-align: right;">Page 57</p> <p>1 -- a statement. So that can be done two ways. They can 2 be brought down to the Bureau of Internal Affairs and -- 3 and they can sit for a formal Q and A statement that's 4 typed out or the investigator can request that the -- 5 the member submit a to/from report answering specific 6 questions that the investigator poses to him or her in 7 writing.</p> <p>8 Q. And by the way, all these steps we've gotten 9 through as far -- thus far, are those the same when the 10 supervisor -- when the complaint is assigned to a unit 11 and the supervisor investigates, just as if another 12 investigator would be conducting the investigation?</p> <p>13 A. Yes. The only difference is in the -- in 14 units, the investigator would typically just take a 15 to/from report from the accused officer and not sit with 16 the officer and type out a formal Q and A statement.</p> <p>17 Q. And did -- why is that?</p> <p>18 A. For the sake of time. For the sake of time. 19 They just -- because if you go way back, we -- you know, 20 we -- we had typewriters and it was time consuming 21 typing out, yeah, statements. So it was easy -- made it 22 a lot easier for the -- for the member to just respond 23 to a series of questions in a written report and they 24 could just hand write the responses out.</p> <p>25 Q. Got it. And was that a -- was that a fairly</p>

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1 universal practice during this time period that if a
2 supervisor is investigating, the accused's statement is
3 going to be a to/from and not a typed up interview?

4 A. Yeah, during that time frame, and if it's in
5 the unit, yes. In the District Corp unit, yes.

6 Q. And to your knowledge, were supervisors ever
7 told that they should be taking, you know, typed up
8 statements as opposed to a to/from Reports?

9 A. No. They were not told that.

10 Q. Okay. So then, after the officer is -- either
11 gives a statement or submits a to/from, what's the next
12 stage?

13 A. The investigator will make a determination of
14 the finding of the investigation to -- to -- to see if
15 there was enough information to -- to suggest that what
16 was alleged had happened to sustain the complaint, or
17 there were other findings that -- that could have been,
18 you know, levied on that particular investigation and --
19 and then the investigator will just close the case out,
20 based on one of those findings.

21 Q. Is there any written guidance you're aware of
22 -- and so strike that actually. To -- were there
23 different accounts of what happened, for example a
24 complainant says misconduct happened and the officer
25 denies it, the investigator has to weigh credibility to

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1 determine whether to sustain complaint or not, correct?

2 A. Correct.

3 Q. And is there any written guidance that you're
4 aware of that tells investigators how they should weigh
5 credibility?

6 A. Well, the -- the -- the way the findings are
7 spelled out, you know, like when -- if you have a
8 one-on-one, if it's the investigator and the -- the
9 citizen, then you have the accused officer, and all
10 parties have been interviewed and the investigator
11 cannot make a determination of whether or not what was
12 alleged did occur, then typically that investigation
13 will be not sustained because we -- you can't prove or
14 disprove one way or the other that it happened based on
15 the limited information you received or the witness
16 statements that were available.

17 Q. I understand. What kind of additional
18 evidence would typically be necessary to -- well,
19 actually, strike that. Because -- so that category of
20 not sustained, when it's not possible to make a
21 determination, that's not saying that happened, it's not
22 saying it didn't happen, it's just saying you can't
23 tell, it's not sustained, correct?

24 A. That is correct.

25 Q. There's another category, I think it's

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1 exonerated, right?

2 A. Yes.

3 Q. Wherein -- and is that the category where the
4 investigator says, actually, I can go a step further.
5 This did not happen. That's what the evidence shows me.

6 A. Oh, exoneration?

7 Q. Is that what exonerated means?

8 A. No, that means it actually happened, but the
9 officer's actions are lawful and proper.

10 Q. I see. What was -- what's --

11 A. Unfounded.

12 Q. Thank you. Unfounded is what I was just
13 talking about, right? That's when the evidence shows to
14 the investigator that what was alleged did not occur,
15 correct?

16 A. Right. It's false, not factual, meaning that
17 if a citizen alleges any officer did X, Y, and Z, the
18 evidence shows that that officer was in Florida that
19 day, so he did not do it.

20 Q. Okay. And then, to make a sustained finding,
21 there needs to be evidence in the opposite direction,
22 right? Something that is sufficient for the
23 investigator to believe that the allegation actually did
24 occur as alleged, correct?

25 A. Preponderance, more -- more likely than not,

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1 that happened. 51 percent.

2 Q. Okay. So when an investigator is faced with
3 -- one second. When an investigator is dealing with
4 conflicting accounts, for example, the complainant says
5 misconduct happened of a certain kind, the off -- the
6 accused officer factually denies it, what kind of
7 additional evidence is necessary for the investigator to
8 make a determination that, this isn't just unfounded,
9 this is either sustained or -- I'm sorry. This isn't
10 just not sustained. This is either unfounded or
11 sustained?

12 A. So -- okay, well, as far as even -- additional
13 evidence, videos, photos, witness accounts, impartial
14 witnesses, that are -- you know, so if you have an
15 officer, you have a citizen, typically an investigator
16 would not, you know -- if you interview the officer's
17 partner or the civilian complainant's brother, you know,
18 it's -- it's -- you still kind of weigh it out as being
19 one-on-one because, of course, they're going to side
20 with their -- their parents or significant others or
21 what have you. So it's like, you just, you need some
22 impartial evidence to -- to really weigh in on the
23 investigation to show that it actually did happen, or it
24 didn't happen.

25 Q. Okay. And so, you're essentially looking for

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1 either video or photo, something objective or a witness
2 who, you know, isn't a relative of the complainant,
3 isn't a partner of the accused officer?

4 A. That is correct.

5 Q. Getting back to my question about weighing
6 credibility, are you aware of any written material given
7 to investigators that guided them as to how they should
8 try to weigh the credibility of the witnesses in an
9 investigation?

10 MR. MICHALIK: Objection. Asked and answered,
11 go ahead.

12 THE WITNESS: Well, so basically, that just
13 boils down to the four -- the four findings. So you
14 have to make your determination based on whether or
15 not the case is sustained, not sustained, unfounded,
16 or exonerated. So I mean -- and -- and reaching
17 that conclusion, it's all based on the attachments
18 and the evidence you -- you gather during the course
19 of your investigation.

20 BY MR. HILKE:

21 Q. I asked you a bad question. What I should
22 have asked is the guidance that the department provided
23 to investigators, to your knowledge, was limited to its
24 description of the four allegation categories; is that
25 correct?

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1 A. That is correct.

2 Q. Okay. And was it the role of the investigator
3 if the investigator may -- and -- strike that. Do you
4 understand by investigator I mean, anyone investigating
5 a complaint, whether it's someone in the chain of
6 command for unit assigned CR, as well as an OPS or BIA
7 investigator?

8 A. Yes.

9 Q. Okay. For an investigator, if they recommend
10 that a -- well, actually, I should ask you a question.
11 Does the investigator have the power to sustain a CR, or
12 are they just making a recommendation that will be
13 reviewed by others?

14 A. So -- so -- so that's -- that's -- to me, it's
15 a weird question because back then, we had -- were
16 called police agents that were not -- were not
17 sergeants, but they were investigators. So when the
18 police agent finished their investigations, they would
19 -- they would recommend a finding for the case that's
20 reviewed by a sergeant. But the majority of
21 investigators at BIA were and are sergeants now. And --
22 so we make our -- we would make our own recommendations
23 for penalty.

24 Q. Okay. So --

25 A. And findings.

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1 Q. Yeah, so let me separate two things. I'm
2 going to ask you about the findings now, and I'll ask
3 you about the penalty next.

4 A. Okay.

5 Q. But as to the findings, whether it's a police
6 agent or a sergeant, there's further review after the
7 recommendation of the investigator, correct?

8 A. That is correct.

9 Q. The investigator never has a final say on,
10 like, the investigator, whether a police agent, or a
11 sergeant, or whoever's investigating, never has power to
12 finalize a disciplinary recommendation, that's always
13 made it a higher level in the chain of command, correct?

14 A. That is correct.

15 Q. Okay. And then when a sergeant -- actually,
16 which investigators had power to also recommend
17 punishment when they made a recommendation as to
18 disposition?

19 A. The sergeants.

20 Q. Okay. So within OPS-IPRA -- well, within
21 OPS-IPRA, few of the investigators, and at the time of
22 IPRA, none of the investigators are sergeants, correct?

23 A. That is correct.

24 Q. They're all civilian -- at IPRA, they're --
25 it's all civilian employees, correct?

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1 A. That's correct.

2 Q. Does that mean that the IPRA investigators
3 would not make disciplinary recommendations?

4 A. That's a good question. I'm not -- I'm not
5 certain if they -- I'm not certain if they did make the
6 penalty recommendation because that -- those cases went
7 directly to the advocate section. So I, you know, as an
8 investigator, I would not have seen that process, but
9 I'm not certain if they made their penalty
10 recommendation or they made the finding recommendation
11 of their investigation.

12 Q. Yeah. Is it fair to say that the process for
13 who makes penalty recommendations and how is going to be
14 in the general orders and special orders you talked
15 about before?

16 A. It should, yes.

17 Q. Okay. And you just mentioned the advocate
18 section. Can you explain to me what the advocate
19 section is?

20 A. The -- the advocate section is -- is a -- a
21 section that is supervised by the department advocate,
22 who -- who's typically an -- an attorney, an attorney
23 within the department, and they -- they have a team of
24 anywhere from ten to 15 officers, and maybe another -- a
25 sergeant or two, that review the cases and prepare the

<p style="text-align: right;">Page 66</p> <p>1 cases to be reviewed by the superintendent and cases for</p> <p>2 the police board.</p> <p>3 And -- yeah, so after the -- after the</p> <p>4 investigation is completed, and our cases are turned in,</p> <p>5 they go to the advocate section for review and they make</p> <p>6 sure that the -- the case is sound, complete, the</p> <p>7 attachments are in order. That the -- the findings are</p> <p>8 appropriate and all the -- all the complaints that were</p> <p>9 made by the -- the -- the citizens or the officer</p> <p>10 complainants have been addressed within the -- the</p> <p>11 investigation. And then they -- they prepare it for</p> <p>12 either at -- now command channel review. Because at</p> <p>13 this point, they -- these cases go out to the command</p> <p>14 channel for the accused officers. If you -- if you</p> <p>15 understand what I'm saying.</p> <p>16 Q. I do.</p> <p>17 A. So -- and then they also prepare it -- these</p> <p>18 cases, for review by the -- by legal affairs and the</p> <p>19 superintendent's office.</p> <p>20 Q. Does the advocate section review all</p> <p>21 investigations, or just those recommended sustained?</p> <p>22 A. No, they review all, not sustained -- yeah.</p> <p>23 All cases.</p> <p>24 Q. And so, at is it the case --</p> <p>25 A. I -- I'm sorry. Except for cases that are</p>	<p style="text-align: right;">Page 68</p> <p>1 Channel back then. I think we had a complaint review</p> <p>2 panel, is what it was called.</p> <p>3 Q. Okay.</p> <p>4 A. So sustaining cases -- see, I don't -- I'm not</p> <p>5 -- I'm not -- I remember the complaint review panel, and</p> <p>6 I just don't know if they only worked up or reviewed</p> <p>7 cases that were sustained, or if they did cases with the</p> <p>8 other findings as well, but it was comprised of the -- a</p> <p>9 lieutenant, a -- a sergeant, and another PO, or an</p> <p>10 officer that's the same rank as the accused member. And</p> <p>11 they would sit, and they would go over the investigation</p> <p>12 and they would make the determination of -- of, like,</p> <p>13 penalty, you know, as -- as -- and it would serve as the</p> <p>14 -- the Command Channel at the time.</p> <p>15 Q. Okay. And -- one second. So -- sorry.</p> <p>16 During this time frame from 1999 to 2011, after the</p> <p>17 investigator completes the investigation and makes a</p> <p>18 recommendation, and after the advocacy section, then</p> <p>19 package -- you know, reviews the investigation, is the</p> <p>20 immediate next step the complaint review panel?</p> <p>21 A. Back then -- see, I'm -- I'm not certain if</p> <p>22 the complaint review panel occurred. Well, no. The</p> <p>23 case would have to go to the advocate section first, and</p> <p>24 then the complaint review panel. Yes.</p> <p>25 Q. And then what happens after the -- and the</p>
<p style="text-align: right;">Page 67</p> <p>1 administratively closed.</p> <p>2 Q. Is it the case that all investigations from</p> <p>3 1999 to 2011 then should be reviewed by the advocate</p> <p>4 section before they go to Command Channel Review?</p> <p>5 A. Yes.</p> <p>6 Q. And do all complaints whether, you know,</p> <p>7 sustained, not sustained, or any disposition get command</p> <p>8 channel review?</p> <p>9 A. No, just -- just the complaints that are not</p> <p>10 administratively closed, but the cases with findings,</p> <p>11 unfounded, not -- not sustained, sustained, they go</p> <p>12 through command channel.</p> <p>13 Q. Okay. And is the Command Channel Review</p> <p>14 process different for sustained complaints versus</p> <p>15 unfounded, exonerated, or not sustained complaints?</p> <p>16 A. I think the only -- the only difference is for</p> <p>17 the sustained complaints, if these cases are, I believe,</p> <p>18 30 days are over and a penalty that's recommended, those</p> <p>19 cases, I believe go to a third level of review, as</p> <p>20 opposed to the -- the first and second level that</p> <p>21 typically gets reviewed.</p> <p>22 Q. And can you describe to me how the Command</p> <p>23 Channel Review process worked during this time period?</p> <p>24 A. During this time? So -- well, so during that</p> <p>25 time period, there was -- I don't think we had Command</p>	<p style="text-align: right;">Page 69</p> <p>1 complaint review panel, is that all allegations or --</p> <p>2 strike that. Is that all CRs, or just those where the</p> <p>3 accused officer requests it?</p> <p>4 A. I think it was all -- it was -- I believe it</p> <p>5 was all CRs. I recall it being all CRs that had a</p> <p>6 sustained final -- sustained finding, and there was a --</p> <p>7 a certain penalty. And I don't know -- I really don't</p> <p>8 recall if it was a penalty of five days or more, or six</p> <p>9 days or more, but there was some -- there was a trigger.</p> <p>10 There was a trigger in order for it to go to the</p> <p>11 complaint review panel and I just don't really recall</p> <p>12 what that was.</p> <p>13 Q. Okay. So it was -- in any case, it was some,</p> <p>14 but not all, sustained CRs were eligible for complaint</p> <p>15 review panel review, correct?</p> <p>16 A. Yes, I can say that.</p> <p>17 Q. And so, then, for those where the complaint</p> <p>18 review panel -- where it wasn't eligible, did the</p> <p>19 complaint just go straight from the investigator --</p> <p>20 well, strike that, actually. What happened next in the</p> <p>21 complaint review process, after the complaint review</p> <p>22 panel?</p> <p>23 A. After the complaint review panel, then if the</p> <p>24 -- if the member was going to be suspended X number of</p> <p>25 days, the advocate section would prepare paperwork and</p>

<p style="text-align: right;">Page 70</p> <p>1 -- and basically serve the department member with their 2 suspension paperwork and it would show that you are 3 being suspended for X number of days.</p> <p>4 Q. I mean, did the, like, superintendent's office 5 or someone else have to approve the investigator's 6 recommendation before it got to that stage of this one?</p> <p>7 A. No. For -- for the majority of cases, not the 8 superintendent's office, unless we're talking about 9 cases that were separation cases, or cases where the 10 penalty was 30 days or more, and that's at the time -- 11 during that time period.</p> <p>12 Q. So if it wasn't 30 days or more, or 13 recommending separation from the department, the 14 complaints would go straight from being investigated to 15 the -- by the investigator, the, like, quality control 16 of the --</p> <p>17 A. Advocate.</p> <p>18 Q. -- complaint review of the advocate, the 19 complaint review panel, if eligible, and then actually 20 administering the discipline onto the accused officer?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. And then what -- after the discipline 23 is decided, and the officer -- accused officer is 24 notified, what were the appeal or further steps that the 25 accused officer could then take?</p>	<p style="text-align: right;">Page 72</p> <p>1 would the process play out where that's a disciplinary 2 recommendation?</p> <p>3 A. So that -- after -- see, what I'm not sure of 4 is if they still had the complaint -- I -- I believe 5 they still had the complaint review panel, but then once 6 the case made its way back to the advocate section is 7 when the -- the case would be prepared for review by the 8 superintendent's office.</p> <p>9 Q. Okay. And if the superintendent -- and do you 10 know, during this time period, do you know who within 11 the superintendent's office was reviewing and making 12 these decisions?</p> <p>13 A. I do not.</p> <p>14 Q. Okay. Could it have been either the 15 superintendent or any person delegated by the --</p> <p>16 A. Or designee, correct.</p> <p>17 Q. Okay. Am I correct that it's the 18 superintendent who has the authority to do it, even 19 though they can designate who they want to exercise 20 their authority?</p> <p>21 A. That is correct.</p> <p>22 Q. Okay. So then if the designee -- if the 23 superintendent, or their designee, decides to proceed 24 with the suspension of 30 days or more, or a separation, 25 what are the next steps?</p>
<p style="text-align: right;">Page 71</p> <p>1 A. He can enter into the grievance process, if he 2 wanted to grieve the matter. So that would require him 3 to do a to/from report, or a memo, requesting that -- a 4 grievance process. And then the grievance process will 5 play out.</p> <p>6 Q. And how does the grievance process play out?</p> <p>7 A. At the time, I -- I -- I believe the -- it 8 might have been the member's commander was the -- 9 facilitated the grievance for the -- yeah, for the 10 member, at the time.</p> <p>11 Q. How does that work?</p> <p>12 A. So the -- the commander would set a date to 13 say, okay, we're going -- we're going to have this 14 grievance on this particular date. And the -- the 15 member would go into the commander's office and -- and 16 -- and plead his case. And -- and just say that he -- I 17 guess, he would like his penalty reduced or -- and then 18 the commander would make the determination. That's at 19 the time.</p> <p>20 Q. If the officer doesn't get the relief that the 21 officer wants from the commander, are there further 22 opportunities to appeal?</p> <p>23 A. No.</p> <p>24 Q. And then, what about where the suspension was 25 30 days or more, or separation from the department, how</p>	<p style="text-align: right;">Page 73</p> <p>1 A. So -- so I -- I know there's paperwork 2 involved and I -- I know that the -- the member -- if 3 it's -- let's -- let's go with the suspension. So 30 4 days pending separation or more, so the superintendent 5 can say, okay, we're not going to fire you. We're going 6 to recommend a 90-day suspension. So at that point 7 paperwork is drawn up. A lot of that paperwork is for 8 finance because back then there was an option to either 9 be suspended from work, or just be at home for 90 days, 10 or you can -- you can give up 45 days of compensatory 11 time and the rest of the time you'll remain home. So 12 there is, like, a lot of paperwork involved in 13 determining -- determining how that member was going to 14 satisfy that suspension time, depending on what options 15 were given to the member by the superintendent's office.</p> <p>16 Q. So in those cases, the superintendent's office 17 would decide whether and how much to offer in terms of 18 options, meaning substituting paid time off for days 19 actually is suspended and not working?</p> <p>20 A. That is correct.</p> <p>21 Q. And so, if the officer chooses to exercise the 22 option and give up paid off -- days paid off, they can 23 return to work sooner and they can start earning money 24 sooner than if they had taken the suspension as a full 25 suspension; is that correct?</p>

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1 A. That is correct.
 2 Q. Okay. And then what if -- what if the officer
 3 disagrees with the superintendent's recommendation, what
 4 appeal options do they have?

5 A. So at -- at the time during the time frame, I
 6 just don't -- I don't recall whether or not there was an
 7 option for the case to be brought before the -- I don't
 8 think we had a -- maybe -- maybe we had a police board
 9 back then. I'm just not -- I'm not sure if we did.

10 Q. Sure. So you --

11 A. I'm sorry. There -- during some of that time,
 12 yeah, think that we did have a police board because I
 13 recall going to some of the police board meetings.
 14 Yeah. With the -- well, with the -- with Chief Konow.
 15 So -- but that was after 2013, so...

16 Q. Yeah.

17 A. Yeah.

18 Q. Okay. And so, then the police board makes an
 19 independent evaluation of whether to -- well, strike
 20 that. I'll ask -- let me ask this as a question, can
 21 the police board either choose to uphold the
 22 recommendation or impose different discipline based on
 23 its assessment of the evidence?

24 A. Yes.

25 Q. And the police board can also decide that no

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1 discipline is warranted, correct?

2 A. That is correct.

3 Q. And then if the officer doesn't -- disagrees
 4 with the police board, are they able to appeal it
 5 further?

6 A. To the best of my knowledge, no.

7 Q. Okay. Yes. Could you tell -- please tell me
 8 about how the department -- well, are you familiar with
 9 mediation as a potential means of resolution for CRs?

10 A. Yes.

11 Q. Can you tell me how the department -- what the
 12 process was for -- actually, I'll back up. During this
 13 time period, in what circumstances was mediation an
 14 option during the CR investigation?

15 A. So during the course of the investigation, if
 16 the investigator determined earlier on based on the
 17 evidence that was gathered during his investigation,
 18 that there was a high probability that the case would be
 19 sustained. There were -- there was a conversation after
 20 serving the member with the allegations, there was a
 21 conversation that took place between the member, the
 22 member's counsel, and the investigator to say, hey, you
 23 know, this is a strong case for mediation because the
 24 evidence that I have, and based on my interviews,
 25 there's a -- there's a probability -- this is a high

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1 probability that this case is going to be sustained, so
 2 this would be a good case for -- for mediation. And
 3 then, if they agree, the department advocate would be
 4 brought in because the -- at the time, the department
 5 advocate was the person that was mediating the cases.

6 Q. And then what is the department advocate's
 7 role during this time period in mediating the cases?

8 A. So they would draft up paperwork and the
 9 paperwork would spell out the allegations and there -- I
 10 think it was some statutes that were explained out within
 11 the mediation paperwork. And then the -- the -- I won't
 12 call it a negotiation, but the -- the department
 13 advocate would -- would basically spell out what the --
 14 what the potential penalty -- penalties are that the
 15 member's going to be signing off on. So back then
 16 typically, if the officer and the attorney for the
 17 officer agreed to mediate the case -- say if the officer
 18 was facing a ten-day suspension, through mediation, the
 19 penalty will be -- will be reduced because we would
 20 really weigh in the fact that the officer is admitting
 21 guilt -- is admitting guilt and for -- for that, there
 22 was a reduction in their recommended penalty.

23 Q. And so, in terms of the stage where mediation
 24 occurs, it's after all the investigative steps have been
 25 taken up to the point that the officer would give a

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1 to/from or a statement, correct?

2 A. Right. So -- back -- here, so back during
 3 that time frame, this mediation process was fairly new.
 4 So we were conducting full investigations, interviewing
 5 everyone prior to mediation, but -- but then the
 6 mediation process really evolved to where the FOP and
 7 the member's attorneys -- after the member was sometimes
 8 served the -- served the allegation, or after witnesses
 9 were interviewed regarding the case, the attorneys would
 10 -- would get ahead of the case and say, Hey, my -- my
 11 client wants -- would like to mediate the case. And
 12 once the case is mediated, a lot of the other
 13 investigative steps would not be taken because -- and
 14 this is after the member is served the -- the
 15 allegations, of course. We wouldn't have the member sit
 16 for a statement. We would just go ahead and mediate the
 17 case, based on the member reviewing the allegations with
 18 the attorney.

19 Q. Got it. And so, as part of the mediation
 20 process, the accused officer, essentially, agrees that
 21 the finding will be sustained, and agrees that there'll
 22 be a such and such penalty, but they do not give a
 23 to/from, or a statement as part of the investigation; is
 24 that correct?

