

EXHIBIT 105



Internal Affairs Division

Standard Operating Procedures

Issued 23 May 1997

CITY-BG-028997

INTERNAL AFFAIRS DIVISION ORGANIZATION FOR COMMAND

The Internal Affairs Division is commanded by an Assistant Deputy Superintendent who is responsible for coordinating and exercising staff supervision over disciplinary matters involving alleged or suspected violations of ordinances, statutes, Department rules, regulations, and directives. The division also coordinates the assignment of complaint register investigations, serves as a repository for all Department records of these investigations, conducts overt and covert field investigations and is responsible for detecting corrupt practices involving Department members. The Internal Affairs Division is also responsible for advising command and supervisory personnel in the application of policies and procedures as they relate to discipline.

ADMINISTRATIVE SECTION:

The Administrative Section coordinates and assists in activities relative to the operations of the section, at the direction of the Assistant Deputy Superintendent. Functions performed by this division include, but are not limited to, the assignment, reassignment and transfer of complaint register investigations, issuance of confidential investigation complaint numbers, maintenance of confidential investigative files, assignment of preliminary investigations, maintaining information and photo systems and the gathering and publishing of statistics relative to the Internal Affairs Division. The Administrative Section also has the responsibility for, preparing and maintaining monthly reports for the Assistant Deputy Superintendent, corresponding to requests for information from outside law enforcement agencies and other units within the Department, responsibility for budgetary and contingency fund matters and other activities as directed by the Assistant Deputy Superintendent.

ADVOCATE SECTION:

The function of the Department Advocate Section is to ensure that the quality of internal investigations are at the highest level. The Department Advocate Section ensures consistency in the application of rule violations and recommended disciplinary penalties on a Department wide basis and is responsible for the review and preparation of appropriate cases for presentation to the Police Board as well as cases for Complaint Review Panel Hearings. The Department Advocate Section is responsible for representing the Department as an expert witness at arbitration hearings, grievance hearings, Equal Employment Opportunity Commission hearings, and other outside hearings as directed by the Assistant Deputy Superintendent, Internal Affairs Division. The Department Advocate is responsible for establishing, monitoring, and enforcing the rules and regulations with regard to the disciplinary process and sharing that information with other Department units. The Department Advocate also acts as the liaison with the Department of

Law, the Office of Legal Affairs and the Management and Labor Affairs Section.

RECORDS SECTION:

The Records Section is responsible for, maintaining and updating files of ongoing investigations, indexing of complaint register numbers, complainants, witnesses and other data. The Records Section acts as a repository for all complaint register files and the utilization of the computer case management system for the input and extraction of record information. The Records Section also has the responsibility for the proper retention of complaint register files and individual disciplinary histories of Department members. This section also responds to court subpoenas and requests for information under the Freedom of Information Act and the City Personnel Code.

GENERAL INVESTIGATION SECTION:

The General Investigation Section conducts investigations into allegations of police misconduct, as directed by the Assistant Deputy Superintendent. Assigned investigations include, but are not limited to, allegations of drug abuse, criminal offenses, investigations relative to arrests of Department members, short term covert investigations and cases of alleged police impersonators. This section includes the drug/alcohol abuse investigative teams, who are available to assist other Department units in investigations when necessary. This section also investigates civil suits that have been filed against the Department and individual members.

SPECIAL INVESTIGATION SECTION:

The Special Investigation Section conducts lengthy, highly sensitive investigations into allegations of serious misconduct as directed by the Assistant Deputy Superintendent. This section also maintains a liaison with the Federal Bureau of Investigation, United States Attorney's Office, Cook County State's Attorney Office and other federal, state and local law enforcement agencies. This section works with these agencies and engages in many cooperative investigations focusing on allegations relative to Department members' involvement in organized crime, narcotic trafficking, racketeering and other criminal activity.

CONFIDENTIAL INVESTIGATION SECTION:

The Confidential Investigation Section is responsible for conducting long term covert investigations involving allegations of Department members' involvement in criminal activity. The investigations conducted by this section include, but are not limited to, medical roll abuse, narcotic sales and trafficking, residency violations, traffic integrity and other investigations as directed by the Assistant Deputy Superintendent.

HOURS OF OPERATION:

The hours of operation for the Internal Affairs Division are primarily from 0700 to 2400 hours, Monday through Friday. During the third watch, personnel are available in the General Investigations Section of the division. During the first watch and on weekends, (Saturday and Sunday) personnel are available on a call out basis via Operations Command in the Office of the First Deputy Superintendent for advice and assistance on investigations.

SECTION COMMANDING OFFICERS:

Each Section Commanding Officer has the overall responsibility for the administration, discipline and activities of their respective Section. Section Commanding Officers will supervise and oversee all pending investigations conducted by their sections. They will maintain a liaison with the Department of Law, the Office of the State Attorney General, with federal law enforcement agencies and other local and state law enforcement agencies with direct involvement relative to pending investigations of Department members.

Section Commanding Officers will apprise the Assistant Deputy Superintendent, via monthly reports, of the status of all open investigations that have been open for more than thirty (30) days. Section Commanding Officers will immediately notify the Assistant Deputy Superintendent or his designee upon receipt of any information relative to indictments, filing of charges, arrest or declination of prosecution of Department members.

Section Commanding Officers will, with the approval of the Assistant Deputy Superintendent, Internal Affairs Division, implement approved operational policies and procedures, ensure effective guidance and supervision of subordinate members, assign investigations fairly and equitably, and will monitor and direct the progress of all investigations. Section Commanding Officers will also review and approve all investigative reports, ensure that the investigative findings are clearly supported by evidence and that recommended penalties are fair and consistent. All correspondence relative to investigations, which is directed to outside law enforcement agencies or exempt members assigned to other divisions, will be submitted to the Assistant Deputy Superintendent for review and approval, prior to transmittal.

Section Commanding Officers will inform the Assistant Deputy Superintendent of all matters pertaining to the operation of the division, particularly emergency and newsworthy situations, immediately upon receipt of the information.

SECTION ORGANIZATION:

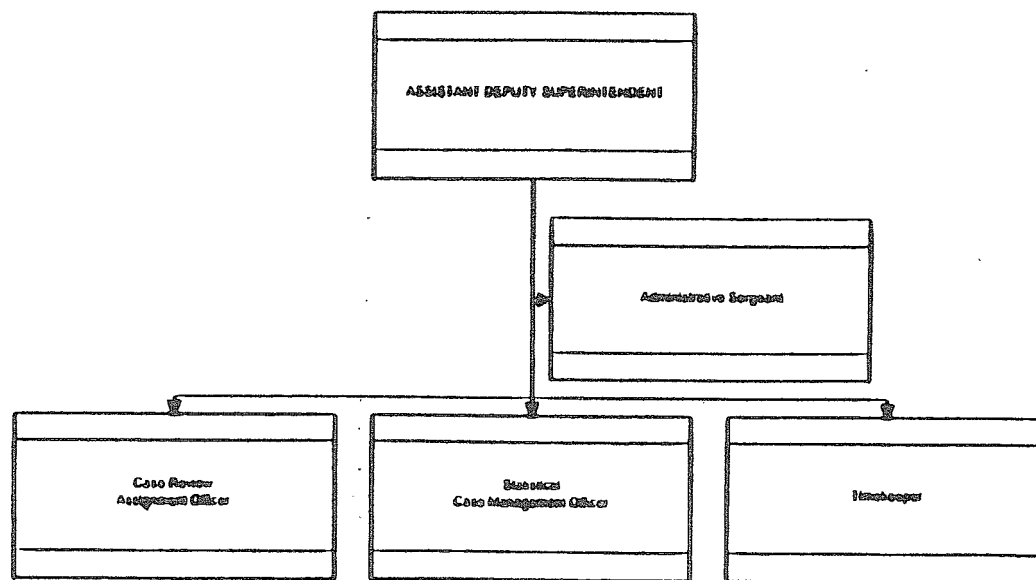
A third watch coordinator will be assigned to the General Investigations Section by the Section Commanding Officer. The duty hours of the coordinator will be 1600 to 2400 hours.

The coordinator will be responsible for responding to calls for advice/assistance from other Department supervisors pertaining to matters under investigations, assign immediate response teams for ongoing investigations, maintain the security of the physical plant and all other duties as directed by the Assistant Deputy Superintendent.

The administrative assistant assigned to the investigative sections will, maintain all statistics and logs, assist their Section Commanding Officers in the administrative performance of his duties, supervise administrative personnel and activities and ensure prompt assignment of investigations in accordance with existing division policies. Administrative assistants will ensure prompt distribution of all investigative reports and perform other duties as identified by the Section Commanding Officer and the Assistant Deputy Superintendent.

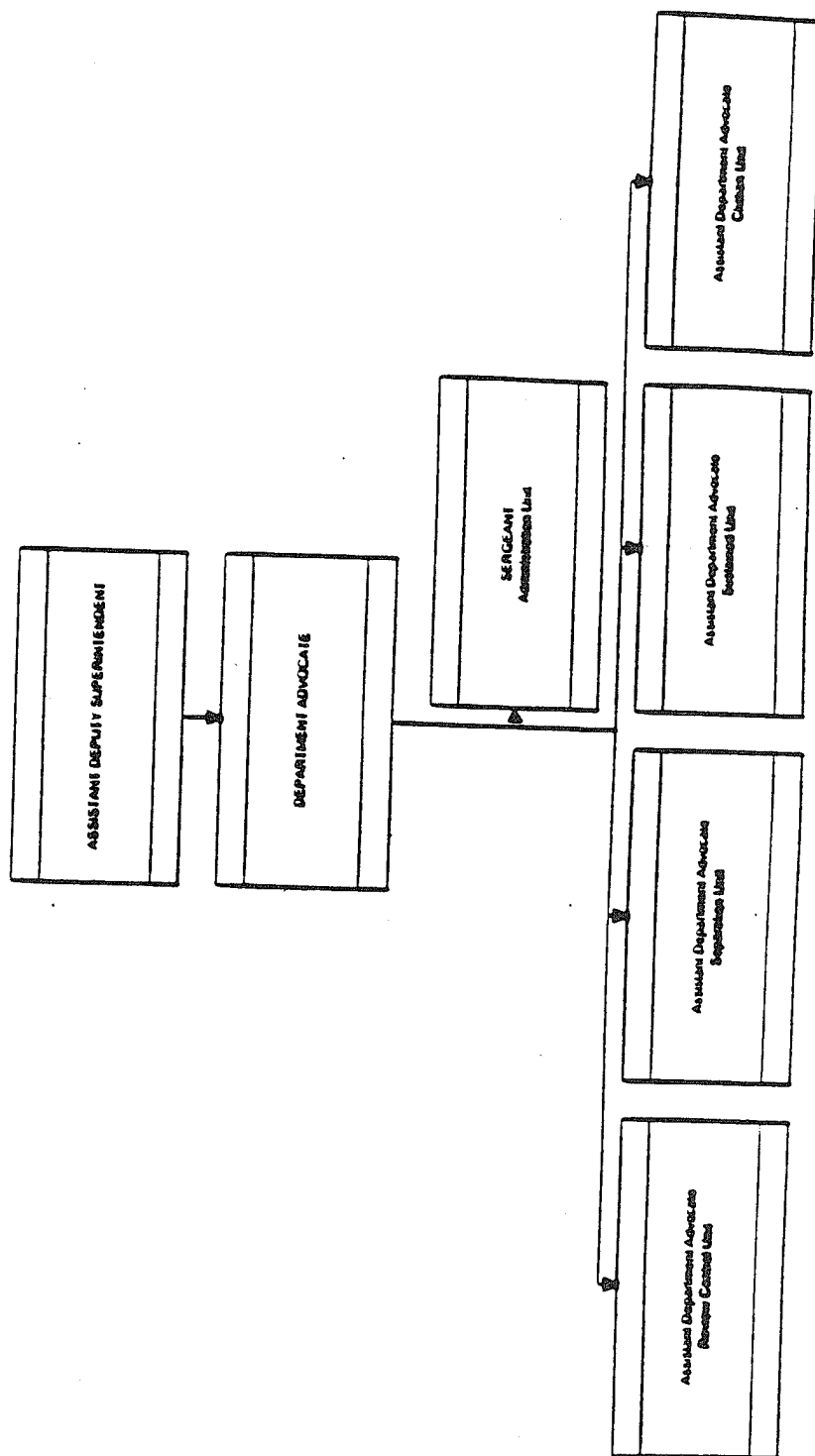
A team concept will be utilized for narcotic investigations, residency investigations, traffic integrity investigations and any other investigations as directed by each Section Commanding Officer. Each team will consist of a supervising sergeant and subordinate members. The supervising sergeant will determine the activities of each team member and ensure that all investigations are fair and complete. The supervising sergeant is also responsible for review of the final summary of preliminary and complaint register investigations on the basis of information that has been garnered and submitted, and will ensure that all team members comply with Department directives. Additionally the supervising sergeant will perform other prescribed functions and duties as directed by the Section Commanding Officer and the Assistant Deputy Superintendent.

INTERNAL AFFAIRS DIVISION ADMINISTRATIVE SECTION

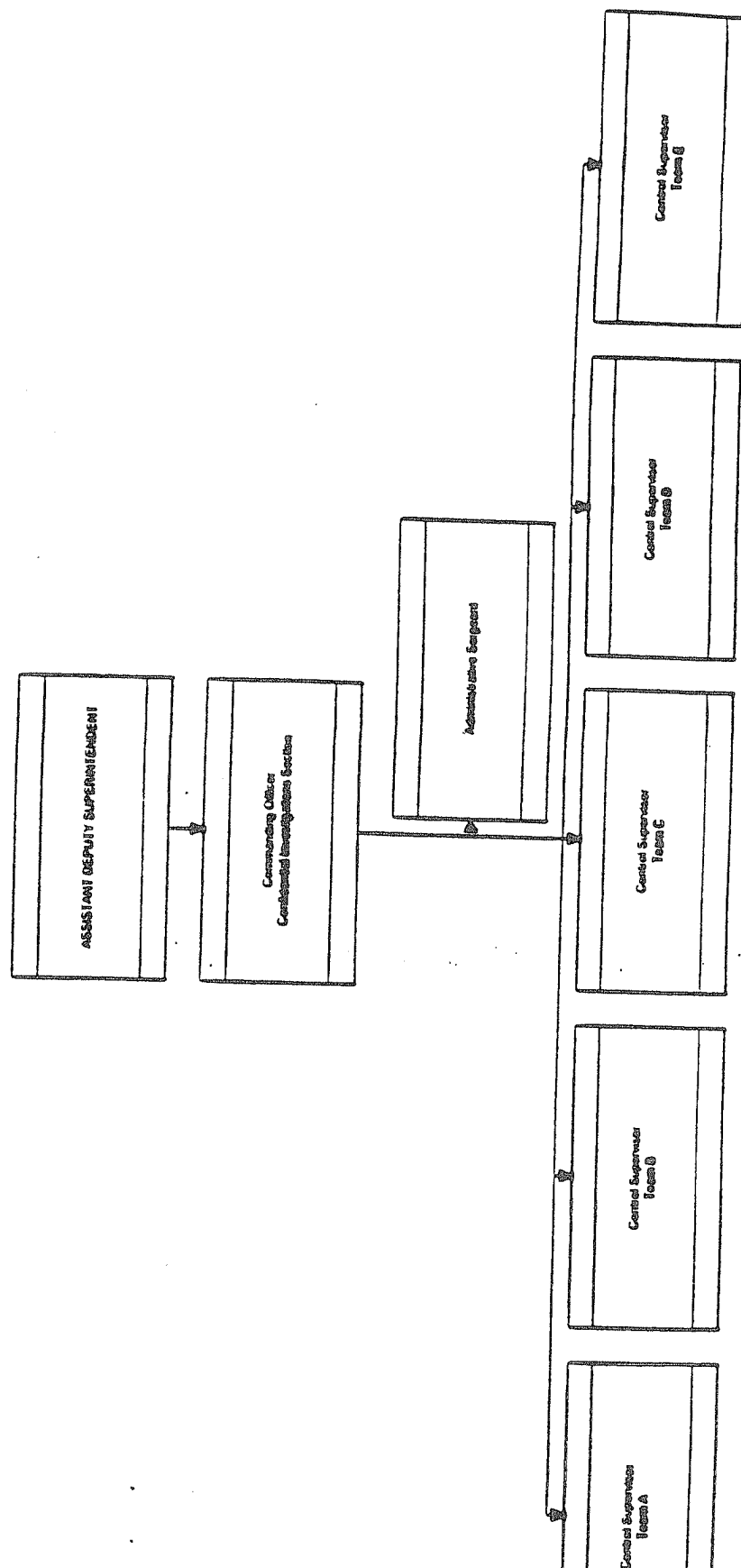


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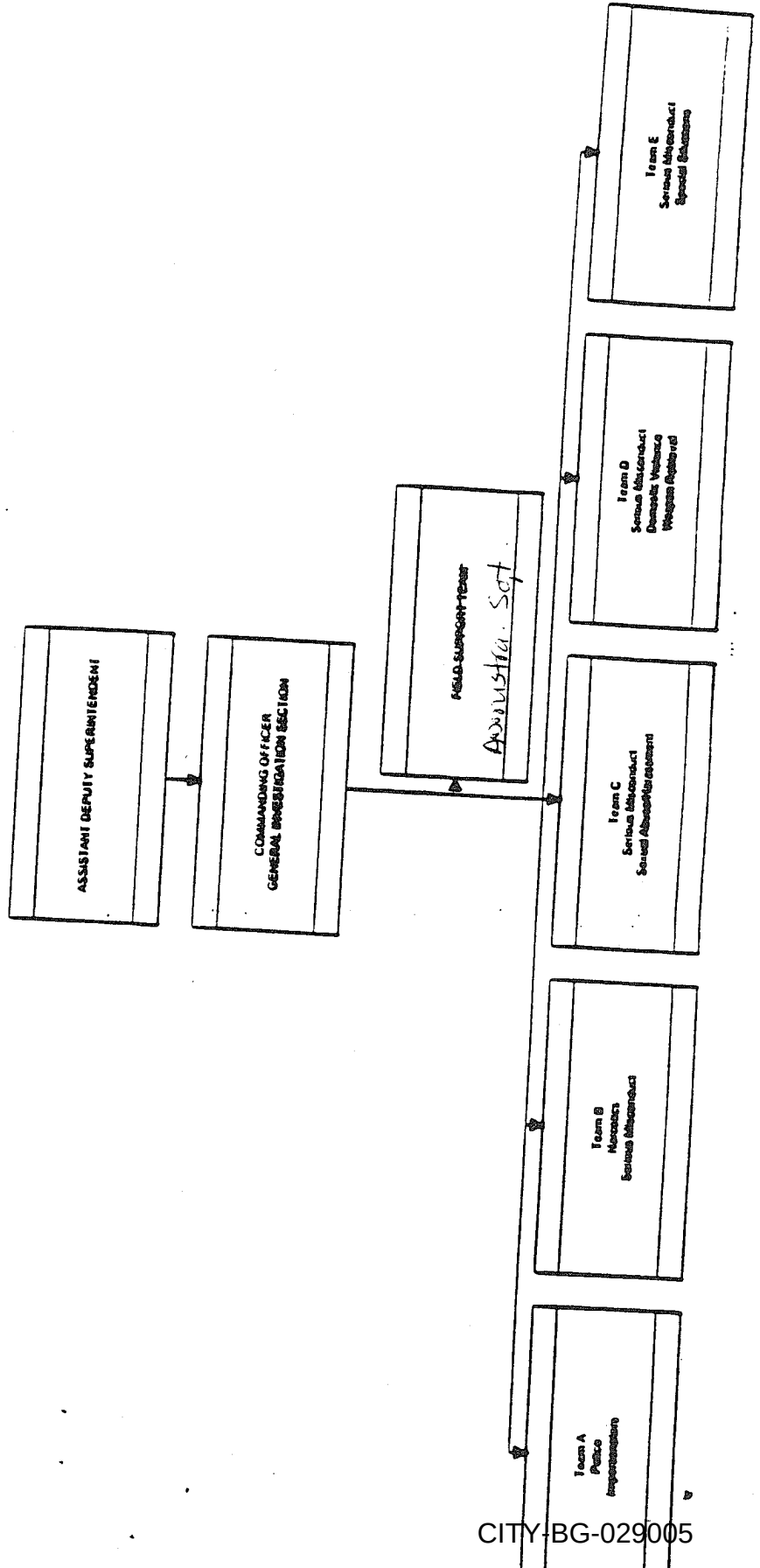
**INTERNAL AFFAIRS DIVISION
ADVOCATE SECTION**



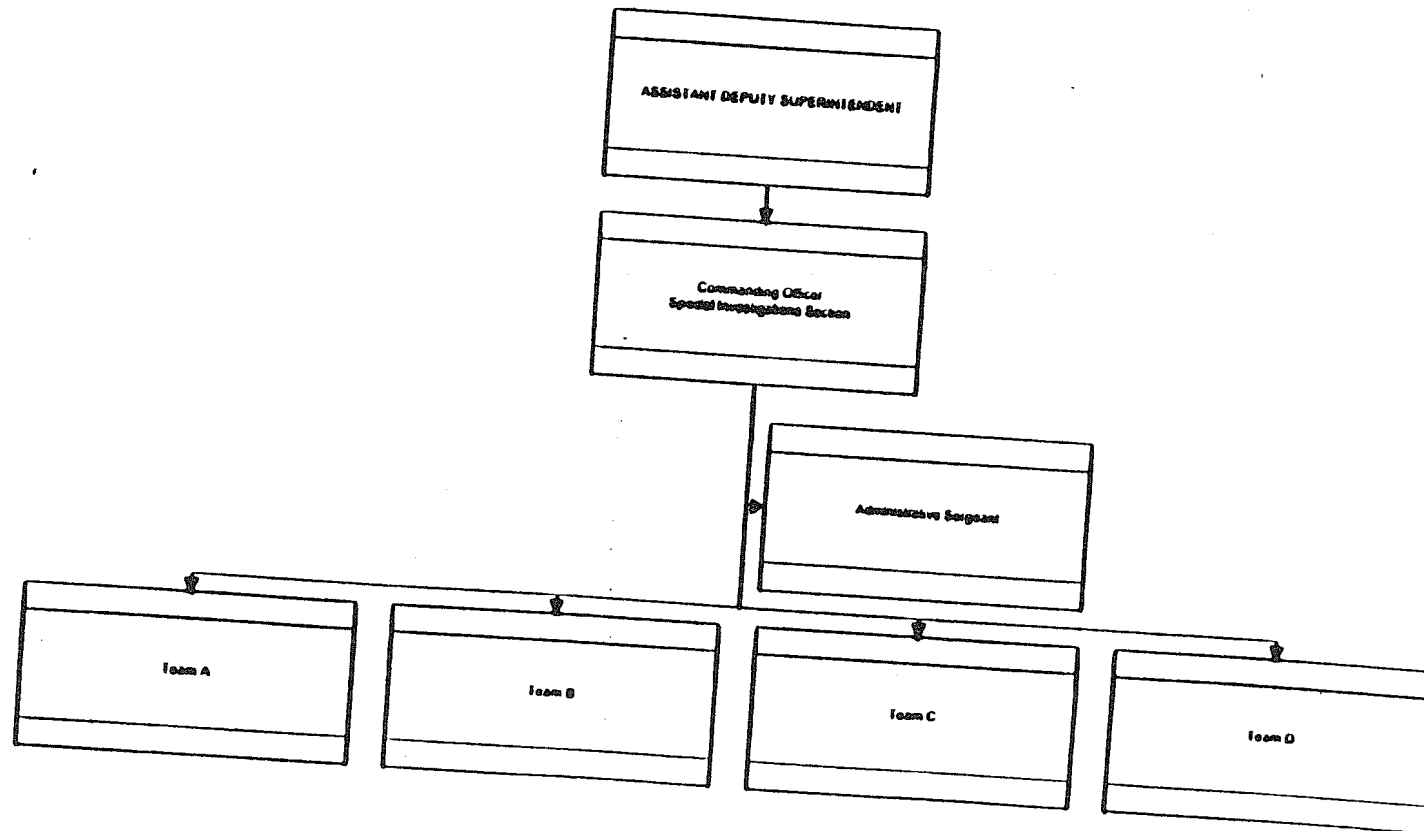
INTERNAL AFFAIRS DIVISION CONFIDENTIAL INVESTIGATIONS SECTION



INTERNAL AFFAIRS DIVISION
GENERAL INVESTIGATIONS SECTION



INTERNAL AFFAIRS DIVISION SPECIAL INVESTIGATIONS SECTION



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CIVILIAN MEMBERS:

A civilian member will be assigned to each section when possible to perform clerical duties. These will include, but are not limited to, typing, filing and answering incoming telephone communications. Data Entry Operators will be assigned to the Records Section for utilization of the computerized case management system, in addition to clerical duties as directed by the Records Section Commanding Officer.

INVESTIGATORS:

Personnel assigned to the Internal Affairs Division to conduct investigations will have duties which include, but are not limited to, investigations of complaints and/or allegations which may vary from minor rule violations, to serious misconduct and/or criminal activity by Department members. Personnel will perform their duties in compliance with existing Department and division directives, as well as by the agreement between the City of Chicago and the Fraternal Order of Police and other union agreements currently in effect.

The duties of personnel assigned to the Internal Affairs Division require making personal contact with victims, complainants and witnesses, the gathering and securing of documents, the visiting and canvassing of locations and areas of incidents, while demonstrating the highest degree of integrity and professionalism at all times.

The assigned investigator will monitor the court proceedings of Department personnel who have been indicted, arrested or are on trial for incidents that are under investigation by the Department. Investigators will submit the Complaint Register Case Summary Report (CPD-44.213 Rev. 7/88) to the Assistant Deputy Superintendent, Internal Affairs Division through their Section Commanding Officer, relative to the proceedings. The investigator will continue to monitor the results of all subsequent court proceedings following the completion of the investigation and submission of the closing summary report and case file attachments.

Investigators assigned to all sections of the division have the responsibility for submitting the final summary of their investigation and ensuring that the investigative file contains all the available evidence and documentation supporting the finding. Prior to the recommendation of disciplinary action in sustained cases, the assigned investigator will take into consideration the accused member's complimentary and disciplinary history.

Per Department General Order 93-3, Addendum 3, when the investigation is complete, classify the complaint as one of the following:

- A. "Unfounded" When the allegation is false or not factual.
- B. "Exonerated" When the incident occurred but the actions of the accused were lawful and proper.
- C. "Not Sustained" When there is insufficient evidence either to prove or disprove the allegation.
- D. "Sustained" When the allegation is supported by substantial evidence to justify disciplinary action.

PERSONAL APPEARANCE:

Members assigned to the Internal Affairs Division will be well groomed and present a "Business-Like" appearance. Articles of clothing will be clean, well pressed, conservative in color and design and will include the following apparel:

MALE: A suit or sport coat with trousers, a shirt, necktie, shoes (well-shined) and socks.

FEMALE: A suit or blazer type jacket with a dress, or
A suit or blazer type jacket with slacks or shirt. These ensembles will include a blouse (shirt) and/or sweater.

NOTE: Denim fabrics, leisure jumpsuits, and exercise apparel are prohibited, unless authorized by the Section Commanding Officer or the Assistant Deputy Superintendent.

Members will also be required to have in their possession:

- A) A holstered fully-loaded approved Department weapon with Department authorized ammunition.
- B) Six additional authorized cartridges of ammunition.
- C) Approved ammunition case.
- D) Department Identification Card.
- E) Prescribed Star.
- F) Watch.
- G) Pen with black ink.

NOTE: Members who have qualified with a semiautomatic weapon in accordance with Department General Order 92-3 and possess a valid Approved Handgun Certificate may utilize a Department authorized semiautomatic pistol as an alternative to their prescribed revolver. Personnel who carry the semiautomatic weapon will also carry a minimum of one additional fully loaded magazine if assigned to field duties. The magazine will be secured in a Department approved magazine pouch.

DRESS EXCEPTION:

Modifications will be made relative to the prescribed dress attire whenever the duty assignment so requires with the prior approval of the Section Commanding Officer or the Assistant Deputy Superintendent.

IDENTIFICATION REQUIREMENTS:

During working hours and when inside a police facility, personnel will have their Department identification cards properly affixed to their outer garments in the area of the left breast.

CIVILIAN PERSONNEL DRESS REQUIREMENTS:

Civilian personnel will present a "Business- Like" appearance in their dress. Articles of clothing/apparel will be clean, well pressed, conservative in color and design, and will be compatible with a professional business environment.

NOTE: Denim fabrics, leisure jumpsuits, and exercise apparel are prohibited, unless authorized by the Section Commanding Officer or the Assistant Deputy Superintendent.

INVESTIGATORS - TECHNICAL SUPPORT:

PHOTO ROOM:

The computerized system of photographs of Department members are maintained in the Division Photo Room. Access to the room by outside personnel requires the approval of the Assistant Deputy Superintendent, Internal Affairs Division or his designee. Photos and photo books will not be removed without prior written approval/authorization. Photo books will no longer be used without the permission of the Section Commanding Officer or his designee. Investigators will forward a completed Request for Photographs Form (CPD44.164 Rev. 4/97) through the Administrative Section.

Access to the photo room will be provided for the Office of Professional Standards

investigators' and/or field supervisors who wish to have complainants or witnesses view photos in an attempt to identify accused members. Internal Affairs Division personnel will remain in the photo room with personnel who are not assigned to the Internal Affairs Division. A supervisor or his designee must be present and be responsible for documentation before a photo viewing presentation is conducted by Internal Affairs Division staff.

At no time will the computer photos and/or old photo books be shown to victims, complainants, or to Department members, when the accused are possibly members of the Internal Affairs Division without prior written permission signed by the Assistant Deputy Superintendent, Internal Affairs Division. This includes requests by the Office of Professional Standards.

Internal Affairs investigators and outside unit investigators must submit a To/From/Subject report signed by their Commanding Officer prior to removing Police Impersonator photo books from the Internal Affairs Division Photo Room. (Example - Investigators find it necessary to take photo books to senior citizens who are not ambulatory.)

A photo log will be completed whenever computer generated photos or photo books are shown indicating the date, investigator, and unit of assignment of personnel entering the photo room.

EQUIPMENT:

The Internal Affairs Division maintains various types of communication equipment within the offices of each investigative section. The type of communication equipment that each section maintains varies depending on the type of investigations that are conducted by each.

The primary radio frequency for the division is City-Wide 4. The Confidential Investigation Section also maintains radios that have frequencies for each of the zones utilized by the Department (zones 1 - 13).

In addition, privacy channel car to car radios for surveillances are maintained in the sections.

Members assigned to a Department vehicle without communication equipment will obtain and utilize a portable hand held radio while on field assignment.

Members will sign for all communication equipment used. A log will be maintained in the radio cabinet by each section's administrative unit according to Department directives.

The Confidential Investigation Section also maintains various video and audio equipment for use in investigations. This equipment consists of tape recorders, video recorders, and cameras with various lenses.

Any other equipment which is needed for investigations will be requested in writing to the Assistant Deputy Superintendent, Internal Affairs Division after approval by the Section Commanding Officer. The report will indicate:

1. Type of equipment requested.
2. Reason equipment is needed.
3. Anticipated length of usage.
4. Units where equipment is available.

OFFICE OF EMERGENCY COMMUNICATIONS:

Master Recording Tape Review Procedures.

The Office of Emergency Communications is located at 1411 W. Madison St. Normal business hours are 0800 to 1700, Monday through Friday. The telephone number is 746-9347, (voice mail - 746-9270). In emergency cases, the office of the Watch Manager should be contacted at 746-9378 or Pax 0770 for requests for radio technician assistance.

Whenever official police business requires a master tape recording to be reviewed, Department members must comply with the provisions of General Order 93-8, Addendum #7.

General Order 93-8, Addendum #7 requires that the requester:

- A) Prepare a Request to Review/Hold Recording Tape form, checking the REVIEW box completing that section, including approval of the requester's unit/watch commander;
- B) Schedule an appointment to review the tape(s) through the Office Of Emergency Communications Watch Operations to ensure that a radio technician and playback equipment is available;
- C) Present the properly completed form to the Office of Emergency Communications Watch Operations Manager at the scheduled time;
- D) Notify the Watch Operations Manager when the review of the tape is completed.

FIELD RESPONSE:

Department and division directives provide for Internal Affairs Division personnel to provide assistance when requested or when serious allegations warrant division involvement. In the event a situation arises that requires an immediate response from the Internal Affairs Division, an Internal Affairs Division member will be assigned to either handle or otherwise address the issue. At no time will the responsibility for investigation be relegated to an outside unit or to field personnel. An Internal Affairs Division supervisor (unless one is not available) will assess the situation and determine the specific needs required. Immediate response is often requested in the following situations.

- 1) Commission of crimes.
- 2) Solicitation of bribes, when a line up is conducted.
- 3) Intoxication on/off duty.
- 4) Use or suspected use of narcotics.
- 5) Release of police powers.

In cases of immediate response, Internal Affairs Division personnel will respond as investigators and not as observers. It is the investigator's responsibility to conduct a thorough and complete preliminary investigation. Investigators will follow procedures as outlined in Department and division directives.

FIELD DRUG SCREEN PROCEDURES:

Field Drug Screen procedures are outlined in Internal Affairs Division Special order 96-04. When an allegation is such that a Department member will be required to submit to the drug screen process, the assigned investigator will prepare a Notification of Charges/Allegations form, indicating the specific allegation utilized to require the accused member to submit to the screening process. The allegation must be specific enough to establish the reasonable belief that the accused may have used prohibited drugs.