25 A. That is correct. But then there are -- there

<p style="text-align: right;">Page 78</p> <p>1 are times where a member has sat for a statement, but</p> <p>2 then the case has been mediated after that.</p> <p>3 Q. Okay. And is that usual -- is that usual or</p> <p>4 unusual in terms of the mediation process?</p> <p>5 A. That --</p> <p>6 MR. MICHALIK: Object to the form. Go ahead if</p> <p>7 you understand.</p> <p>8 THE WITNESS: That is -- it doesn't happen that</p> <p>9 often.</p> <p>10 BY MR. HILKE:</p> <p>11 Q. Okay. And the example you're talking about,</p> <p>12 is that from the 1999 to 2011 time frame, or is it after</p> <p>13 that time period?</p> <p>14 A. Well, like -- well, back between the -- the --</p> <p>15 the time period, mediation was fairly new. I could say</p> <p>16 I mediated the first case, but mediation was fairly new</p> <p>17 and the -- a lot of the mediations took place after the</p> <p>18 interview -- after the interview, but then it -- it</p> <p>19 evolved to where the mediations were taking place after</p> <p>20 the member was served with the allegations.</p> <p>21 Q. Okay. So -- just so I -- just so I understand</p> <p>22 it right -- okay. When did you -- when did you conduct</p> <p>23 the first mediation?</p> <p>24 A. Oh, wow. I would -- I would have to say --</p> <p>25 five, six -- if I had to guess, maybe somewhere around</p>	<p style="text-align: right;">Page 80</p> <p>1 correct.</p> <p>2 Q. Okay.</p> <p>3 A. The victim or complaint do not.</p> <p>4 Q. Your Counsel just mentioned that when I --</p> <p>5 sometimes, the double negatives are confusing for the</p> <p>6 record, but it's correct that the victim and complainant</p> <p>7 play no role in mediation, right?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay. Now, so some -- one way that complaints</p> <p>10 could come in to the department during this time frame</p> <p>11 is if a complainant was arrested and they made an outcry</p> <p>12 of, for example, being mistreated during their arrest,</p> <p>13 that could be taken in as a complaint by the department,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And department members were obligated to</p> <p>17 report any outcries of mistreatment, so that such an</p> <p>18 investigation could take place, correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Was there any -- so was there any policy that</p> <p>21 prevented investigators from investigating a complaint</p> <p>22 where the complainant had subsequently pleaded guilty or</p> <p>23 been found guilty of a crime?</p> <p>24 A. I'm sorry, can you repeat that one more --</p> <p>25 Q. Yeah. Like, I'll give an example. Say a</p>
<p style="text-align: right;">Page 79</p> <p>1 2008 or '9, maybe. I'm not -- I was -- I'm just really</p> <p>2 -- I'm not certain of the date, but I -- I recall it. I</p> <p>3 really -- I recall the mediation, but -- yeah.</p> <p>4 Q. What was the reason for the department</p> <p>5 introducing mediation as a way to resolve CRs?</p> <p>6 MR. MICHALIK: Object to the form, foundation.</p> <p>7 THE WITNESS: I -- I -- I think -- I believe it</p> <p>8 is -- it was to -- to resolve -- I -- I won't say</p> <p>9 resolve cases quickly, but if we can have officers</p> <p>10 come in and admit their wrongdoing, then we can move</p> <p>11 forward with the investigation and -- and close out</p> <p>12 these cases, instead of spending a lot of time in --</p> <p>13 in doing investigative work and interviewing a lot</p> <p>14 of people, when the member can just come in and</p> <p>15 admit their wrongdoing and be -- you know, penalized</p> <p>16 for it. And then we -- so we can just move on.</p> <p>17 BY MR. HILKE:</p> <p>18 Q. I apologize if I asked this, but the victim or</p> <p>19 complainant, they do not participate in the mediation</p> <p>20 process, correct?</p> <p>21 A. No.</p> <p>22 MR. MICHALIK: That is correct?</p> <p>23 BY MR. HILKE:</p> <p>24 Q. You mean is that correct?</p> <p>25 A. Oh, that is -- I'm sorry. That -- that is</p>	<p style="text-align: right;">Page 81</p> <p>1 complainant says, you know, I was falsely arrested for</p> <p>2 jaywalking. I didn't jaywalk, and then they plead</p> <p>3 guilty to jaywalking. Would the department be prevented</p> <p>4 from investigating their outcry of false arrest?</p> <p>5 A. Prevented from it? No. No. So I mean, if --</p> <p>6 if he's making the allegation that he's false -- he's</p> <p>7 been falsely arrested, the department will generate a</p> <p>8 log number for that complaint.</p> <p>9 Q. Okay. And then, you know, say it's -- say</p> <p>10 it's something more serious, right? Like, say it's a --</p> <p>11 say it's a domestic battery and the complainant says I</p> <p>12 was falsely arrested. I've got a complaint against the</p> <p>13 officers who arrested me and then they plead guilty to</p> <p>14 the crime. Is there any policy or practice that if the</p> <p>15 investigator learns the guilty plea, they should stop</p> <p>16 investigating the allegation?</p> <p>17 A. If -- if the member learns of the guilty plea?</p> <p>18 No.</p> <p>19 MR. MICHALIK: If the investigator learns of</p> <p>20 the guilty plea?</p> <p>21 MR. HILKE: Yes, correct.</p> <p>22 MR. MICHALIK: I'm not sure --</p> <p>23 BY MR. HILKE:</p> <p>24 Q. Correct. Like, the investigator is</p> <p>25 investigating this complaint of false arrest.</p>

<p style="text-align: right;">Page 82</p> <p>1 A. Okay.</p> <p>2 Q. One of the pieces of evidence the investigator</p> <p>3 gathers is oh, I learned in the criminal case, my</p> <p>4 complainant -- the complainant has pleaded guilty to</p> <p>5 this offense. My question is: At that point, is there</p> <p>6 any policy or practice for that investigator to stop</p> <p>7 investigating at that point?</p> <p>8 A. No. So the -- the investigation's going to</p> <p>9 move forward. So you -- when, like, you gave the</p> <p>10 example of domestic, so when dealing with domestic</p> <p>11 cases, we -- we -- there -- there isn't an</p> <p>12 administrative allegation associated with the -- the</p> <p>13 domestic case, and it can be as simple as a case -- the</p> <p>14 case report number that will lead the investigator to</p> <p>15 review the actual -- case report, or there can be more</p> <p>16 information within the -- the face sheet and the</p> <p>17 administrative case that would -- would lead the</p> <p>18 investigator to take a deeper dive and investigate the</p> <p>19 -- the different elements that are contained within the</p> <p>20 -- the original administrative complaint into the</p> <p>21 domestic.</p> <p>22 Q. Yeah. I --</p> <p>23 A. You know what I mean? So there's -- there's</p> <p>24 -- because you're -- we're talking about a criminal,</p> <p>25 domestic case and then we're talking about an</p>	<p style="text-align: right;">Page 84</p> <p>1 back in and say, okay, you're -- you're saying that you</p> <p>2 were wrongfully arrested, but yet you plead guilty for</p> <p>3 battery and why would you do that? So he might -- he</p> <p>4 might say, well, I -- I wasn't, you know, you don't know</p> <p>5 how it's going to play out. So during the course of the</p> <p>6 administrative investigation, you have to ask a series</p> <p>7 of questions and if we re-interview the complainant, he</p> <p>8 might say, well, I was just making it up and I wasn't</p> <p>9 falsely arrested. So and that would play out during</p> <p>10 the, you know, also the administrative Q and A.</p> <p>11 Q. That makes sense. So just so I understand</p> <p>12 from the investigator, the guilty plea wouldn't be</p> <p>13 dispositive, it would be important to follow up with the</p> <p>14 complainant and ask why they pleaded guilty?</p> <p>15 A. Correct.</p> <p>16 Q. The department would want to know if they</p> <p>17 pleaded guilty, just because they got a favorable deal,</p> <p>18 as opposed to really admitting that they had committed</p> <p>19 the crime, correct?</p> <p>20 MR. MICHALIK: Object to the form, incomplete</p> <p>21 hypothetical.</p> <p>22 THE WITNESS: Okay. Can you -- can you repeat</p> <p>23 that?</p> <p>24 BY MR. HILKE:</p> <p>25 Q. I kind of -- saying that the department would</p>
<p style="text-align: right;">Page 83</p> <p>1 administrative log number that has to be satisfied</p> <p>2 during the criminal case for the investigator.</p> <p>3 Q. Yeah. And actually, I -- let me -- let me put</p> <p>4 a different example in front of you so I'm not -- so I</p> <p>5 can keep straight what I'm trying to talk about. So you</p> <p>6 know, call it just, like -- call it just, like, a</p> <p>7 battery, right? Not a -- not a domestic, just one</p> <p>8 person battering another, right? And so, Person A is</p> <p>9 arrested for battery. Their complaint is I didn't hit</p> <p>10 anyone, the officers made it up. I was falsely</p> <p>11 arrested. I want that investigated. Investigators</p> <p>12 working on the case. They later learn in their</p> <p>13 investigation, that Person A has pleaded guilty to</p> <p>14 battery. Would that stop the investigation, according</p> <p>15 to any policy or practice the department had?</p> <p>16 A. No. So -- no, because during the course of</p> <p>17 the investigation, we -- we have to continue it because</p> <p>18 we're going to interview the complainant that's saying</p> <p>19 that he was falsely arrested for battery and -- and ask</p> <p>20 him a series of questions regarding what transpired</p> <p>21 during this battery case.</p> <p>22 Q. Sure.</p> <p>23 A. And if we -- during that course of that</p> <p>24 interview, if we -- if we determine, okay, the member</p> <p>25 pleads guilty, that -- no, that -- we can also bring him</p>	<p style="text-align: right;">Page 85</p> <p>1 want to know if there was some reason other than -- the</p> <p>2 department would want to know whether the person pleaded</p> <p>3 guilty, because they really -- they really admitted they</p> <p>4 had done it, as opposed to other reasons they might have</p> <p>5 pleading guilty, like to avoid a harsher sentence,</p> <p>6 correct?</p> <p>7 MR. MICHALIK: Object to form. Go ahead.</p> <p>8 THE WITNESS: Yes, that's -- that's -- that's</p> <p>9 exactly -- we just -- we want to know, really, why</p> <p>10 you would plead guilty in court when you're making</p> <p>11 this allegation that you are wrong -- wrongfully</p> <p>12 arrested for battery.</p> <p>13 BY MR. HILKE:</p> <p>14 Q. One second. And why would the department want</p> <p>15 to have that follow up conversation instead of just, you</p> <p>16 know, looking at a transcript of a -- of a plea under</p> <p>17 oath and saying, well, that's good enough. That is</p> <p>18 dispositive of what actually happened here?</p> <p>19 MR. MICHALIK: Object to form.</p> <p>20 THE WITNESS: Well, because you -- yeah. Well,</p> <p>21 in order to do a -- a thorough investigation, you</p> <p>22 just want to close out all avenues and you -- if the</p> <p>23 person is pleading guilty in court, we just -- we</p> <p>24 need to just hear from that person, why that person</p> <p>25 would do that so we can complete this investigation</p>

<p style="text-align: right;">Page 86</p> <p>1 and make sure it's thorough and that every avenue's</p> <p>2 been -- it's been closed.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. Got It. And by being thorough and every</p> <p>5 avenue being closed, you mean getting a full explanation</p> <p>6 from the complainant of what additional information they</p> <p>7 may have to provide, correct?</p> <p>8 MR. MICHALIK: Object to form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 MR. HILKE: Okay. Let's take break. We'll go</p> <p>11 ten minutes.</p> <p>12 THE VIDEOGRAPHER: All right. We're off the</p> <p>13 record. The time is 11:49.</p> <p>14 (OFF THE RECORD)</p> <p>15 THE VIDEOGRAPHER: All right. We are back on</p> <p>16 the record in the deposition of Timothy Moore.</p> <p>17 Today is March 19, 2024 and the time is 12:04 p.m.</p> <p>18 MR. HILKE: Let's mark Exhibit number 2,</p> <p>19 CR 29405. This is General Order in 93-0303.</p> <p>20 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>21 MR. MICHALIK: Counsel --</p> <p>22 MR. HILKE: Yeah.</p> <p>23 MR. MICHALIK: -- before we start, this</p> <p>24 particular exhibit is marked confidential.</p> <p>25 MR. HILKE: Oh, fine. Yeah. I see that.</p>	<p style="text-align: right;">Page 88</p> <p>1 designate this as confidential for purposes now,</p> <p>2 but, you know, we can talk about it afterwards.</p> <p>3 MR. HILKE: All right. I -- let's do this.</p> <p>4 I've marked the exhibit. I'm going to invite the</p> <p>5 witness to read it, and then I think we're going to</p> <p>6 be able to go off the -- off the confidential record</p> <p>7 to ask questions about this policy that's in</p> <p>8 discovery.</p> <p>9 MR. MICHALIK: That's fine.</p> <p>10 MR. HILKE: All right.</p> <p>11 (CONFIDENTIAL PORTION I REDACTED)</p> <p>12 BY MR. HILKE:</p> <p>13 Q. Sir, you've just reviewed Section C, Items 1</p> <p>14 through 15 of General Order 93-0303, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. That's one of the policies you reviewed to get</p> <p>17 ready for this deposition?</p> <p>18 A. Yes.</p> <p>19 Q. And that showed the steps that the general</p> <p>20 orders say need to be taken in an Internal Affairs</p> <p>21 investigation?</p> <p>22 A. That is correct.</p> <p>23 Q. And did -- other than some -- and it includes</p> <p>24 some language about what should be done if the</p> <p>25 investigator suspects a criminal prosecution may also be</p>
<p style="text-align: right;">Page 87</p> <p>1 MR. MICHALIK: So I think we produced it in a</p> <p>2 non-confidential way, but to the extent that this</p> <p>3 exhibit is going to be used, I think we have to</p> <p>4 designate this part of the deposition as</p> <p>5 confidential.</p> <p>6 MR. HILKE: You know, the problem I had was the</p> <p>7 version you produced had -- was cut off in sections</p> <p>8 I wanted to use. This is the one in discovery that</p> <p>9 wasn't cut off. Do you want to take a second and</p> <p>10 just skim through? It's literally just the policy.</p> <p>11 MR. MICHALIK: I -- yeah, I don't disagree. I</p> <p>12 -- you know, it's just that to the extent that this</p> <p>13 is -- this exhibit is going to be used --</p> <p>14 MR. HILKE: Okay.</p> <p>15 MR. MICHALIK: -- I -- you know, I'm concerned</p> <p>16 that, you know, that this exhibit has been marked as</p> <p>17 confidential. That's the issue. Because I think</p> <p>18 this has been produced in a non-confidential way,</p> <p>19 so...</p> <p>20 MR. HILKE: But it's in a -- it's in a form I</p> <p>21 can't use though because it cut off parts of the</p> <p>22 policy I need.</p> <p>23 MR. MICHALIK: All right. Well, let's proceed.</p> <p>24 MR. HILKE: Yeah.</p> <p>25 MR. MICHALIK: You know, we'll -- we can</p>	<p style="text-align: right;">Page 89</p> <p>1 involved, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Other than that, does it differentiate</p> <p>4 between, you know, General Investigation, Confidential</p> <p>5 Investigation, or any other kind of investigation?</p> <p>6 A. No. The -- the initial steps are pretty much</p> <p>7 the -- the same --</p> <p>8 Q. Okay.</p> <p>9 A. -- with respect to all different sections</p> <p>10 within the bureau -- Bureau of Internal Affairs.</p> <p>11 Q. And this is -- this is going back to an</p> <p>12 earlier topic. I said I would ask you about how does</p> <p>13 investigative steps proceed for a confidential</p> <p>14 investigation.</p> <p>15 A. Yes.</p> <p>16 Q. Could you please tell me what's different in</p> <p>17 terms of the investigative steps during a confidential</p> <p>18 investigation during this time period?</p> <p>19 A. Well, the -- it really depends on the nature</p> <p>20 of the investigation itself than the -- than the -- the</p> <p>21 case. Typically, when cases make their way to the</p> <p>22 Confidential Section, those cases are going to require</p> <p>23 some level of surveillance. Those cases are typically a</p> <p>24 lot longer to investigate to -- to gather evidence and</p> <p>25 information regarding the -- whatever particular</p>

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1 allegation it is. And those cases -- a lot of those
2 cases are criminal in nature. The -- some of those
3 cases involve our policies with respect to people living
4 within the city boundaries, so those are our residency
5 cases. And there are also cases that we handle
6 regarding our medical policy that we investigate, and
7 those -- those cases also require surveillances.

8 Q. So am I correct then that the main difference
9 is that there may be a more complex operational
10 component involving surveillance specifically for these
11 kinds of investigations?

12 A. Yes, you can say that.

13 Q. Okay. Other than the more complex
14 surveillance operations that may be involved, are there
15 any other differences in the steps to be taken in
16 Confidential Investigations?

17 A. Well, yes, because a -- a lot of the -- a lot
18 of the cases that are handled in Confidential, they
19 require a coordination with other agencies, be it the
20 State's Attorney's Office or the U.S. Attorney's Office
21 or our federal partners also get involved in some of our
22 criminal cases over in Confidential. And that does not
23 typically occur with cases that are assigned to Special
24 or General investigations.

25 Q. Got it. And the steps to take to coordinate

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1 with other offices, are those also laid out in the
2 general orders and special orders you referred to at the
3 beginning of your deposition?

4 A. I -- I think it -- I think, if I'm not
5 mistaken, it does make -- mention to contact the State
6 Attorney's Office and maybe the U.S. Attorney's Office
7 for assistance with some of our criminal investigations.
8 And it -- it -- it may mention the working with our
9 federal partners as well.

10 Q. Okay.

11 A. Not in that language, but --

12 Q. Are there any other sources, other than the
13 general orders and special orders, where it's written
14 down the steps to be taken in an investigation when
15 coordinating with other offices?

16 A. I -- I think there is some language in the --
17 there's a -- there's an SOP that was out back -- back
18 then, standard operating procedures for the whole unit
19 that was out there. And under the Confidential
20 Investigation Section within the SOP, I think it -- it
21 mentioned some of our investigative steps that were to
22 be taken --

23 Q. Okay.

24 A. -- during that time frame.

25 Q. Got it. Any other sources I'm not asking

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1 about, the general orders, the special orders, and the
2 standard operating procedures?

3 A. No. No.

4 Q. And so, are you familiar -- this is from the
5 2003 to the 2007 Fraternal Order of Police contract with
6 the requirement that no new complaint register file be
7 opened or -- and no CRB reinvestigated or reopened more
8 than five years after the date the complaint was made
9 known to the police department?

10 A. Yes, I -- I -- I do recall that.

11 Q. And in those instances, the superintendent's
12 requirement -- strike that. The superintendent's
13 approval is required to proceed if so much time has
14 passed, correct?

15 A. That is correct.

16 Q. During 1999 to 2011, what was the process for
17 seeking the superintendent's approval to investigate
18 outside of that time frame?

19 A. So I -- I think -- I -- I don't think there
20 was a -- a written report that was needed. I just think
21 that request was communicated up the chain, and then the
22 chief of Internal Affairs would have, I guess, a
23 conversation with the superintendent. But I don't --
24 there was not, that -- that I recall, a written request
25 to have that open.

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1 Q. So could have -- is -- so -- and when you say
2 not a written request -- so forgive me if this is
3 obvious, but it would have been a verbal request to seek
4 the permission from the superintendent?

5 A. Yes, because I -- I mean, I just don't --
6 because a lot of things that we do is done by a to/from
7 or a memo to -- to -- to memorialize it in writing, but
8 I just don't know if that request required that to, from
9 report. And I don't know if it was -- if not, it would
10 have been as simple as, you know, me communicating it to
11 the lieutenant, who would talk to the -- to the chief,
12 who in turn would have a conversation with the
13 superintendent.

14 Q. I understand. Do you have -- do you have any
15 reason to think that a record was kept of how many times
16 the superintendent approved or did not approve such
17 requests during the time frame?

18 A. I don't think there's a -- a record of that.

19 Q. So there -- do you know how many times the
20 superintendent approved or denied requests to
21 investigate outside of the time frame?

22 A. I do not.

23 Q. So it would be if the superintendent had --
24 strike that. So if -- do you have any sense of, you
25 know, how often the superintendent made such decisions?

<p style="text-align: right;">Page 94</p> <p>1 MR. MICHALIK: Object to form, foundation.</p> <p>2 THE WITNESS: I do not.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. Okay. So it'd be consistent with your</p> <p>5 understanding if the superintendent never approved such</p> <p>6 an investigation during this time frame, correct?</p> <p>7 MR. MICHALIK: Object to form. Argumentative,</p> <p>8 foundation, asked and answered.</p> <p>9 BY MR. HILKE:</p> <p>10 Q. I'm just trying to make sure I understand your</p> <p>11 answer. If the superintendent never approved a request</p> <p>12 to investigate outside of the time frame, that would be</p> <p>13 consistent with your knowledge of the process for giving</p> <p>14 approval outside of five years from 1999 to 2011,</p> <p>15 correct?</p> <p>16 MR. MICHALIK: Object to form.</p> <p>17 THE WITNESS: Well, during that time period, I</p> <p>18 -- I -- I never -- I personally never had an</p> <p>19 occasion to request that a case be reopened, me,</p> <p>20 personally. So -- and as a sergeant investigator</p> <p>21 back then, that I just -- I -- that -- that never</p> <p>22 really crossed my desk -- desk or my path, so I just</p> <p>23 -- I would have no knowledge of that.</p> <p>24 BY MR. HILKE:</p> <p>25 Q. Let me go back to the confidential</p>	<p style="text-align: right;">Page 96</p> <p>1 that section that after they review the case, they would</p> <p>2 sign it -- sign off on it.</p> <p>3 Q. So if a complaint is assigned to the unit and</p> <p>4 the sergeant is investigating, their lieutenant would</p> <p>5 approve it when they finish their investigation,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And if a lieutenant was investigating a</p> <p>9 sergeant, their commander or whoever's above them in the</p> <p>10 chain of command would approve it, correct?</p> <p>11 A. That is -- that's correct.</p> <p>12 Q. Is it not the commander?</p> <p>13 A. No, no, no. It's -- it's the commander,</p> <p>14 because remember, as I said that I was an investigator</p> <p>15 as a lieutenant --</p> <p>16 Q. Yeah.</p> <p>17 A. -- over at the FBI, so I did handle cases as a</p> <p>18 lieutenant and my cases were signed off by the commander</p> <p>19 of Internal Affairs.</p> <p>20 Q. Okay. And the same is true even if it's</p> <p>21 assigned to the unit, right? If a unit -- if a unit</p> <p>22 lieutenant is investigating a unit sergeant, that unit</p> <p>23 lieutenant's supervisor is going to approve their</p> <p>24 recommendation?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">Page 95</p> <p>1 investigation steps for a little bit. After the</p> <p>2 investigation was finished in a confidential</p> <p>3 investigation, and now the investigator is making their</p> <p>4 recommendation for the disposition, does the process</p> <p>5 from that point on differ in any way from the process</p> <p>6 you described for other types of investigations?</p> <p>7 A. No. For -- for -- for your investigation that</p> <p>8 was conducted in Confidential, within the Bureau of</p> <p>9 Internal Affairs, that process is the same. Just I want</p> <p>10 to add one thing, one level of review. So after me, as</p> <p>11 a sergeant, investigate my case and finish it, my case</p> <p>12 is reviewed by a lieutenant within that section of</p> <p>13 Confidential, or when I was working in Special --</p> <p>14 Special, the lieutenant would review my case.</p> <p>15 Q. Okay.</p> <p>16 A. Then it would move on to either Command</p> <p>17 Channel or the police review -- review -- review panel.</p> <p>18 Q. So that -- is that an additional step that</p> <p>19 applies to all the kinds of investigation we've</p> <p>20 discussed, that the investigator's supervisor will</p> <p>21 approve it before it goes to the advocacy section to</p> <p>22 review?</p> <p>23 A. That is a -- that's correct. So on our</p> <p>24 closing summary report for our investigation, there's</p> <p>25 always a signature line for the -- the lieutenant within</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. All right. Okay. Any other differences, just</p> <p>2 in terms of the stages applying to confidential</p> <p>3 investigations that we haven't talked about yet?</p> <p>4 A. Well, we -- when we spoke about the -- the</p> <p>5 stages within Confidential, yeah, the investigative</p> <p>6 steps are -- are same as -- as far as processing the</p> <p>7 case through, the administrative case. The only</p> <p>8 difference is the -- the criminal cases and the -- the</p> <p>9 cases that were worked with the -- the task force that</p> <p>10 was assigned from the Confidential section of Internal</p> <p>11 Affairs.</p> <p>12 Q. Which task force are you referring to?</p> <p>13 A. I'm referring to the Law Enforcement</p> <p>14 Anti-Corruption Task Force.</p> <p>15 Q. And what was the -- what was the nature of</p> <p>16 that task force, the Law Enforcement Anti-Corruption?</p> <p>17 A. The nature of it?</p> <p>18 Q. Yeah.</p> <p>19 A. Like, what do they investigate? Or what --</p> <p>20 Q. Yeah, what do they investigate?</p> <p>21 A. They just -- just allegations of corruption,</p> <p>22 like coercion, thefts, you know, child trafficking</p> <p>23 cases, adult trafficking cases, civil rights violation</p> <p>24 cases. It was just a lot of -- any case that could be</p> <p>25 -- that would be handled at the federal level that</p>

<p style="text-align: right;">Page 98</p> <p>1 involved law enforcement officers. And not just CPD, 2 any law enforcement officer in the Northern District of 3 Illinois.</p> <p>4 Q. And was this task force in effect for the 5 entirety of the 1999 to 2011 period?</p> <p>6 A. I'm -- I'm not sure if it was in effect back 7 in 1999, because that kind of predates my involvement on 8 the task force, but I -- I know it was in effect as far 9 back, as I can recall, 2006.</p> <p>10 Q. 2006. So you're aware that the first -- are 11 you aware that the first -- are you aware that the FBI 12 was engaged in the investigation of Ronald Watts as 13 early as 2004?</p> <p>14 A. Yes.</p> <p>15 Q. Was this task force in effect then?</p> <p>16 MR. MICHALIK: I'm just going to object. This 17 is beyond the scope of this particular 30(b)(6) 18 deposition. You can answer if you know.</p> <p>19 THE WITNESS: Well, I -- I can say that there 20 were CPD officers assigned to the FBI to work that 21 case at the time. Whether or not it was considered 22 a task force that was under an MOU, I'm not certain 23 of that, but I know that there were officers that 24 were embedded in the FBI to -- that were working on 25 this case. But to -- if -- I don't want to call it</p>	<p style="text-align: right;">Page 100</p> <p>1 a fact not in evidence.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. The let me ask it as a question. The -- what 4 you described as a task force, in effect, in -- 5 actually, let me take two steps back. Aside from CPD, 6 were there other agencies who participated in the task 7 force that you were talking about?</p> <p>8 A. Yes.</p> <p>9 Q. Did the FBI participate in the task force?</p> <p>10 A. Yes.</p> <p>11 Q. Did the U.S. Attorney's Office participate in 12 the task force?</p> <p>13 A. They weren't -- they weren't on the task 14 force. They didn't have a physical presence in the FBI 15 space, but our investigations involved coordination with 16 the U.S. Attorney's Office, but they were not actually 17 on the task force and part of the memorandum of 18 understanding that governed the -- the task force that I 19 was on.</p> <p>20 Q. Okay. And was that the same -- was that same 21 task force in existence at the -- at the end of 2011, at 22 the end of the time period we're talking about today?</p> <p>23 A. Well, so when -- here's the thing. So when I 24 started working in the FBI space, that was 2014, and -- 25 and at that point is when they brought on board the</p>
<p style="text-align: right;">Page 99</p> <p>1 a task force back then when I wasn't aware -- if I'm 2 not aware that there was a -- an MOU in place.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. Okay. And this is -- the reason that you 5 brought up the task force is because there are different 6 practices for investigating CRs as to this task force, 7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And do you know if this task force -- 10 do you know if this task force was ever connected with 11 the investigation into Ronald Watts?</p> <p>12 A. Well, see, like -- like I said, I mean, I 13 don't -- at the time back then, I don't -- it's hard for 14 me to call it a task force. I know that there were 15 officers assigned to the -- the FBI at that time, or 16 working with the FBI, working out of the FBI space, but 17 I don't -- I just know when I was there, I was on a task 18 force.</p> <p>19 Q. What -- at the end of the Watts investigation, 20 you personally did the final steps of the administrative 21 proceedings against Watts and Mohammed, correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Was the -- and at that point, it was a task 24 force, right? That's after 2006, correct?</p> <p>25 MR. MICHALIK: I'm going to object. It assumes</p>	<p style="text-align: right;">Page 101</p> <p>1 state police, the county sheriff's police, and there was 2 an MOU, and that formulated the actual task force.</p> <p>3 Prior to me being there, there were officers assigned to 4 the FBI to work certain cases. Now, those officers -- 5 sergeants did not work in Internal Affairs, right? They 6 worked out of what's called VTeck Services (phonetic), 7 which is over -- overseen by the first deputy's office. 8 So it wasn't until I got there that I had a physical 9 presence at the FBI, but was assigned to the Bureau of 10 Internal Affairs, if you understand what I'm saying. So 11 there --</p> <p>12 Q. I do --</p> <p>13 A. -- was changes that -- that took place when I 14 arrived.</p> <p>15 Q. Yeah. And I don't really care what we call 16 it. What I'm really trying to get at is you're talking 17 about policies and practices being different for some 18 kinds of investigations within CPD. And I guess when 19 you're talking about -- one second. I guess for -- can 20 you define for me, like, the kinds of investigations, 21 involving collaborations with other agencies, where 22 there was a distinct set of practices and policies in 23 this time period?</p> <p>24 MR. MICHALIK: Object to the form, vague.</p> <p>25 THE WITNESS: '99 to 2011?</p>

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1 BY MR. HILKE:

2 Q. Yeah. And what I'm trying to ask is, I've
3 gotten mixed up in whether it's a task force or a
4 collaboration with the FBI that predated the task force.
5 And I don't care what it's called, all I want to know is
6 about the kinds of investigations where the policies and
7 practices were different from what we're talking about.
8 So if you could define for me what you're referring to
9 when you're talking about a set of investigations where
10 the policies and practices were different, that would be
11 very helpful, and we can go from there.