Underneath the narrative of the stated allegation, the assigned Internal Affairs Division investigator will document the following quotation on the notification form:

“As part of the Department’s Administrative investigation you are required to provide a urine specimen which will be analyzed for the presence of drugs. Failure to comply with the drug screening process will result in a recommendation that you be separated from the Chicago Police Department.”

Once the notification of the requirement to submit a urine specimen has been given the affected member, a subsequent direct order (to submit the specimen) will be given if the member indicates a refusal to submit to the requirement.

A member who refuses to submit to the drug screen process after an order has been issued, will be immediately relieved of police powers.

INITIATING COMPLAINT REGISTER NUMBERS:

Prior to contacting the Office of Professional Standards, it is imperative that the member gather all pertinent information from the individual making the complaint. Once all relevant information has been obtained, the investigator will contact the Office of Professional Standards and obtain a complaint register number. If possible, the complainant will be re-contacted and given the complaint register number.

Prior to the end of the member’s tour of duty, an initiation report will be submitted to the Section Commanding Officer. This report will outline the circumstances of the complaint and if possible, identify the accused member.

Complainants will be questioned in detail relative to their allegations. The following are examples of the required information for the initiation of a complaint register investigation:

- A. Name, address, telephone number, date of birth and social security number of the complainant. Address and telephone number where the complainant can be contacted during normal business hours and the best time for the complainant to be contacted for an interview.

- B. Identification and location (address and telephone number of all witnesses.)
- C. Date, time, and location of incident.
- D. Any information which will assist in the identification of the accused, e.g., names, rank, star number, physical description, vehicle number, etc.,
- E. Description of the circumstances leading to the complaint, e.g., arrest situations, searches, etc.
- F. If the nature of the complaint requires an immediate response, inform the complainant that a follow-up investigator will be in contact for additional information as soon as possible.

Confidential complaint register numbers will be obtained when allegations of misconduct by a Department member are of a sensitive or highly confidential nature. In instances such as these, it would be appropriate to utilize a confidential complaint register number.

Confidential complaint register numbers will only be obtained during second watch business hours from the Administrative Office of the Assistant Deputy Superintendent, Internal Affairs Division. At no time will the Office of Professional Standards be contacted directly for a confidential complaint register number. The member who receives the confidential information will submit a comprehensive report to the Section Commanding Officer prior to the end of his tour of duty. This report will contain all pertinent facts regarding to the allegation, along with a request that a confidential complaint register number be obtained. Members will not divulge the nature or contents of the confidential information learned to any individual(s) other than the appropriate Section Commanding Officer, Assistant Deputy Superintendent, Internal Affairs Division, the investigator assigned, or their designees.

INVESTIGATIONS

CONDUCT OF INVESTIGATIONS:

The primary goal of the Internal Affairs Division is to conduct complete and thorough investigations of allegations of misconduct by Department members in compliance with existing Department/division directives, which will establish the innocence or guilt of accused Department members. Investigators will utilize investigative methods which include, but are not limited to:

- A) Canvassing areas of the incident.
- B) Interviewing and taking statements from victims, witnesses and complainants.
- C) Surveillance.
- D) Use of court approved recording devices.

Upon assignment of an investigation, the investigator will attempt to make immediate contact with the complainant/victims and witnesses (in person when possible):

- A) At the address supplied.
- B) Via the telephone, in an effort to determine a suitable time and place for an interview.
- C) Via a certified letter (only after attempts to reach the complainant/victim/witnesses, have failed).

Department General Order 93-3, Addendum 3 §II (C) 9 & 10 will be strictly co
An investigation which determines that, at any time, the complaint is unfounded or the clearly exonerated, the investigation will be terminated. In addition, investigations which disclose minor infractions which are wilful, devious, serious in nature, are violations of the law, or involve the integrity of the Department, will result in further investigation, no matter what the disposition of the original complaint.

In-depth interviews should be conducted with complainants, victims and/or witnesses. Interviews with parties via the telephone will be documented and the conversation will be summarized in as much detail as possible in a progress report.

If, during the investigation, it is disclosed that other allegations of misconduct are alleged, admitted by the accused, etc., the accused member will be presented with additional notification of Charges and Allegations, Administrative Rights, and Request/Waiver of Counsel forms with regard to the newly discovered allegations. The accused must respond to all the allegations alleged. The accused may be allowed to respond to both the new allegations as well as the original allegations at the same time, if a statement has not yet been taken or report has not yet been submitted. If the accused's statement has already been taken or report has been received, an additional statement will be taken or report submitted pertaining to the new

allegations.

If the new allegations are discovered during the statement of the accused, additional notification of Charges and Allegations, Administrative Rights, Request/Waiver of Counsel will be presented to the accused at that time. The accused has two options. First, he may agree to be questioned at that time regarding the new allegations. Second, if the accused requests additional time to confer with counsel of his choosing regarding the new allegations, he will be afforded the same amount of time which is usually allowed and a statement will be scheduled to address the new allegations. The original statement may proceed with respect to the original allegations.

WITHDRAWAL OF COMPLAINTS:

Complainants/victims who voluntarily elect to withdraw their complaint will be requested to sign a Letter of Declination (CPD-44-304 Rev. 12/92). In the event the complainant withdraws their complaint, the investigator is still required to complete a thorough and comprehensive investigation. The complainant's signed declination letter will not be a basis to UNFOUND any allegation made. Evidence uncovered during the course of an investigation will be properly addressed.

The investigator will document all attempts made to contact individuals identified as having knowledge or involvement in the case. Documentation includes reports which include dates, times, person(s) contacted and the manner in which contact was made or attempted. The original of all reports will be submitted to the Section Commanding Officer for review and approval.

DOCUMENTATION:

Investigators will gather and secure all documents assembled as a result of the complaint. The following are examples of relevant documentation:

- 1) Case Report.
- 2) Arrest Report.
- 3) Complainant/Victim Medical Release Form.
- 4) Attendance and Assignment Sheet.
- 5) Compensatory Time Due/Overtime Slip.
- 6) Office of Emergency Communications Tapes.
- 7) Office of Emergency Communications Printouts/Listings Relative to the Investigation.
- 8) Criminal History.
- 9) Inventory Report.
- 10) License Information.
- 11) Laboratory Report.
- 12) Alcohol Influence Report.
- 13) Department Directives.
- 14) Documents in the Possession of the Complainant/Victim/Witness.
 1. Receipts.

2. Letters.
3. Bills.

15) All Other Reports or Documents Relevant to the Investigation.

Abbreviations will not be used in closing reports unless dictated by box size in Department forms. Rank will always be spelled out. Last names will be written in capital letters.

EVIDENCE SHEET:

Investigators will ensure that in every instance, when a Summary Report Digest or Summary Report is completed and submitted for approval as part of a closed Complaint Register investigation, an evidence sheet/page documenting all submitted attachments accompanies the file.

In the event criminal activity is alleged, the assigned investigator will ensure the appropriate case report is generated or obtained, when applicable.

PHYSICAL EVIDENCE:

Physical evidence is any object, marking or impression, no matter how small, which may assist in the reconstruction of a crime, lead to the identification of the offender, connect the offender with the victim or scene of the crime/incident or which may require laboratory processing to render it useable in an investigation. Physical evidence should normally not be disturbed until the arrival of the technician, unless such action is necessary to protect it from loss or damage. Physical evidence includes, but is not limited to:

1. Fingerprints.
2. Semen.
3. Blood.
4. Handwriting analysis.
5. Photographs:
 - A. Lineup.
 - B. Property Damage.
 - C. Vehicles.
 - D. Injuries.
 - E. Surveillance Locations.
 - F. Crime Scenes.
 - G. Physical Condition of Complainant/Victim/Witnesses.
 - H. Physical Evidence on Scene Prior to Removal.

6. Weapons (knives, guns, baseball bats, lead pipes, etc.)
7. Suspected Narcotics or Narcotic Paraphernalia.
8. Articles for Laser Processing.
 - A. Fingerprints.
 - B. Synthetic Fibers.
 - C. Bodily Fluids (blood, semen etc.)

CRIMINAL ALLEGATIONS:

When complaints relative to criminal misconduct are received, the assigned investigator will:

Take a statement from the complainants, victims and witnesses. If an Assistant State's Attorney is present, the investigator will not take a statement from the accused until first consulting with the Assistant State's Attorney. If the allegations are such that the matter will be referred to the State's Attorney Office for criminal prosecution, the investigator will identify and obtain as much information as possible relative to the identification (home & business addresses and telephones) of all complainants, victims and witnesses, but will delay taking statements until consultation with the State's Attorney is completed.

Gather all available related documentation.

Ensure that all physical evidence has been gathered and inventoried. Prepare a report to the Director of the Crime Laboratory, identifying information or evidence that has been submitted for analysis, what analysis is being requested, and requesting priority testing due to the possible involvement of a Department member. If evidence is inventoried by someone other than the Internal Affairs Division investigator, the Internal Affairs Division investigator should complete a report with an approval line for the signature of the Assistant Deputy Superintendent, Internal Affairs Division and forward the signed report to the Evidence and Recovered Property Section notifying the Evidence and Recovered Property Section that the Internal Affairs Division is assuming responsibility for retention/disposition of the evidence. The investigator should also notify the unit that completed the initial inventory, of their assumption of responsibility.

If the allegations are of a confidential nature or the distribution of a case report would be detrimental to the investigation, the assigned investigator will:

- A. Personally prepare the case report.
- B. Obtain a Records Division number, giving limited information to the control desk, informing them that the matter is confidential.
- C. Submit a report, through channels, to the Director of the Records Division, informing them of the delay in the distribution of the case report for processing.

- D. Maintain control of both copies of the case report.
- E. Forward the report to the Records Division upon completion of the investigation or at such time as the distribution would not impede the investigation.

The Detective Division has the primary responsibility for investigation of criminal incidents. However, Internal Affairs Division personnel will coordinate their investigative activities with the Detective Division personnel, when necessary. At no time will criminal investigations be suspended as a result of a Department member being identified as the offender. Members should be cognizant of Department General Order 89-3 Addendum 1B entitled Preliminary Investigations.

STATE'S ATTORNEY - SPECIAL PROSECUTIONS BUREAU/FELONY REVIEW:

Section Commanding Officers will review the investigative file for merit and determine if the investigation warrants the attention of the State's Attorney Office. If a decision is made to have an investigation reviewed by the State's Attorney Office, the Section Commanding Officer will ensure that an appointment is made for the assigned investigator to meet with the supervisor of the Public Integrity Unit, Special Prosecution Bureau or Felony Review. The investigator will:

- A. Prepare a photocopy of the investigative file.
- B. Hand carry the photocopied file to the supervisor of the Public Integrity Unit/ Felony Review.
- C. Give a verbal review of the contents of the file and of the incident.
- D. Fulfill investigative requests by the State's Attorney Office, after consultation with the Section Commanding Officer.
- E. Submit a report to the Section Commanding Officer which includes:
 - 1. Date, time, location of meeting.
 - 2. Name of supervisor with whom the investigator met.
 - 3. Whether the State Attorney's Office gave an immediate acceptance or declination of prosecution.
 - 4. The name of the Assistant State's Attorney assigned to the investigation.

When an investigative file is delivered to the State's Attorney Office for review, the investigator will maintain contact with the Assistant State's Attorney assigned to the investigation on a weekly basis. The Assistant Deputy Superintendent, Internal Affairs Division will be notified immediately, via a report through the Section Commanding Officer, of the final decision of the State's Attorney Office on acceptance or declination of prosecution.

Investigators will not take a statement or request reports from accused members, until such time that the supervisor of the Public Integrity Unit/ Felony Review gives a verbal or

written declination of prosecution.

UNITED STATES DEPARTMENT OF JUSTICE - US ATTORNEY'S OFFICE:

The determination to prosecute a case at the federal level will be made by the Assistant Deputy Superintendent.

ACCUSED MEMBERS:

An accused member will normally not be required to give a statement or submit a report until all aspects of the investigation have been completed. Prior to giving a statement or submitting a report, the accused member will be given the following forms:

1. Notification of Charges/Allegations:
 - A. Identifying all complainants.
 - B. Listing all Charges/Allegations, including date(s) time(s) and location(s) of incidents.
2. Administrative or Criminal Rights.
3. Waiver/Request to Secure Counsel:
 - A. If the accused decides to give a statement without the benefit of counsel the Waiver of Counsel section will be completed.
 - B. If the accused requests counsel, the Right to Secure Counsel section will be completed.
 - C. The investigator will establish a continuance date, time and location for the statement, during the assigned duty hours of the accused and complete the appropriate section of the form.

The accused member will be allowed a reasonable length of time to secure counsel. Normally, accused members will be granted seventy-two (72) hours to seek counsel, barring any unforeseen circumstances. The investigator presenting the aforementioned forms will sign as the witness and immediately give a photocopy of the forms to the accused. Accused members will also be given a photocopy of the forms even if he refuses to sign any of the forms.

CITY OF CHICAGO EMPLOYEE ARREST NOTIFICATION:

Situations arise that warrant the arrest of a Department member. Department Special Order 91-8 provides notification procedures that are to be followed when a City of Chicago employee is arrested for a criminal and/or quasi-criminal offense.

When a member of the Internal Affairs Division affects the arrest of a Department member for a felony, misdemeanor or ordinance violation, the arresting officer will immediately notify:

- A. The Watch Commander at the district of arrest, and
- B. Operations Command (Pax 0-301 or centrex 7-6301). Members of Operation Command are responsible for the notification to the Office of the City of Chicago Inspector General.
- C. The appropriate Detective Division, when the arrest is for a felony.
- D. Internal Affairs Section Commanding Officer or in his absence, the Assistant Deputy Superintendent.

In the narrative section of the applicable report (i.e. arrest report, case report, Miscellaneous Incident Exception Report) the arresting officer will enter the name of the person notified and the date and time of the notification.

REFUSAL TO SIGN:

In the event that an accused member refuses to sign the forms, the investigator will write the word "REFUSED" on the accused member's signature line. The date, time and location of the refusal will be noted under the signature line.

PRELIMINARY INVESTIGATIONS:

The basis for conducting a "Preliminary Investigation" is contained in the "Agreement Between the City of Chicago Department of Police and the Fraternal Order of Police Chicago Lodge No.7 (FOP Contract)," Article 6, Section 6.1, paragraph D, which states:

"No anonymous complaint regarding residency or medical roll abuse shall be made the subject of a Complaint Register investigation until verified."

A Preliminary Investigation is utilized to verify the information regarding an allegation of a violation of the City's residency ordinance or a violation of Department Medical Roll policy. Once verified, a complaint register investigation can be initiated. A Preliminary Investigation will only be initiated with the approval of the Assistant Deputy Superintendent, Internal Affairs Division.

A Preliminary Investigation is initiated when the Internal Affairs Division-Administrative Section receives information alleging either of these two types of allegations. The Administrative Section is responsible for recording the information for logging purposes and for forwarding a copy of the allegations to the investigating section. Each Preliminary Investigation will be identified by a unique numeric identifier based on the year and month it was initiated and a sequential number for that month (e.g.: 97-04-01).

Investigative techniques utilized during a Preliminary Investigation will be similar to that of a complaint register investigation; however, statements will not be taken from an accused member during a Preliminary Investigation without the approval of the Assistant Deputy Superintendent, Internal Affairs Division.

When the investigation has verified the original information, or it is apparent that the investigation will not verify the original information, the Preliminary Investigation will terminate. The investigator will prepare a closing report with all evidence attached and submit the report to his Section Commanding Officer. The closing report will contain the investigator's recommended finding of either a request to initiate a complaint register investigation by converting the Preliminary Investigation, or a request to not convert the Preliminary Investigation. Preliminary Investigations will be converted to complaint register investigations only with the approval of the Section Commanding Officer. A request to convert the investigation must contain sufficient evidence and documentation to verify the original information received by the Department.

OFFICE OF THE SUPERINTENDENT
Internal Affairs Division

[date]

To: Assistant Deputy Superintendent
Internal Affairs Division

From: [investigator]

Subject: Closing Report

Reference: Preliminary Investigation # [P.I. number]

Accused: DOE, John A., Police Officer, Star # 99999,
assigned to Unit 026, SSN: 123-45-6789

Allegation: It is alleged that the accused lives outside the City of Chicago in violation of City and Department residency requirements.

Evidence: Attachments:

- 1.
- 2.
- 3.
- ...

Investigation: The investigation disclosed:

On the basis of the evidence obtained during this investigation, it is recommended that this Preliminary Investigation be CLOSED and NOT CONVERTED to a Complaint Register investigation.

(OR)

On the basis of the evidence obtained during this investigation, it is recommended that this Preliminary Investigation be CLOSED and CONVERTED to a Complaint Register investigation.

[investigators' signature]

Approved:

Commanding Officer
[investigating section]

MEDICAL ROLL ABUSE INVESTIGATIONS:

Medical roll abuse investigations normally focus on Department members who engage in secondary employment while on the medical roll. When a Department member is alleged to be engaging in activities which are beyond those which would be expected by a person claiming a particular injury or illness, an investigation will be conducted.

Members on the medical roll who report for military or reserve duty are normally not considered in violation of the Department directives relative to medical roll procedure. However, the nature of the work that is performed while on military or reserve duty must be taken into consideration. If the nature of the work and the illness/injury are incompatible, a possible abuse exists. (i.e., sprained back + member lifting for the reserve = violation)

The following procedures will be initiated upon the assignment of a medical roll abuse preliminary investigation:

1. Confirm the accused member's medical status.
2. Obtain a profile of the accused, including residence and vehicle information.
3. Determine the nature of the illness or injury.
4. Obtain the date and time of the accused member's scheduled appearance for evaluation at the Medical Section.
5. Establish surveillance of the accused.

RESIDENCY INVESTIGATIONS:

The purpose of residency investigations is to investigate alleged or suspected violations of the City of Chicago residency requirements. In addition to other investigative requirements, the following procedures will be followed when residency complaints are received.

There are five phases for completing a residency investigation. The first phase is the preparatory phase, in which the investigator procures a profile of the accused member by gathering the documentation needed for the investigation.

The surveillance phase is the second step in the investigation to establish the actual residence of the accused. Intent is the most important element in ascertaining the residence of a person. In determining intent, a person's acts should be given more weight than his declaration. Surveillance of the accused member's actions is the basis in determining intent.

If the initial surveillance at the accused declared residence fails to locate the member, then similar surveillances will be conducted at the alleged suburban location. If no suburban address is known, then surveillances of the accused as he leaves his duty assignment may be conducted to determine his destination until his residence is established.

In order to establish a violation of the residency requirement of the City and the Department, the investigator must obtain positive patterns through back to back surveillances, over at least a two to three-month period of time, to sustain a residency case.

Upon completion of the surveillance phase, the investigator will start the third phase of the investigation. This is the information phase. All investigative avenues will be explored to gather documentation and evidence to support the finding.

The fourth step in a residency investigation is the canvas of neighbors at both the declared address and the alleged suburban location. Canvasses will generally be conducted by two investigators who will:

1. Display the accused's Department photograph to the neighbors, and
2. Fill out a "Neighborhood Interview Form" in the presence of the neighbors and request their signature, attesting to the accuracy of the entries.

The fifth and final step in the residency investigation is the taking of a formal statement from the accused member. The accused will not be notified of the allegation or required to furnish a formal statement until all previous investigative avenues have been concluded. This aspect of the investigation, the formal statement, will be conducted in strict compliance with General Order 93-3 and the accused's contractual rights.

Questions asked during the formal question and answer statement will pertain to the accused's residency and to the evidence that is gathered from the investigation. All "doors" that are opened during the statement must be fully explored and answered before the investigation is closed.

Any evidence that the accused wishes to provide on his behalf will be accepted and made a part of the complaint register file. Such evidence, whether written or oral, will be verified.

FORMAL STATEMENT/ REPORTS:

The assigned investigator normally determines the direction an investigation will follow. The nature of the allegation should dictate the necessity of a formal statement versus a report from the accused. Statements allow the investigator the opportunity to detect contradictions and is a useful tool when comparing responses from all parties involved. Furthermore, a signature from the person interviewed is indicative of agreement with the content of the statement.

STATEMENTS:

Statements should be taken from all complainants, witnesses, victims and the accused when the allegations or charges are of a serious nature, to clarify issues that come up during the investigation or will assist the investigator in reaching a sound conclusion. If the allegations against the accused are sustained and are likely to result in a recommendation for separation from the Department formal question and answer statements will be taken from all persons involved per General Order 93-3. The purpose of a statement is to develop as much pertinent information as possible. Investigators will allow subjects, who are giving a statement, to adequately express themselves and refrain from questions requiring 'yes' or 'no' answers.

Prior to taking a statement, the investigator should:

- 1) Read the entire investigative file.

- 2) Have available all pertinent documents.
- 3) Have sufficient supplies available.

Pre-statement discussion relative to the allegations and activities of the accused is not permitted. Investigators will advise all subjects giving a statement, that everything being said is for the "record" and there are no "off the record" statements.

Investigators will not smoke, eat, chew gum, or drink beverages while taking a statement. If the statement becomes lengthy, afford the person being questioned, as well as the investigator, the opportunity to 'break' for personal needs. All stoppages or breaks during the statement will be noted in the body of the statement. The notation should include the time the statement was interrupted, the time the statement was resumed, and the reason the statement was stopped. (i.e., consultation with an attorney, personal reasons, viewing photographs, etc.)

Investigators will attempt to clarify any items, points or issues not thoroughly covered during a subject's narration. The investigator will record exactly what is related and not paraphrase the subject's remarks. Before terminating the statement, the investigator will ensure all issues relative to the allegations are addressed.

Attorneys will be afforded all reasonable professional courtesies during the course of the statement, however, they will not be permitted to:

- 1) Be disruptive.
- 2) Answer questions on behalf of the accused.
- 3) Ask questions on behalf of the accused or of the investigator.

In the event the attorney or representative becomes disruptive or interferes with the administrative investigation, the statement will be concluded and rescheduled for a later date. The activities and stoppages will be noted within the body of the statement.

Prior to the final closing questions, the investigator will review the entire statement, documents, and notes in an effort to ensure that all relevant questions with regards to the investigation have been asked and responded to. The investigator will ensure that any follow-up questions deemed necessary have been asked, and answered and properly recorded within the body of the statement.

UNUSUAL SITUATIONS:

There may be instances where an Internal Affairs investigator takes an administrative statement from an accused member during which the member refuses to answer a question. In those instances, the investigator will call for a supervisor.

The supervisor will:

- A. Identify himself by displaying his Chicago Police Department identification card and star and verbally state his name, rank, star number and unit of assignment."

- B. Inform the accused member that they have been served with Administrative Rights and must answer questions posed to them by the investigator or additional charges will be filed.
- C. Give a verbal direct order to the accused member to answer all questions asked by the investigator.
- D. Remain with the investigator until the conclusion of the statement.

It should be noted that the text of the order should be entered into the statement by the investigator and the accused member's response to understanding the order. The date, time and location where the order was given should also be incorporated into the statement.

An accused member may answer a question when ordered by a supervisor, but refuse to answer any following questions. In those instances, it will be necessary to give a new order to elicit a response to each additional question. It is not necessary to repeat the identification process, but the text of the new order, or any subsequent orders will be noted in the statement. The date and time each additional order is given will be noted in the statement.

The supervisor, after giving a direct order(s) to a subordinate, will submit a written report to his Section Commanding Officer outlining the order(s) given, the circumstances surrounding the order(s) as well as whether the order(s) was obeyed by the accused member.

STATEMENTS OF MEMBERS UNDER CRIMINAL RIGHTS:

When an accused member faces criminal jeopardy, the investigator will:

- A. Serve the member with notification of Charges/Allegations and Criminal Rights forms.
- B. Verify that the accused wishes to continue the statement without benefit of counsel or ensure that counsel is present as requested.
- C. Ask questions of the accused as to his identity, date of birth, social security number, unit of assignment, etc.
- D. Ask a direct question of the accused regarding the first allegation. If the accused member refuses to answer, citing Fifth Amendment protection, note the answer in the statement.

If the accused remains silent (mute) or responds in effect that under advice of counsel or for self-incriminating issues he refuses to answer, these responses will be indicated verbatim in the statement for each question asked. After asking at least four (4) pointed questions relative to each allegation which the accused refuses to answer, ask the accused: "Would your answer to additional questions relative to the allegations/charges attributed to you be the same as the preceding answers?" If the response is "yes", follow the procedures relative to the closing of a statement. If the response is "no", continue asking all questions germane to the investigation.

Accused members will not be given a direct order to respond to allegations/charges if they have been given criminal rights. If the accused member, having been served with administrative rights, during the statement process, divulges participation in a criminal action, the investigator will:

- A) Stop the questioning.
- B) Type each section of the criminal rights warning (Miranda) into the statement and indicate the verbatim response to each section, having the person questioned initial each response.
- C) Continue the statement.
- D) Consult with the Internal Affairs Division supervisor relative to the admissions.

The supervisor, depending on the severity of the admissions, will:

- A) Contact the State's Attorney Office for counsel and assistance.
- B) Determine if the subject should be released and consult the State's Attorney Office at a later time for counsel, indictment, possible warrant or declination to prosecute.
- C) Notify the Section Commanding Officer or the Assistant Deputy Superintendent, Internal Affairs Division.

Note: In no instance will there be simultaneous service of the Criminal Rights form and the Administrative Rights form to an accused member prior to questioning.

PREDISCIPLINARY HEARING (CIVILIAN MEMBERS OF A.F.S.C.M.E. & UNIT II):

The agreement between the City of Chicago and the American Federation of State and County Municipal Employees (A.F.S.C.M.E.) concerning disciplinary procedures mandates that all civilian employees who are members of A.F.S.C.M.E. and Unit II will be afforded a pre-disciplinary hearing prior to closing a complaint register investigation in lieu of a Complaint Review Panel Hearing.

Unit II agreement members include Crossing Guards, Detention Aides, Civilian Dispatchers assigned to the Office of Emergency Communications and Traffic Control Aides. According to Article 5, Section 5.2 entitled "Notification of Complaint" - "Unit II agreement members who have been identified as the subject of a registered complaint will be notified in writing within ten (10) work days, except if the matter involves an investigation where surveillance or confidentiality is necessary to complete the investigation, in which event the employee shall be notified within ten (10) work days after the surveillance is completed or where confidentiality is necessary to complete the investigation, within ten (10) work days after the investigation is completed. This section shall not apply to any order of a federal or state court, grand jury or prosecutor, where the matter involved is under criminal investigation and the employer is directed not to reveal the complaint or investigation."

When the investigator has completed an investigation of a civilian member who is a member of A.F.S.C.M.E. or Unit II, and the investigator is ready to recommend disciplinary action, the investigator will:

- A) Present the accused employee with Notification of Charges/Allegations, rule violations, name (s) of all complainants and witnesses and the recommended disciplinary penalty;
-) Make available for reasonable inspection, copies of pertinent documents concerning the investigation;
- C) If the employee requests a union representative for this meeting, one will be allowed, if conveniently available;
- D) Provide the employee an opportunity to answer the charges/allegations and if desired, rebut the discipline. If the rebuttal is submitted in written form, include this report as an attachment to the case file;
- E) Prepare a written report responding to the additional information provided by the accused and indicate whether or not this information alters the original findings;
- F) Include in the investigative file, the signed Notification of Charges/Allegations, along with a brief report from the investigator describing the procedure that was followed to comply with the A.F.S.C.M.E. and Unit II contract agreement;
- G) Forward the entire investigative file through Command Channel Review.
- I) Include the Pre-Disciplinary Hearing information on the Summary Report/ Summary Report Digest.
- J) In cases of multiple accused members, only the evidence which pertains to each accused member will be shown to that member for review.

CPD CIVILIAN PREDISCIPLINE AND DISCIPLINARY CHART

BARGAINING UNION & LOCAL	PREDISCIPLINARY HEARING	COMPLIANT REGISTER PANEL (CRP)	BOTH ARBITRATION & POLICE BOARD REVIEW	ARBITRATION ONLY OR POLICE BOARD ONLY	POLICE BOARD ONLY
AFSCME	YES	NO	NO	YES	OVER 30 DAYS & DISCHARGE
UNIT II	YES	NO	NO	YES	OVER 10 DAYS & DISCHARGE
INA (NURSES)	YES	YES	NO	YES	OVER 30 DAYS & DISCHARGE
COALITION INCLUDES:	YES	YES	NO	YES	OVER 30 DAYS & DISCHARGE
ENGINEERS/LOCAL 399	YES	YES	NO	YES	YES
P.S.E.U./LOCAL 46	YES	YES	NO	YES	YES
MACHINISTS/LOCAL 116	YES	YES	NO	YES	YES
TEAMSTERS/LOCAL 726	YES	YES	NO	YES	YES
F.I.E.C. WORKERS LOCAL 134	YES	YES	NO	YES	YES
F.I.E.C. WORKERS LOCAL 2	YES	YES	NO	YES	YES
WINDOW CLEANERS LOCAL 34	YES	YES	NO	YES	YES
LABORERS/LOCAL 1001	YES	YES	NO	YES	YES

*NOTE: All of the above collective bargaining members are allowed to have union representation at pre-disc and other disciplinary hearings.

*NOTE: PREDISCIPLINARY HEARING - When the investigator and/or supervisor has reached the point where the investigation is complete and is ready to recommend discipline, it is necessary to:

- Meet with the employee and notify him/her of the accusation(s),
- Provide the employee an opportunity to respond to accusation(s),
- Inform employee of names of witnesses, and make available copies of pertinent documents.

Effective 21 MARCH 1997

CITY-BG-029030

STATEMENT FORMAT FOR CIVILIAN COMPLAINANT, WITNESS OR VICTIM:

Note: Witnesses, who are members of the agreement between the City of Chicago and F.O.P. Lodge #7 have certain privileges relative to statements and interviews. There will be strict compliance with the contractual agreement and existing Department Directives. (Section 6.2 (D) of the Agreement between the City of Chicago Department of Police and Fraternal Order of Police Chicago Lodge No. 7 effective through 30 June 1999)

INTERNAL AFFAIRS DIVISION

Investigative Section

Date

C.R.#

CONF.# (if applicable)

HEADING

Statement of: (Witness, complainant, or victim) (full name) relative to an allegation(s) that on (date, time, location & brief account of allegation(s)).

Statement Taken at: (Location, i.e., the residence of Mr. James Jones Apt. #113, 123 South Clark Street, Chicago, IL)

Questioned by: (Investigator's name, rank, star and unit)

Typed by: (Typists' name, rank, star and unit)

Date and Time:

Witnessed by: (List any other persons present, including attorneys, representatives, family members, interpreters, etc. by name, address and phone number)

IDENTIFICATION QUESTIONS

SMITH: What is your full name, home address and telephone number?
(Investigators last name)

JONES: (Type verbatim response)
(Person's Last Name)

Do you work, and if so, give the name of the company, address, telephone number and length of employment?

What is your age, date of birth and social security number?

Have you been advised that this is a witness statement and that there are no allegations being made against you? (When applicable)

(If applicable) Do you read, write and understand the English language?

(If applicable when using an interpreter) Do you consent to (name of

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person) interpreting my questions from English into (*language*) and your answers from (*language*) back into English?

Note: Do not use an interpreter that is a complainant, witness, victim or accused in the same investigation.

Are you giving this statement of your own free will, and without the promise of exoneration or of a reward of any nature being given to you?

BODY OF STATEMENT

In the question /answer mode, ask questions relative to the allegation(s) and record verbatim responses. Ask pointed detailed questions. Make sure all allegations are covered including exact dates, times, locations, descriptions, and accounts. Make sure all "open doors" are "closed."

CLOSING OF STATEMENT

SMITH: Is everything you told me in this statement the truth to the best of your
(Inv. Last Name) knowledge?

JONES: (Verbatim response)
(Person's Last Name)

SMITH: **Is there anything relative to this incident that you wish to add to this
statement?

JONES: (Verbatim response)
Note: This question is discretionary on the part of the investigator.

SMITH: After reading this statement consisting of (*amount of pages*) pages and
initials contains the responses you have given, will you sign it?

JONES: (Verbatim response)

PROOFREADING OF STATEMENT:

The subject will be allowed to read the entire statement. If there are any corrections in spelling or additions, the subject will put one line through the error, add the corrected information, and initial all changes or additions. Answers will stand as originally stated. No significant changes to the context of the answer will be allowed.

If an interpreter is used, the interpreter will read the entire statement, in the appropriate language to the questioned subject and follow the corrective measure outlined above.

Photocopies of statements given by civilian complainants, witnesses or victims will not be given to that person without the approval of the Section Commanding Officer.

Signatures of the investigator, questioned person, and any witnesses (including attorneys/representatives) should be written directly below the last sentence of each page. If an accused or a witness refuses to sign, the investigator will note the refusal on the statement and sign his (*investigator*) signature.

**STATEMENT FORMAT FOR DEPARTMENT MEMBERS WHO ARE
COMPLAINANTS, WITNESSES OR VICTIMS:**

Note: Witnesses who are members of the agreement between the City of Chicago and F.O.P. Lodge #7 have certain privileges relative to statements and interviews. There will be strict compliance with the contractual agreement and existing Department Directives. (Section 6.2 (D) of the Agreement between the City of Chicago Department of Police and the Fraternal Order of Police Chicago Lodge No. 7 effective through 30 June 1999)

**INTERNAL AFFAIRS DIVISION
INVESTIGATING SECTION**

**DATE:
C.R.#**

Signature (if applicable)

HEADING

Statement of: (Witness, complainant, or victim) (name, rank, star#, unit of assignment) relative to an allegation(s) that on (date, time, location & brief account of allegation(s)).