12 A. Okay. Different from -- from the two
13 different time periods, or different from -- in what
14 respect?

15 Q. Different from the stages you've talked about
16 that apply to general investigations, confidential
17 investigations, any category of investigations we've
18 already talked about.

19 A. Okay. Got you. So even been dating back from
20 1999 to 2011, cases that were assigned to the
21 confidential investigations sections that were worked up
22 at the -- in FBI space, when it -- when it came to
23 investigating those cases, those cases were heavily
24 coordinated by the FBI, because those were what was
25 considered to be the FBI's cases. That CPD had a role

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1 in assisting the FBI in investigating these cases and --
2 and working those cases up to potential charging of --
3 of -- of officers. So when -- when those cases are
4 near, like, completion, right? We still -- those cases
5 also had a complaint register number, or a log number,
6 associated with those cases that was housed at the
7 Bureau of Internal Affairs. And those cases were
8 assigned to the sergeants that were on the FBI task
9 force. So depending on what happened with the
10 investigation against the officer, that was handled at
11 the FBI building. The sergeants assigned to the FBI
12 will -- will finalize the case and go through those
13 steps of typing up summaries, conducting their
14 interviews, and making a finding based on the result of
15 the -- the case and the allegations that were made at
16 the time the case was initiated, if that helps you.

17 Q. It does. Okay. So what you were just talking
18 about refers to investigations in the Confidential
19 Investigation Section where the FBI was working together
20 with CPD, and it would also include the task force that
21 you described earlier, correct?

22 MR. MICHALIK: Objection, misstates the
23 testimony.

24 THE WITNESS: Well, between 19 -- 1999 and
25 2011, I cannot say for certain that that was

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1 considered a task force that these sergeants from
2 Internal Affairs were working on.

3 BY MR. HILKE:

4 Q. And I'm sorry, I didn't mean, was it a task
5 force? I just meant what -- you know, whether it was a
6 task force or not. You're aware that CPD confidential
7 investigations worked with the FBI in an investigation?

8 A. Yes.

9 Q. And that's what you were just talking about
10 now, correct?

11 A. Yes.

12 Q. So --

13 MR. MICHALIK: I don't mean to -- but we could
14 call it a joint investigation. I think that would
15 clear it up.

16 BY MR. HILKE:

17 Q. Yeah. Can we call it a joint investigation?

18 A. Yes.

19 Q. Okay.

20 A. Between CPD and the FBI.

21 Q. And the FBI. Good. Were there any -- now, is
22 the Bureau of Internal Affairs SOP where I would look
23 for documentation about joint investigations?

24 A. I -- I -- I think there is a -- a paragraph in
25 the SOP under the Confidential Section that -- that

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1 mentions working with outside agencies on
2 investigations.

3 Q. Is there any other written source you're aware
4 of that addresses joint investigations?

5 A. That would be in the MOU.

6 Q. When did CPD first enter -- during this time
7 period, when did CPD first enter into an MOU with the
8 FBI?

9 A. I -- I don't -- I'm not aware of the -- the
10 date of that.

11 Q. We've received, I believe, just one. So I
12 believe the only MOU we've received in this case in
13 discovery is dated 2011. Are you aware of any other
14 specific documented agreement between the FBI and CPD
15 prior to 2011?

16 A. No.

17 Q. Do you have any -- would you have any basis to
18 disagree that the first MOU between CPD and the FBI was
19 entered in 2011?

20 A. I can't disagree with that.

21 Q. Now, in terms of the MOU between the -- in
22 terms of -- and MOU means memorandum of understanding,
23 right?

24 A. That's correct.

25 Q. Were the -- is a memo of understanding between

<p style="text-align: right;">Page 106</p> <p>1 the FBI and CPD specific to an individual case, or</p> <p>2 governing all investigations between the -- all joint</p> <p>3 investigations?</p> <p>4 A. All joint investigations.</p> <p>5 Q. Okay. And did the memorandum of understanding</p> <p>6 prohibit the Chicago Police Department from moving</p> <p>7 administratively to discipline an officer who was being</p> <p>8 investigated in the joint investigation?</p> <p>9 A. I would -- I would have to review the document</p> <p>10 to see what the actual language is in the MOU.</p> <p>11 Q. Okay. And do you have any -- your basis to</p> <p>12 testify about the memorandum of understanding, is it</p> <p>13 based on knowledge of any specific conversations that</p> <p>14 occurred, or would it just be based on the written text</p> <p>15 of the document?</p> <p>16 A. As to the written test of -- text of the -- of</p> <p>17 the document.</p> <p>18 Q. Okay. And do you have any reason to believe</p> <p>19 that the Chicago Police Department, during this time</p> <p>20 period, ever consulted with the FBI about moving for --</p> <p>21 administratively for discipline against a police</p> <p>22 officer?</p> <p>23 A. I have no knowledge.</p> <p>24 Q. Do you have any reason to believe that the CPD</p> <p>25 ever consulted with the FBI about changing the</p>	<p style="text-align: right;">Page 108</p> <p>1 A. No, I am not.</p> <p>2 Q. Okay. All right. Exhibit 4, PL Joint 83511.</p> <p>3 It's an excerpt of Evaluation of the Use of The</p> <p>4 Affidavit Override. Sir, have you seen this document</p> <p>5 before?</p> <p>6 (EXHIBIT 4 MARKED FOR IDENTIFICATION)</p> <p>7 THE WITNESS: I have not.</p> <p>8 BY MR. HILKE:</p> <p>9 Q. All right. This is an inspector general</p> <p>10 report, the Chicago's inspector general, about the</p> <p>11 affidavit override procedure at CPD.</p> <p>12 A. Okay.</p> <p>13 Q. Let me -- one second, please. Let me refer</p> <p>14 you to Page 8 of the document.</p> <p>15 A. Okay.</p> <p>16 Q. And the situation -- and situations in which</p> <p>17 the affidavit is required. The first sentence there</p> <p>18 says, in situations in which an affidavit is required,</p> <p>19 at the conclusion of the preliminary investigation, the</p> <p>20 investigator should either -- should have either secured</p> <p>21 an affidavit, or determined whether it is appropriate to</p> <p>22 request an affidavit override; do you see that sentence?</p> <p>23 A. Yes.</p> <p>24 Q. Now, the affidavit requirement, did that come</p> <p>25 into effect -- and strike that. That's a requirement</p>
<p style="text-align: right;">Page 107</p> <p>1 assignment around -- yeah, changing the assignment of an</p> <p>2 officer who was under investigation?</p> <p>3 A. Can you repeat that one more time?</p> <p>4 Q. Yeah. So for example, like, moving to desk</p> <p>5 duty or reassigning to another district or role, do you</p> <p>6 have reason to believe the CPD ever consulted with the</p> <p>7 FBI about moving an officer who is a subject of a joint</p> <p>8 investigation to another assignment?</p> <p>9 A. You know, is that during that time frame?</p> <p>10 Q. During that time frame?</p> <p>11 A. No, I have no knowledge.</p> <p>12 Q. Okay. So I'll mark Exhibit 3. We'll mark</p> <p>13 this part of the deposition confidential, since this</p> <p>14 does have a confidential stamp on it.</p> <p>15 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>16 THE WITNESS: Yep.</p> <p>17 (CONFIDENTIAL PORTION II REDACTED)</p> <p>18 BY MR. HILKE:</p> <p>19 Q. And other than the document we've just looked</p> <p>20 at, which is City BG62266 and is marked confidential,</p> <p>21 you're not aware of any other written document</p> <p>22 reflecting the memorandum of understanding between the</p> <p>23 FBI and Chicago Police Department, are you?</p> <p>24 A. Are you talking about from that time frame --</p> <p>25 Q. During this time frame?</p>	<p style="text-align: right;">Page 109</p> <p>1 that a civilian complainant -- strike that. That's a</p> <p>2 requirement that a sworn affidavit be submitted in</p> <p>3 support of a civilian complaint, in most circumstances,</p> <p>4 before that complaint can be fully investigated,</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And did that requirement take effect</p> <p>8 with the 2003 to 2007 FOP contract? Do you know when</p> <p>9 that requirement started at CPD?</p> <p>10 A. No, I don't know the exact time frame of when</p> <p>11 that requirement was in place.</p> <p>12 Q. What were -- what were the circumstances that</p> <p>13 caused that requirement to be implemented in CPD</p> <p>14 investigations?</p> <p>15 A. I -- I don't know.</p> <p>16 Q. Would you have any reason to disagree that</p> <p>17 it's because it was bargained between the police union</p> <p>18 and the department in their 2003 to 2007 contract?</p> <p>19 MR. MICHALIK: Object to the form of the</p> <p>20 question. It assumes facts not in evidence.</p> <p>21 THE WITNESS: I have no reason to disagree with</p> <p>22 that.</p> <p>23 BY MR. HILKE:</p> <p>24 Q. Okay. So then the -- was that sentence we</p> <p>25 just read, that once a preliminary investigation is</p>

<p style="text-align: right;">Page 110</p> <p>1 done, the investigator needs to have an affidavit if one</p> <p>2 is required or determine whether to request an affidavit</p> <p>3 override, was that true during this time period at the</p> <p>4 point in which the affidavit requirement was introduced?</p> <p>5 A. Yes.</p> <p>6 Q. And the sentence at the bottom -- there's a</p> <p>7 sentence at the bottom. Interviewing the accused CPD</p> <p>8 member is the only investigative action prohibited</p> <p>9 before an affidavit or override is obtained. Was that</p> <p>10 true as to investigations once the affidavit requirement</p> <p>11 was introduced during this time period?</p> <p>12 A. Yes.</p> <p>13 Q. Who -- in an investigation, it's the -- kind</p> <p>14 of, like, the sister agency that can actually approve an</p> <p>15 affidavit override. It's BIA for OPS-IPRA and vice</p> <p>16 versa?</p> <p>17 A. That is correct.</p> <p>18 Q. Whose decision is it to request an over write</p> <p>19 from -- ride from the sister agency?</p> <p>20 A. Well, the request initially is going to be</p> <p>21 made by the investigator to the investigator's immediate</p> <p>22 supervisor. And yeah, it's going to come from the</p> <p>23 investigator.</p> <p>24 Q. And then does it go all the way up the chain</p> <p>25 of command, so the head of one agency asks for it from</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Those cases that -- at the district level that</p> <p>2 would -- would -- would -- would require an affidavit</p> <p>3 override, that's -- it was -- those cases are getting</p> <p>4 into the area where those cases will probably be</p> <p>5 reassigned back to Internal Affairs because now we're --</p> <p>6 it's becoming a time-consuming investigation. You know</p> <p>7 what I mean? So there will be a judgment call made of</p> <p>8 whether or not that case will remain at the district</p> <p>9 unit level or if that case will be brought back to the</p> <p>10 Bureau of Internal Affairs if there are extra</p> <p>11 investigative -- investigative steps that will be</p> <p>12 --</p> <p>13 Q. Sure.</p> <p>14 A. -- taken to complete that case.</p> <p>15 Q. You -- so if I understand, do you mean that if</p> <p>16 a unit supervisor requested an affidavit override,</p> <p>17 there's a decent chance that that might prompt the case</p> <p>18 to be reassigned to BIA?</p> <p>19 A. That's correct.</p> <p>20 Q. Do you know whether any unit supervisor ever</p> <p>21 requested an affidavit override during this time period?</p> <p>22 A. I do not.</p> <p>23 Q. And you don't have knowledge of any location</p> <p>24 where that information would be tracked, do you? Or</p> <p>25 documented?</p>
<p style="text-align: right;">Page 111</p> <p>1 the head of the other agency?</p> <p>2 A. That is correct.</p> <p>3 Q. Did -- are you aware of any guidance that was</p> <p>4 provided to unit investigators, like supervisors of</p> <p>5 units, where complaints were referred to as to when and</p> <p>6 how to request affidavit overrides?</p> <p>7 A. So I'm not familiar with that process of what</p> <p>8 occurred at the district level or unit level.</p> <p>9 Q. Sure. But I guess from the Chicago Police</p> <p>10 Department, are you aware of any information that the</p> <p>11 department provided to supervisors in the unit about</p> <p>12 affidavit overrides?</p> <p>13 A. No. The only thing that they would have at</p> <p>14 their disposal to review is our department policy --</p> <p>15 policies. Other than that, there's nothing that BIA</p> <p>16 just handed to the investigators that spoke about the</p> <p>17 overrides.</p> <p>18 Q. Okay. So it would just be among all the</p> <p>19 policies provided to the supervisors, correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Then on Page -- if you'll look at Page 12 of</p> <p>22 the report --</p> <p>23 A. Can I -- can I add something to that? So</p> <p>24 those --</p> <p>25 Q. Sure.</p>	<p style="text-align: right;">Page 113</p> <p>1 A. No.</p> <p>2 Q. Turning back to Page 12, if you'll look at the</p> <p>3 third paragraph, the -- Page 12 says that BIA -- it</p> <p>4 refers to BIA, COPA, and their respective predecessor</p> <p>5 agencies. It was -- COPA is what replaced IPRA, and</p> <p>6 IPRA is what replaced OPS, correct?</p> <p>7 A. Correct.</p> <p>8 Q. So the predecessor agencies to COPA are IPRA</p> <p>9 and --</p> <p>10 A. OPS.</p> <p>11 Q. Thank you. It's IPRA and OPS, right?</p> <p>12 A. Correct.</p> <p>13 Q. So the -- this document says that BIA, COPA,</p> <p>14 and their predecessor agencies submitted a total of 98</p> <p>15 affidavit override requests between February 18, 2005,</p> <p>16 and December 26, 2018, but that 64 of those 98 requests</p> <p>17 were submitted after January 1, 2016. Do you have any</p> <p>18 reason to disagree with those numbers?</p> <p>19 MR. MICHALIK: Objection, foundation.</p> <p>20 THE WITNESS: No, no reason.</p> <p>21 BY MR. HILKE:</p> <p>22 Q. Do you have any reason to think that the</p> <p>23 Office of Inspector -- and strike that. Has the Office</p> <p>24 of Inspector General, on occasion -- well, sorry. During</p> <p>25 this time period, did the Office of Inspector General</p>

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1 ever participate in a CR investigation?

2 A. I -- I'm not -- I'm not sure if during that
3 time frame, they did. Because now they -- they do, but
4 during that time frame, I'm not sure if they did.

5 Q. Sure. When the offer -- well, strike that.
6 That's fine. Okay. All right. During this time
7 period, was it CPD's policy that an investigator should
8 contact all complainants and witnesses as soon as
9 possible?

10 A. According to the policy?

11 Q. Yes, sir.

12 A. Yes. I think it's -- it's written in the
13 policy, yes.

14 MR. MICHALIK: Okay. He's --

15 BY MR. HILKE:

16 Q. Okay. And I'm done with the exhibit.

17 A. No, it's just --

18 Q. Was -- and was that also the expectation, that
19 investigators would contact all complainants and all
20 witnesses as quickly as possible?

21 A. Yes, that -- that was the policy.

22 Q. And did the policy set out that the
23 investigators should, you know, when they weren't --
24 sorry, I'm -- am I correct that -- strike that. Did the
25 policy require that an investigator -- actually -- I'd

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1 like to refresh you on -- I'd like to pull up Exhibit --
2 the exhibit is 93-0303.

3 A. Exhibit 2?

4 Q. Exhibit 2. Thanks. If you'll go to Page 4
5 and 5, and just read Item Number 5, please.

6 MR. MICHALIK: And for the record, you're going
7 to be asking questions about Policy 93-0303, and not
8 Exhibit 2?

9 MR. HILKE: That's correct. I'm just asking
10 about the policy, not -- yeah, correct.

11 THE WITNESS: Okay.

12 BY MR. HILKE:

13 Q. Okay. So having reviewed Policy 93-0303
14 Section 5, when possible with -- strike that. One of
15 the steps in an investigation is to interrogate the
16 accused member, correct?

17 A. Yes.

18 Q. And did the department provide any guidance as
19 to when to from memorandum should be used and when
20 statements should be taken?

21 A. Typically, the -- when we're doing the -- the
22 -- the Q and A statements, those are the -- the more
23 serious cases that result in separation of the member,
24 so there's more of a thorough question and answer format
25 as opposed to just having the member respond to

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1 questions in a -- in a to/from report.

2 Q. And is there any specific guidance that you
3 have knowledge of that was provided to investigators
4 regarding that?

5 A. The -- the -- the guidance for that at the
6 time, that came from our lieutenants. They required --
7 because they reviewed the case, and they required that
8 these types of investigation be long form Q and A and
9 written-out statements.

10 Q. And when did lieutenants start enforcing that
11 requirement?

12 A. From the -- from the day I stepped foot in BIA
13 in 2006, that was a requirement back then.

14 Q. And that was -- in 2006, remind me, which
15 section of BIA were you in?

16 A. I initially started in Confidential for about
17 five months, and then I was reassigned to Special
18 Investigations for about seven years.

19 Q. Okay. And do you have any basis to say that
20 the same requirement was applied in general
21 investigations?

22 A. Same requirement, yes.

23 Q. Oh, but I mean, what's your basis to say that?

24 A. Because it -- well, in -- in general, they
25 also had a lieutenant and their -- General and Special,

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1 the way they conducted their investigation was very
2 consistent, very consistent. It is just the type of
3 investigations that were conducted were different, but
4 the manner in which they were conducted were all
5 similar.

6 Q. What's your --

7 A. I've -- I've --

8 Q. What's your basis to say that --

9 A. I've -- I've -- I've seen --

10 Q. -- they're very similar?

11 A. I've -- I've -- I've seen -- I've seen
12 investigative work from General Investigation Section.
13 I've sometimes worked with people assigned to general to
14 help with their investigations. So it was -- it's the
15 same process.

16 Q. During this time period, 1999 to 2011, how
17 many general investigations did you review?

18 A. That I assist with?

19 Q. That you personally have knowledge of?

20 A. Oh, I would say a couple of thousand.

21 Q. A couple thousand?

22 A. Yeah.

23 Q. Okay. Are general -- for -- during that time
24 period, were general investigations and special
25 investigations, did they operate out of the same

<p style="text-align: right;">Page 118</p> <p>1 building?</p> <p>2 A. Yes. Right -- yes, down the hall from one</p> <p>3 another. Special Investigations section, we were -- we</p> <p>4 were contained in two offices, and the rest of the floor</p> <p>5 at police headquarters was General investigations. So</p> <p>6 yeah.</p> <p>7 Q. Where was Confidential Investigations?</p> <p>8 A. It was offsite. It wasn't inside the police</p> <p>9 headquarters. It was housed in a -- a separate building</p> <p>10 on, like, the West Side of Chicago.</p> <p>11 Q. And the investigation -- oh, actually,</p> <p>12 specifically, what categories of allegations required</p> <p>13 statements as opposed to/from memos?</p> <p>14 A. Category. So it all depends. Like, cases</p> <p>15 involving an officer intoxication -- intoxicated on</p> <p>16 duty. Cases involving an officer lying, which would be</p> <p>17 Rule 14 cases. Those are typically your separation</p> <p>18 cases, and that requires a to/from format. Any --</p> <p>19 really, any case just based on the -- because you're --</p> <p>20 you're talking specific category codes. So those --</p> <p>21 that can -- that can really be -- it could be anything</p> <p>22 from -- you're talking about just handled with BIA,</p> <p>23 right? As opposed to -- because it'll be -- we're</p> <p>24 talking criminal sexual assault, we're talking excessive</p> <p>25 force, we're talking, you know, search-and- seizure</p>	<p style="text-align: right;">Page 120</p> <p>1 officer down to police headquarters for a Q and A.</p> <p>2 Q. What other criteria -- what other common</p> <p>3 criteria for deciding whether to require a statement</p> <p>4 from the officer, as opposed to a to/from memo, did all</p> <p>5 the lieutenants use during this time period?</p> <p>6 A. Well, there -- Okay. So you have your Rule 14</p> <p>7 cases. Every case that comes in where some officer</p> <p>8 violated Rule 14, that's a false statement, written or</p> <p>9 oral. Those are -- those cases should always leave the</p> <p>10 Bureau of Internal Affairs as separation cases because</p> <p>11 that's just -- that was -- that was the standard for</p> <p>12 Rule 14s. So with that said, those cases are always in</p> <p>13 -- in typed-out, Q-and-A format.</p> <p>14 Q. And typed out -- when you say typed-out Q and</p> <p>15 A, you mean there's, like, a live conversation with the</p> <p>16 accused officer that's recorded in writing, correct?</p> <p>17 A. Yes. So the -- the investigator is typing out</p> <p>18 the question, the -- and asking the question, and the</p> <p>19 accused member would give a response, and then the</p> <p>20 investigator would type out the response. So it's just</p> <p>21 whatever is taking place in that conversation will be</p> <p>22 typed out. And then at the end of it, the accused</p> <p>23 member will sign off on that document.</p> <p>24 Q. Any other common criteria?</p> <p>25 A. I mean, from what I can think of right now,</p>
<p style="text-align: right;">Page 119</p> <p>1 complaints. Depending on the severity of the -- the</p> <p>2 allegations, the penalty can be as stringent as</p> <p>3 separation. So the category code, that -- that's one</p> <p>4 thing, but the severity of it and what's uncovered</p> <p>5 during the course of the investigation, the penalty can</p> <p>6 -- can be higher.</p> <p>7 Q. I guess I'm -- were there specific criteria</p> <p>8 that all lieutenants applied as to when the</p> <p>9 interrogation of an accused officer should take place in</p> <p>10 the form of a question-and-answer statement, as opposed</p> <p>11 to a to/from memo?</p> <p>12 A. Yeah. So I think the -- the standard was --</p> <p>13 one of the criteria were if you had numerous witnesses.</p> <p>14 For instance, if a complaint occurred in roll call room,</p> <p>15 you got 20 officers sitting there, right? And you --</p> <p>16 you want to get -- get statements from all the officers.</p> <p>17 Instead of dragging each officer down to the station for</p> <p>18 a formal Q and A, you can just type out a series of</p> <p>19 questions related to the allegation and have the</p> <p>20 officers respond in a -- a typed-out memo regarding the</p> <p>21 allegation that took place inside the roll call room.</p> <p>22 So that's -- that was one -- that was one criteria.</p> <p>23 Like, if you're interviewing multiple people, and</p> <p>24 depending on the allegation, that could be done in a --</p> <p>25 a to/from format, as opposed to bringing each and every</p>	<p style="text-align: right;">Page 121</p> <p>1 that's kind of what I recall being some of the criteria.</p> <p>2 Q. And -- well, do you recall any others right</p> <p>3 now?</p> <p>4 A. No.</p> <p>5 Q. And then did the department do anything, like,</p> <p>6 in terms of running reports, collecting data, or</p> <p>7 otherwise monitoring to make sure that those criteria</p> <p>8 you've just described were consistently enforced?</p> <p>9 A. No.</p> <p>10 Q. The -- it was also the policy, CPD's policy,</p> <p>11 that interrogation should include all members of the</p> <p>12 department who had knowledge of whether the alleged</p> <p>13 misconduct occurred, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And it was also the policy that officers were</p> <p>16 not allowed to submit joint statements, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And what was the reason for specifically</p> <p>19 prohibiting joint statements?</p> <p>20 A. Well, we need -- we needed to have each and</p> <p>21 every officer's independent recollection of what took</p> <p>22 place that required this investigation to take place.</p> <p>23 So yeah, each officer was responsible for drafting their</p> <p>24 own report or sitting for the respective Q-and-A</p> <p>25 interview.</p>