Statement taken at: (location, i.e., Room 1202 of the Internal Affairs Division Headquarters, 1121 S. State, Chicago, IL)

Questioned by: (Investigator's name, rank, star and unit)

Typed by: (Typist's name, rank, star and unit)

Date and Time:

Witnessed by: (List any other persons present, including attorneys, representatives, by name, address and phone number)

IDENTIFICATION QUESTIONS

SMITH: What is your full name, rank, star number and unit of assignment?
(Investigators' last name)

JONES: (Type verbatim response)
(Members' Last Name)

SMITH: What is your date of birth and social security number?

What is your date of appointment to the Department and employee number?

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How long have you been assigned to your present unit?

Have you been advised that this is a witness statement and that there are no allegations being made against you?

Do you understand that this is an official Police Department report and that any deviation from the truth could result in allegation or charges being placed against you?

BODY OF STATEMENT

In the question /answer mode ask questions relative to the allegation(s) and record the verbatim responses. Ask pointed, detailed questions. Make sure all allegations are covered including exact dates, times, locations, descriptions, and accounts.

CLOSING OF STATEMENT

SMITH:
(Inv. Last Name)

Is there anything that you wish to add to this statement?
(NOTE: This question is discretionary - on the part of the investigator.)

JONES:
(Members' Last Name)

(Verbatim response)

SMITH:

After reading this statement consisting of (amount of pages) pages and finding it to contain accurately the questions asked and the responses that you have given, will you sign?

PROOFREADING OF STATEMENT:

The member will be allowed to read the entire statement. If there are any corrections in spelling or additions, the member will put one line through the error, add the corrected information, and initial all changes or additions. Answers will stand as originally stated. No significant changes to the context of the answer will be allowed.

Normally, photocopies of Department members' statements will not be provided to witnesses, complainants, or victims. However, if the witness is also a member of the agreement between the City of Chicago and F.O.P. Lodge #7, a copy of the written statement will be provided within twenty-four (24) hours of the time the statement was made.

Signatures of the investigator, the person questioned, and any witnesses should be written directly below the last sentence of each page. If an accused or a witness refuses to sign, the investigator will note the refusal on the statement and sign his (*investigator*) signature. (See Unusual Situations)

STATEMENT FORMAT OF AN ACCUSED DEPARTMENT MEMBER:

Note: Members of the agreement between the City of Chicago and F.O.P. Lodge #7 have certain privileges relative to statements and interviews. There will be strict compliance with the contractual agreement and existing Department Directives. (Agreement between the City of Chicago Department of Police and the Fraternal Order of Police Chicago Lodge No. 7 effective through 30 June 1999)

**INTERNAL AFFAIRS DIVISION
INVESTIGATIVE SECTION**

DATE:

C.R.#

of.# (if applicable)

HEADING

Statement of: (Name, rank, star#, unit of assignment) relative to an allegation(s) made by (Complainant's name) that on (date, time, location & brief account of allegation(s)).

Statement taken at: (location, i.e., room 1202 of the Internal Affairs Division Headquarters, 1121 S. State, Chicago, Ill)

Questioned by: (Investigator's name rank, star and unit)

Typed by: (Typists' name, rank, star and unit)

Date and Time:

Witnessed by: (List any other persons present, including attorneys, representatives, by name, address and phone number)

IDENTIFICATION QUESTIONS

SMITH: What is your full name, rank, star number and unit of assignment?
(Investigators' last name)

JONES: (Type verbatim response)
(Members' Last Name)

What is your date of birth and social security number?

What is your date of appointment to the Department and employee number?

How long have you been assigned to your present unit?

Have you been advised in writing of the specific charges/allegations made against you, the name of the complainant(s), the date and time of the

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incident(s), and your (either administrative or criminal rights)?

Did you read and understand these charges/allegations and your rights thereto?

Are you accompanied by counsel/representative of your choosing, and if so, identify him for the record?

OR

Are you now prepared to give this statement without the aid of counsel/representative?

Do you understand this is an official Police Department report and that any deviation from the truth could result in additional charges being placed against you?

Are you ready to give your statement at this time?

(Accused members will normally insert a preamble to their statement at this point)

BODY OF STATEMENT

In the question /answer mode ask questions relative to the allegation(s) attributed to the accused and record verbatim responses. Do not lose control of the statement taking process. Answers will be accepted only from the accused and/or witnesses. Attorneys or representatives may not answer directly for the accused. Questions may be asked of an accused, if his response to a specific question relative to the allegation(s) leads into additional information, witnesses or allegations. Make sure all allegations are covered, including exact dates, times, locations, descriptions, and accounts.

CLOSING OF STATEMENT

SMITH:
(Insert Last Name)

Is there anything that you wish to add to this statement?
(NOTE: This question is discretionary - on the part of the investigator)

JONES:
(Member's Last Name)

(Verbatim response)

SMITH:

After reading this statement consisting of *(amount of pages)* pages and finding it to contain accurately the questions asked and the responses that you have given, will you sign it?

PROOFREADING OF STATEMENT:

The accused member will be allowed to read the entire statement. If there are any corrections in spelling or additions, the accused member will put one line through the error, add the corrected information, and initial all changes or additions. Answers will stand as originally stated. No significant changes to the context of the answer will be allowed.

According to the agreement between the City of Chicago and the F.O.P. Lodge #7, an accused member under investigation will be provided with a copy of any written statement made within twenty-four (24) hours of the time the statement was made.

Signatures of the investigator, accused, and any witnesses should be written directly below the last sentence of each page. If an accused or a witness refuses to sign, the investigator will note the refusal on the statement and sign his (*investigators'*) signature.

LINEUPS:

The following procedures will be followed whenever a lineup is to be conducted of a Department member:

1. Notify the on duty Assistant Deputy Superintendent, Bureau of Operational Services that a lineup will be held. Inform the Assistant Deputy Superintendent of the location of the lineup and the allegations.
2. If the lineup is to be held in a district, notify the Watch Commander.
3. If criminal charges will be placed as a result of a positive identification, contact the State's Attorney Office, Felony Review Unit and brief the Assistant State's Attorney of the allegations.
4. Take a statement from the complainant. Ensure the complainant has no visual contact with the members in the lineup prior to the viewing.

Lineups will be conducted in accordance with Department General Order 88-18. In cases where there is only one suspect, the lineup - whenever possible - should consist of at least five (5) members. When more than one suspect is placed in the lineup, the lineup will ideally consist of at least four (4) non-suspects, in addition to the number of suspects in the lineup. If the suspect(s) are uniformed officers, all participants in the lineup will be uniformed and in those cases in which the suspect(s) are in civilian dress, the participants will be in civilian attire.

Suspects in the lineup should generally be the same height, weight, and should have similar hair and skin color. When more than one suspect is to be viewed and great disparity is evident between suspects in height, weight, skin color, hair or sex, then separate lineups will be conducted and non-suspects in each lineup will have the same general physical characteristics as the suspects. All stars, name plates and hats may be removed from all lineup participants.

The Watch Commander at the facility wherein the lineup is conducted or other supervisory officer will require that either an evidence technician or an authorized member of the Detective Division take two photographs of any formal lineup which results in the identification of a suspect. An additional statement will be taken from the complainant - victim - witness, relative to any identification that is made.

A detective from the affected area should be assigned to a follow-up investigation if a case report is made and should be present for the lineup. The detective will complete a Supplementary Report and copies of the report will be included in the complaint register file.

Member(s) identified as a result of the lineup will immediately be presented with "Notification of Charges/Allegations," "Criminal or Administrative Rights" and "Waiver/Request to Secure Counsel" forms. A statement will be taken from the member if he wishes to give a statement at that time. The on duty Assistant Deputy Superintendent and the Assistant State's Attorney should be consulted if criminal charges are to be placed.

A copy of all pertinent reports and statements will be forwarded to the Assistant Deputy Superintendent, Internal Affairs Division, prior to the end of the tour of duty.

CIVIL SUITS:

Lawyers, investigators, and insurance adjusters who are not members of official governmental agencies may seek to obtain oral or written statements from members concerning traffic accidents or other incidents of police concern. Department Rules and Regulations forbid the dissemination of information concerning police matters except as provided in Department orders. General Order 93-10 and related directives should be reviewed regarding the dissemination of information.

Notifications that a Department member is named as the defendant in a civil action will normally be made through the Office of the Superintendent/Legal Affairs, to the Records Section, Internal Affairs Division.

- I. Upon receipt of a notification of civil action against a Department member, the Records Section, Internal Affairs Division member receiving the notification will:
 - A. Review the documents to determine the name of a complainant/victim, accused member(s) and the nature of the allegations.
 - B. Ascertain if a previous complaint register investigation has been conducted.
 - C. If no previous complaint register investigation has been conducted, contact the Office of Professional Standards to initiate the complaint register process. All relevant information, including a summary of the allegations will be included on the "Complaint Against Department Member" form set.
 - D. If a previous complaint register investigation has been conducted based on the incident(s) contained within the civil action, a copy of the previous case file will be forwarded to the Office of the Superintendent/ Legal Affairs.
 - E. If, after review of the civil action filing and the previous complaint register investigation, the Office of the Superintendent/Legal Affairs determines that there are now additional allegations, the Office of the Superintendent/Legal Affairs will submit to the Internal Affairs Division a request to reopen the investigation.

II. New Complaint Register Investigations:

Upon receipt of an investigation that involves a civil suit against a Department member, the assigned investigator will review the entire suit and extract from the text of that suit any allegations of misconduct against any Department member. Those allegations will be noted and served to the appropriate accused member at the appropriate time in the investigation.

When an attorney is listed as the complainant in an investigation stemming from a civil

CITY-BG-029041

suit, the attorney will be the first person contacted before any contact is made with either the victim(s) or witness(es'). If the attorney communicates to the investigator that his client(s) not be contacted, no contact will be made with any client and no certified letter will be sent to any client of that attorney.

In cases where the complainant/plaintiff is acting as his own attorney, the assigned investigator will contact that complainant and any witnesses and make those interviews the subject of a progress report. If any plaintiff or witness refuses to cooperate, a report will be submitted documenting that fact. If no contact can be made with a principal in the investigation, a certified letter will be sent to the last known address of record and a copy of the letter will be placed in the investigative file. The assigned investigator will then collect any Department documentation relevant to the case and place those documents in the file.

If the plaintiff agrees to cooperate with the investigator, the investigator will attempt to take a formal statement from the plaintiff or submit a detailed interview report in cases where a statement is not taken. The investigator will investigate any allegations of misconduct taken from the body of the civil suit and collect copies of pertinent documents and add them to the investigative file.

Reports of named Department members submitted to the General Counsel to the Superintendent are maintained in files by the Section Commanding Officer of the General Investigation Section of the division. These reports are available to investigators for inclusion in the investigative file if deemed necessary.

III. Reports of Accused Members:

In all Complaint Register numbers stemming from civil suits, the accused member will be given notification of Charges/Allegations which will contain all allegations listed in the body of the civil suit against that member. The member will be given Administrative Rights and the opportunity to seek counsel by executing the Waiver of Counsel/Request to Secure Counsel form. The member will then submit a detailed report as to the allegations served.

IV. If the plaintiff(s) agrees to cooperate with the investigator:

- A. Attempt to take a formal statement.
- B. If a formal statement cannot be obtained, submit a detailed interview report.
- C. Investigate any allegations of misconduct.
- D. Collect copies of related documents.

V. Gathering of Accused's Reports:

- A. Pursuant to Department General Order 93-10, item IV.A., a member identified as a defendant in a civil summons, will immediately prepare a To-From-Subject report to the Superintendent of Police, Attention:

CITY-BG-029042

General Counsel to the Superintendent. The report will contain a statement as to the date, time and manner in which the complaint and summons were received.

- B. A copy of this report is then forwarded to the Internal Affairs Division, General Investigation Section, where it will be maintained by the Administrative Sergeant. Investigators will consult with the Administrative Sergeant, who will make available all reports germane to the suit.
 - C. In the event the assigned investigator determines that the accused has not complied with the dictates of General Order 93-10, this complaint will be the subject of an additional allegation against the accused. The accused will not only have to respond to the allegation(s) noted in the summons, but will also be required to respond to the additional allegation. In addition, the accused will submit the required report to the Office of the Superintendent (a copy will be included in the investigative file.)
 - D. If an officer's statement is needed, the Corporation Counsel assigned to the case will be notified of the investigator's intent to take a statement.
- VI. The Commanding Officer, Records Section will forward any previous complaint register cases to the appropriate section for any additional investigation as directed by the Office of the Superintendent - Legal Affairs.
- A. Upon completion of the investigation based on the guidelines, cases assigned to General Investigations Section will be forwarded to the Records Section through the existing system. The Records Section will then prepare a copy of the case, sending it to the General Counsel to the Superintendent for control and delivery to the Corporation Counsel.

RELEASE FROM POLICE POWERS:

On occasions, it may be necessary for an investigator as a result of his preliminary investigation to release a sworn member from "powers of arrest" and/or "Department vehicle driving privileges." This is a significant action, which will only be accomplished after consultation with the Section's Commanding Officer, at the direction of the Assistant Deputy Superintendent, Internal Affairs Division, Assistant Deputy Superintendent, Bureau of Operational Services or equivalent.

I. Procedures:

1. Prepare a "NOTIFICATION OF DUTY RESTRICTIONS" form (CPD-44.301):
 - A. Make sure the appropriate restriction boxes that apply are checked.
 - B. The investigator will read aloud to the member each of the applicable duty restrictions and have the member place his initials in the space provided.
 - C. Members will fill in the acknowledgment section in the center of the form.
 - D. A photocopy of the form will be given to the member and the original will become a part of the master file.
2. An EQUIPMENT TRANSACTION RECEIPT (CPD-62.141) form will be prepared.
 - A. Items available at the time of collection bearing serial or identification numbers (i.e., Star, I.D. Card) will be indicated on the appropriate line.
 - B. The member will sign on the the "Returned by" line.
 - C. Investigators receiving items will sign on the "Received by" line.
 - D. The goldenrod copy of the form will be given to the member.
 - E. All collected items will be submitted to the Personnel Division along with the original of the form.
 - F. The investigator will retain the pink copy of the form for the investigative file.
3. Prepare a "REQUEST FOR ISSUANCE OF TEMPORARY IDENTIFICATION CARD" form. (CPD - 44.302)
 - A. Give the member a copy of this form and instruct the member to report to the Personnel Division in Room 802, 1121 S. State during regular operational hours of the Personnel Division on that day or the following day, to obtain a temporary

identification card.

- B. Retain the original in the investigative file.
- 4. Complete the TO COMMANDING OFFICER OF ACCUSED section of the NOTIFICATION OF DUTY RESTRICTIONS. (CPD-44.301)
 - A. This form will then be given to and signed for by the Commanding Officer of the member's unit of assignment. A copy will be given to the Commanding Officer.
 - B. Retain the original in the investigative file.
- II. Upon completion of the "RELEASE FROM POLICE POWERS" process, the investigator will:
 - 1. Submit a report through channels to the Assistant Deputy Superintendent, Internal Affairs Division, Attn: Commanding Officer, Administrative Section and include the below listed information on the released member.
 - A. Rank.
 - B. Name.
 - C. Star number.
 - D. Complaint Register Number.
 - E. Date of Release from Powers of Arrest.
 - F. Reason for Release.
 - G. Present Unit of Assignment.
 - H. Temporary Unit of Assignment.
- III. If the Assistant Deputy Superintendent, Internal Affairs Division or the Assistant Deputy Superintendent, Bureau of Operational Services determine that it is necessary to reassign a member whose police powers have been relieved, the Office of the First Deputy Superintendent, Bureau of Operational Services will be contacted for a new assignment.

COMPENSATION FOR DEPARTMENT MEMBERS ON INDEFINITE SUSPENSION - NO PAY STATUS:

Department members, who are on indefinite suspension or otherwise in a no-pay status, may be required to appear at the Internal Affairs Division, pursuant to a complaint register investigation. In accordance with contractual agreements with the City of Chicago, a member in the identified status who appears as required will be compensated for such appearances.

The assigned investigator will prepare a Compensation for Department Member on Indefinite Suspension - No Pay Status report (CPD 44-109) for submission through channels, to the Assistant Deputy Superintendent, Internal Affairs Division.

VEHICLES:

It is the policy of the Superintendent of Police that vehicles assigned to the Internal Affairs Division be assigned to investigators for official use only and will be used when conducting actual Department business during on-duty hours. Section Commanding Officers are responsible for assigning these vehicles as the need arises. Any deviations to this policy will only be made by the Section Commanding Officers. There is no blanket policy allowing for vehicles to be taken home by an investigator or to be used beyond normal working hours. When a vehicle is not being used, it will be parked in an authorized lot at the Headquarters building or at an alternate facility as appropriate.

Section Commanding Officers will ensure that a vehicle inspection of all vehicles assigned to their section is conducted, by a sergeant, each Monday during the second watch. In the event that the division is closed due to a holiday, the inspection will take place on the following day. At least one Monday per month, the Section Commanding Officer will personally conduct the inspection. All damage and deficiencies will be properly noted and the Electronics and Motor Maintenance Division will be contacted for repairs or replacement. The Section Commanding Officer will then submit a vehicle/equipment report to the Assistant Deputy Superintendent, Internal Affairs Division.

Upon receipt of proper notification, vehicles will be taken to the designated area garage for maintenance. All vehicles assigned to the division will be washed on a weekly basis or as often as needed. Section Commanding Officers will submit a monthly report indicating the vehicle number, call number, duty hours and name of member assigned to all vehicles in their section.

REFERENCED ORDERS

PERSONAL APPEARANCE:

G.O. 88-15	Uniforms/Citizen's Dress and Personal Equipment
G.O. 88-15-01	Responsibilities and Procedures
G.O. 88-15-2B	Uniform/Citizen's Dress Requirements and Equipment Specifications
G.O. 88-15-2D	Uniform/Citizen's Dress Requirements and Equipment Specifications
G.O. 92-3	Weapons, Department and Personal
G.O. 93-2-01	Department Authorized Firearms and Ammunition for Sworn Members Hired on or Before 1 December 1991
G.O. 92-3-01	Department Authorized Firearms and Ammunition for Sworn Members Hired After 1 December 1991
G.O.92-3-04	Authorized Semi-Automatic Pistols

INVESTIGATORS - TECHNICAL SUPPORT:

G.O. 93-8-7	Master Recording Tape Review Procedures
Organized Crime Division	
S.O. 97-01	Confidential Illinois Drivers License

FIELD DRUG SCREEN PROCEDURES

Internal Affairs Division	
S.O. 96-04	Field Drug Screen Procedures

INITIATING COMPLAINT REGISTER NUMBERS

G.O. 93-3	Complaint and Disciplinary Procedures
G.O. 93-3-01	Department Member's Bill of Rights
G.O. 93-3-02	Specific Responsibilities
G.O. 93-3-03	Conduct of the Investigation
G.O. 93-3-04	Reporting and Review Procedures
G.O. 93-3-05	Special Situations
G.O. 93-3-06	Suspension/Options
G.O. 93-3-07	Summary Punishment
G.O. 89-3-1B	Preliminary Investigations

G.O. 92-1	Human Rights and Human Resources
COS message #93-011526	Complaint and Disciplinary Procedures
COS message #96-004801	Special Situations - Indebtedness
COS message #95-011753	Special Situations
G.O. 97-1	Criminal Organizations

LINEUPS:

G.O. 88-18	Lineup Procedures

VEHICLES:

G.O. 97-2	Department Vehicles
G.O. 97-2-1	Vehicle Assignment, Allocation and Operation
G.O. 97-2-2	Vehicle/Equipment
G.O. 97-2-3	Emergency Equipment
G.O. 97-2-4	Vehicle Consumables
G.O. 97-2-5	Vehicle Service
G.O. 97-2-6	Operation of Department Vehicles - Use of Seat Safety Belts
G.O. 97-2-7	Department Fueling Locations

SUMMARY REPORT -

SUBJECT: COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

123456

18 October 1998

INSTRUCTIONS: SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION

☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM INVESTIGATOR'S NAME

JONES, Robert T.

RANK STAR NO.

Sgt. 1234

SOCIAL SEC. NO.

123-45-6789

EMPLOYEE NO.

123456

UNIT ASS.

121

REFERENCE NOS. (LIST ALL RELATED C.R., C.B., I.R., INVENTORY NOS. ETC., PERTINENT TO THIS INVESTIGATION)

COMPLETE IF APPLICABLE

ADDRESS OF INCIDENT

12345 South Main Street

DATE OF INCIDENT - TIME

1 Sept. 1998 1030 hrs.

BEAT OF INCIDENT

2610

LOCATION

19

NAME

1. DOE, John P.

RANK STAR NO.

P.O. 56789

SOCIAL SEC. NO.

234-56-7890

EMPLOYEE NO.

234567

UNIT ASS.

026

2. SMITH, Jane M.

P.O. 67890

345-67-8901

345678

026

SEX/RACE D.O.B.

1. M/B

12 Mar 1956

DATE OF APPOINTMENT

10 Feb 1980

DUTY STATUS (TIME OF INCIDENT)

☒ ON DUTY☐ OFF DUTY☒ SWORN☐ CIVILIAN

0

2. F/W

18 Dec 1962

22 Apr 1988

☒ ON DUTY☐ OFF DUTY☒ SWORN☐ CIVILIAN

0

IF APPLICABLE - DATE ARRESTED - CHARGES

1. COMPLETE IF APPLICABLE

COURT BRANCH

DISPOSITION & DATE

2.

3.

COMPLAINANTS

NAME

WOODS, Charlene A.

ADDRESS**

1636 West Elm Street Chicago, IL

CITY STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

PHOTO

JONES, Robert T. Sgt.

Unit# 121 Star#6789 Empl.#234567

CITY STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

PHOTO

VICTIMS

NAME

COMPLETE IF APPLICABLE

ADDRESS**

CITY STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

PHOTO

WITNESSES

NAME

COMPLETE IF APPLICABLE

ADDRESS**

CITY STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

PHOTO

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.* SEE REVERSE SIDE FOR CODES, INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.
** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS, PAX/CELL IN TELEPHONE BOX.

ALLEGATIONS

This complaint was initially received by Sergeant Michael ADAMS, Star#5555, 026th Dist on 01 September 1998 at 1100 hours. At approximately 1115 hours, Sergeant ADAMS contacted the Office of Professional Standards and registered the complaint with Investigator NC #93.

The complainant, Ms. WOODS, alleged that on 01 September 1998, at 12345 South Main Street approximately 1030 hours, the accused officers:

- #1. Failed to complete a case report, and
- #2. Arrest an offender who was named in an order of protection, and

Continuation of allegations are found on page two of the Summary Report.

INTERNAL AFFAIRS DIVISION
(STATE THE INVESTIGATIVE SECTION)

18 OCTOBER 1998
CR#123456

TO: COMMANDING OFFICER
(STATE THE INVESTIGATIVE SECTION)
INTERNAL AFFAIRS DIVISION

FROM: SERGEANT/POLICE AGENT/POLICE OFFICER
(STATE THE INVESTIGATIVE SECTION)
INTERNAL AFFAIRS DIVISION

SUBJECT: STATE THE PURPOSE OF THE REPORT
(NO PROGRESS REPORT HEADING)

ALLEGATION: On 1 September 1998, at 12345 South Main Street, at approximately 1030 hours, the accused officers failed to complete a case report and failed to arrest an offender in violation of an order of protection. It is further alleged by Sergeant JONES, that on 1 September 1998, at 12345 South Main Street, at approximately 1030 hours, the accused officers illegally confiscated a cellular phone which they failed to inventory.

Body of report (block form or indent)

Investigator title & name

APPROVED:

Commanding Officer
(State the Investigative Unit)
Internal Affairs Division

CR#123456
Att# 3

CITY-BG-029851

SUBJECT: Repeat the Subject
CR#

Body of report

****If a report is longer than one page, then the approval block should be included on the last page of the report.

****If a report is longer than one page, then the attachment numbers should read:

Att# X
1 of __ pages

Att# X
2 of __ pages

Att# X
3 of __ pages

Page 2 or two or upper left corner

NOTIFICATION OF CHARGES/ALLEGATIONS
CHICAGO POLICE DEPARTMENT

NAME OF ACCUSED		RANK	STAR NO.	GIVEN TO ACCUSED DATE	TIME
ALL INFORMATION MUST BE INCLUDED ON THIS LINE				MUST BE INCLUDED	
				UNIT OF ASSIGNMENT	

The law provides that if you are to be charged with a criminal offense or if your separation from the Department will be sought, you are to be advised in writing of the specific illegal or improper acts alleged against or attributed to you.

Furthermore, Department policy provides that you have a right to be advised in writing of the names of complainants and allegations against you prior to any questioning of you concerning the allegation regardless of the nature of the allegation and even if the allegation is such that it will not result in the filing of criminal charges or the filing of separation charges.

Accordingly, you are hereby advised that the following allegations have been attributed to you:

COMPLAINANTS:

1. Ms. Charlene WOODS
2. Sgt. Robert T. JONES, Star: 123, Internal Affairs Division
- 3.
- 4.

The allegations must be date, time and location specific. There are no exceptions to this rule.
 If the allegation took place over a period of time, the allegation should be as specific as possible, such as, "in that between June, 1997 and July 1998" or between the hours of 0200 and 1600, etc.
 If the location cannot be pinpointed, the allegation should be as specific as possible, such as, "In the south 4800 block of Halsted" or "in the building located at 410 South Plymouth Court".

****All allegations must be listed in this section in order to request a report from the accused or to take a question and answer statement. Use additional Notification forms if one form is insufficient.**

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him.

Signature _____

Must have signature or "refused".

WITNESSES

Must have at least one witness

PREPARE IN DUPLICATE:

Original copy to investigator's file.
 Copy to accused member.

CPD-44.115 (Rev. 5/00)

COMPLAINT REGISTER NO.

ATTACHMENT NO.

CITY-BG-029053

NOTIFICATION OF CHARGES/ALLEGATIONS
CHICAGO POLICE DEPARTMENT

NAME OF ACCUSED		GIVEN TO ACCUSED DATE		TIME
SMITH, John		RANK P.O.	STAR NO. 56789	25 October 1998 0900 UNIT OF ASSIGNMENT 026

The law provides that if you are to be charged with a criminal offense or if your separation from the Department will be sought, you are to be advised in writing of the specific illegal or improper acts alleged against or attributed to you.

Furthermore, Department policy provides that you have a right to be advised in writing of the names of complainants and allegations against you prior to any questioning of you concerning the allegation regardless of the nature of the allegation and even if the allegation is such that it will not result in the filing of criminal charges or the filing of separation charges.

Accordingly, you are hereby advised that the following allegations have been attributed to you:

COMPLAINANTS:

1. Ms. Charlene WOODS
2. Sergeant Robert T. JONES, Star 1234, Internal Affairs Division
- 3.
- 4.

Ms. WOODS alleged that on 1 September 1998, at 12345 South Main Street, at approximately 1030 hours, the accused member failed to complete a case report and failed to arrest an offender who was named in an order of protection.

It is further alleged by Sergeant Robert T. JONES, Star 1234, that on 1 September 1998 at 12345 South Main Street, at approximately 1030 hours, the accused member confiscated a cellular telephone, Ameritech Model 123 and failed to inventory it.

The undersigned hereby acknowledges receipt in writing of the charges or allegations against him.

Signature _____

Must have signature or "refused"

WITNESSES

Must have at least one witness

PREPARE IN DUPLICATE:

Original copy to investigator's file.

Copy to accused member.

CPD-44.115 (Rev. 5/89)

COMPLAINT REGISTER NO.

ATTACHMENT NO.

CITY-BG-029034

ADDITIONAL NOTES

- ▶ Attachment numbers should be listed sequentially and when there are multiple pages they should be listed as "1 of 3" "2 of 3" "3 of 3". (Example only)
- ▶ Every case must have an initiation report and it should generally be listed as attachment #2.
- ▶ The attachment section on the reverse side of the Summary Report Digest must always be completed.
- ▶ All cases completed by the Internal Affairs Division require an "evidence/attachment list".
- ▶ All witnesses must be listed. It is incorrect to mention a witness in the case summary and not to have listed them in the Summary Report/Digest.
- ▶ All required information must be included for additional accused members or witnesses when a continuation page is utilized.
- ▶ When questions are sent to an accused member with the Notification of Charges and Allegations, the questions should be included as an attachment.
- ▶ Avoid telephone interviews unless absolutely necessary. When interviewing civilians in person, obtain verification of their identification such as a driver's license, state identification card, other picture identification and photocopy if means are available. Document in your report that you did verify the identification and the means in which it was done.
- ▶ In civil suits, the victim's attorney should be listed as the complainant and the plaintiff in the lawsuit should be listed as a victim.
- ▶ All last names should be capitalized.
- ▶ No abbreviations in the summary allowed. Abbreviations are allowed on the face of the Summary Report/Digest if space is limited.
- ▶ If a complainant refuses to further cooperate, a letter of declination will be obtained.
- ▶ If the State's Attorneys Office refuses to pursue criminal charges and will not provide a formal letter of declination, the ASA from whom the investigator obtained the declination must be included in the report as well as their telephone number.

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EXHIBIT 106

**EXPERT OPINION REGARDING THE CHICAGO POLICE DEPARTMENTS
INTERNAL AFFAIRS PROCESS AND THE PATTERN OF COMPLAINTS
AGAINST CHICAGO POLICE SERGEANT RONALD WATTS AND OTHER
NAMED DEFENDANTS**

SUBMITTED TO:

Wally Hilke, Esq.
Loevy & Loevy
311 N. Aberdeen St., 3rd Floor
Chicago, IL 60607

July 25, 2023

PERTAINING TO:

ALVIN WADDY, Plaintiff,

v.

City of Chicago, Former CHICAGO POLICE SERGEANT
RONALD WATTS, Former CHICAGO POLICE OFFICER,
KALLATT MOHAMMED, OFFICER ELSWORTH J. SMITH, JR.,
OFFICER ROBERT GONZALEZ, OFFICER MANUEL LEANO,
OFFICER DOUGLAS NICHOLS, OFFICER ALVIN JONES,
OFFICER BRIAN BOLTON, OFFICER LAMONICA LEWIS, and
other as-yet-unidentified officers of the Chicago Police Department,

In the Circuit Court of Cook County, Illinois
Law Division

Case No. 19 L 10035

Chicago, Illinois

PREPARED BY:

Dr. Jon M. Shane
jmsnpd@gmail.com

STATEMENT OF QUALIFICATIONS AND BASES OF OPINION

Employment Record

My name is Jon M. Shane. I am a professor of criminal justice at John Jay College of Criminal Justice, which is located at 524 W. 59th Street, New York, NY, 10019. I have been a member of the faculty in the Department of Law, Police Science and Criminal Justice Administration since January 2009. I teach graduate and undergraduate courses related to criminal justice with a concentration in policing. I also conduct research on policing. My expertise is police policy and practice and the theoretical underpinnings of the police, which are reflected in my teaching and research. My other teaching and research interests are situational crime prevention, social disorganization theory, routine activities theory, violent crime and criminal justice statistics, particularly how statistics are used in criminal justice. In my capacity as a professor, I regularly consult with attorneys and law enforcement agencies around the country and internationally on police policy and practice issues and training programs.

Prior to my faculty appointment I had a career in law enforcement in both civilian and sworn capacities from December 1985 to December 2005, retiring at the rank of captain from the Newark (NJ) police department. I began my law enforcement career on December 2, 1985 as a police dispatcher for the Clifton, New Jersey police department. On March 20, 1989, I became a police officer for the Newark, New Jersey police department. I held several positions throughout my career in both operational and administrative assignments. I was promoted to sergeant in June 1995; lieutenant in July 1998; captain in September 2000. On January 21, 2005, I was notified by the New Jersey Department of Personnel that I was eligible and qualified to be promoted to deputy chief according to state standards (certification # PL050068, January 14, 2005). The majority of my career was spent in both operational and administrative assignments drafting, reviewing or implementing policy for the Newark Police Department. In these roles I created, revised or reviewed policies and implementation orders governing the administration and operations of the Newark Police Department. I also provided direct advice and consultation with the Police Director, Chief of Police and other command staff members regarding agency policy that was based on research, trends and best practices in U.S. law enforcement. Throughout my career I supervised or managed police officers and other supervisors as they conducted criminal investigations, including homicide cases.

I began my research and teaching career in 2005 as a lecturer and an adjunct professor of criminal justice at Rutgers University and Fairleigh Dickinson University. Table 1 is a summary of my employment from 1985 to present; table 2 is a summary of my training, education and professional development, and table 3 is a summary of my related employment and experience. My curriculum vitae is attached.