<p style="text-align: right;">Page 122</p> <p>1 Q. And were officers allowed to work together on</p> <p>2 their statements when they sent -- like, as in exchange</p> <p>3 information with one another about what they would</p> <p>4 submit in a to/from report?</p> <p>5 A. Were they allowed to?</p> <p>6 Q. Yeah.</p> <p>7 A. Well, they -- so what they -- what they did</p> <p>8 was -- well, we -- when you receive some of these</p> <p>9 reports, you would look at them and -- and you would</p> <p>10 notice that, okay, there's a lot of similarities in this</p> <p>11 verbiage between these seven witnesses, and even</p> <p>12 sometimes to the point where if one word is misspelled,</p> <p>13 they're misspelled on every last document, so you know</p> <p>14 that all they did was change their name. So me</p> <p>15 personally, I would either bring them in for a Q and A,</p> <p>16 or I would -- I would not accept the report.</p> <p>17 Q. And was that a policy you were following, or</p> <p>18 your personal discretion in your --</p> <p>19 A. That was my discretion as an investigator.</p> <p>20 Q. Were you ever told by a supervisor to do that,</p> <p>21 one way or another?</p> <p>22 A. No.</p> <p>23 Q. Are you aware of any broader policy or</p> <p>24 practice for reviewing statements in the way you did, of</p> <p>25 trying to identify if the officers had collaborated on</p>	<p style="text-align: right;">Page 124</p> <p>1 MR. MICHALIK: Object to the form.</p> <p>2 THE WITNESS: Typically, the -- if the -- if</p> <p>3 the case is handled by the Bureau of Internal</p> <p>4 Affairs, the immediate supervisor may only be made</p> <p>5 aware of the case when the notification goes to the</p> <p>6 -- the district or unit to have the member answer to</p> <p>7 the allegations or -- or if the member is called</p> <p>8 down for a statement. Other than that, the</p> <p>9 supervisor would not have much knowledge of the</p> <p>10 investigation. Only during the notification process</p> <p>11 to have that member submit paperwork or acknowledge</p> <p>12 the allegations or be interviewed.</p> <p>13 BY MR. HILKE:</p> <p>14 Q. Got it. And what about after the</p> <p>15 investigation? Does a supervisor learn the outcome of</p> <p>16 the investigation after the investigation is complete?</p> <p>17 A. No, just the member.</p> <p>18 Q. And I know you said you specified BIA before.</p> <p>19 Would you have any reason it would -- to believe it was</p> <p>20 different for OPS or IPRA investigations?</p> <p>21 A. I -- I have no reason -- or no knowledge of</p> <p>22 their processes.</p> <p>23 Q. So is it fair then that, as far as you know,</p> <p>24 the only instance in which a supervisor of an accused</p> <p>25 officer would learn of the disciplinary recommendation</p>
<p style="text-align: right;">Page 123</p> <p>1 the statements they were going to give?</p> <p>2 A. I'm not -- I'm not sure. I don't want to say</p> <p>3 there -- that there isn't any policy, but I just -- if</p> <p>4 there is, I just can't recall where that policy would --</p> <p>5 would lie.</p> <p>6 Q. It's -- if the policy were in writing, it</p> <p>7 would be in one of the places we've talked about</p> <p>8 already, correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And in terms of a practice, I know you already</p> <p>11 said your supervisor didn't tell you to do one way or</p> <p>12 another, but are you aware of any practice of</p> <p>13 supervisors telling their investigators to look, or not</p> <p>14 to look, for those kinds of similarities between</p> <p>15 officers' to/from reports?</p> <p>16 A. As far as policy and practice, no. But I -- I</p> <p>17 knew -- I do know that supervisors have had</p> <p>18 conversations with investigators regarding, you know,</p> <p>19 catching that. But as far as a -- a policy, or stating</p> <p>20 a policy when they're having these conversations, I'm --</p> <p>21 I'm not aware of that.</p> <p>22 Q. Okay. So under what circumstances would the</p> <p>23 supervisors of accused officers be made aware of the CR</p> <p>24 of the complaint made against an officer under their</p> <p>25 supervision?</p>	<p style="text-align: right;">Page 125</p> <p>1 is if the supervisor actually investigated it because it</p> <p>2 was assigned to the unit?</p> <p>3 A. That's correct. Or if the -- or if the</p> <p>4 accused officer tells the supervisor.</p> <p>5 Q. Sure. And if the complaint was assigned to</p> <p>6 the unit, even in that situation, would the supervisor</p> <p>7 who investigated the complaint learn the ultimate</p> <p>8 outcome of -- you know, like, after it got sent up for</p> <p>9 approval and final disposition?</p> <p>10 A. No.</p> <p>11 Q. And is that true for all kinds of</p> <p>12 investigations, general investigations, criminal</p> <p>13 investigations, and confidential investigations?</p> <p>14 A. For General, Special, yes. For Confidential,</p> <p>15 the supervisor may be made aware of the outcome if it</p> <p>16 becomes newsworthy. Other than that, it -- there will</p> <p>17 be no in internal notification to the supervisor if the</p> <p>18 case was handled by Confidential.</p> <p>19 Q. And when you say would become newsworthy, can</p> <p>20 you explain what you mean?</p> <p>21 A. Well, a -- a lot of times, cases that are</p> <p>22 handled in -- in Confidential that are criminal in</p> <p>23 nature, it -- it becomes newsworthy. And then of</p> <p>24 course, the supervisor can see it in writing, or in the</p> <p>25 news, and learn of the disposition of the case.</p>

<p style="text-align: right;">Page 126</p> <p>1 Q. So you mean literally, that --</p> <p>2 A. Yes.</p> <p>3 Q. -- they might see it on TV or the news?</p> <p>4 A. They might see it on Channel 2 or 3. Yes.</p> <p>5 Q. Okay. And why didn't CPD give supervisors</p> <p>6 more information about CRs against their subordinates?</p> <p>7 A. Why didn't they?</p> <p>8 Q. Yeah.</p> <p>9 A. I don't -- I don't know. I think it was -- it</p> <p>10 was a judgment call from the department higher up. So I</p> <p>11 just -- I just don't -- I can't -- I don't -- I don't</p> <p>12 know.</p> <p>13 Q. In terms of -- did supervisors have access to</p> <p>14 the -- strike that. Could you -- could supervisors,</p> <p>15 like in the various, you know, units and divisions of</p> <p>16 the CPD, could they find out what CRs had been initiated</p> <p>17 against their subordinates if they wanted to?</p> <p>18 A. I guess if -- if they wanted to, yes. If they</p> <p>19 wanted to request some of their disciplinary history</p> <p>20 from the Records Division within the Bureau of Internal</p> <p>21 Affairs, they can. And that typically takes -- takes</p> <p>22 place if a department supervisor, like a -- a -- a</p> <p>23 tactical supervisor or lieutenant, is considering</p> <p>24 placing an officer, like, on a tactical team. So you</p> <p>25 just want to look at their -- their history or their</p>	<p style="text-align: right;">Page 128</p> <p>1 transition from OPS to IPRA.</p> <p>2 A. Okay.</p> <p>3 Q. When did OPS end and IPRA start?</p> <p>4 A. I would be guessing.</p> <p>5 Q. Okay. That's all right. What were the --</p> <p>6 operationally, what changed when OPS became IPRA?</p> <p>7 A. I -- I think the -- the -- the biggest</p> <p>8 difference, from what I recall, is that IPRA -- OPS had</p> <p>9 sworn officers assigned to that unit, as opposed to</p> <p>10 IPRA, where it was all civilian investigators. That was</p> <p>11 the biggest -- that was the biggest change.</p> <p>12 Q. Okay. Any other major changes between the</p> <p>13 entities that you're aware of?</p> <p>14 A. I -- I think a -- a big part of IPRA was a bit</p> <p>15 more transparency in their investigation. Yeah.</p> <p>16 Q. So a change in how much information was shared</p> <p>17 about investigations they did, correct?</p> <p>18 A. Yeah.</p> <p>19 Q. Anything else?</p> <p>20 A. Not that I can recall right now.</p> <p>21 Q. And is it correct that many of the staff would</p> <p>22 work at -- that OPS joined IPRA when IPRA was formed?</p> <p>23 A. I'm not certain of that.</p> <p>24 Q. You wouldn't have any reason to agree or</p> <p>25 disagree, fair enough?</p>
<p style="text-align: right;">Page 127</p> <p>1 background and just make a request to see it prior to</p> <p>2 making a decision.</p> <p>3 Q. And did that history include just sustained</p> <p>4 CRs or all dispositions and CRs?</p> <p>5 A. It -- it typically contains a five-year</p> <p>6 sustained history.</p> <p>7 Q. Okay. So just sustained in just the last five</p> <p>8 years, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And so beyond sustained in the five years --</p> <p>11 in the last five years, would supervisors be able to</p> <p>12 access any other disciplinary information about</p> <p>13 subordinates if they wanted to?</p> <p>14 A. The SPAR history.</p> <p>15 Q. Okay. And other than SPAR history and CR,</p> <p>16 anything else to --</p> <p>17 A. You talking about the -- the findings of,</p> <p>18 like, all their -- their cases?</p> <p>19 Q. Yeah.</p> <p>20 A. A -- a request can be made. And if the -- if</p> <p>21 the -- the chief agrees to it, they -- they could</p> <p>22 provide it. But normally, that's at a -- a higher</p> <p>23 level, and if the commander of the unit requests that,</p> <p>24 typically, that request is honored.</p> <p>25 Q. Okay. So I want to ask you a little about the</p>	<p style="text-align: right;">Page 129</p> <p>1 A. I would not have reason to disagree.</p> <p>2 Q. Okay. And -- one second. In terms of -- if I</p> <p>3 understood your testimony, in terms of operations, in</p> <p>4 terms of how IPRA actually conducted its investigations,</p> <p>5 are you aware of anything that IPRA was able to do in</p> <p>6 investigations that OPS, its predecessor agency, could</p> <p>7 not do in investigations?</p> <p>8 A. I'm not aware.</p> <p>9 MR. HILKE: I only have, like, another 15</p> <p>10 minutes. And you, how are you doing?</p> <p>11 MR. MICHALIK: I'm fine. How are you doing?</p> <p>12 THE WITNESS: I'm good.</p> <p>13 BY MR. HILKE:</p> <p>14 Q. Okay. Exhibit 5. To my knowledge, this -- so</p> <p>15 this is General Order 933, City BG-59013. Well, let me</p> <p>16 -- I'm going to draw your attention kind of far back in</p> <p>17 the packet to 59060. Is that -- no, I'm sorry. 59063,</p> <p>18 please.</p> <p>19 (EXHIBIT 5 MARKED FOR IDENTIFICATION)</p> <p>20 THE WITNESS: Okay. Thanks.</p> <p>21 BY MR. HILKE:</p> <p>22 Q. And these are -- this is the order on summary</p> <p>23 punishment. This would be the order describing how what</p> <p>24 you referred to earlier as SPARs are implemented,</p> <p>25 correct?</p>

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1 A. Correct.

2 Q. Now, the -- all right. So looking at 2A, the
3 definitions. SPARs are an alternative to complaint
4 register disciplinary procedures, specifically for
5 conduct defined as a less serious transgression,
6 correct?

7 A. Correct.

8 Q. And that 2B gives a definition. What less
9 serious transgression means is it's an act or omission
10 listed in Item 4 of this addendum, correct?

11 A. Correct.

12 Q. And it further says that it's the items on
13 that list which warrant prompt and appropriate action,
14 but do not require a complaint register number, right?

15 A. Correct.

16 Q. So even if a complaint or -- strike that. Even
17 if an act or a mission falls under one of the items in
18 Item 4, one of the less serious transgressions, that can
19 still be escalated to a complaint register if the
20 situation warrants, correct?

21 A. Oh, definitely.

22 Q. And is there any, like, specific rule as to
23 how to tell if an act or omission should be treated as a
24 SPAR, or should be treated as a complaint register?

25 A. One -- one thing to consider is the severity

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1 of the infraction and the penalty that's warranted for
2 that infraction. You know, and that's case-by-case.
3 Summary punishment, violation noted, reprimand to a
4 three-day suspension. If you believe that that
5 infraction requires a higher penalty that's going to go
6 beyond the three days, then that case would have to be
7 handled up by a CR investigation.

8 Q. I understand.

9 A. So that's one of the things you want to look
10 at.

11 Q. And during this time period, there's no
12 disciplinary matrix laying out the different punishments
13 to be imposed for different categories of misconduct, is
14 there?

15 A. For SPAR, during -- during that time?

16 Q. During that time in general.

17 A. No.

18 Q. And so, the appropriate punishment is
19 ultimately -- well, strike that. Other than the
20 discretion and judgment of the investigator or
21 supervisor, was there any other basis for identifying
22 what the appropriate penalty would be for different
23 kinds of offenses during this time period?

24 A. Well, yeah. You -- you would weigh in their
25 histories, their complaint history, their disciplinary

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1 history, their SPAR history, and then because you -- you
2 don't -- you don't want to continue giving someone a
3 reprimand for the same infraction because in Internal
4 Affairs, we're -- we're kind of all about progressive
5 discipline if needed be -- need be. So if -- if a
6 member continues to violate certain policies, then the
7 -- the penalty gets more and more severe, to the point
8 where that infraction will not be handled by SPAR and
9 will be handled by a CR number.

10 Q. No, I understand. Let me take a step back
11 because I'm -- the question I'm trying to ask is not
12 just about SPARs, but about kind of any kind of
13 misconduct a supervisor might observe.

14 A. Okay.

15 Q. If -- during this time period, if I'm a
16 supervisor and I observe -- I believe one of my officers
17 has committed misconduct, I have to decide whether I
18 want to handle it as a -- well, you -- I -- your
19 testimony before was one of the ways that supervisor
20 will know whether it should be treated as a SPAR is to
21 figure out what the severity of discipline would be for
22 the misconduct, correct?

23 A. Well, yes. But then also, it depends on what
24 we're talking about here, as far as what -- what
25 infraction, or what misconduct the member is completing.

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1 Even though in attention to duty, it -- it can be, okay,
2 yeah, it's a SPAR, right? It -- it's spelled out. And
3 its duty, it's a SPAR. But depending on what the
4 inattention is, it would be handled as a CR
5 investigation.

6 Q. Sure. And I guess my question is: Other than
7 that supervisor's judgment about what punishment is
8 warranted, is there any other source that was given to
9 the officers to refer to, like, guidelines, examples?
10 Anything, you know, for these different kinds of
11 offenses, this is the kind of punishment you should be
12 looking at?

13 A. Okay. So we -- for this order here, so when
14 you -- for the summary replenishment, are you talking
15 about just discipline in general?

16 Q. I'm just talking about discipline in general.
17 Like, what's the reference point for a supervisor when
18 they're trying to figure out -- you know, is there a
19 reference point given to supervisors in determining what
20 kind of discipline do I think would be warranted for
21 this misconduct?

22 A. No, see, it's hard to answer that question. It
23 could be -- see, I -- I have -- see, me, I have the
24 experience, I -- and I know, you know, because I -- I've
25 been doing this for a long time, but the average

<p style="text-align: right;">Page 134</p> <p>1 sergeant in the district -- no, there's -- there's no</p> <p>2 reference point, but depending on the nature of the</p> <p>3 infraction, or the complaint, you know, if it's not a</p> <p>4 citizen-based complaint, then they have the ability to</p> <p>5 decide whether or not it's going to be handled by SPAR,</p> <p>6 if a SPAR is warranted, or if it'll be handled as a -- a</p> <p>7 log number.</p> <p>8 Q. Got it. So that's kind of in their</p> <p>9 discretion --</p> <p>10 A. Yeah.</p> <p>11 Q. -- to figure out how to proceed, correct?</p> <p>12 A. Correct.</p> <p>13 Q. So -- okay. So the -- if you go to the next</p> <p>14 page, 59064, and the following page also, Section 4A</p> <p>15 lists 26 specific, less serious transgressions that can</p> <p>16 be appropriately disciplined via SPARs, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And this is a -- this is an inclusive list,</p> <p>19 right?</p> <p>20 A. Yeah.</p> <p>21 Q. These are all the categories that should be</p> <p>22 handled by SPARs, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Or I should say can be handled by SPARs,</p> <p>25 because even if it qualifies, you could still make it a</p>	<p style="text-align: right;">Page 136</p> <p>1 MR. MICHALIK: Object to the form of the</p> <p>2 question.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. HILKE:</p> <p>5 Q. Okay.</p> <p>6 A. But SPARs only go from reprimand to three</p> <p>7 days.</p> <p>8 Q. Right.</p> <p>9 A. So depending on the nature of the infraction,</p> <p>10 the penalty, it might -- it might require a ten-day</p> <p>11 suspension that cannot be fulfilled during the SPAR</p> <p>12 process.</p> <p>13 Q. So if this list is so broad it could include</p> <p>14 any misconduct, why even have a list of 26 items? Why</p> <p>15 not just say any minor misconduct can be treated as a</p> <p>16 SPAR?</p> <p>17 MR. MICHALIK: Object to the form.</p> <p>18 THE WITNESS: I didn't create this, unless -- I</p> <p>19 can't answer that question.</p> <p>20 BY MR. HILKE:</p> <p>21 Q. Sure. But based on how broadly it applies, it</p> <p>22 would've been just as accurate to, instead of 26 items,</p> <p>23 say, look, if it's -- if you think it's a minor</p> <p>24 misconduct, it's okay to classify it as a SPAR; is that</p> <p>25 correct?</p>
<p style="text-align: right;">Page 135</p> <p>1 CR, if you thought it warranted, correct?</p> <p>2 A. Correct.</p> <p>3 Q. But if an item does not fall -- if you observe</p> <p>4 misconduct as a supervisor and you can't classify it as</p> <p>5 one of these 26 categories, it would be inappropriate to</p> <p>6 proceed with it as a SPAR, correct?</p> <p>7 A. Correct. But there's -- there's a caveat</p> <p>8 because if -- if the investigator still wants to make it</p> <p>9 a less serious transgression, depending on the nature of</p> <p>10 the infraction, because a lot of this is very specific</p> <p>11 to smoking inside of a car, that kind of very specific.</p> <p>12 But then you -- you have failure to perform any duty,</p> <p>13 right? So that's not telling you exactly what that duty</p> <p>14 is. So depending on the nature of the allegation, it</p> <p>15 could be handled as a SPAR, you know? So it's really</p> <p>16 case by case, of what can be handled as a SPAR, because</p> <p>17 these -- a lot of this stuff is very specific, but then</p> <p>18 some of it is very general in language. Failure to</p> <p>19 perform an assigned task. You know, it's like you can</p> <p>20 do a CR number, or you can SPAR for numerous things that</p> <p>21 the officer does.</p> <p>22 Q. So how far does that extend? I mean, is it</p> <p>23 the case that any kind of alleged misconduct could be</p> <p>24 re-classed -- could be phrased as failure to perform a</p> <p>25 duty and appropriately treated as a SPAR?</p>	<p style="text-align: right;">Page 137</p> <p>1 MR. MICHALIK: Object to form.</p> <p>2 THE WITNESS: I think it's a minor -- yes.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. So the list of -- when -- so one of the factor</p> <p>5 when -- I'm going to ask you a question about CRs, but</p> <p>6 I'm going to bring it back to SPARs.</p> <p>7 A. Okay.</p> <p>8 Q. When a CR is sustained, the recommended</p> <p>9 discipline can consider other recent sustained CRs,</p> <p>10 correct?</p> <p>11 A. It can -- yes. It -- it will -- you have to</p> <p>12 weigh in their disciplinary histories. Yes.</p> <p>13 Q. And specifically, the sustained CRs, right?</p> <p>14 You're not allowed to consider unsustained CRs?</p> <p>15 A. Right. Your five-year sustained history.</p> <p>16 Q. Okay. When considering discipline for a CR,</p> <p>17 are investigators also allowed to consider SPARs that</p> <p>18 have been applied against the officer?</p> <p>19 A. Yes. You also received the SPAR history.</p> <p>20 Q. And for what time frame do you receive the</p> <p>21 SPAR history?</p> <p>22 A. That's a good question. It might -- yeah.</p> <p>23 I'm not certain if it's the five-year SPAR history or</p> <p>24 the full SPAR history. It's either or.</p> <p>25 Q. And is it correct that the SPARs are expunged</p>

<p style="text-align: right;">Page 138</p> <p>1 after one year?</p> <p>2 A. They -- they are.</p> <p>3 Q. And what does that mean, that they're</p> <p>4 expunged?</p> <p>5 A. They're -- they're taking off your record.</p> <p>6 Yeah, I think it -- it falls off your -- your record</p> <p>7 after a year.</p> <p>8 Q. Okay.</p> <p>9 A. You're right.</p> <p>10 Q. So if it falls off after a year, it wouldn't</p> <p>11 be considered a discipline then, correct?</p> <p>12 A. It would -- that -- that is correct. I stand</p> <p>13 corrected.</p> <p>14 Q. So does expunging the SPAR mean that actual</p> <p>15 documents or information about the SPAR are destroyed?</p> <p>16 A. I think they're -- that means it's -- they're</p> <p>17 -- it is no longer available to the investigator as --</p> <p>18 as for the purposes of weighing in on future penalty.</p> <p>19 Q. Asking about CRs now, my understanding is that</p> <p>20 CRs are essentially -- although they -- they're not</p> <p>21 available in the same way after five years, the actual</p> <p>22 files are sustained indefinitely; is that correct?</p> <p>23 A. Yes.</p> <p>24 MR. MICHALIK: Object to the form.</p> <p>25 THE WITNESS: I'm sorry. Yes, there is a</p>	<p style="text-align: right;">Page 140</p> <p>1 page, describe hearing officer review and complaint</p> <p>2 review panel.</p> <p>3 A. Okay. Yes, okay.</p> <p>4 Q. Okay. So the ability to appeal and have the</p> <p>5 complaint review panel, that would've been in effect at</p> <p>6 this time period, correct?</p> <p>7 A. That's correct.</p> <p>8 Q. And then looking to the final page, 59070, or</p> <p>9 Page 8. The SPAR policy actually does provide a</p> <p>10 schedule of policies for various transgression</p> <p>11 categories, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And so, am I correct that this schedule</p> <p>14 provides minimums and maximums, meaning any punishment</p> <p>15 given for a SPAR would have to fall within the period</p> <p>16 defined -- or nature defined here, based on whether it</p> <p>17 was first second, third, fourth, or following?</p> <p>18 A. Correct.</p> <p>19 Q. Are SPARs only given by direct supervisors of</p> <p>20 subordinates?</p> <p>21 A. No, not necessarily.</p> <p>22 Q. So if a sergeant -- and if a sergeant observes</p> <p>23 a patrol officer from another unit committing</p> <p>24 misconduct, they can elect to initiate a SPAR against</p> <p>25 that officer?</p>
<p style="text-align: right;">Page 139</p> <p>1 record. There -- we have the file.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. And is the same true for SPARs? Is a SPAR</p> <p>4 file retained indefinitely, even if it's not made</p> <p>5 available?</p> <p>6 A. I -- I'm not certain about how the SPARs are</p> <p>7 maintained and the retention period for SPARs.</p> <p>8 Q. Okay. In any event -- one second. All right.</p> <p>9 And even the -- even -- well, strike that. A sustained</p> <p>10 CR can be appealed by an officer to the complaint -- to</p> <p>11 a complaint review panel, correct?</p> <p>12 A. A sustained CR can be appealed?</p> <p>13 Q. No, I'm sorry. A SPAR. This -- the SPAR</p> <p>14 process also includes command -- complaint review panel</p> <p>15 review, if the officer wants it, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And if you look at BG --</p> <p>18 A. Well, I'm trying -- I'm trying to think about</p> <p>19 that because within the -- within the SPAR system, I --</p> <p>20 I'm -- I'm trying to think about this in terms of the --</p> <p>21 the time frame.</p> <p>22 Q. Can I interrupt you and just point you to</p> <p>23 59068, Section C?</p> <p>24 A. Okay.</p> <p>25 Q. Describes C on that page and B on the next</p>	<p style="text-align: right;">Page 141</p> <p>1 A. Correct. I can SPAR an officer if I'm driving</p> <p>2 home.</p> <p>3 Q. Okay.</p> <p>4 And the policy we've just been looking at was</p> <p>5 provided to all officers, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And so, officers would know, for example, how</p> <p>8 long a SPAR can be used against him in future</p> <p>9 disciplinary proceedings, correct?</p> <p>10 A. Correct.</p> <p>11 MR. HILKE: Okay. All right. Let's take a</p> <p>12 break.</p> <p>13 THE VIDEOGRAPHER: We're off the record. The</p> <p>14 time is 1:31 p.m.</p> <p>15 (OFF THE RECORD)</p> <p>16 THE VIDEOGRAPHER: We are back on the record</p> <p>17 for the deposition of Timothy Moore. Today is</p> <p>18 March 19, 2024, and the time is 2:13 p.m.</p> <p>19 BY MR. HILKE:</p> <p>20 Q. I want to ask a couple of questions about,</p> <p>21 like, reassignments. Did the disciplinary system play</p> <p>22 any role in recommending that an officer be reassigned,</p> <p>23 like, from one assignment to another?</p> <p>24 A. The disciplinary -- no. No, not the</p> <p>25 disciplinary role. It did not play a role.</p>

<p style="text-align: right;">Page 142</p> <p>1 Q. Okay. And so, likewise, did the disciplinary</p> <p>2 system play any role in the recommendations that</p> <p>3 officers be reassigned to desk duty?</p> <p>4 A. Not the disciplinary role, but the -- the</p> <p>5 investigation itself may lead to someone being</p> <p>6 reassigned, but that's at the direction of the</p> <p>7 superintendent.</p> <p>8 Q. Okay. And in terms of that decision process</p> <p>9 of reassignment or being put on desk duty, would that</p> <p>10 happen with, you know, BIA, OPRA -- or IPRA in</p> <p>11 communication with the superintendent, or would that</p> <p>12 instead be located with whatever unit the officer who</p> <p>13 that was being discussed for sits in?</p> <p>14 MR. MICHALIK: I'm just going to object to the</p> <p>15 form that question. Go ahead, if you know.</p> <p>16 THE WITNESS: Can you -- one more -- can you go</p> <p>17 over that one more time?</p> <p>18 BY MR. HILKE:</p> <p>19 Q. Yeah. I guess I'm trying to understand --</p> <p>20 basically, I'm trying to understand more about what you</p> <p>21 mean when you say the superintendent would make that</p> <p>22 decision. Would that be the superintendent with the</p> <p>23 chain of command of the accused officer?</p> <p>24 A. No. That would skip to the superintendent of</p> <p>25 police.</p>	<p style="text-align: right;">Page 144</p> <p>1 better served by that member not being actively on the</p> <p>2 street, working.</p> <p>3 Q. Okay. So even before the investigation is</p> <p>4 concluded, the chief of BIA can go to the superintendent</p> <p>5 and say, you know, I think this officer should be on</p> <p>6 desk duty, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Chief of BIA can also say, this officer should</p> <p>9 at least be reassigned to another unit while the</p> <p>10 investigation is completed, correct?</p> <p>11 A. Yes. When it -- yes. But of course, the --</p> <p>12 the members do have collective bargaining rights. So</p> <p>13 it's a little bit harder to move the person from one</p> <p>14 unit to the next without calls. And a lot of times,</p> <p>15 they would have to go through legal affairs to -- to</p> <p>16 make that -- that move happen.</p> <p>17 Q. I see. Is it more straightforward to put an</p> <p>18 officer on desk duty than to get them reassigned to</p> <p>19 another area?</p> <p>20 A. Yes, it is.</p> <p>21 Q. And so, would that typically be the</p> <p>22 recommendation if an officer -- if the thought is that</p> <p>23 something needs to happen while the investigation</p> <p>24 continues? Like, meaning desk duty instead of changing</p> <p>25 units.</p>
<p style="text-align: right;">Page 143</p> <p>1 Q. Okay. So --</p> <p>2 A. To make the decision of personnel movement.</p> <p>3 Q. So that's -- okay. And just so I apologize,</p> <p>4 because I think you just said this, but IPRA, OPS, BIA,</p> <p>5 they're not involved in that conversation, correct?</p> <p>6 A. Well when you say -- well when it comes to</p> <p>7 BIA, for movement purposes, the chief of BIA would</p> <p>8 probably have a conversation with the superintendent so</p> <p>9 he can get an understanding of why it's taking place.</p> <p>10 Q. Okay.</p> <p>11 A. Because cases -- cases that involve movement</p> <p>12 of officers, typically, the superintendent is aware of</p> <p>13 the investigation. So it's -- it's easy for him to</p> <p>14 decide whether or not to make the decision to move the</p> <p>15 person because he's aware of the case already.</p> <p>16 Q. I understand. Does the chief of BIA make any</p> <p>17 recommendation in that situation?</p> <p>18 A. Yeah, yeah. In -- in the -- at -- at times,</p> <p>19 the chief has, yes.</p> <p>20 Q. Okay. So the chief of BIA -- and actually, at</p> <p>21 what point in the investigation would such a</p> <p>22 conversation about reassignment take place?</p> <p>23 A. It -- it's case by case, and it depends on the</p> <p>24 -- the nature of the complaint and the allegation to</p> <p>25 determine whether or not the department as a whole is</p>	<p style="text-align: right;">Page 145</p> <p>1 A. Yes.</p> <p>2 Q. Did -- during this time frame, did BIA keep</p> <p>3 track of how many investigations were assigned at the</p> <p>4 unit level?</p> <p>5 A. I would say yes. Yes --</p> <p>6 Q. Okay.</p> <p>7 A. -- that -- that information is tracked.</p> <p>8 Q. All right. And if I -- am I correct that --</p> <p>9 well, strike that. When a CR is initiated, a category</p> <p>10 code is assigned to the CR, correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And those are the codes that the department</p> <p>13 uses to understand what's the nature of the allegations</p> <p>14 being made?</p> <p>15 A. That's correct.</p> <p>16 Q. Was there any limit on categories of</p> <p>17 allegations that could be assigned to be to the unit</p> <p>18 level?</p> <p>19 A. A limit?</p> <p>20 Q. Yeah. Meaning, were there any categories of</p> <p>21 allegations that could never be assigned to the unit</p> <p>22 level?</p> <p>23 A. Yes. There are certain category codes that</p> <p>24 would not -- would not be assigned to a unit level.</p> <p>25 Q. Which category --</p>

<p style="text-align: right;">Page 146</p> <p>1 A. Coercion, for example. It -- all -- all</p> <p>2 criminal investigations, EEOC complaints are not</p> <p>3 assigned. Basically, any category code that would fall</p> <p>4 under Special Investigations, Confidential</p> <p>5 Investigations. Yeah, most of your -- your criminal</p> <p>6 cases, those would not be assigned to the units and</p> <p>7 districts.</p> <p>8 Q. And you mentioned coercion as a category that</p> <p>9 wouldn't be assigned to the unit level. What</p> <p>10 categorizes a coercion complaint? What's a -- what's</p> <p>11 the definition of coercion?</p> <p>12 A. I don't know, coercion is when you, I don't</p> <p>13 know, compel someone to -- to -- to do an act. Yeah. I</p> <p>14 -- I -- yeah, I don't know the specific definition, but</p> <p>15 it's -- I know you're -- you're compelling someone to --</p> <p>16 to do an act of some sort.</p> <p>17 Q. Yeah. When you say -- when you say</p> <p>18 compelling, could you explain a little bit more about</p> <p>19 what you mean?</p> <p>20 A. Well, compelling -- so as an officer working</p> <p>21 with the streets, you -- you -- you want to -- I -- I</p> <p>22 don't -- it's hard for me to describe it. But you want</p> <p>23 to make a citizen -- for instance, like a tow truck</p> <p>24 driver, you -- you want the tow truck driver to -- to</p> <p>25 call you when -- when it's time to tow cars, so you can</p>	<p style="text-align: right;">Page 148</p> <p>1 A. Yes.</p> <p>2 Q. Say you say, I need you to give me a statement</p> <p>3 against, you know, this other person I'm investigating.</p> <p>4 If you don't, I'm going to arrest you. Would that</p> <p>5 constitute coercion?</p> <p>6 A. Yes.</p> <p>7 Q. None of those CBDs -- none of those should be</p> <p>8 investigated at the unit level, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And we talked before a little about how</p> <p>11 supervisors would take statements or two from them</p> <p>12 Miranda from accused officers when supervisors</p> <p>13 investigated their subordinates. I want to ask you, in</p> <p>14 the Bureau of Internal Affairs -- actually, so stepping</p> <p>15 back from that. For Internal Affairs, did they have</p> <p>16 interview rooms where police officers could come in and</p> <p>17 give statements if they were required to give</p> <p>18 statements?</p> <p>19 A. Yes.</p> <p>20 Q. And were those set up with whatever things</p> <p>21 might be needed to conduct those interviews?</p> <p>22 A. Yes.</p> <p>23 MR. MICHALIK: Objection, vague. Go ahead.</p> <p>24 THE WITNESS: I'm sorry. Yes.</p> <p>25 BY MR. HILKE:</p>
<p style="text-align: right;">Page 147</p> <p>1 -- you can benefit from it.</p> <p>2 Q. So like taking bribes would be an example,</p> <p>3 correct? Or to seek soliciting bribes -- or I'm sorry.</p> <p>4 That's not what you're talking about. It sounds like --</p> <p>5 A. It's not --</p> <p>6 Q. -- you're talking about sort of -- well,</p> <p>7 coercion -- sorry. Let me take a step -- let me ask you</p> <p>8 if these are examples that you're talking about. So just</p> <p>9 to give one example, if an officer -- you know, if</p> <p>10 someone -- if, for example say that there's someone</p> <p>11 who's, like engaged in prostitution. If an officer, you</p> <p>12 know, asks for sex or money in exchange for not</p> <p>13 arresting that person, would that constitute coercion?</p> <p>14 A. I -- I would say so, yes.</p> <p>15 Q. Okay. And if -- what if an officer says, I'm</p> <p>16 going to put charges on you unless you can bring me --</p> <p>17 unless you pay me, would that be coercion?</p> <p>18 A. I think that's more of extortion.</p> <p>19 Q. Could -- would extortion -- would complaints</p> <p>20 of extortion be appropriate to assign to the unit level?</p> <p>21 A. No.</p> <p>22 Q. Say it's instead, I need you to bring me a</p> <p>23 gun, right, a gun that I can, you know, report as</p> <p>24 getting -- or I'm going to arrest you for some charge,</p> <p>25 would that constitute coercion?</p>	<p style="text-align: right;">Page 149</p> <p>1 Q. You know, for example, you know, they'd have a</p> <p>2 workstation, a computer for typing up a statement,</p> <p>3 correct?</p> <p>4 A. That's correct.</p> <p>5 Q. And were these interviews with police officers</p> <p>6 -- accused officers recorded at any time during this</p> <p>7 time period?</p> <p>8 A. No, not during that time period.</p> <p>9 Q. Did they use tape recorders to record the</p> <p>10 statements at all?</p> <p>11 A. Not during that time period.</p> <p>12 Q. Okay. Then -- and the investigators in</p> <p>13 Internal Affairs would've been familiar with like the</p> <p>14 form and formatting needed to take a statement in an</p> <p>15 Internal Affairs investigation, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And same for IPRA and OPS, correct?</p> <p>18 A. I would -- I would hope so.</p> <p>19 Q. But what about the -- when supervisors</p> <p>20 investigated their subordinates, was there, like, any</p> <p>21 training or process to make sure that they were familiar</p> <p>22 with the right format and method of taking of statements</p> <p>23 in their investigations?</p> <p>24 A. As far as training, that -- that -- a lot of</p> <p>25 that came about with, like, on the job training.</p>

<p style="text-align: right;">Page 150</p> <p>1 Supervisors that had experience in CR investigations, 2 that worked, like, the same watch as the, like, newly 3 minted sergeants that hadn't done CR numbers. So a -- a 4 lot of -- sometimes, that's how the training would take 5 place, by asking other supervisors for assistance. 6 Q. Okay. 7 A. And -- and -- and creating your -- your 8 Q-and-A format, or your memo asking for -- asking for a 9 question to be answered in a case. 10 Q. Got it. Could -- when -- and so when 11 supervisors were investigating their subordinates in CR 12 investigations, was the expectation that if a statement 13 was taken, the investigator would be the one to take it, 14 as opposed to referring that person to an -- another 15 investigator in Internal Affairs or OPS? 16 A. No. If -- there was the understanding that 17 the -- the supervisor, at the time, would take the -- 18 the investigation. 19 Q. Okay. And meaning that the supervisor doing 20 the investigation would either request a to/from memo, 21 or interview the accused officer? 22 A. That is correct. 23 Q. Do you recall that the policies for 24 investigating CRs state that, if, you know, a serious 25 allegation of -- you know what, strike that. CPD's</p>	<p style="text-align: right;">Page 152</p> <p>1 A. That's correct. 2 Q. Everyone in the group has to keep the 3 information within the group of investigators until it's 4 time to serve the allegations or end the investigation, 5 correct? 6 A. That's correct to a certain extent, that over 7 in the Confidential Investigation Section, you have the 8 investigator of the -- of that particular case and maybe 9 a -- a partner for that investigation. But everyone at 10 confidential did not know everything about everybody's 11 case. 12 Q. Right. So it's an even smaller group than the 13 whole unit. It's a -- it's a need to know basis, 14 correct? 15 A. Exactly. 16 Q. Okay. So I think what I'm saying is, if the 17 -- if the investigator learns somehow the subject of the 18 investigation has learned there's a confidential 19 investigation against them before they're served with 20 charges, is that the kind of potential violation that 21 needs to be also investigated? 22 A. Yes. That could be the subject of another 23 investigation or a log number, yes. 24 Q. Yeah, you said it could be. Was that -- was 25 it policy that it was required to investigate such a</p>
<p style="text-align: right;">Page 151</p> <p>1 policy was that if there's a CR investigation, and the 2 investigation reveals a serious new allegation, or an 3 integrity violation, that that needs to be investigated 4 too, correct? 5 A. Yes. 6 Q. And would that include allegations that 7 information about a confidential investigation had been 8 leaked to the subject of that investigation? 9 MR. MICHALIK: Objection, incomplete 10 hypothetical. 11 THE WITNESS: Can -- can you repeat that one? 12 BY MR. HILKE: 13 Q. I can. So in the Confidential Investigation 14 Section -- 15 A. Okay. 16 Q. -- the department's goal was to make sure that 17 the subject of the -- of an investigation, the accused 18 officer, would not learn that there was a confidential 19 investigation proceeding against them, until it was time 20 to serve them with the allegations? 21 A. That is correct. 22 Q. And it would've been a violation of those 23 policies to disseminate information about the 24 investigation, such as the subject of the investigation 25 learned before then, correct?</p>	<p style="text-align: right;">Page 153</p> <p>1 leak? 2 A. It -- it depends on -- see for that, a 3 determination has to be made whether or not another log 4 number is going to be obtained. And that's going to 5 come about based on finding out, okay, how can this leak 6 have taken place? You know what I mean? Is it -- yeah. 7 I mean, it's just -- so when we -- it's hard to say if 8 we're going to get a CR number, when we know that a lot 9 of times when we're conducting these investigations, we 10 have to reach outside of Internal Affairs to get 11 information, right. So we have to sometimes contact 12 information services to do database queries of say, for 13 instance, not just watch sheets, but like the vehicles. 14 Tracking vehicles, or requesting OMC tapes and stuff. 15 So in order to do that, we have to kind of go 16 outside of the -- of the unit. And depending on what 17 information we provide these outside agencies, that can 18 lead to a leak or disclosure of information regarding 19 confidential cases. So at that point, a number may or 20 may not be obtained because we only get numbers on 21 department members, like sworn officers or civilians. 22 So it's kind of hard to say. But typically, as you're 23 -- to answer your question, yes, a lot of times, it does 24 lead to another investigation. 25 Q. And is it the department's policy that a leak</p>

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1 or a disclosure like you described should always be
2 investigated? Whether or not there is a new CR number
3 or not, the investigator needs to follow-up and try to
4 find out what happened and why?

5 A. Well, right. So if there's an allegation of
6 misconduct on the part of a department member, yes.
7 That -- a number should be generated and that should be
8 investigated.

9 Q. I guess, I want to make sure my question's
10 syncing up with your answer. What -- I guess just to
11 clarify my question, I'm not just asking about whether a
12 situation -- strike that. Regardless of whether the
13 investigator thinks there was misconduct by a police
14 officer, if the investigator believes there's been a
15 leak or a disclosure of a confidential investigation,
16 must that investigator pursue that information and try
17 to find out what happened?

18 MR. MICHALIK: Object to the form.

19 THE WITNESS: So I don't -- so when you say --
20 when you say must, you know, the investigator can.
21 They -- they can, but depending on what information
22 has been leaked, how that information impacts the in
23 -- the full investigation, the investigator can do a
24 to/from requesting that a number be generated. But
25 to say must, it's the investigator's case. And

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1 depending on how or if that information impacted
2 their investigation, it will determine whether or
3 not he chooses to -- to -- to ask that a complaint
4 be initiated.

5 BY MR. HILKE:

6 Q. So whether to pursue more information about a
7 leak or disclosure in a confidential investigation is at
8 the discretion of the investigator, is based on all the
9 circumstances; is that accurate?

10 A. Yeah. I would say that's accurate, yes.

11 Q. All right. And do you know if the department,
12 during this time frame, did ever initiate new CRs to
13 pursue information about leaks or disclosures in
14 confidential investigations?

15 A. I'm not aware.

16 Q. Is that a category --

17 A. Well, I'm sorry. I -- I honestly that, when I
18 think back, I -- I believe there were times where
19 numbers have been generated to investigate, yeah, leaks
20 from ongoing investigations over at the Confidential
21 Investigation Section. Yes.

22 Q. And were those -- were those CRs given a
23 category or otherwise tracked in any way that would
24 allow them all to be identified?

25 A. You're talking about the -- the case itself to

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1 be identified?

2 Q. Yeah. Like, if you wanted to say how many
3 times did CPD investigate leaks or disclosures in
4 confidential --

5 A. That was not tracked, no.

6 Q. Okay. All right. This is Exhibit 6. Do you
7 see here in front of you, the Internal Affairs Division
8 standard operating procedures?

9 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

10 THE WITNESS: Yes.

11 BY MR. HILKE:

12 Q. This is BG-28997. And this is -- are these
13 the standard operating procedures you described
14 reviewing?

15 A. Yes.

16 Q. Okay. Let me take you to Page 6. It's
17 double-sided. Do you see on Page 6, the description of
18 four different possible disposition categories for CRs?

19 A. Yes.

20 Q. Is this what you were describing in terms of
21 the description of CR dispositions that would guide
22 investigators as to credibility findings?

23 A. Yes.

24 Q. And so, that's the section starting, A,
25 unfounded, and ending with justified disciplinary action

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1 on Page 6 of the manual, correct?

2 A. Yes.

3 Q. I'll take you to Page 13, the second paragraph
4 from the bottom, do you see where it says, in-depth
5 interviews should be conducted with complainants,
6 victims and/or witnesses. Interviews with parties via
7 the telephone will be documented and the conversation
8 will be summarized in as much detail as possible in a
9 progress report. Do you know whether the department
10 during this time frame did any sort of monitoring or
11 auditing to evaluate how much detail was being put into
12 the reports of interviews with witnesses?

13 A. That -- no, I'm not aware of that.

14 Q. Okay. I'll take you did the next page, Page
15 14. Under the section withdrawal of complaints, are you
16 familiar with the requirement discussed here that even
17 if a complainant withdraws their complaint, the
18 investigator still must complete a thorough and
19 comprehensive investigation?

20 A. Yes.

21 Q. Do you know if that policy was followed during
22 this time period, whether investigators would stop
23 investigations because they -- because the complaints
24 were withdrawn?

25 A. Do I know if it was followed across the board?

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1 Q. Yes.

2 A. Oh, no. I -- I -- I -- I know I followed it.
3 I don't know if everyone else was following it.

4 Q. Do you know if investigations were monitored
5 or audited in any ways to ensure compliance with this
6 requirement?

7 A. The -- the investigators -- investigations
8 were all overseen by immediate supervisors. In my case,
9 it was a lieutenant. So yeah, they were monitored by
10 the supervisors.

11 Q. So it would've just been at the discretion of
12 the super -- direct supervisors of the investigators
13 during this time period?

14 A. Correct.

15 Q. Let's go to Page 16. Now do you see there's a
16 section on Page 16 titled Criminal Allegations?

17 A. Yes.

18 Q. And if you look near the bottom of the page,
19 there is some specific information about what to do if
20 the allegations are of a confidential nature; do you see
21 that?

22 A. Yes.

23 Q. And there are five steps, A through E, on this
24 page and the next, including personally preparing the
25 case report, giving limited information to the control

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1 desk, so -- and telling them the matter is confidential,
2 submitting a report through channels to the director of
3 the records division, informing them of the delay,
4 maintaining control of both copies of the case report,
5 and forwarding to the report -- to the records division
6 when the investigation is completed, or if it won't
7 impede the investigation.

8 A. I think I (Inaudible). All right, I'm good.

9 Q. Do you see that?

10 A. I'm sorry. Yes, I see that.

11 Q. Okay. And when it says, maintain control of
12 both copies of the case report, how is that different
13 from a regular investigation?

14 A. Okay. So for a regular investigation that's
15 not confidential, the -- the actual case report will be
16 maintained at the detective division or, you know, or
17 another division within the police department, as
18 opposed to keeping everything internal at the -- at the
19 Bureau of Internal Affairs' Confidential Section. And
20 there's an avenue in which to mark the -- the case
21 confidential, just so no one else can see the -- the
22 case reports.

23 Q. And during this time in the Confidential
24 Section, do all the investigators in the Confidential in
25 -- Section share a common filing system, or do the

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1 investigators keep their own cases to -- while the
2 investigation is active?

3 A. The -- the investigators keep their own --
4 their own working file --

5 Q. Okay.

6 A. -- at -- at their desk.

7 Q. So -- and if I read this right, does even the
8 supervisor of the investigator have a separate copy of
9 the -- of the case report?

10 A. It's not uncommon that they wouldn't have a
11 copy of the case report, but typically, they -- they --
12 they wouldn't. They wouldn't. It -- it would just --
13 the investigator would have it, and if the supervisor
14 had questions, they would sit down and discuss any
15 matters, but the investigator would have the working
16 file, and everything will be held with the -- the --
17 with the investigator.

18 Q. Got it. So the idea is until the case is done
19 -- or it wouldn't impede the investigation to share it
20 further, all the information is concentrated in a single
21 place, and that's with the investigator, correct?

22 A. Correct.

23 Q. Okay. And even records division doesn't get a
24 copy of it until the investigation is done, correct?

25 A. Until it's closed.

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1 Q. And below on Page 17, there's a section about
2 the State's Attorney's Special Prosecutions Bureau and
3 Felony Review. Am I correct that that's different from
4 the joint investigations with the FBI that we talked
5 about earlier?

6 A. Yes.

7 Q. So other -- I guess stepping back a second to
8 what we just looked at under criminal allegations and
9 the description of what happened in Confidential
10 Investigations there, are you aware of any other place
11 in the standard operating procedures that it talks about
12 procedures specific to Confidential Investigations?

13 A. There -- there was a section in here that's
14 titled Confidential Investigation Section. I think I
15 remember that.

16 Q. Yes.

17 MR. MICHALIK: Page 2.

18 THE WITNESS: Yes, Page 2.

19 BY MR. HILKE:

20 Q. Sure. So Page 2, you've got the -- kind of
21 the org chart of the -- of the Confidential
22 Investigation Section, right?

23 A. Page 2. I -- I wouldn't call it a org chart.

24 Q. Oh, no, I'm sorry. Thank you. One minute. I
25 see. Yes, okay. And so, you've also got the

<p style="text-align: right;">Page 162</p> <p>1 description at the bottom of Page 2, Confidential</p> <p>2 Investigation Section, right?</p> <p>3 A. Correct.</p> <p>4 Q. And that describes what the Confidential</p> <p>5 Investigation Section does, that it conducts long-term</p> <p>6 investigations, involving allegation of department</p> <p>7 members involved in criminal activity, and it lists</p> <p>8 certain categories of investigations that they conduct,</p> <p>9 correct?</p> <p>10 A. Yep, that is correct.</p> <p>11 Q. So other than this paragraph you've just</p> <p>12 pointed to and what we looked at under the criminal</p> <p>13 allegations section, is there anywhere else in the</p> <p>14 standard operating procedures that describes how</p> <p>15 confidential investigations are conducted?</p> <p>16 A. Well --</p> <p>17 Q. And you should take as long as you need to</p> <p>18 review the document. I won't rush you.</p> <p>19 A. Okay. Like Page 22, it kind of goes over the</p> <p>20 medical rule -- medical roll abuse investigations and</p> <p>21 residency. Those are all handled by the Confidential</p> <p>22 Investigations Section.</p> <p>23 Q. Got it. And those are describing specifically</p> <p>24 the subunits of medical roll abuse in residency,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. Okay. Anything else I've missed yet?</p> <p>2 A. I hope not.</p> <p>3 Q. And certainly like, as you said before, this,</p> <p>4 the general orders, and the standard -- and the special</p> <p>5 orders that you've identified are exactly where you'd</p> <p>6 look for any further documentation, correct?</p> <p>7 A. Correct.</p> <p>8 Q. This is Exhibit 7. This is Plaintiff's Joint</p> <p>9 83612. I see a report of the Commission on Police</p> <p>10 Integrity. Have you seen this report before?</p> <p>11 (EXHIBIT 7 MARKED FOR IDENTIFICATION)</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. HILKE:</p> <p>14 Q. So this is a commission appointed by Mayor</p> <p>15 Daley in February 1997 in response to the indictment of</p> <p>16 members of the Chicago Police Department on charges of</p> <p>17 conspiracy, racketeering, and extortion in the police</p> <p>18 district in Austin. I just have a few questions about</p> <p>19 -- I just have a few specific questions about this. I</p> <p>20 want to point you to Plaintiff's Joint 83621. It's</p> <p>21 maybe about seven pages in or so. Or I'm sorry, it's</p> <p>22 also marked Page 9, and in the middle of the page.</p> <p>23 A. Okay.</p> <p>24 Q. It says, history of police corruption in</p> <p>25 Chicago; do you see it?</p>
<p style="text-align: right;">Page 163</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 A. Looks like the -- that's about it.</p> <p>4 Q. Okay. Any other sections that you see that</p> <p>5 are about confidential investigations?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 MR. MICHALIK: Just to avoid any -- can I point</p> <p>9 out one that he's overlooking?</p> <p>10 MR. HILKE: Yeah. Fine.</p> <p>11 MR. MICHALIK: Yeah, on Page 12.</p> <p>12 MR. HILKE: Page 12.</p> <p>13 MR. MICHALIK: By the way, we'll have to back</p> <p>14 on it later. So might as well do it now.</p> <p>15 MR. HILKE: No, that's fine.</p> <p>16 BY MR. HILKE:</p> <p>17 Q. Okay. So there's also some detail on Page 12</p> <p>18 about how to initiate confidential complaint register</p> <p>19 numbers, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And this describes the report to be submitted,</p> <p>22 what facts should be included, who to submit it to, and</p> <p>23 warns members not to tell anyone else about it, other</p> <p>24 than certain identified persons, correct?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 165</p> <p>1 A. Uh-huh.</p> <p>2 Q. So if you look at the bottom one on 1989, this</p> <p>3 report from 1997 describes the conviction of ten</p> <p>4 Wentworth District officers convicted of taking</p> <p>5 thousands of dollars in protection money from gamblers</p> <p>6 and drug dealers; do you see that?</p> <p>7 A. Yes.</p> <p>8 MR. MICHALIK: Just for the record, I'm going</p> <p>9 to object to the use of this exhibit during this</p> <p>10 deposition. Because obviously, it's from 1997, the</p> <p>11 time frame involved is '99 through 2011. So for the</p> <p>12 record, I object.</p> <p>13 MR. HILKE: Okay.</p> <p>14 BY MR. HILKE:</p> <p>15 Q. And then if you go to the next page, PL Joint</p> <p>16 83622, look at the second of -- sentence of that</p> <p>17 paragraph. It says, it is no coincidence that the ten</p> <p>18 Chicago officers under indictment today were assigned to</p> <p>19 two of the police districts with the highest instance of</p> <p>20 narcotics arrests, nor that they all worked on tactical</p> <p>21 teams, whose primary function was narcotics enforcement;</p> <p>22 do you see that?</p> <p>23 A. I do.</p> <p>24 Q. And I'm going to take you to a page of the</p> <p>25 recommendations of this commission appointed by Mayor</p>