Table 1*Summary of Employment Record*

Date	Agency	Assignment	Position
January 2009 Present	John Jay College of Criminal Justice, New York City	Department of Law and Police Science	Associate Professor
2005/2008	Rutgers University, Newark, NJ	Newark College of Arts and Sciences	Lecturer
Spring 2005	Fairleigh Dickinson University, Teaneck, NJ	School of Administrative Science, Petrocelli College	Adjunct Professor
August 2004 December 2005	Newark (NJ) Police Department	Office of the Chief of Police, Command Operations Center	Command Staff
April 2004 August 2004		Operations Bureau, North District Station	Commanding Officer
August 2002 April 2004		Office of the Police Director, Office of Policy and Planning	Commanding Officer
June 2002 August 2002		Operations Bureau, East District Station	Commanding Officer
January June 2002		Office of the Police Director, Office of Policy and Planning	Commanding Officer
April 2000 January 2002		Office of the Police Director, Office of Policy, Planning and Technology	Commanding Officer, Management Information Systems
July 1999 April 2000		Operations Bureau, North District Station	Tour Commander
July 1998 July 1999		Office of the Police Director, Office of Policy and Planning	Executive Officer
September 1997 July 1998		Office of the Police Director	Special Assistant to the Police Director
May 1997 September 1997		Criminal Investigation Bureau, Violent Crime Division	Homicide Section Supervisor
June 1995 September 1995		Field Operations Bureau, East & West District Police Stations	Field Supervisor

Table 1*Summary of Employment Record*

Date	Agency	Assignment	Position
August 1994 September 1997		Field Operations Bureau, Emergency Response Team	Operator and Team Supervisor
March 1993 May 1997		Office of the Police Director, Research, Analysis and Planning Division	Detective
November 1992 March 1993		Special Investigation Bureau, Special Projects Section, TARGET Team	Police Officer
August 1989 November 1992		Field Operations Bureau, South District Station	Police Officer
March 1989 August 1989		Office of the Chief of Police, Police Academy	Police Recruit
December 1985 March 1989	Clifton (NJ) Police Department	Communications Division	Police Dispatcher

Education and Professional Development

I hold a baccalaureate degree (October 2002), Master of Arts degree (January 2005) and doctoral degree (October 2008) in criminal justice from Rutgers University. I also hold a certification in non-profit management (August 2004) from Rutgers Graduate School of Public Administration. During my law enforcement career, I attended three senior management programs for police leadership: 1) 193rd Session of the FBI National Academy (April 5 – June 19, 1998); 2) 25th Session of the Senior Management Institute for Police (June 21, 2001); and 3) Police Foundation Visiting Police Fellowship program, Washington, D.C. (January – June 1997).

The FBI National Academy is a professional course of study for U.S. and international law enforcement leaders that serves to improve the administration of justice in police departments in the United States and abroad and to raise law enforcement standards, knowledge, and cooperation worldwide. The Senior Management Institute for Police (SMIP) is a program of the Police Executive Research Forum that provides senior police executives intensive training in the latest management concepts and practices used in business and government. SMIP promotes general management theory, policy development, planning processes, organizational structure and behavior. The Visiting Police Fellowship program at the Police Foundation affords police leaders the opportunity to work with nationally recognized experts in policing, police policy, and research. The program allows the fellow to benefit from the specialized skills of individual relationships and exposure to state-of-the-art ideas that promote professional growth through research, training and technology.

During my tenure in the Newark Police Department, I was a state certified police academy instructor (April 15, 1993 – December 31, 2004) and a member of the Newark Police Emergency Response Team (December 1994 – September 1997). In my capacity as a police academy instructor, I taught various courses to recruit-level and in-service personnel including agency rules and policy, search and seizure, use of force, chemical agents and tactics. In my capacity as an ERT member and supervisor I was trained as a chemical agents instructor by the FBI and taught recruit-level and in-service personnel on the types, effects and consequences of chemical agents.

My training sessions often combined classroom and practical exercises to add dimension and depth to the classroom material. Practical exercises allow trainees to directly apply the knowledge, skills and abilities they acquired in the classroom to live sessions in a supervised manner. This gives the trainee immediate feedback and critique about the consequences and effects of their actions through a range of simulations that are designed to add as much realism and literal truth as possible to the exercise. Table 2 is a summary of my professional development.

Table 2

Summary of Education and Professional Development

Date	School	Degree or Certificate
October 1, 2008	Rutgers School of Criminal Justice, Newark, NJ	Doctorate, criminal justice
January 17, 2005	Rutgers School of Criminal Justice, Newark, NJ	Master of Arts, criminal justice
August 31, 2004	Rutgers Graduate School of Public Administration, Newark, NJ	Certificate, non-profit management
October 1, 2002	Rutgers University, University College, Newark, NJ	Bachelor of Science, criminal justice
June 21, 2001	Police Executive Research Forum, Harvard University John F. Kennedy School of Government, Senior Management Institute for Police—Session 25, Boston, MA	Certificate of completion
November 3, 1998	Value-Centered Leadership: Ethics, Values and Integrity, International Association of Chiefs of Police, Newark, N.J.	Certificate of completion
April 5, 1998 June 19, 1998	Federal Bureau of Investigation, FBI National Academy, 193 rd session, Quantico, Va.	Certificate of completion
July 1997	Practical Homicide Investigation, Vernon J. Geberth, Newark, NJ	Certificate of completion
January 1997 June 1997	Police Foundation, Visiting Police Fellowship Program, Washington, D.C.	Certificate of completion
April 1995	Chemical Agents in Law Enforcement Instructor, Federal Bureau of Investigation, Ft. Dix, NJ	Certificate of completion
June 25, 1993	Advanced Criminal Investigations, Essex County Police Academy and Federal Bureau of Investigation, Cedar Grove, NJ	Certificate of completion

Table 2*Summary of Education and Professional Development*

Date	School	Degree or Certificate
April 21, 1993	Methods of Instruction, Newark Police Academy, New Jersey Division of Criminal Justice, Newark, NJ	Certificate of completion
April 15, 1993 December 31, 2004	State Certified Police Academy Instructor, Newark Police Academy, Newark, NJ	Certificate of completion
November 18, 1992	New York-New Jersey Anti-Car Theft Committee, National Insurance Crime Bureau, Tarrytown, NY	Certificate of completion

Related Employment and Experience

In addition to my law enforcement career and my research and teaching career, I have related experience in police administration, criminal justice and research. Table 3 summarizes my employment and related experience.

Table 3*Related Employment and Experience*

March 2006 July 2006	Consultant to Essex County College, Newark, NJ to assist with design and implementation of a geographic information system (GIS) training program for law enforcement and homeland security initiatives
February 2005 September 2005	<i>Staff Member</i> , NJ Attorney General's Office - Camden Commission for Public Safety. Final report accessible at http://www.state.nj.us/lps/com-report-camden.pdf <i>Research Associate, Rutgers Police Institute</i> . Conducted public safety research and a police management study in Camden, NJ as a staff member of the <i>Camden Commission for Public Safety</i> . Research included a management study on efficiency and recommendations on best practices for organizational change, deployment and sustained crime control initiatives.
May 2004 Present	<i>Senior Research Associate, Police Foundation Washington, D.C.</i> Currently, serving as a senior research associate to the Police Foundation on a variety of topics related to policing.
October 2003 May 2004	<i>Research Team Member, Rutgers Center for Mental Health</i> . Conducted research on police interactions and responses to persons with mental health issues. Study included conducting on site interviews with police officers as well as calls for service data analysis.
September 2003 September 2004	<i>Differential Police Response: Neighborhood Social Disorganization and Police Response Time to Domestic Violence Calls</i> . Principal investigator and author of explanatory research on police response time to domestic violence calls in Newark, New Jersey. The objective was to explain the relationship between indicators of social disorganization and police response time to domestic violence calls for service.

Based on my research, teaching, education, training and experience, I am therefore familiar with the policies, practices and customs associated with policing, including the risks, vulnerabilities and uncertainties, as well as how police officers are trained, the importance of policy and how policy is developed and implemented at the line level.

Publications

My publications are listed on my CV (attached).

Basis of Opinion

In preparing this report and expressing my opinion, I relied on the knowledge I have acquired through research, teaching, education and professional development that other experts in my field would consider reliable. I also relied on my experience in criminal justice, police operations and police administration on the accepted standards of care recognized by police organizations and officials throughout the United States as the custom and practice for the administration, management and supervision of police agencies and police personnel. In this regard, I am an active member of the American Society of Criminology (ASC), the Police Executive Research Forum (PERF) and the Academy of Criminal Justice Sciences (ACJS). These organizations are dedicated to improving and promoting criminal justice policies, practices, education and professional standing for criminal justice educators and practitioners through a national and international research agenda that is multidisciplinary and focused on crime, delinquency, public policy analysis and debate.

My professional opinion and police expertise are sought after through various invited lectures, training workshops, research grants and presentations at local, national and international venues on crime, police management, police performance and police policy and practice issues:

1. Harris County Constable, Precinct 1, Houston, Texas (with Justice System Partners, South Easton, MA), May 2021.
2. Police policy advisor, Guatemala Public Ministry, June 2016.
3. Panelist, National Association for Civilian Oversight of Law Enforcement (NACOLE) and John Jay College of Criminal Justice, academic conference series - Building Public Trust: Generating Evidence to Enhance Police Accountability and Legitimacy, April 22, 2016.
4. United States Commission on Civil Rights, Office of Civil Rights Evaluation, panel on Police Practices and Prosecution of Police Deadly Force, invited panelist. Panel presentation, April 20, 2015.
5. Panel moderator, Bridging the Great divide: Can Police-Community Partnerships Reduce Crime and Strengthen Our Democracy? *Building Police Legitimacy with Community Stakeholders*, September 5, 2014.
6. Invited training workshop, Uruguayan National Police, Basic Course in Criminal Investigations Training Workshop, Montevideo, Uruguay, June 9 to June 20, 2014.
7. Police Foundation, National Institute of Justice and US Department of Justice, COPS Office, Sentinel Events Initiative on Wrongful Convictions, Washington, D.C., February 7, 2014.
8. Inter-American Development Bank policing presentation on policing and the expectations for developing countries, Washington, D.C., December 3, 2013.
9. Scholarship Program for Training in Advanced Criminal Investigations for Uruguay Police, (practice grant, Ministry of the Interior, Uruguay), October 18, 2013.

10. Invited training workshop, Uruguayan National Police, Advanced Course in Criminal Investigations Training Workshop, Montevideo, Uruguay, October 8-18, 2013.
11. Invited training workshop, Uruguayan National Police, Basic Course in Criminal Investigations Training Workshop, Montevideo, Uruguay, August 20 to September 5, 2013.
12. Invited training workshop, U.S. Army 89th Military Police Brigade, performance management training workshop, Ft. Hood, TX, July 29-30, 2013.
13. U.S. Department of Justice, National Institute of Justice roundtable on “sentinel events initiative” to uncover criminal justice system weaknesses that lead to organizational accidents, Washington, D.C., May 21-22, 2013.
14. Maritime Piracy: A Situational Analysis (research grant, PSC CUNY Award # 66767-00 44), May 15, 2013.
15. U.S. Army Military Police, Senior Leader Conference and Military Police 2020 Strategic Planning Session, National Conference Center, Lansdowne, VA, May 6-9, 2012.
16. Amendola, K., Hulcher, D. & Koval, K. *with* Heitman, A., & Shane, J. M. (2012). Personnel reallocation and scheduling: *Final report staff scheduling options*, Atlantic City, NJ Police Department. Washington, D.C: Police Foundation.
17. Amendola, K.A., Weisburd, D. Hamilton, E., Jones, G., Slipka, M., Shane, J.M & Ortiz, C¹. (2012). The impact of law enforcement shift practices and extra-duty employment on various health, safety, performance, and quality of life measures. Washington, D.C: Police Foundation.
18. Invited panel participant, providing commentary on Roger Graef’s *When Cops Kill*, to explore police shootings and what really happens to the brain and body of police officers when they pull the trigger. Moderated by President Jeremy Travis, John Jay College, April 22, 2013.
19. Panel moderator, 23rd Annual Problem-oriented Policing Conference, *Houston Police Department: Back from the Brink: Reducing Crime and Disorder in the Antoine Corridor*, Presenters: Michael Hill, Ryan Watson and Chris Schuster., October 22-23, 2012.
20. University of New Haven, Center for Advanced Policing, Innovations in Police Management Course, New Haven, CT., August 6-10, 2012.
21. Research and teaching agenda Bramshill Police College (U.K.) January 2012 – April 2012.
22. Presentation to the Chinese People’s Public Security University, Police Security Bureau, on creating a nexus between police workload and budget, police policy and practice issues, Beijing, China, November 27- December 3, 2011.
23. Deterrence or System Overload? The Effect of Imprisonment and Clearance Rates on Auto Theft in the United States, Annual Meeting American Society of Criminology, Washington, D.C., November 17, 2011.
24. Open Society’s Roundtable on Current Debates, Research Agendas and Strategies to address racial disparities in police-initiated stops in the U.K. and U.S.A., *Panel Moderator*, John Jay College of Criminal Justice, New York, August 10-11, 2011.
25. U.S. Department of State and FBI, *Panel Moderator*, Community Policing and Conflict Resolution, Federal Plaza, New York City, May 4, 2011.
26. Lexis/Nexis Government 2011 Insight Conference, *Panel Member*, moderated by Chuck Wexler, Executive Director Police Executive Research Forum (PERF), April 5, 2011.
27. New Haven (CT) Police Department, Investigative Training Course, West Haven, CT, November 9, 2010.

¹ This research report received the 2012 Outstanding Experimental Field Trial Award from the Division of Experimental Criminology/American Society of Criminology (ASC). The award was presented to Dr. Karen Amendola et al. at the 68th annual meeting of the ASC in Chicago on November 14, 2012.

28. U.S. Department of Justice COPS Office National Leadership Roundtable, *Leadership For Public Safety II*, with the Community Policing Leadership Institute (CPLI) at the John Jay College of Criminal Justice Office of Continuing and Professional Studies, April 29-30, 2010;
29. The Impact of Organizational Stress on Police Performance (research grant, PSC CUNY Award # 63310-00-41), April 15, 2010.
30. Benjamin Cardoza Law School lecture on police accountability, Professor Ellen Yaroshefsky, March 10, 2010.
31. Jamaica Constabulary Police Force, Leading Police Performance and Accountability Symposium 2010, training workshop, Kingston, Jamaica, March 30–April 2, 2010.
32. The Myth of The American Police Quasi Military Model, Annual Meeting Academy of Criminal Justice Sciences, San Diego, CA, February 26, 2010.
33. Rethinking Police Use of Confidential Informants, Annual Meeting Academy of Criminal Justice Sciences, San Diego, CA, February 23, 2010.
34. Performance Management in Police Agencies: A Conceptual Framework, Annual Meeting American Society of Criminology, Philadelphia, PA, November 5, 2009.
35. Crime Track: A Statewide Crime Data Collection System, with Christopher Andreychak, Rutgers University—School of Criminal Justice, Annual Meeting American Society of Criminology, Philadelphia, PA, November 5, 2009.
36. Implementing and Institutionalizing Compstat in Maryland Police Agencies, with the University of Maryland, Institute for Governmental Service and Research, September 24-25, 2009; October 22-23, 2009; November 20, 2009.
37. Ohio Association of Chiefs of Police, 2008 in-service training conference, Deer Creek, Ohio, April 22, 2008.
38. Florida Police Chiefs Association 56th Annual Summer Training Conference, Palm Beach Gardens, FL, June 23, 2008.
39. Virginia Association of Chiefs of Police, Annual Conference, Hot Springs, VA, August 19, 2008.
40. The Houston Area Police Chief's Association, Woodlands Public Safety Training Center, Conroe, Texas, October 28, 2008.
41. Ottawa Association of Law Enforcement Planners, Algonquin College, Ottawa, Ontario, Canada, May 5, 2007.
42. Louisiana Attorney General's Command College, Baton Rouge, Louisiana, August 8, 2007;
43. IMPACT Users Technology and Performance Conference, Saratoga Springs, NY, September 17, 2007.
44. International Association of Law Enforcement Planners, Calgary, Alberta, Canada, October 16-17, 2007.

I am also a senior research associate at the National Policing Institute (formerly Police Foundation) Washington, D.C. and I have been empaneled by the Center for Problem-Oriented Policing to conduct research on behalf of the U.S. Department of Justice, COPS Office, where I am active in police research that has national and international implications.

My research, participation in national forums and broad reading in policing and criminology have given me the theoretical and empirical grounding for examining the impact of police operations

on the community. On January 24, 2011, I was named the “highly commended award winner” by the 2010 Emerald/European Foundation for Management Development, Outstanding Doctoral Dissertation Research Award. This international competitive award is conferred upon those whose dissertation research makes a significant contribution to the field. I received the award under the *Leadership and Organizational Development* category. To broaden my perspective on crime, criminology and policing issues, I serve as an occasional peer-review member for several national and international criminal justice and policing journals, including: *Crime Science* (2015), *Criminology* (2014); *Criminology & Public Policy* (2012); *Sociological Quarterly* (2012); *Police Quarterly* (2011); *Criminal Justice Review* (2011); *International Journal of Police Science and Management* (2011); *Criminal Justice & Behavior* (2010); *Journal of Criminal Justice* (2010); Taylor-Francis Publishing (2010); Thompson-Wadsworth Publishing; *Police Practice & Research: An International Journal* (2010); *Policing: An International Journal of Police Strategies & Management* (2009, 2012); *Environmental Criminology and Crime Analysis* abstract review (2011, 2012 conferences); and *International Journal of Comparative and Applied Criminal Justice* (2010). On August 20, 2011, I accepted appointment as an *Editorial Advisory Board Member* to the *International Journal of Emergency Services* published by Emerald.