<p style="text-align: right;">Page 166</p> <p>1 Daley in 1997. That's going to be Page 22 --</p> <p>2 A. Okay.</p> <p>3 Q. -- of the report. I'm sorry, Page 21 of the</p> <p>4 report. And then if you look at the second sentence of</p> <p>5 the second paragraph, do you see it saying, according to</p> <p>6 the information presented to the commission, the seven</p> <p>7 indicted Austin officers had a total of 93 complaints,</p> <p>8 CR numbers, lodged against them during their respective</p> <p>9 careers?</p> <p>10 A. Yes.</p> <p>11 Q. And do you see -- this is going to be the next</p> <p>12 -- the next paragraph recommends, you know, a</p> <p>13 non-sustained complaint is not the same as one that is</p> <p>14 unfounded. It indicates if the evidence was such that</p> <p>15 the complaint could not be proven or disproven. And</p> <p>16 that's the same as what you said before is the</p> <p>17 definition of a -- of a non-sustained complaint,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. And it says, you know, the commission -- in</p> <p>21 the judgment of the commission, some system needs to be</p> <p>22 in place which allows a department to take some</p> <p>23 appropriate action when a clear pattern of</p> <p>24 non-sustained complaints exists; do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 168</p> <p>1 BY MR. HILKE:</p> <p>2 Q. No, I'm sorry. In 1999 to 2011, in your time</p> <p>3 frame for this deposition.</p> <p>4 A. Okay.</p> <p>5 Q. Did the disciplinary system do anything to</p> <p>6 identify patterns of misconduct among specific units of</p> <p>7 officers?</p> <p>8 A. Yes. At some point, the -- the Internal</p> <p>9 Affairs Division, or Internal Affairs -- you know,</p> <p>10 utilized the -- let's call it the CRM System. And the</p> <p>11 CRM system would identify patterns of misconduct. And</p> <p>12 it was -- it was based on the -- the findings of a --</p> <p>13 from a particular category code or allegation. And the</p> <p>14 trigger was, like, five -- five investigations, which</p> <p>15 could -- it could be all unfounded, but five similar</p> <p>16 investigations into one member in a short period of</p> <p>17 time, that would raise a flag, to where that member</p> <p>18 would be identified, and steps will be taken to correct</p> <p>19 that member's behavior. Although, those cases were not</p> <p>20 sustained. And that was in the -- that was contained</p> <p>21 within the CRM System.</p> <p>22 Q. Could you spell the name of the system you're</p> <p>23 saying?</p> <p>24 A. C -- C-R-M-S, System. It's the Complaint</p> <p>25 Reporting Management System.</p>
<p style="text-align: right;">Page 167</p> <p>1 MR. MICHALIK: Again, same objection as before</p> <p>2 regarding this document. Also, foundation. I --</p> <p>3 MR. HILKE: Sure.</p> <p>4 MR. MICHALIK: You're just reading the document</p> <p>5 into the record.</p> <p>6 MR. HILKE: Yeah. I'm going to tie it up.</p> <p>7 BY MR. HILKE:</p> <p>8 Q. If you -- and then if you look at the next</p> <p>9 paragraph, it says, looking towards sort of the last</p> <p>10 sentence or so, it says, corrupt police officers, like</p> <p>11 other groups of criminals, tend to bond together in</p> <p>12 groups. As the Chicago Police Department moves towards</p> <p>13 to a comprehensive early warning system, therefore, an</p> <p>14 effort should be made to identify specific units which</p> <p>15 have a higher than usual rate of allegations of</p> <p>16 misconduct; do you see that?</p> <p>17 A. I do.</p> <p>18 Q. All right. In this time frame, did the</p> <p>19 department -- did the disciplinary system do anything to</p> <p>20 identify patterns of misconduct within specific groups</p> <p>21 of officers?</p> <p>22 MR. MICHALIK: Objection to the form. In this</p> <p>23 time frame, are you talking about the '97 time</p> <p>24 frame, or...</p> <p>25 MR. HILKE: Oh, thank you.</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. Okay. And if I understand what you just</p> <p>2 described, if there were a surging number of CRs against</p> <p>3 an officer in a time period, like a -- an -- a specific</p> <p>4 individual officer, that's what would be the trigger for</p> <p>5 the system, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And what would -- when was -- when did what</p> <p>8 you're describing, that trigger for several allegations</p> <p>9 of misconduct in a short time against an officer, when</p> <p>10 did that start being used?</p> <p>11 A. So that -- I -- you've got to figure my -- it</p> <p>12 was -- it was being used when I was in the Special</p> <p>13 Investigations Section, so that would be, like, after</p> <p>14 2006, but before 2013, when I was working out of</p> <p>15 headquarters. I just remember some of my own personal</p> <p>16 cases involved department members that fell within that</p> <p>17 category, and there was a trigger that -- that came from</p> <p>18 the records section, that -- and they told me that, hey,</p> <p>19 this particular person has five non- sustained or</p> <p>20 unfounded findings for the same category code in a very</p> <p>21 short period of time. And -- and so -- but it was -- it</p> <p>22 was in place at that time, but I don't know when it</p> <p>23 started, and when they started utilizing that system for</p> <p>24 that.</p> <p>25 Q. And do I understand correctly, that there were</p>

<p style="text-align: right;">Page 170</p> <p>1 multiple criteria that had to be met for the trigger.</p> <p>2 One, a surging number of CRs, and two, all in the same</p> <p>3 category code?</p> <p>4 A. Yeah. It was -- it was five. It was -- the</p> <p>5 trigger was the number -- where it's five cases. And if</p> <p>6 you had five unfounded cases in a -- I forget what the</p> <p>7 time period was, then that would trigger it. It would</p> <p>8 trigger the system to --</p> <p>9 Q. Right.</p> <p>10 A. -- to basically report out that this member is</p> <p>11 a candidate for whatever sanction, or program, that</p> <p>12 number we would be put in.</p> <p>13 Q. And in the same category code, right? So it</p> <p>14 did have to be five, like, excessive forces, or</p> <p>15 inventory procedure, or whatever the case may be, they</p> <p>16 all had to be the same?</p> <p>17 A. Well, I -- I believe they -- they were the</p> <p>18 same -- yeah. I believe they were the same type of</p> <p>19 misconduct cases.</p> <p>20 Q. Yeah, and when you talked about different</p> <p>21 options for how to proceed after receiving the trigger,</p> <p>22 what were the options after receiving that trigger for a</p> <p>23 specific officer?</p> <p>24 A. I -- I believe they were put in probable -- a</p> <p>25 personal concerns program, or behavioral intervention.</p>	<p style="text-align: right;">Page 172</p> <p>1 to recommend that that person be put in a behavioral</p> <p>2 intervention program.</p> <p>3 Q. And was that -- was it automatic in -- was</p> <p>4 there an automatic process by which -- well, strike</p> <p>5 that. Did -- were individual investigators involved in</p> <p>6 deciding whether to refer to personal concerns or</p> <p>7 behavioral intervention?</p> <p>8 A. I'm sorry.</p> <p>9 Q. That's okay. Were investigator level staff</p> <p>10 involved in deciding whether an officer should be</p> <p>11 referred to personal concerns or behavioral</p> <p>12 intervention?</p> <p>13 A. At the time, no.</p> <p>14 Q. Okay. Who from Internal Affairs decided?</p> <p>15 A. Well, it was a notification from the sergeant</p> <p>16 that worked in the records section of Internal Affairs</p> <p>17 to the chief.</p> <p>18 Q. Okay. And then do you know what criteria the</p> <p>19 chief used to decide how to handle those notifications?</p> <p>20 A. It was -- it was really based on the nature of</p> <p>21 the -- the cases that you were looking at. So we had</p> <p>22 five individual cases, all different allegations, or the</p> <p>23 same allegations, but they happened in the -- you know,</p> <p>24 a certain time period. I don't know if -- if it was six</p> <p>25 months or a year, but --</p>
<p style="text-align: right;">Page 171</p> <p>1 I think it was, at the time, behavioral intervention</p> <p>2 program, which was -- which was organized or -- the</p> <p>3 Personnel Division was weighing in on that, on the</p> <p>4 program.</p> <p>5 Q. And -- I'm sorry. The Personnel Division?</p> <p>6 A. The Personnel Division. Yeah.</p> <p>7 Q. Wait. So who decided whether to put such an</p> <p>8 officer in the program? Was that in the disciplinary --</p> <p>9 like, was that a discipline issue, or -- actually,</p> <p>10 strike that. What's the Personnel Division?</p> <p>11 A. Personnel is human resources for the police</p> <p>12 department.</p> <p>13 Q. It's different from Internal Affairs?</p> <p>14 A. Definitely.</p> <p>15 Q. Okay. And so, who decided whether to place an</p> <p>16 employee in personal concerns or behavioral</p> <p>17 intervention, Internal Affairs or Personnel?</p> <p>18 A. Internal Affairs, initially. So there's a</p> <p>19 sergeant in their records section that would notify the</p> <p>20 -- the -- the chief of the Bureau -- the Bureau of</p> <p>21 Internal Affairs, and say, okay, this person has been</p> <p>22 flagged. And the chief would take a look at it, and</p> <p>23 see, okay, these cases that were unfounded or not</p> <p>24 sustained, let me see what they involved. And then</p> <p>25 they'll -- the determination will be made whether or not</p>	<p style="text-align: right;">Page 173</p> <p>1 Q. Okay.</p> <p>2 A. Yeah, they would determine whether or not this</p> <p>3 person would be put in a program, just based on the</p> <p>4 nature of the complaints.</p> <p>5 Q. Do you know how many -- is there anywhere we</p> <p>6 could find how many officers were referred from the</p> <p>7 records sergeant to the Internal Affairs chief?</p> <p>8 A. See, I don't -- I don't know if that</p> <p>9 information is contained in the CRM System somehow,</p> <p>10 because that is still active. They still -- for now,</p> <p>11 they still use the CRM System, because it -- it -- it</p> <p>12 will be added to our -- our new CMS system. But for</p> <p>13 right now, it's still active, and that's something that</p> <p>14 I can ask, you know.</p> <p>15 Q. Is it something that's reported in any way on</p> <p>16 a regular basis?</p> <p>17 A. No.</p> <p>18 Q. Okay. Is it -- is -- and by the way, is CRMS,</p> <p>19 is that part of the CLEAR System?</p> <p>20 A. No. That's a standalone system that's</p> <p>21 maintained in the records section of Internal Affairs.</p> <p>22 Q. Okay. And how long did the specific CRMS</p> <p>23 trigger for behavioral investigation -- behavioral</p> <p>24 intervention you've been discussing. For how long was</p> <p>25 that trigger in place?</p>

<p style="text-align: right;">Page 174</p> <p>1 A. You're talking for a particular case, or how</p> <p>2 long -- because I think it's -- I mean the system's</p> <p>3 still working. It's still working.</p> <p>4 Q. And when you say it's still working, do you</p> <p>5 mean --</p> <p>6 A. It's still active. It still triggers cases --</p> <p>7 Q. Okay.</p> <p>8 A. -- involving individual officers.</p> <p>9 Q. And your -- and do you -- am I correct, the</p> <p>10 earliest that you can say it was in effect would have</p> <p>11 been overlapping the time you were in Special</p> <p>12 Investigations?</p> <p>13 A. Yes.</p> <p>14 Q. And before that, you wouldn't know one way or</p> <p>15 another, right?</p> <p>16 A. I wouldn't know.</p> <p>17 Q. Now -- okay. So let me get back to the</p> <p>18 question I meant to ask, which is the report we've been</p> <p>19 looking at contains a recommendation that trends of</p> <p>20 misconduct allegations be looked at as a group. So not</p> <p>21 just officer by officer, but say squad by squad, manager</p> <p>22 by manager. From 1999 to 2011, did the disciplinary</p> <p>23 system ever analyze misconduct allegations in that</p> <p>24 manner?</p> <p>25 A. By teams? I'm not --</p>	<p style="text-align: right;">Page 176</p> <p>1 the last five years, correct?</p> <p>2 A. Yes. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. With records, yes.</p> <p>5 Q. And so, there are lots of other CRs that were,</p> <p>6 you know, not sustained, unfounded, exonerated,</p> <p>7 administratively closed, et cetera, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. For all those other CRs, those that were not</p> <p>10 sustained, did the department conduct any analysis or,</p> <p>11 you know, take any action with regard to those CRs,</p> <p>12 after the individual investigations were complete,</p> <p>13 during this time period?</p> <p>14 A. Only if there was a trigger within the CRM</p> <p>15 System that would notify the department that -- or BIA</p> <p>16 that an individual or particular officer had five or</p> <p>17 more investigations within that time period of, say, if</p> <p>18 it's a year, within that year.</p> <p>19 Q. Was the disciplinary system, as a whole,</p> <p>20 during this time period, was one of its purposes to</p> <p>21 specifically address potential corruption among officers</p> <p>22 who worked in narcotics enforcement?</p> <p>23 MR. MICHALIK: Object to the form.</p> <p>24 THE WITNESS: Specifically, to --</p> <p>25 BY MR. HILKE:</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. Yeah.</p> <p>2 A. I'm not aware of that.</p> <p>3 Q. Do you have any reason to believe that any</p> <p>4 kind of squad level, division level, team level analysis</p> <p>5 took place during this time period?</p> <p>6 A. I'm -- I'm not aware if it did.</p> <p>7 Q. Then -- other than the behavioral intervention</p> <p>8 system you've been describing, was there any other way</p> <p>9 you're aware of that the department used, other than</p> <p>10 sustained complaints during this time period?</p> <p>11 MR. MICHALIK: For what purpose?</p> <p>12 MR. HILKE: For any purpose.</p> <p>13 THE WITNESS: Other than sustained complaints?</p> <p>14 BY MR. HILKE:</p> <p>15 Q. I think I just made up a new category. But</p> <p>16 what I mean to say is -- so you've got sustained CRs,</p> <p>17 right?</p> <p>18 A. Correct.</p> <p>19 Q. And for example, when assessing discipline,</p> <p>20 the only thing that a supervisor is given is sustained</p> <p>21 CRs, correct?</p> <p>22 A. Did you say a supervisor?</p> <p>23 Q. Yeah. If a supervisor is recommending</p> <p>24 discipline after a sustained investigation, the</p> <p>25 disciplinary record they get is just sustained CRs in</p>	<p style="text-align: right;">Page 177</p> <p>1 Q. Yeah. For example, the 1997 report we just</p> <p>2 looked at says, it's actually to be expected that -- the</p> <p>3 place this kind of misconduct will happen, meaning</p> <p>4 taking bribes, corruption, is in drug enforcement work,</p> <p>5 because there's so much money there. And so, my</p> <p>6 question is: During this time period, was the</p> <p>7 disciplinary system's purpose to specifically address</p> <p>8 the problem of money and temptation in narcotics</p> <p>9 enforcement? I know -- I know it's meant to address all</p> <p>10 kinds of misconduct. My question is: If its purpose</p> <p>11 singled out that kind of misconduct, as one of its</p> <p>12 purposes?</p> <p>13 MR. MICHALIK: Object to the form.</p> <p>14 THE WITNESS: I would say -- I would say no, to</p> <p>15 the extent that those type of cases -- those cases</p> <p>16 are developed when there is a complainant, or an</p> <p>17 allegation of misconduct. As officers that work on</p> <p>18 gang tactical teams, out of Narcotics, conduct their</p> <p>19 daily business of just working their cases and</p> <p>20 investigating narcotics cases, we're -- we're not --</p> <p>21 there wasn't a -- a system where we were just</p> <p>22 monitoring them day to day, if there was no</p> <p>23 allegation of misconduct for any particular team</p> <p>24 working narcotics investigations. It just -- that's</p> <p>25 just not how it was. If there was an allegation,</p>

<p style="text-align: right;">Page 178</p> <p>1 then the case would be open, and then we would</p> <p>2 conduct investigations.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. And one of the complaints of the Internal</p> <p>5 Affairs investigators in this 1997 report is that they</p> <p>6 spent a lot of time looking at parking tickets and other</p> <p>7 minor administrative investigations. Was that -- do you</p> <p>8 know how much capacity of the investigators was taken up</p> <p>9 investigating parking tickets and more minor</p> <p>10 administrative investigations during this time period?</p> <p>11 A. I don't --</p> <p>12 MR. MICHALIK: Objection, form, foundation.</p> <p>13 THE WITNESS: I don't know. I don't know. I'm</p> <p>14 unaware of that.</p> <p>15 BY MR. HILKE:</p> <p>16 Q. All right. As far as you know, was there any</p> <p>17 effort to shift the allocation of resources during this</p> <p>18 time period away from more minor administrative</p> <p>19 investigations and towards more serious allegations of</p> <p>20 misconduct?</p> <p>21 A. No. I don't -- I don't think there was a</p> <p>22 shift in manpower at the -- at Internal Affairs.</p> <p>23 Q. I want to ask you a few questions about -- and</p> <p>24 I'm done with this exhibit for now. About civil</p> <p>25 lawsuits specifically -- actually, strike that. I want</p>	<p style="text-align: right;">Page 180</p> <p>1 A. Back then, after being notified by the Office</p> <p>2 of Legal Affairs, the disposition -- disposition of the</p> <p>3 -- the civil case is when the investigator would start</p> <p>4 to work up their administrative case.</p> <p>5 Q. Got it. And when you say the disposition, you</p> <p>6 mean at the point the case is over, like --</p> <p>7 A. Yeah.</p> <p>8 Q. -- civil trial, et cetera --</p> <p>9 A. Yup.</p> <p>10 Q. -- dismissed?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And then what was the purpose of</p> <p>13 waiting until the -- until the civil case was disposed</p> <p>14 to proceed in the administrative investigation?</p> <p>15 A. Well, when we received those -- when BIA</p> <p>16 receives those cases from the Office of Legal Affairs,</p> <p>17 OLA, the allegation would be as simple as there's a</p> <p>18 civil suit, and the -- the CR number that's associated</p> <p>19 with the civil suit is, for lack of a better term, a</p> <p>20 placeholder until the civil suit plays out in court.</p> <p>21 And so, then after the civil suit plays out, then you</p> <p>22 kind of know what we're dealing with, and then you'll</p> <p>23 move forward with the administrative investigation, if</p> <p>24 there's any administrative investigation to be</p> <p>25 completed. Because depending on how the case is</p>
<p style="text-align: right;">Page 179</p> <p>1 to ask you about civil and criminal cases, and how</p> <p>2 information from those cases could inform CR</p> <p>3 investigations. Am I correct that during this time</p> <p>4 period, if a civil lawsuit was filed alleging police</p> <p>5 misconduct, that that would typically be forwarded to</p> <p>6 CPD to open up an CR on?</p> <p>7 A. Correct. And typically, those cases would</p> <p>8 make their way to Internal Affairs from the Office of</p> <p>9 Legal Affairs.</p> <p>10 Q. Okay. And if -- and for those cases, just</p> <p>11 like any cases, the first step is to try to talk to the</p> <p>12 complainant, right?</p> <p>13 A. Yes. At some point during the course of those</p> <p>14 investigations, the complainant would be -- would be</p> <p>15 reached out to, but during that time frame, those cases</p> <p>16 weren't immediately investigated. You would kind of</p> <p>17 wait to see how the civil suit plays out in civil court,</p> <p>18 and then make a determination of how to proceed with</p> <p>19 your administrative investigation, after monitoring the</p> <p>20 civil case. And those civil suit cases were handled by</p> <p>21 General Investigations.</p> <p>22 Q. Okay. And can you tell me, in terms of</p> <p>23 monitoring the civil suit, at what stage of a civil suit</p> <p>24 would a decision be made about how to proceed in the</p> <p>25 investigation?</p>	<p style="text-align: right;">Page 181</p> <p>1 resolved in civil court, it just may be adjudicated in</p> <p>2 court, and there would be no need for a full-fledged BIA</p> <p>3 investigation, so...</p> <p>4 Q. And then, in terms of the information that the</p> <p>5 department requested about those cases, would they just</p> <p>6 receive the disposition, like, how the case ended, or</p> <p>7 would they also request, like, you know, transcripts,</p> <p>8 discovery, other materials that might exist from the</p> <p>9 case?</p> <p>10 A. There are times where the investigator will</p> <p>11 receive the transcripts and other paperwork and</p> <p>12 materials from the -- the civil trial, in the civil</p> <p>13 case, as part of their -- to use as part of their</p> <p>14 administrative case.</p> <p>15 Q. And was there a policy regarding what</p> <p>16 materials the investigator should request during civil</p> <p>17 suit cases during this time period?</p> <p>18 A. I -- I just -- I don't recall. But I wasn't</p> <p>19 in General, but I -- I'm -- I'm aware of how the process</p> <p>20 worked.</p> <p>21 Q. Sure. And if there were a policy, it would be</p> <p>22 in the general orders, or special orders, or standard</p> <p>23 operating procedures we discussed?</p> <p>24 A. That is correct.</p> <p>25 Q. And -- so in every civil suit case during this</p>

<p style="text-align: right;">Page 182</p> <p>1 time period, once the civil suit has been disposed, at</p> <p>2 that stage, the investigator following the standard</p> <p>3 procedures would be charged with taking the preliminary</p> <p>4 -- the investigative steps in reaching out to the</p> <p>5 complainant, correct?</p> <p>6 A. Correct. If there was a need for it, yes,</p> <p>7 they would follow your -- the typical, regular</p> <p>8 investigative steps to handle, like any -- any other CR</p> <p>9 number, depending on what the allegation is.</p> <p>10 Q. And I said the complainant, in this case it</p> <p>11 would be the person who had alleged that they were</p> <p>12 harmed by police, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And when you say if there was a need for it,</p> <p>15 are there -- like, could the investigators say, well,</p> <p>16 this lawsuit was, you know, dismissed, it was settled,</p> <p>17 so there's really nothing more to do?</p> <p>18 A. Well, the -- it's -- it's case by case,</p> <p>19 obviously. And yeah, when the -- yeah. When the civil</p> <p>20 suit case has been resolved, yeah, typically the -- the</p> <p>21 administrative investigation, more often than not, is</p> <p>22 closed out.</p> <p>23 Q. And is it more often -- when you say more</p> <p>24 often than not it's closed out, do you mean closed out</p> <p>25 without further investigation or context?</p>	<p style="text-align: right;">Page 184</p> <p>1 their supervisor to -- to take one step, or you know,</p> <p>2 take this direction with the case.</p> <p>3 Q. Exhibit 8, and this is the Police</p> <p>4 Accountability Task Force, Plaintiff's Joint 6794. Sir,</p> <p>5 have you seen this report before?</p> <p>6 (EXHIBIT 8 MARKED FOR IDENTIFICATION)</p> <p>7 THE WITNESS: I have not.</p> <p>8 BY MR. HILKE:</p> <p>9 Q. So I believe Lori Lightfoot wrote this report</p> <p>10 before she became mayor. Is that the --</p> <p>11 A. Oh, she's --</p> <p>12 Q. -- taskforce appointed by Mayor Emanuel, to</p> <p>13 make recommendations to reform the Chicago Police</p> <p>14 Department in the wake of the Laquan McDonald shooting?</p> <p>15 MR. MICHALIK: I'm going to object to that</p> <p>16 statement. It actually mischaracterizes what this</p> <p>17 -- Public Police Accountability Task Force Report</p> <p>18 and how it was generated.</p> <p>19 MR. HILKE: That's fine.</p> <p>20 BY MR. HILKE:</p> <p>21 Q. I really just have a couple questions for you</p> <p>22 about it. I'm going to focus on -- sorry, I lost my</p> <p>23 questions. Okay. Can I please turn you to 68 --</p> <p>24 Plaintiff's Joint 6872? Also, it's marked Page 73 of</p> <p>25 the report. This is an excerpt of a few pages I'll ask</p>
<p style="text-align: right;">Page 183</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So -- and that's consistent with the</p> <p>3 discretion investigators had to decide how to handle</p> <p>4 their cases, correct?</p> <p>5 A. Well, it's not just the -- the discretion of</p> <p>6 the investigator. You -- you do make the decision while</p> <p>7 consulting with the department advocate, and as well as</p> <p>8 Legal Affairs, to get an understanding of what happened</p> <p>9 with the case, and basically how to move forward, and if</p> <p>10 there's a need to move forward, you know. So there is</p> <p>11 coordination with -- especially the -- the department</p> <p>12 advocate that works for BIA.</p> <p>13 Q. Who makes the decision whether to move</p> <p>14 forward?</p> <p>15 A. With the -- the case?</p> <p>16 Q. Yeah. To --</p> <p>17 A. Well, ultimately, it's the investigator's</p> <p>18 case, but typically, with the civil suit cases, the</p> <p>19 investigator would speak with the immediate supervisor</p> <p>20 and the -- the what you call it? The department</p> <p>21 advocate.</p> <p>22 Q. Okay. So the investigator is supposed to</p> <p>23 consult with others, but ultimately, they decide whether</p> <p>24 to proceed with the investigation or not, correct?</p> <p>25 A. It -- right. Unless instructed, you know, by</p>	<p style="text-align: right;">Page 185</p> <p>1 you about. It has a section that said -- that says,</p> <p>2 missed opportunities to identify misconduct; do you see</p> <p>3 that?</p> <p>4 A. Nope. I think I'm on the wrong page. Yep.</p> <p>5 Got it.</p> <p>6 Q. Good. If you look at the bottom paragraph, it</p> <p>7 says, since its inception, IPRA has had the power to</p> <p>8 examine patterns of complaints when investigating police</p> <p>9 misconduct, but has not exercised it. Now is that --</p> <p>10 and IPRA is distinct from Bureau of Internal Affairs,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. And what you described before as the CRMS</p> <p>14 System, that was within Internal Affairs, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you have any reason to disagree with this</p> <p>17 statement that since IPRA was formed, it had the power</p> <p>18 to examine patterns of complaints when investigating</p> <p>19 police misconduct, but has not exercised it?</p> <p>20 MR. MICHALIK: Objection, form, foundation.</p> <p>21 And it relies on a statement here without providing</p> <p>22 the source of that information.</p> <p>23 THE WITNESS: I'm -- I'm not aware if they --</p> <p>24 if they did have the -- the power to do that during</p> <p>25 the time frame.</p>

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1 BY MR. HILKE:

2 Q. Sure. You don't have any reason to say that
3 IPRA lacked the power to examine patterns of complaints
4 when investigating police misconduct, do you?

5 MR. MICHALIK: Objection, form, foundation.

6 THE WITNESS: No.

7 BY MR. HILKE:

8 Q. And you don't have any reason to say that
9 IPRA, during this -- and again, all my questions are
10 about this time, the 1999 to 2011 time frame, right?

11 A. Understood.

12 Q. That's all I'm asking about today. My
13 question is: During that time frame, 1999 to 2011, you
14 don't have any reason to believe that IPRA did examine
15 patterns of complaints when investigating police
16 misconduct, do you?

17 MR. MICHALIK: Objection, form, foundation.

18 THE WITNESS: No.

19 BY MR. HILKE:

20 Q. Okay. Then, I will show you -- actually, one
21 second. I -- actually, let me ask you this sort of
22 independent of the report, so if you can put the report
23 aside, I'm just going to ask you the question. During
24 this time frame, 1999 to 2011, did CPD have policy --
25 well, strike that. In this time frame, there are times

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1 when an officer would be the subject of a criminal
2 investigation and a complaint register number would be
3 active at the same time, correct?

4 A. Correct.

5 Q. And that could include situations where --
6 well, strike that. Yeah, so in that situation, where
7 there's a criminal investigation of a police officer
8 concurrent with an administrative disciplinary
9 investigation being opened, did CPD have any policy
10 about whether they should proceed at the same time, or
11 one after the other, during this time frame?

12 A. Not that I -- not that I can recall.

13 Q. So if there's a pending criminal
14 investigation, but the investigator thought it was
15 appropriate to pursue a disciplinary investigation, they
16 could do that, correct?

17 A. Well -- okay. So it's -- here's the thing.
18 So when handling these criminal investigations, you
19 almost have to look at it as being one in the same
20 sometimes, as the administrative case. Because the --
21 depending on how the -- the criminal investigation plays
22 out, if it plays out in court, if there's a case report,
23 of course, associated with the criminal case, and
24 there's resolution in court regarding that, that
25 criminal case would carry over to the administrative

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1 process.

2 The administrative process determines penalty
3 and holds the officer accountable, based on our rules
4 and regulations, and it determines whether or not the
5 member's going to be separated from the police
6 department. As opposed to the criminal investigation,
7 it's going to decide whether or not this officer's going
8 to be incarcerated. So it's -- it's -- it's kind of --
9 one kind of feeds off the other, but it's hard to say
10 kind of move forward with the administrative
11 investigation, when you're trying to find the proper
12 finding, penalty, resolution for the administrative
13 case, which you're going to get from the criminal case.

14 So depending on what the crime is, if it's --
15 if the member's convicted of a felony, therefore, when
16 you move back to the administrative case, now you're
17 looking at a violation of Rule 1, and recommending
18 separation from the police department, because as a
19 condition of our employment, you cannot be convicted
20 felons. So kind of -- one kind of feeds off the other,
21 so it's kind of hard to move forward with the
22 administrative case, without knowing the outcome of the
23 criminal investigations.

24 Q. I think I understand. So investigators would
25 wait for the criminal case to resolve before proceeding

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1 with the administrative investigation?

2 A. Well, they'll -- they'll -- they'll wait. You
3 won't finalize the administrative case until you get
4 resolution on the -- you can move forward. You can do
5 certain things. You can do certain things if you're
6 handling criminal cases at Confidential, right? We're
7 not talking task force or anything, we're just talking
8 criminal cases at Confidential. The -- yeah, yeah.

9 then you -- you can move forward with the
10 case. You can do certain things. You can take -- you
11 can get video evidence. You can do certain
12 investigative steps, but you don't want to make a final
13 decision or disposition without knowing how the criminal
14 case played out in court.

15 Q. Aside from waiting to make the final
16 disposition, were there any other steps that
17 investigators could not take before the criminal case
18 finished?

19 MR. MICHALIK: Object to the form.

20 THE WITNESS: Well, so -- typically, the
21 investigator wouldn't interview the for the
22 administrator, the officer, because that would be a
23 compelled statement. And then that -- that
24 information that was garnered from the
25 administrative case could not be used for the

<p style="text-align: right;">Page 190</p> <p>1 criminal case. So typically, you would hold off on</p> <p>2 interviewing the accused officer before the -- the</p> <p>3 criminal is complete.</p> <p>4 BY MR. HILKE:</p> <p>5 Q. Okay. So other than those steps, was the</p> <p>6 expectation that the regular preliminary investigative</p> <p>7 steps should still be taken even if there's a pending</p> <p>8 criminal case?</p> <p>9 A. They could be taken.</p> <p>10 Q. Was there any expectation about what steps</p> <p>11 should or should not be taken?</p> <p>12 A. Like I said, interviewing of the -- of the</p> <p>13 accused officer. And depending on -- it's depending on</p> <p>14 the nature of the -- of the complaint or the -- the</p> <p>15 crime. Certain steps will or will not be taken, you</p> <p>16 know, as not to impact the outcome of the criminal case,</p> <p>17 which really takes precedence when you're looking at</p> <p>18 both investigations.</p> <p>19 Q. And the -- during this time frame, did CPD</p> <p>20 close administrative investigations that were concurrent</p> <p>21 with criminal conduct, just because of a not guilty or</p> <p>22 dismissed finding against an accused officer in a</p> <p>23 criminal case?</p> <p>24 MR. MICHALIK: Object to the form.</p> <p>25 THE WITNESS: Did they close them? Just --</p>	<p style="text-align: right;">Page 192</p> <p>1 times when you have these criminal investigations</p> <p>2 into a department member and you have the</p> <p>3 administrative case, the fact that the member is</p> <p>4 found not guilty in a court of law, that doesn't</p> <p>5 mean you just close out the case totally and stop</p> <p>6 investigating the case, because the administrative</p> <p>7 case is based on allegations -- allegations.</p> <p>8 So the -- you know, you have your criminal</p> <p>9 case, but you can have a series of rule violations</p> <p>10 and misconduct that's contained within that log</p> <p>11 number, even though it's a criminal case, but you</p> <p>12 still have to answer and work up each individual</p> <p>13 allegation that's in the case. You know what I</p> <p>14 mean? So a lot of times, those cases be will be --</p> <p>15 get reassigned to General because at that point,</p> <p>16 we're not looking at it criminally, we're just</p> <p>17 looking at administrative allegations and stuff. So</p> <p>18 a lot of times, that case will be reassigned to</p> <p>19 General Investigation Section, or it'll still be</p> <p>20 handled within Confidential, but you still have to</p> <p>21 have resolution for the other, like, underlying</p> <p>22 misconduct allegations.</p> <p>23 BY MR. HILKE:</p> <p>24 Q. And am I correct that the special order,</p> <p>25 general order, and standard operating procedures that</p>
<p style="text-align: right;">Page 191</p> <p>1 just --</p> <p>2 BY MR. HILKE:</p> <p>3 Q. Should I try again?</p> <p>4 A. Just administratively close the case, or...</p> <p>5 Q. Yeah. Well, what --</p> <p>6 A. Or reach -- reach a finding?</p> <p>7 Q. What -- I guess what I mean is, and I'm going</p> <p>8 to give you two possibilities and I'll ask you if either</p> <p>9 or something totally different was how CPD did it. So</p> <p>10 you're not limited to these two. One possibility is</p> <p>11 when a -- you know, if there's a criminal and</p> <p>12 disciplinary investigation, if the officer is found not</p> <p>13 guilty, then the case should be closed because the</p> <p>14 officer was found not guilty. Another possibility is</p> <p>15 well, criminal cases are beyond a reasonable doubt,</p> <p>16 administrative investigations are a preponderance</p> <p>17 standard, and so we should still conduct a supplemental</p> <p>18 investigation when an officer is not guilty. It could</p> <p>19 also be something completely different from either of</p> <p>20 those two things. I'm just trying to ask you what CPD's</p> <p>21 practice was for how the administrative investigation</p> <p>22 would proceed after the criminal case finishes.</p> <p>23 MR. MICHALIK: Object to form.</p> <p>24 THE WITNESS: Okay. So we -- no, you -- you</p> <p>25 will continue the investigation because a lot of</p>	<p style="text-align: right;">Page 193</p> <p>1 you've already testified about, those are the locations</p> <p>2 that you'd look for, for any written guidance on how to</p> <p>3 handle these situations, correct?</p> <p>4 A. Well, I -- I -- I'll tell you this. Yes,</p> <p>5 those are -- that's our policy. Those are our policies</p> <p>6 and that's the -- the special -- the SOP is some -- is a</p> <p>7 -- a guideline to how we conducted our investigations.</p> <p>8 But yeah, typically a -- a lot of what we did was also</p> <p>9 learned through on-the-job training and just working</p> <p>10 cases with other, more seasoned investigators, that --</p> <p>11 that really explained to us how to resolve a situation</p> <p>12 like that, where you -- you have someone that is found</p> <p>13 not guilty in a court of law, but there are still other</p> <p>14 less significant matters to be addressed within that log</p> <p>15 number.</p> <p>16 Q. That makes sense. And I was just asking about</p> <p>17 the written guidance. I've specified where we would</p> <p>18 find that on this issue, correct?</p> <p>19 A. Yeah. Yeah. There's policies to that.</p> <p>20 MR. HILKE: You know, I'm close, but let's take</p> <p>21 a short break.</p> <p>22 MR. MICHALIK: Okay.</p> <p>23 THE VIDEOGRAPHER: We're off the record. The</p> <p>24 time is 3:27.</p> <p>25 (OFF THE RECORD)</p>

<p style="text-align: right;">Page 194</p> <p>1 THE VIDEOGRAPHER: We are back on the record</p> <p>2 for the deposition of Timothy Moore. Today is March</p> <p>3 19, 2024 and the time is 3:37 p.m.</p> <p>4 BY MR. HILKE:</p> <p>5 Q. Rule 14 violations are for -- strike that.</p> <p>6 Are Rule 14 violations made for intentional misconduct</p> <p>7 by police officers?</p> <p>8 MR. MICHALIK: Object to the form.</p> <p>9 THE WITNESS: Intentional, yes. I would say --</p> <p>10 I would say yes, it's got to be willful misconduct.</p> <p>11 BY MR. HILKE:</p> <p>12 Q. All right. During this the 1999 to 2011 time</p> <p>13 period, was it the policy to recommend separation when</p> <p>14 officers committed Rule 14 violations?</p> <p>15 A. I would say it was a -- it was a policy, but I</p> <p>16 am aware that there are a number of officers that have</p> <p>17 sustained Rule 14 as findings and that are still</p> <p>18 employed by the police department.</p> <p>19 Q. And is it the case that in some of those --</p> <p>20 some of those instances of sustained Rule 14 violations,</p> <p>21 a superintendent did not recommend separation?</p> <p>22 MR. MICHALIK: Objection, foundation.</p> <p>23 THE WITNESS: So here's the thing, so I don't</p> <p>24 know if that came about by the superintendent or</p> <p>25 another outside agency, be it the police board or</p>	<p style="text-align: right;">Page 196</p> <p>1 sentence of that paragraph, where the report says,</p> <p>2 witnesses and accused officers are frequently not</p> <p>3 interviewed at all, or not interviewed until long after</p> <p>4 the incident, when memories have faded; do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know whether the -- in the 1999 to 2011</p> <p>7 time period, there was any sort of -- any monitoring or</p> <p>8 auditing to determine, you know, how often witnesses</p> <p>9 were interviewed, or how quickly witnesses were</p> <p>10 interviewed in investigations?</p> <p>11 MR. MICHALIK: Object to the form of the</p> <p>12 question, and also the use of this document. You</p> <p>13 can answer if you know.</p> <p>14 THE WITNESS: I'm not aware of that.</p> <p>15 BY MR. HILKE:</p> <p>16 Q. Okay. We'll go back to that if we need to.</p> <p>17 I'll take you three pages ahead to Page 50, please.</p> <p>18 A. Okay.</p> <p>19 Q. The second sentence of the bottom paragraph</p> <p>20 says, but in nearly every case, neither IPRA nor BIA</p> <p>21 will conduct any meaningful investigation of the</p> <p>22 complaint, unless the investigator -- sorry, unless the</p> <p>23 complainant meets an investigator in person. And</p> <p>24 provides a complete recorded statement of the incident</p> <p>25 and submits a sworn statement that all claims are true</p>
<p style="text-align: right;">Page 195</p> <p>1 whomever. I just don't know case by case, but that</p> <p>2 -- that -- that could be one avenue, the</p> <p>3 superintendent's recommendation.</p> <p>4 BY MR. HILKE:</p> <p>5 Q. Got it. Sitting here, you don't have any</p> <p>6 reason to say that the superintendent recommended</p> <p>7 separation in every case of a sustained Rule 14</p> <p>8 violation during this time period, do you?</p> <p>9 A. I -- I -- I can't speak to that.</p> <p>10 Q. Okay. Exhibit 9, it's Plaintiff's Joint 5134.</p> <p>11 This is the Department of Justice Investigation of the</p> <p>12 Chicago Police Department dated January 13, 2017. Have</p> <p>13 you seen this report before?</p> <p>14 (EXHIBIT 9 MARKED FOR IDENTIFICATION)</p> <p>15 THE WITNESS: I -- I have not, but it's odd</p> <p>16 that everything happened on my birthday. January</p> <p>17 15th.</p> <p>18 BY MR. HILKE:</p> <p>19 Q. It's this is just excerpt in that. I'm only</p> <p>20 going to ask questions -- I'm using it as a jumping off</p> <p>21 point in a few specific pages. Could I start you by</p> <p>22 looking on -- it's Joint 5183, Page 47 of the document?</p> <p>23 A. Okay.</p> <p>24 Q. And I'll point you to the third paragraph. Do</p> <p>25 you see, in the second of -- the sentence -- the second</p>	<p style="text-align: right;">Page 197</p> <p>1 and correct under penalties provided by law. Now, in</p> <p>2 terms of the issue addressed here, which is whether a</p> <p>3 meaningful investigation of a complaint is conducted in</p> <p>4 the absence of a sworn statement, do you have any basis</p> <p>5 to say how often during the 1999 to 2011 time period a</p> <p>6 meaningful investigation was conducted when the</p> <p>7 complainant did not provide a sworn statement?</p> <p>8 MR. MICHALIK: Just object to the form of the</p> <p>9 question and reliance on this document. You can</p> <p>10 answer if you know.</p> <p>11 THE WITNESS: Okay. So there -- there are many</p> <p>12 meaningful investigations conducted absent the -- a</p> <p>13 complainant's signature, because there are</p> <p>14 oftentimes where the complainant was another police</p> <p>15 officer. You understand, so --</p> <p>16 BY MR. HILKE:</p> <p>17 Q. Okay. I do.</p> <p>18 A. -- with those cases.</p> <p>19 Q. Yeah. Other than complaints not requiring an</p> <p>20 affidavit, like from another police officer, do you have</p> <p>21 any basis to say how often a meaningful investigation</p> <p>22 was conducted in the absence of a sworn statement during</p> <p>23 our time period?</p> <p>24 MR. MICHALIK: Object to the form of the</p> <p>25 question.</p>

<p style="text-align: right;">Page 198</p> <p>1 THE WITNESS: I wouldn't know how many.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. New to -- one second. Can I jump you ahead,</p> <p>4 please, to Page 61?</p> <p>5 A. Sure.</p> <p>6 Q. Plaintiff's Joint 5197, Page 61. Do you see</p> <p>7 Subsection 4, Hidden Witness Coaching During Officer</p> <p>8 Interviews?</p> <p>9 A. Yes.</p> <p>10 Q. Do you see, starting with the second sentence,</p> <p>11 IPRA's investigation procedures manual expressly</p> <p>12 requires investigators to permit legal representatives</p> <p>13 to consult with officers about questions and their</p> <p>14 answers during a recorded interview. In addition, these</p> <p>15 procedures require investigators to hide the extent of</p> <p>16 this consulting by turning off the tape recorder</p> <p>17 whenever officers or their representatives request, even</p> <p>18 if, and often because, a critical question is pending.</p> <p>19 The procedures likewise require investigators not to</p> <p>20 state on the record who was requesting a pause in the</p> <p>21 recording, why the request was made, how long the</p> <p>22 parties were off tape, and not to mention anything that</p> <p>23 occurred while off tape. Do you have any reason to</p> <p>24 disagree that the investigation's procedure manual as</p> <p>25 summarized here reflects IPRA's practices during the</p>	<p style="text-align: right;">Page 200</p> <p>1 THE WITNESS: I'm -- I'm not sure if there was</p> <p>2 a -- a policy in place.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. Do you have any reason to believe that's</p> <p>5 something that was required, that if, like, a</p> <p>6 complainant had a parallel criminal case against the</p> <p>7 complainant, that the investigator was required to</p> <p>8 review those criminal proceedings?</p> <p>9 A. Can you repeat that, because you said a</p> <p>10 complainant -- complainant against complainant.</p> <p>11 Q. I meant complainant both times. Like, if a</p> <p>12 complainant is being prosecuted, was there any</p> <p>13 requirement you were aware of that the investigator</p> <p>14 review those proceedings and the process of</p> <p>15 investigating their complaint?</p> <p>16 MR. MICHALIK: Object to the form.</p> <p>17 THE WITNESS: No, I don't -- I don't think</p> <p>18 there -- there was a process in place for that.</p> <p>19 BY MR. HILKE:</p> <p>20 Q. Okay. And do you have any reason to believe</p> <p>21 any periodic review of criminal proceedings parallel to</p> <p>22 disciplinary investigations was done during the 1999 to</p> <p>23 2011 time frame?</p> <p>24 MR. MICHALIK: Object to form.</p> <p>25 THE WITNESS: I'm -- I'm not sure if that was</p>
<p style="text-align: right;">Page 199</p> <p>1 1999 to 2011 time period?</p> <p>2 MR. MICHALIK: Object to the form of the</p> <p>3 question, foundation, and the reliance on this</p> <p>4 document.</p> <p>5 THE WITNESS: I do not.</p> <p>6 BY MR. HILKE:</p> <p>7 Q. Okay. I'll point you to Page 65, Plaintiff</p> <p>8 Joint 5201. I'm going to point you to Subsection A,</p> <p>9 Ignoring Evidence from Civil and Criminal Proceedings;</p> <p>10 do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. The bottom sentence of the first paragraph</p> <p>13 under it says, yet there is no system that requires</p> <p>14 investigators to review parallel criminal proceedings</p> <p>15 and no such periodic review of criminal proceedings is</p> <p>16 done. And if you look at the paragraph, it's</p> <p>17 specifically discussing information from parallel</p> <p>18 criminal prosecutions, like for example, motions to</p> <p>19 suppress criminal trials and other potential sources of</p> <p>20 information for misconduct investigations. My question</p> <p>21 is: Do you have a -- was there a system requiring</p> <p>22 investigators to review parallel criminal proceedings to</p> <p>23 their investigations in 1999 to 2011?</p> <p>24 MR. MICHALIK: Object to the form of the</p> <p>25 question and reliance on this document.</p>	<p style="text-align: right;">Page 201</p> <p>1 done or not.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. Then I'll point you to Page 75, please?</p> <p>4 A. Sure.</p> <p>5 Q. Joint 5211. I'll point you to the second</p> <p>6 paragraph from the bottom, starting, rather; do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. It states, rather than aggressively enforcing</p> <p>10 and seeking discharge for violations of CPD's Rule 14,</p> <p>11 which prohibits making false statements, enforcement in</p> <p>12 this area is rarely taken seriously and is largely</p> <p>13 ignored. The IPRA enabling ordinance makes it</p> <p>14 discretionary for IPRA to initiate Rule 14</p> <p>15 investigations incidental to one of its delegated</p> <p>16 mandatory investigations. Investigators rarely exercise</p> <p>17 this discretion, and it is so little used, but there is</p> <p>18 much confusion even over whether EIA or IPRA would have</p> <p>19 jurisdiction over such a Rule 14 investigation. Do you</p> <p>20 have any reason to disagree with that characterization</p> <p>21 of IPRA during the time frame you're testifying about?</p> <p>22 MR. MICHALIK: Object to the form of the</p> <p>23 question, foundation, and reliance on this document.</p> <p>24 THE WITNESS: I have no reason to disagree with</p> <p>25 it. Just not aware of IPRA's policies.</p>

<p style="text-align: right;">Page 202</p> <p>1 BY MR. HILKE:</p> <p>2 Q. And then on the next page is 76 near the</p> <p>3 paragraph, in practice, IPRA rarely asserts, about</p> <p>4 halfway down; do you see that?</p> <p>5 A. Yeah.</p> <p>6 Q. It says, in practice, IPRA rarely asserts Rule</p> <p>7 14 charges when officers make false exculpatory</p> <p>8 statements or denials in interviews about alleged</p> <p>9 misconduct. Even when the investigation results in a</p> <p>10 sustained finding as to the underlying misconduct. Do</p> <p>11 you have any reason to disagree with that</p> <p>12 characterization of IPRA during the 1999 to 2011 time</p> <p>13 frame?</p> <p>14 MR. MICHALIK: Objection to form, foundation,</p> <p>15 and reliance on this document.</p> <p>16 THE WITNESS: I do not.</p> <p>17 BY MR. HILKE:</p> <p>18 Q. Then at the bottom, I going to pull you to the</p> <p>19 very last sentence on Page 76, it says, we learned in</p> <p>20 our investigation that there is no, and then turning to</p> <p>21 Page 77, system in place to ensure that all officer</p> <p>22 disciplinary findings bearing on credibility, including</p> <p>23 Rule 14 findings, are supplied to the State's Attorney's</p> <p>24 Office and criminal defendants, even though this is</p> <p>25 required under Giglio v. United States. Do you have any</p>	<p style="text-align: right;">Page 204</p> <p>1 discussed how of the 33 officers with 30 or more</p> <p>2 complaints between 2001 and 2006, fewer than half had</p> <p>3 been flagged within intervention -- for intervention; do</p> <p>4 you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have any reason to disagree with that</p> <p>7 characterization of the EIS system during the time frame</p> <p>8 discussed in that portion?</p> <p>9 MR. MICHALIK: Object to the form of the</p> <p>10 question, foundation, and reliance on this document.</p> <p>11 THE WITNESS: I do not.</p> <p>12 BY MR. HILKE:</p> <p>13 Q. Okay. Before I had asked you about different</p> <p>14 steps in the investigation and the appeal process, all</p> <p>15 the stages of a disciplinary investigation during this</p> <p>16 time frame, from the moment the complaint comes in, to</p> <p>17 the moment that the final appeal is over. Do you</p> <p>18 remember those questions?</p> <p>19 A. Yes.</p> <p>20 Q. I just want to confirm now, are there any</p> <p>21 stages of that process I had neglected to ask you about?</p> <p>22 A. I -- I -- I think at the time, I didn't</p> <p>23 mention that after the investigator completes the</p> <p>24 investigation, the case is reviewed by the lieutenant of</p> <p>25 that section. The -- that -- that would be the</p>
<p style="text-align: right;">Page 203</p> <p>1 reason to disagree with the statement that there was no</p> <p>2 system to put all -- to give all officer disciplinary</p> <p>3 findings bearing on credibility to the State's</p> <p>4 Attorney's Office during this frame?</p> <p>5 MR. MICHALIK: Objection to form, foundation,</p> <p>6 incomplete hypothetical, and reliance on this</p> <p>7 document.</p> <p>8 THE WITNESS: I do not.</p> <p>9 BY MR. HILKE:</p> <p>10 Q. Okay. And then just one more. It's 5553, our</p> <p>11 Page 117, towards the very end. I want to point you to</p> <p>12 the paragraph midway down, that starts, more recent</p> <p>13 studies of CPD's system; do you see that?</p> <p>14 A. Uh-huh. Yes.</p> <p>15 Q. So this section is talking about what it</p> <p>16 describes as EIS and BIS Systems, which I believe mean</p> <p>17 early intervention system and behavioral intervention</p> <p>18 system. Are those terms familiar to you?</p> <p>19 A. Yes.</p> <p>20 Q. So the paragraph I pointed to you says, more</p> <p>21 recent studies of CPD's systems reaffirm the need for</p> <p>22 reform. A 2007 study noted that nearly 90 percent of</p> <p>23 individuals with multiple complaints were never flagged</p> <p>24 by the EIS, including officers who amassed more than 50</p> <p>25 abuse complaints within five years. The study also</p>	<p style="text-align: right;">Page 205</p> <p>1 immediate supervisor of that investigator.</p> <p>2 Q. Okay. So that's, like, one level of review of</p> <p>3 the investigator's findings, you know, separate and</p> <p>4 apart from all the other stages you talked about?</p> <p>5 A. That is correct. That is correct.</p> <p>6 Q. Any other steps or details about those stages</p> <p>7 that I haven't asked you about yet?</p> <p>8 A. No.</p> <p>9 Q. Okay. Anything I've asked you about that you</p> <p>10 need to correct, or amend, or supplement at this point?</p> <p>11 A. So during the review process of cases, after</p> <p>12 the case is completed and the case is submitted for</p> <p>13 approval from the supervisor, and then it goes to the --</p> <p>14 to the department advocate, and then it goes through</p> <p>15 Command Channel Review. After Command Channel Review is</p> <p>16 when the officer, or the accused member, has the ability</p> <p>17 to utilize the complaint review panel as a grievance</p> <p>18 process. I think earlier when I spoke, I got the -- the</p> <p>19 -- the timing of that reversed, and I went from the</p> <p>20 advocate section to complaint review panel, then to the</p> <p>21 Command Channel Review. So Command Channel Review is</p> <p>22 first.</p> <p>23 Q. Got it. So the grievance process is -- sorry,</p> <p>24 strike that. So the correction -- sort of the what</p> <p>25 you're adding now -- strike all that. Just to make sure</p>

<p style="text-align: right;">Page 206</p> <p>1 I understand, complaint review panel happens after the</p> <p>2 superintendent recommends discipline, not before,</p> <p>3 correct?</p> <p>4 A. Correct. And it's after the Command Channel</p> <p>5 Review.</p> <p>6 Q. Okay.</p> <p>7 A. Because during Command Channel Review is when</p> <p>8 the penalties can be modified.</p> <p>9 Q. Okay.</p> <p>10 A. Before the officer determines whether or not</p> <p>11 he wants to answer the complaint review panel for</p> <p>12 grievance purposes.</p> <p>13 Q. And were you also adding more details about</p> <p>14 command channel review that I didn't ask you about</p> <p>15 earlier, or is that just as you described it earlier?</p> <p>16 A. Just as I described it earlier.</p> <p>17 Q. Okay, great. Anything else?</p> <p>18 A. That's it.</p> <p>19 MR. HILKE: I'm done for now. If other</p> <p>20 attorneys have questions, I may have more following,</p> <p>21 but that's all I have at this moment. I much</p> <p>22 appreciate it.</p> <p>23 THE WITNESS: Okay. Thank you.</p> <p>24 MR. MICHALIK: Anybody on Zoom have any</p> <p>25 questions?</p>	<p style="text-align: right;">Page 208</p> <p>1 the conclusion of the investigator's investigation,</p> <p>2 correct?</p> <p>3 A. That is correct.</p> <p>4 Q. All right. What happens where his</p> <p>5 recommendation exceeds five days' suspension?</p> <p>6 A. Okay. At that point, the -- the investigator</p> <p>7 will complete a summary report of the investigation as</p> <p>8 -- as -- as opposed to the summary digest report.</p> <p>9 Q. When is that appropriate?</p> <p>10 A. That's for anything five days or under. Any</p> <p>11 recommended penalties of five days or under.</p> <p>12 Q. Okay. What if the recommendation is</p> <p>13 unfounded, exonerated, or not sustained?</p> <p>14 A. That would be memorialized on a summary digest</p> <p>15 report.</p> <p>16 Q. All right. Okay. Once that summary digest</p> <p>17 report, or the summary report, is completed, what</p> <p>18 happens next, from that investigator's perspective?</p> <p>19 A. So the investigator would upload all the</p> <p>20 attachments into the -- at the time, the auto CR system.</p> <p>21 And then the final attachment would be either the</p> <p>22 summary report or the summary digest report. If -- for</p> <p>23 sustained cases, the officers would have to also get the</p> <p>24 member's disciplinary and complimentary histories to add</p> <p>25 as some of the final attachments. And then the full</p>
<p style="text-align: right;">Page 207</p> <p>1 MS. OLIVIER: No questions from Kelly Olivier.</p> <p>2 MR. STORTZ: No questions from Jake Stortz.</p> <p>3 MS. MIAN: No questions for Ronald Watts, thank</p> <p>4 you.</p> <p>5 MR. MICHALIK: All right. I do have --</p> <p>6 MR. RAVITZ: Or for -- or from Mohammed -- just</p> <p>7 for -- Mohammed, just for the record.</p> <p>8 CROSS-EXAMINATION</p> <p>9 BY MR. MICHALIK:</p> <p>10 Q. I do want to go through a couple of things</p> <p>11 just to clarify, maybe the first thing to do is go back</p> <p>12 to the topic that you were just clarifying, and that's</p> <p>13 the review process. And so, I think the best way to do</p> <p>14 this, if you take a look at Exhibit number 5, it's 93-</p> <p>15 3.</p> <p>16 A. Okay.</p> <p>17 Q. Just make sure that we've got this clear on</p> <p>18 the record.</p> <p>19 A. Okay.</p> <p>20 Q. If I could direct you to Addendum number 4,</p> <p>21 which starts at City BG-59029.</p> <p>22 A. All right. Okay.</p> <p>23 Q. All right. So let's start off with Section</p> <p>24 2A. It talks about cases where the recommendation</p> <p>25 exceeds five days of suspension, all right? That's at</p>	<p style="text-align: right;">Page 209</p> <p>1 investigator file will be handed off to the immediate</p> <p>2 supervisor, which will be a lieutenant within the --</p> <p>3 that officer's section.</p> <p>4 Q. All right. And so --</p> <p>5 A. The investigator's section.</p> <p>6 Q. So the investigator provides that report to</p> <p>7 his or her supervisor, regardless of the recommendation?</p> <p>8 A. Correct.</p> <p>9 Q. So if it's sustained, it's reviewed by a</p> <p>10 supervisor?</p> <p>11 A. That is correct.</p> <p>12 Q. If it's not sustained, it's reviewed by a</p> <p>13 supervisor?</p> <p>14 A. That is correct.</p> <p>15 Q. Same for unfounded or exonerated?</p> <p>16 A. Correct.</p> <p>17 Q. All right. Let's start with the unfounded,</p> <p>18 exonerated, or not sustained cases. Those are submitted</p> <p>19 to the supervisor. What is the supervisor expected to</p> <p>20 do once they get one of those reports?</p> <p>21 A. Just -- just to review it, to make sure that</p> <p>22 the investigator noted the proper finding for the</p> <p>23 investigation. And the supervisor would also make a</p> <p>24 determination -- oh, this is just for unfounded, not</p> <p>25 sustained, and exonerated?</p>

<p style="text-align: right;">Page 210</p> <p>1 Q. Right.</p> <p>2 A. Yeah. They would just make sure that the --</p> <p>3 the member had the proper finding for the case.</p> <p>4 Q. Okay. Could the supervisor recommend</p> <p>5 additional investigation be conducted?</p> <p>6 A. Yes, definitely.</p> <p>7 Q. All right. That's one of the things the</p> <p>8 supervisor would be looking for to make sure that the</p> <p>9 investigation was thorough?</p> <p>10 A. That's correct.</p> <p>11 Q. All right. Would that be true also sustained</p> <p>12 -- where -- a report where there was a recommendation of</p> <p>13 a sustained finding?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Again, it would go to the</p> <p>16 supervisor, who would review it for completeness?</p> <p>17 A. That is correct.</p> <p>18 Q. And if the supervisor determined additional</p> <p>19 investigation would need to be done, it would be kicked</p> <p>20 back to the investigator to do that?</p> <p>21 A. That is correct.</p> <p>22 Q. All right. So now the supervisor has approved</p> <p>23 the report, what happens next?</p> <p>24 A. At that point, the -- the -- the case is sent</p> <p>25 to the advocate's section for review, and they'll --</p>	<p style="text-align: right;">Page 212</p> <p>1 bypass Command Channel Review, and then the case would</p> <p>2 go right to the superintendent for review.</p> <p>3 Q. Okay. You mentioned administratively closed.</p> <p>4 When would an investigation be administratively closed?</p> <p>5 A. Typically, those are -- those are closed</p> <p>6 absent -- absent the signing of the affidavit.</p> <p>7 Sometimes, those cases are closed out administratively.</p> <p>8 Yeah, if the -- if you reach out to the complainant and</p> <p>9 the complainant has a change of -- of heart, or what</p> <p>10 transpired out there, those -- and the -- that member is</p> <p>11 not willing to sign an affidavit or a letter of</p> <p>12 declination, sometimes those cases are also</p> <p>13 administratively closed.</p> <p>14 Q. So then after Command Channel Review, the next</p> <p>15 step would be what?</p> <p>16 A. So after Command Channel Review, the case goes</p> <p>17 -- comes back to the Bureau of Internal Affairs. It's</p> <p>18 reviewed by the -- the chief of Internal Affairs, who</p> <p>19 has the final say-so for penalty recommendations. And</p> <p>20 then after the chief reviews the case, depending on the</p> <p>21 case, the case would go over to the sup's office to</p> <p>22 review for significant penalty cases. And then at that</p> <p>23 point, the member is notified of the finding of the --</p> <p>24 of the investigation and the penalty recommendation.</p> <p>25 And that's when the member decides whether or not he</p>
<p style="text-align: right;">Page 211</p> <p>1 they'll review it to make sure that every attachment is</p> <p>2 contained in the file, because there is an attachment</p> <p>3 list. So they want to make sure the -- the number of</p> <p>4 attachments match the -- the attachment list. And they</p> <p>5 also want to make sure that the -- the findings are</p> <p>6 proper, and that the investigation is sound and complete</p> <p>7 and thorough.</p> <p>8 Q. Okay. If the advocate determines additional</p> <p>9 investigation is required, does that then get kicked</p> <p>10 back to the investigator?</p> <p>11 A. Yes, it's -- it's typically sent back to the</p> <p>12 -- the investigator supervisor, and then the supervisor</p> <p>13 would make sure that the investigator gets the case</p> <p>14 back.</p> <p>15 Q. Okay. Once it's cleared the advocate, what</p> <p>16 happens next?</p> <p>17 A. Then that case is prepared, and it's sent for</p> <p>18 a Command Channel Review.</p> <p>19 Q. All right. Is there any different Command</p> <p>20 Channel Review based on the recommendation?</p> <p>21 A. Yes. If the -- if the -- well, if the case is</p> <p>22 administratively closed, then that particular case</p> <p>23 wouldn't go through Command Channel Review. A lot of</p> <p>24 cases that are sustained, and depending on the nature of</p> <p>25 the case, there -- there's an avenue in which you can</p>	<p style="text-align: right;">Page 213</p> <p>1 wants to file a grievance, which would trigger the</p> <p>2 complaint review panel.</p> <p>3 Q. Okay. And I think you said earlier that in</p> <p>4 terms of cases that would go to the superintendent's</p> <p>5 office for review, those would be 30 or more days'</p> <p>6 suspension recommendation or separation?</p> <p>7 A. That is correct.</p> <p>8 MR. HILKE: I'm sorry. Objection, form. Go</p> <p>9 ahead.</p> <p>10 THE WITNESS: That is correct.</p> <p>11 BY MR. MICHALIK:</p> <p>12 Q. In answering questions as to talking about the</p> <p>13 -- a member's ability to appeal certain findings, you</p> <p>14 said eventually, a case might be presented to the police</p> <p>15 board, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And I think you said that there was no further</p> <p>18 appeal after the police board made its decision; is that</p> <p>19 right?</p> <p>20 A. That's what I said, yes.</p> <p>21 Q. Okay. And that's within CPD, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Could a member then file a lawsuit challenging</p> <p>24 the police board's finding?</p> <p>25 MR. HILKE: Objection, form. Go ahead.</p>

<p style="text-align: right;">Page 214</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. MICHALIK:</p> <p>3 Q. Okay. So at least there are additional</p> <p>4 avenues of appeal for a member who disagreed with a</p> <p>5 police board's finding?</p> <p>6 A. That is correct.</p> <p>7 Q. Counsel had asked you questions earlier about</p> <p>8 the change from OPS to IPRA. Do you remember that</p> <p>9 series of questions?</p> <p>10 A. Yes.</p> <p>11 Q. All right. In terms of that, was there any</p> <p>12 change in the subject matter that IPRA would investigate</p> <p>13 that OPS did not?</p> <p>14 A. The subject matter that --</p> <p>15 Q. Let me ask it this way.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. OPS, I think you testified,</p> <p>18 investigated excessive force, domestics,</p> <p>19 police-involved shootings, and deaths in custody,</p> <p>20 correct?</p> <p>21 A. I -- I didn't mention deaths in -- in custody.</p> <p>22 Q. But that was one of the areas --</p> <p>23 A. That is -- that is one, yes.</p> <p>24 Q. -- that OPS would investigate?</p> <p>25 A. Correct.</p>	<p style="text-align: right;">Page 216</p> <p>1 Q. That would have to be something that would go</p> <p>2 to BIA?</p> <p>3 A. Yes. That would -- that would be handled</p> <p>4 through the CR process.</p> <p>5 Q. All right. And that would be directed to</p> <p>6 Confidential Investigations?</p> <p>7 A. That is correct.</p> <p>8 Q. All right. I think the last thing I want to</p> <p>9 ask you about is conducting administrative</p> <p>10 investigations concurrently with a criminal</p> <p>11 investigation. First off, that would be something that</p> <p>12 would be handled within BIA, correct?</p> <p>13 A. Correct.</p> <p>14 Q. All right. Because -- and that would</p> <p>15 specifically be the Confidential Investigation Section?</p> <p>16 A. Correct.</p> <p>17 Q. Would there be any criminal investigation by</p> <p>18 BIA that was not being handled by the Confidential</p> <p>19 Section?</p> <p>20 A. Yes.</p> <p>21 Q. Okay, what kind of -- what kind of case?</p> <p>22 A. You -- you have -- it's quasi-criminal. We're</p> <p>23 talking about DUIs. We're talking about certain</p> <p>24 positive tests for narcotics and -- and other drugs. We</p> <p>25 put officers through our random testing process that</p>
<p style="text-align: right;">Page 215</p> <p>1 Q. All right. Was that the same types of matters</p> <p>2 that IPRA would investigate, after IPRA came into</p> <p>3 existence?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. And as far as cases that IPRA would refer to</p> <p>6 BIA, it was the same as the cases that OPS would refer</p> <p>7 to BIA?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know, did OPS have subpoena power?</p> <p>10 A. I -- I'm not sure if they did.</p> <p>11 Q. Do you know if IPRA had subpoena power?</p> <p>12 A. I believe IPRA and now COPA does.</p> <p>13 Q. All right. You also were asked some questions</p> <p>14 about the SPARs, and there was a list of 26 categories</p> <p>15 of less serious transgressions that were listed in that</p> <p>16 order; do you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. One of the things that you were asked</p> <p>19 was about any misconduct that could be -- could any</p> <p>20 misconduct be the subject of a SPAR; do you remember</p> <p>21 that testimony?</p> <p>22 A. Yes.</p> <p>23 Q. All right. Could an allegation that involved</p> <p>24 criminal misconduct, could that be the basis of a SPAR?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 217</p> <p>1 have some -- a criminal nexus to it, but those are</p> <p>2 handled by the General Investigation Section.</p> <p>3 Q. Would that be the type of a case where you</p> <p>4 could have a parallel criminal investigation with an</p> <p>5 administrative investigation?</p> <p>6 A. Yes.</p> <p>7 Q. All right. What about a confidential criminal</p> <p>8 investigation, one that would involve a joint CPD-FBI</p> <p>9 investigation of criminal conduct? Is that something</p> <p>10 where the administrative investigation could proceed in</p> <p>11 parallel with a criminal investigation?</p> <p>12 A. Well, when -- when -- when dealing with the --</p> <p>13 or when looking at criminal investigations that are</p> <p>14 handled at the task force, those -- those cases are</p> <p>15 cases that are spearheaded by the FBI. Those are the</p> <p>16 FBI's investigations. And the administrative</p> <p>17 investigation that parallels those cases typically are</p> <p>18 halted as not to compromise the integrity of the ongoing</p> <p>19 criminal investigation from that -- from the FBI or any</p> <p>20 other outside agency, because it -- it could compromise</p> <p>21 the case itself. And if someone chooses to move forward</p> <p>22 with the administrative investigation they -- you know,</p> <p>23 they can actually be held accountable and either charged</p> <p>24 with obstructing the criminal investigation through the</p> <p>25 FBI.</p>

<p style="text-align: right;">Page 218</p> <p>1 Q. What sort of dangers would there be in</p> <p>2 conducting the administrative investigation at the same</p> <p>3 time as the confidential federal CPD investigation of</p> <p>4 criminal conduct?</p> <p>5 MR. HILKE: Objection, form.</p> <p>6 THE WITNESS: Well, a lot of these cases, these</p> <p>7 long-term criminal investigations involve officers,</p> <p>8 guns, drugs, what have you. And the officers are</p> <p>9 conducting long term surveillances and they're --</p> <p>10 they're put in very serious situations, depending on</p> <p>11 the nature of their surveillances and whether or not</p> <p>12 they are actually purchasing narcotics from these</p> <p>13 officers and stuff. If their -- if the</p> <p>14 investigation is compromised and -- and we move</p> <p>15 forward with the administrative case and start</p> <p>16 questioning people, when it gets back to the</p> <p>17 officers that are being investigated, there -- there</p> <p>18 could be some harm brought to some of the</p> <p>19 investigators that are -- that are out there in the</p> <p>20 field doing surveillances and -- and working up</p> <p>21 these investigations.</p> <p>22 BY MR. MICHALIK:</p> <p>23 Q. All right. One of the -- in order to proceed</p> <p>24 administratively against a department member, you have</p> <p>25 to inform that member of the charges, correct?</p>	<p style="text-align: right;">Page 220</p> <p>1 Q. -- they would charge the investigator?</p> <p>2 A. Yes, yes, the investigator.</p> <p>3 Q. Okay. And you mentioned that, you know, in</p> <p>4 terms of these joint CPD-FBI investigations, the FBI was</p> <p>5 in charge of the -- of that investigation?</p> <p>6 A. That is correct.</p> <p>7 Q. All right. The information that was derived</p> <p>8 from that investigation, who did that belong to?</p> <p>9 MR. HILKE: Object -- wait. Object to form.</p> <p>10 THE WITNESS: I'm sorry.</p> <p>11 MR. HILKE: Go ahead.</p> <p>12 THE WITNESS: FBI.</p> <p>13 BY MR. MICHALIK:</p> <p>14 Q. One last thing. In the SOP, there was a</p> <p>15 reference to initiating a confidential CR for a</p> <p>16 confidential investigation; do you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. Is that a different process, in terms of</p> <p>19 initiating a CR for a confidential investigation, as</p> <p>20 opposed to a general investigation?</p> <p>21 A. Yes. When -- in -- in General or Special, or</p> <p>22 just your run-of-the-mill investigation, when initiating</p> <p>23 those cases, those -- that initiation report gets sent</p> <p>24 back, to at the time OPS or IPRA, which would then</p> <p>25 either keep the investigation, or send it back to BIA to</p>
<p style="text-align: right;">Page 219</p> <p>1 A. That's --</p> <p>2 MR. HILKE: Object to form. Go ahead.</p> <p>3 THE WITNESS: That is true.</p> <p>4 BY MR. MICHALIK:</p> <p>5 Q. All right. Would that present any impact on a</p> <p>6 confidential criminal investigation?</p> <p>7 MR. HILKE: Objection to form.</p> <p>8 THE WITNESS: Well -- well, yes, because the --</p> <p>9 the member would know that there's an ongoing</p> <p>10 investigation into their -- their activity, and a</p> <p>11 lot of times, the administrative case really</p> <p>12 directly parallels and impacts the criminal case.</p> <p>13 So that would tip off the member as to the -- the</p> <p>14 full scope of the investigation. Even if the member</p> <p>15 doesn't know that the FBI is part of the</p> <p>16 investigation, that would tip off the -- the member,</p> <p>17 and that member would -- would cease his activities,</p> <p>18 which would taint the overall investigation.</p> <p>19 BY MR. MICHALIK:</p> <p>20 Q. And then you mentioned there could be</p> <p>21 consequences as a result of tainting that investigation?</p> <p>22 A. Yeah. You know, the -- if they choose to, the</p> <p>23 -- the FBI can -- can -- can charge a member --</p> <p>24 Q. So --</p> <p>25 A. -- criminally.</p>	<p style="text-align: right;">Page 221</p> <p>1 be handled. Confidential investigations are initiated</p> <p>2 by the admin sergeant, the bureau of internal affairs,</p> <p>3 who works directly for the chief of internal affairs.</p> <p>4 That person -- that sergeant would initiate the number,</p> <p>5 and it would be maintained in-house. And then number</p> <p>6 would be only shared with the investigator of that case</p> <p>7 initially.</p> <p>8 Q. It would not be shared with IPRA or OPS?</p> <p>9 A. It would not.</p> <p>10 MR. MICHALIK: Director, that's all I have.</p> <p>11 THE WITNESS: Okay.</p> <p>12 REDIRECT EXAMINATION</p> <p>13 BY MR. HILKE:</p> <p>14 Q. Sir, I've got just a few follow-ups. The --</p> <p>15 we talked about -- are you aware of anything in the FBI</p> <p>16 Chicago Police Department MOU that at all suggested that</p> <p>17 charges of obstruction of justice would result if the</p> <p>18 CPD moved administratively against an officer under</p> <p>19 investigation?</p> <p>20 A. I'm not aware that that was part of the -- the</p> <p>21 MOU.</p> <p>22 Q. What's your basis for saying that -- well, and</p> <p>23 strike that. In saying that if an investigator moved</p> <p>24 administratively against an officer and it compromised</p> <p>25 an FBI investigation, it could be the cause for</p>

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1 obstruction of justice charges. Are you -- do you have
2 any basis to conclude that the FBI would have any
3 likelihood of proceeding with such charges?

4 MR. MICHALIK: Object to form.

5 THE WITNESS: Well, I mean, so if we're -- if
6 we're outside of the time frame, and we're within
7 the time frame of me working on a FBI task force --
8 BY MR. HILKE:

9 Q. I actually just want to keep you in the time
10 frame.

11 A. I have -- well, the answer -- no. No, no
12 basis.

13 Q. There was no -- and as far as -- do you
14 believe that during the time frame, an investigator who
15 believed it was necessary to get a corrupt officer off
16 the street could not have said, you know, for example,
17 we need this investigation to move faster, we have to
18 get this officer off the street. Would that kind of
19 feedback have been prohibited in Chicago Police
20 Department-FBI joint investigations during this time
21 frame?

22 A. Are -- are you talking about the investigator?

23 Q. Yeah. Is there any reason they -- like, if
24 the investigation had gone on, in their opinion, too
25 long, and they were concerned about leaving an officer

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1 on the -- on the street, on the, you know, on the joint
2 FBI CPD operations, could the CPD give feedback about
3 the pace of the operation?

4 A. The -- no. No. I mean, well, you can always
5 give feedback about it and say what's taking so long,
6 but this -- at the end of the day, it was still the
7 investigation -- the FBI's investigation.

8 Q. Right, but that -- okay. Right. So it's not
9 that it was -- there's nothing prohibiting that
10 feedback, but it was still the FBI's investigation?

11 A. That is correct.

12 Q. Okay. And was there anything prohibiting an
13 investigator on an FBI-CPD investigation from saying, we
14 think it's necessary to move administratively. We need
15 your feedback, FBI, on how we can proceed?

16 A. Well, they -- they can always say that, but --
17 yes.

18 Q. And you mentioned that if CPD moved
19 administratively against an officer who is the subject
20 of a joint Chicago Police Department FBI investigation,
21 the officer would need to be informed of the charges
22 against them. Now, the time they would have to be
23 informed is when the investigator decided to proceed
24 with an interrogation or statement from the accused
25 officer, correct?

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1 A. That's correct.

2 Q. There's no reason -- strike that. The
3 investigator could still do any of the other preliminary
4 investigation steps without informing the accused
5 officer of the charges against him, correct?

6 MR. MICHALIK: Objection, mischaracterizes his
7 testimony.

8 THE WITNESS: Yes.

9 BY MR. HILKE:

10 Q. And by the way, in terms of joint -- during
11 this time period, in 1999 to 2011 -- strike all that.
12 You testified about joint criminal civil investigations
13 -- or strike that, too. You testified before about
14 criminal investigations and situations that could be
15 parallel with the disciplinary investigation, and you
16 testified about different categories of complaints where
17 there could be parallel criminal investigations. Are
18 excessive force allegations among those that could have
19 parallel criminal proceedings?

20 A. Excessive force cases were handled by OPS or
21 IPRA at the time.

22 Q. And a civilian complaint of excessive force
23 could have a parallel criminal case against an officer
24 for that force, correct?

25 A. It could. There could be -- there could be a

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1 -- an actual case report number associated with that
2 excessive force complaint.

3 Q. And same for shootings by officers, correct?
4 Those were also investigated by OPS-IPRA?

5 A. That's correct.

6 Q. And those could also have parallel criminal
7 proceedings, investigations into shootings by police
8 officers?

9 A. Yes.

10 Q. And so, excessive force and shootings by
11 police officers, if OPS-IPRA learned that there was a
12 criminal investigation as they investigated such
13 allegations, would they maintain the administrative
14 investigation, or transfer it to Internal Affairs?

15 A. Internal Affairs did not handle shooting
16 incidents involving department members. And excessive
17 force complaints, those are also IPRA and OPS cases.

18 Q. Okay. So those are investigations with a
19 criminal component OPS-IPRA could conduct, correct?

20 A. Yes.

21 MR. HILKE: Okay. Nothing else for now.

22 RECROSS-EXAMINATION

23 BY MR. MICHALIK:

24 Q. Just two quick follow-ups, Mr. Moore, and I
25 think we'll be done. You were asked about an

<p style="text-align: right;">Page 226</p> <p>1 investigator where there was a confidential -- a joint</p> <p>2 CPD-FBI investigation, and he would have to inform the</p> <p>3 accused member of the charges against him before taking</p> <p>4 that individual's statement, remember that?</p> <p>5 A. Yes. Administratively.</p> <p>6 Q. Right. And then you were asked, could he do</p> <p>7 other steps short of interviewing the officer? And I</p> <p>8 think your answer was yes, he could. But I think</p> <p>9 earlier, you said that he -- there were things that he</p> <p>10 should not do, such as talking to witnesses, or other</p> <p>11 things that might tip off the subject of the</p> <p>12 confidential investigation, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Also, the investigator who was involved, some</p> <p>15 of the evidence and investigation that was part of the</p> <p>16 joint FBI-CPD investigation would be something that that</p> <p>17 investigator could use subsequently in administrative</p> <p>18 proceedings?</p> <p>19 A. Yes, they could.</p> <p>20 Q. Second thing is, you were asked about</p> <p>21 excessive force in police-involved shooting cases, could</p> <p>22 they be parallel to criminal investigations; do you</p> <p>23 remember that?</p> <p>24 A. Yes.</p> <p>25 Q. Are excessive force cases or police-involved</p>	<p style="text-align: right;">Page 228</p> <p>1 THE VIDEOGRAPHER: I'm going to take us off the</p> <p>2 video record, but we'll stay on the written so that</p> <p>3 the court reporter can get orders. All right, we're</p> <p>4 off. It's 4:22.</p> <p>5 THE REPORTER: Yes. So just very quickly,</p> <p>6 would you like a transcript or video?</p> <p>7 MR. HILKE: I'm -- I'll handle it off the</p> <p>8 record, please.</p> <p>9 THE REPORTER: Would you like one?</p> <p>10 MR. MICHALIK: If he orders, we'll take a copy.</p> <p>11 THE REPORTER: Okay. Anybody on Zoom would</p> <p>12 like a copy of the transcript or the video?</p> <p>13 MS. OLIVIER: No, thank you.</p> <p>14 MR. STORTZ: No, thank you.</p> <p>15 MS. MIAN: I don't think so.</p> <p>16 THE REPORTER: All right then. With that, we</p> <p>17 are off the written record at 4:23.</p> <p>18 (DEPOSITION CONCLUDED AT 4:23 P.M. CT)</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 227</p> <p>1 shootings confidential investigations?</p> <p>2 A. No. Those cases are handled by OPS or IPRA at</p> <p>3 the time.</p> <p>4 Q. Not confidential?</p> <p>5 A. No.</p> <p>6 MR. MICHALIK: That's all I have. Thank you.</p> <p>7 FURTHER DIRECT EXAMINATION</p> <p>8 BY MR. HILKE:</p> <p>9 Q. Quickly, just because we did different terms.</p> <p>10 What's the difference between a police-involved shooting</p> <p>11 and a shooting by a police officer?</p> <p>12 A. It -- it's one in the same.</p> <p>13 MR. HILKE: Okay. Nothing more.</p> <p>14 THE WITNESS: Okay. I thought that was a trick</p> <p>15 question.</p> <p>16 MR. HILKE: No, no, I just -- I wanted to make</p> <p>17 sure we're talking about the same thing on the</p> <p>18 record.</p> <p>19 MR. MICHALIK: I think we are.</p> <p>20 MR. HILKE: I think so, too.</p> <p>21 MR. MICHALIK: All right. We will reserve</p> <p>22 signature.</p> <p>23 THE REPORTER: Do you want me to just send it</p> <p>24 to you?</p> <p>25 MR. MICHALIK: Sure, that's fine.</p>	<p style="text-align: right;">Page 229</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 here of by me after</p> <p>7 first being duly sworn to testify the truth, the whole</p> <p>8 truth, and nothing but the truth; and that the said</p> <p>9 matter was recorded digitally by me and then reduced to</p> <p>10 typewritten form under my direction, and constitutes a</p> <p>11 true record of the transcript as taken, all to the best</p> <p>12 of my skill and ability. I certify that I am not a</p> <p>13 relative or employee of either counsel, and that I am in</p> <p>14 no way interested financially, directly or indirectly,</p> <p>15 in this action.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 <i>Talia Jackson</i></p> <p>21</p> <p>22 TALIA JACKSON,</p> <p>23 DIGITAL REPORTER/NOTARY</p> <p>24 COMMISSION EXPIRES: 11/28/2027</p> <p>25 SUBMITTED ON: 03/28/2024</p> <div data-bbox="1234 1554 1477 1648" style="border: 1px solid black; padding: 5px; text-align: center;"> <small>OFFICIAL SEAL TALIA JACKSON Notary Public, State of Illinois Commission No. 981648 My Commission Expires Nov 28, 2027</small> </div>

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