My teaching and course design experience has provided me with first-hand knowledge of the ways police operations and policies impact the community in a pluralistic society governed by the rule of law. My teachings at the undergraduate level are: 1) *Police and the Community*; 2) *Introduction to Criminal Justice*; 3) *Introduction to Law Enforcement*; and 4) *Criminology*. My teachings at the graduate level are: 1) *Contemporary Issues in Community Policing*; 2) *Police Ethics*; 3) *Problem-Oriented Policing*; 4) *Issues in Criminal Justice—Police and Corrections*; 5) *Using Computers in Social Science—Statistics*; and 6) *research methods and design*. On January 14, 2011, I was appointed a member of the doctoral faculty in the criminal justice program, where I am responsible for teaching and mentoring students and serving the general needs of the doctoral program. Since my appointment at John Jay College, I have won various awards and been included on the Dean’s List (2008-2009; 2009-2010; 2013-2014), a status conferred by the CUNY Office of Graduate Studies in recognition for faculty members who mentor or substantially influence a graduate student’s academic success. On August 25, 2011, I was named “Mentor of the Year” by the American Society of Criminology, the leading organization for practitioners and academicians

from the many fields of criminal justice and criminology. On December 9, 2013, I was named the “2014 Outstanding Mentor of the Year” by the Academy of Criminal Justice Sciences.

Directly related to my teaching experience is my participation on the curriculum committee in the Department of Law, Police Science and Criminal Justice (LPS) Administration at John Jay College. The curriculum committee is responsible for: 1) creating proposals for a contemporary curriculum; 2) identifying standards for the discipline; 3) aligning the curriculum with Middle States accreditation standards; 4) developing measurable objectives for courses; 5) identifying course-appropriate resource materials and textbooks; and 6) identifying linkages with the college mission. As part of the LPS curriculum committee, I participated in revising the criminal justice Bachelor of Science degree (CJBS, 2013) and the police studies degree (PS, 2014). I revised the introductory course on law enforcement, a key foundational course, and created a new course on police use of force for the Police Studies degree.

My administrative experience in policing has provided me with an understanding of the manner in which police policy and practice occurs on a daily basis, from the policy level to the line level. As a command-rank officer in a major urban police department I had a unique opportunity to gain rare insight into police administration, operations and organizational culture, something that is difficult to observe in most other ways and often hidden from outsiders. In addition to the aforementioned experience, I also relied on the data presented in the documents that are listed under exhibits in this report to formulate my opinion.

Previous Opinions

I have either testified as an expert at trial or by deposition listed in CV (appended). I have been compensated for my work on this matter.

CONCLUSIONS AND OPINION

Based on the available evidence and data, within a reasonable degree of professional certainty in the policing industry, I conclude that the Chicago Police Department failed to properly supervise the defendants in this matter as required by agency standards in effect at the time. I further conclude that the Chicago Police Department did not follow its own policies when it failed to identify and address complaints against the officers involved in Alvin Waddy's arrest. My opinion follows.

1. **Did the Chicago Police Department fail to supervise the officers involved in Alvin Waddy's arrest consistent with accepted industry practices when complaints against them were generated?** Yes. The Chicago Police Department supervisory staff knew or should have known that complaints against the officers involved in Alvin Waddy's arrest were accruing in a manner that signaled a need for intervention. The Chicago Police Department also should have taken supervisory measures to stop the adverse behavior and correct the deficiencies consistent with their agency's policies. The findings are not consistent with the following standards:
 - a. Responsibilities defined by the job specifications for each rank of the Chicago Police Department supervisory staff;
 - b. Chicago Police Department General and Special Orders concerning Complaint and Disciplinary Procedures in effect during the relevant period.²

The failure to supervise the defendants in the instant case would lead a reasonable officer to conclude that the Chicago Police Department accepted the defendants' conduct.

2. **Did a pattern of complaints emerge against the officers involved in Alvin Waddy's arrest?** Yes. The Chicago Police Department supervisory staff knew or should have known that clear patterns³ of personnel complaints were emerging across various years and different types of offenses against the officers involved in Alvin Waddy's arrest, and should have taken measures to stop the adverse behavior and correct the deficiencies. Overall, the data reveal that the Chicago Police Department's accountability systems (i.e., supervision and personnel investigations) are broadly ineffective for detecting misconduct, and holding

² See Bates CITY BG 59085-59132.

³ A pattern is defined as given to a regular or repeated form; forming a consistent or characteristic arrangement. The patterns observed in the instant case come from the frequency and type of allegations shown in the data among a relatively small group of officers.

officers accountable when they violate CPD policy. The findings are not consistent with the following standards:

- a. Chicago Police Department General Order 93-3 Complaint and Disciplinary Procedures (effective January 15, 1993) for Repeated Minor Infractions;
- b. Chicago Police Department General Order 86-4, District Commanders (effective June 10, 1986), where District Commanders are responsible for subordinates' conduct;

3. **Justification for Opinion.** The justification for the opinion is set forth below.

- a. *The Chicago Police Department Discovery Materials.* The data were supplied by Plaintiff's counsel in electronic format consistent with discovery in this case. The source data are CPD internal affairs records known as Complaint Register (CR) files from 1994 to 2018 for the officers involved in Alvin Waddy's arrest. The data were analyzed using MS Excel and Statistical Package for the Social Sciences (SPSS version 18, also known as Predictive Analytics SoftWare, PASW Statistics 18. SPSS and PASW are the same software).

The data in the CR files are relational. This means a one-to-many relationship exists when a parent record (e.g., one incident, identified by the CR number) potentially references other related records (e.g., many allegations, many officers or dispositions).⁴ The unit of analysis was switched when appropriate to accommodate the analysis. The unit of analysis includes the complaint level, and allegation level. For example, one officer may receive many allegations from a single complaint. If there are many allegations in a single complaint, then there are many dispositions for one complaint (one disposition for each allegation). Switching the unit of analysis accommodates the one-to-many relationship in the data (e.g., one complaint, many officers; one officer, many allegations; many allegations, many dispositions).

- b. *Data Coding.* The data were coded using the approach shown in Appendix A. On June 2, 2023, I conducted a 90-minute training session with Amanda Clark⁵ to review and instruct on the coding process. The data were coded by attorneys retained by plaintiff's counsel. On July 8, 2023, I randomly selected 20% of the cases from each

⁴ For example, CPD Form 44.112 (Rev. 3/84) is a relational form, where it captures the incident (identified by the CR#) and may list a single officer with many allegations and many dispositions.

⁵ Ms. Clark is an attorney who managed and supervised the coding process.

coder (n=36, rounded,⁶ table 4) to review and inspect for accuracy by matching the data set to the information contained in the CR file. Randomization was developed using the *Sampling* function in MS Excel in this manner:

- i. Separating each coder by name;
- ii. Arranging the CR numbers sequentially from smallest to largest;
- iii. Drawing a 20% random sample of CRs from each coder.

Table 4			
<i>Random Sample of Cases for Review</i>			
Random Sample			
Coder	n	%	20%
Abir	58	33.3	12
Alina	23	13.2	5
Issam	14	8.0	3
Spencer	79	45.4	16
Total	174	100.0	36

I did not observe any coding errors from the random CR file inspections.

c. *Methodology for Computing Percentage of Completed Investigative Activities in the CR Files.*

Completed investigative activities (table 16 and 17) were computed by: **1)** using the incident as the unit of analysis. There are 174 CR files; **2)** subtracting investigative activities that were not applicable (N/A);⁷ **3)** subtracting investigative activities that were unclear;⁸ **4)** the subtotal is completed investigative activities, minus investigative activities that were unclear, and minus investigative activities that were not applicable; and **5)** the percentage of completed investigative activities is the completed investigative activities divided by the subtotal (e.g., **victim contacted:** $174 - 9_{(n/a)} - 4_{(unclear)} = 161$; $95_{(yes)}/161 = 59\%$).

d. *Standard for Supervising Police Personnel.* Supervisors are a police department's most important asset for continually reinforcing evolving policies, procedures, goals, and objectives, and for ensuring that they are carried out properly. The primary responsibility for maintaining and reinforcing officer conformance with the Department's standards of conduct and operational procedures is lodged with first-

⁶ Random sample of CR numbers for each coder: **1) Abir (n=12)**, 290641, 1024008, 246800, 265893, 309282, 1049664, 306232, 295454, 290641, 290641, 1086174, 296428; **2) Alina (n=5)**, 251975, 314642, 294821, 1058489, 1044250; **3) Issam (n=3)**, 305648, 309372, 305723; **4) Spencer (n=16)**, 1026192, 263095, 1060620, 282935, 309756, 1053673, 268694, 1030009, 1026192, 313536, 270177, 268694, 263459, 313536, 301221, 1004698.

⁷ N/A=not applicable. Not applicable was applied to cases where the investigative task was not expected to occur.

⁸ Unclear means the CR includes reference to the investigative task, but the investigative task cannot be determined.

line supervisors. Supervisors are required to closely monitor and evaluate the general conduct and performance of all officers in their unit. Personnel evaluations must be the product of daily observation and close working relationships. Supervisors must remain attentive to any indications of behavioral, physical, or other problems that may affect an officer's job performance as well as any behaviors that may indicate conduct that is inconsistent with state and federal laws, as well as Department policy, procedures, and rules. When observed, any information of this type that is deemed relevant should be documented immediately. When problems are detected, a supervisor should recommend additional training, counseling, or other corrective action.

Of the discovery that I reviewed, there is nothing to indicate that the Chicago Police Department supervised the officers involved in Alvin Waddy's arrest by identifying and monitoring their behavior through either an electronic or paper-based system of agency records, despite the fact that they knew or should have known that complaints were accruing and then subsequently initiating and ensuring corrective action was taken. When complaints are generated, the Department's supervisory apparatus is activated to initiate and ensure the matter is investigated consistent with accepted standards and corrective action is taken.⁹ Police supervision exists at graduated levels distinguished by ranks¹⁰ with increasing responsibility to ensure personnel meet the legal, ethical and policy standards of the industry. As a matter of basic personnel management and human resource development, every police department in the United States has an obligation to monitor its employees' performance through its supervisors to ensure standards of workmanship, conduct, and output are maintained, that personnel are called to account, and that desired police objectives are achieved.

Police agencies recruit, select, and train officers to effectively serve the goals of the organization. Effective personnel management assumes that employee

⁹ Chicago Police Department General Order 93-3 Complaint and Disciplinary Procedures (effective January 15, 1993).

¹⁰ The Chicago Police Department's supervisory rank structure is: (1) Sergeant, (2) Lieutenant, (3) Captain, (4) Commander, Director, Coordinator, (5) Deputy Chief, (6) Chief, (7) Deputy Superintendent, (8) First Deputy Superintendent, and (9) Superintendent of Police (Chicago Police Department, Department Organization For Command, General Order G01-02, Effective, May 10, 2018. Retrieved on June 24, 2023 from <https://directives.crimeisdown.com/directives/data/a7a57be2-1291da66-88512-91e3-fb25744de048d4ef.html?commit=7d10e9f4e8ef6cf625d86b5078446faa3d4bc730>).

performance is assessed and evaluated on a regular basis, and that the organization collects and analyzes performance data relevant for that purpose. Complaint data is one element. For example, the Chicago Police Department maintains a tall organizational structure. Supervisors at every level are tasked with the responsibility to monitor personnel for compliance with industry standards.¹¹ This is reflected in the characteristics of the respective job class promulgated by the City of Chicago, Human Resources, Police Job Specifications:¹²

1. **Sergeant.** Responsible for:

- a. ...supervising subordinate personnel...
- b. Supervises subordinate personnel including...monitoring officer activity, providing guidance to officers on how to handle incidents, monitoring adherence to department policies and procedures, and ensuring that officers are carrying out assigned responsibilities;
- c. Performs various leadership and mentoring duties by observing and evaluating subordinate performance and, as appropriate, providing direction, regular feedback, counseling, and/or coaching to resolve performance problems and improve subordinate work performance;
- d. Observes subordinate behavior for signs of personal and/or wellness issues and suggests appropriate internal and external resources to address the issue(s);
- e. Receives, reviews, and investigates allegations of officer misconduct and prepares and submits related documentation up the chain-of-command as required by department policy;

¹¹ All supervisory members of Chicago Police Department "...are responsible and accountable for the maintenance of discipline and will provide leadership, supervision and continuing training and example to ensure the efficiency of unit operations. They have the responsibility to influence subordinate members and to motivate them to perform at a high level of efficiency. They have the responsibility for the performance of all subordinates placed under them and while they can delegate authority and functions to subordinates, they cannot delegate responsibility. They remain answerable and accountable for failures or inadequacies on the part of their subordinates (CPD Rules and Regulations, p. 9, Bates CITY18796). The CPD defines a "supervisory member" as "a member responsible for the performance of duty and the conduct of other members" (CPD Rules and Regulations, p. 12, Bates CITY18809).

¹² Retrieved on June 24, 2023, from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html.

- f. Complies with department rules, regulations, and policies and all Federal, State, and Municipal laws that govern the activities of Police Officers.¹³
- 2. **Lieutenant.** Responsible for:
 - a. Ensures that Sergeants are monitoring their officers' daily activities...;
 - b. Maintains an environment in which clear standards exist for acceptable behavior and performance and sets an exemplary personal example;
 - c. Complies with department rules, regulations, and policies and all Federal, State, and Municipal laws that govern the activities of Police Officers;¹⁴
- 3. **Captain.** Responsible for:
 - a. Serves as a final reviewer of citizen complaints and investigations of employee misconduct; recommends changes and highlights critical points before submission to the Commander;
 - b. Gathers and evaluates information from electronic systems directly and through reports prepared by staff to use in identifying issues; solving problems;
 - c. Provides direction, consultation, and guidance to staff to maintain staff performance, help them resolve unusual, sensitive, or complex problems; and ensure staff compliance with policies and procedures;
 - d. Conducts performance evaluations¹⁵ to document staff performance; reviews performance evaluations completed by subordinate supervisors to ensure that proper procedures are followed, and evaluation processes are conducted in a standardized manner;
 - e. Reviews citizen complaints and investigations of employee misconduct to ensure the integrity of complaint investigations;

¹³ City of Chicago Sergeant Class Title, Code 9171, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

¹⁴ City of Chicago Lieutenant Class Title, Code 9173, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

¹⁵ Chicago Police Sergeants are required, by policy, to submit semi-annual performance evaluations of their subordinates (CPD Special Order S03-03-01, Field Operations, Bates CITY BG 59166). All supervisors are required by CPD Rules and Regulations to "...evaluate members in their assigned duties" (Bates CITY 18796). A "supervisory member" is defined by CPD Rules and Regulations as "A member responsible for the performance of duty and the conduct of other Members" (Bates CITY 18809).

- f. Complies with department rules, regulations, and policies and all Federal, State, and Municipal laws that govern the activities of Police Officers.¹⁶
4. **Commander.** Responsible for:
- a. Reviews citizen complaints and investigations of employee misconduct to ensure the integrity of complaint investigations;
 - b. Directs research and analysis related to developing long-term plans regarding operations and developing policies and procedures to address current and potential new problems;
 - c. Assesses and reviews complex written information including policies and procedures, legislation, case law, etc. to evaluate operations, inform decisions, and determine compliance with policies, procedures, and legal mandates;
 - d. Reviews, assesses, and implements appropriate responses to issues based on data gathered through a variety of sources;
 - e. Provides direction, consultation, and guidance to staff to maintain staff performance, help them resolve unusual, sensitive, or complex problems; and ensure staff compliance with policies and procedures;
 - f. Conducts performance evaluations to document staff performance; reviews performance evaluations completed by subordinate supervisors to ensure that proper procedures are followed, and evaluation processes are conducted in a standardized manner;¹⁷
5. **Deputy Chief.** Responsible for:
- a. Complies with department rules, regulations, and policies and all Federal, State, and Municipal laws that govern the activities of Police Officers;
 - b. Direction and management of a major bureau or division within the Chicago Police Department (e.g.,...Internal Affairs...);

¹⁶ City of Chicago Captain Class Title, Code 9175, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

¹⁷ City of Chicago Commander Class Title, Code 9752, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html). The job specifications are consistent with the responsibilities described in CPD General Order 86-4, District Commanders (effective June 10, 1986).

- c. Demonstrated commitment to holding supervisory personnel accountable for the timely and effective execution of organizational policy by individuals under their command;¹⁸
- 6. **Chief.** Responsible for:
 - a. Complies with department rules, regulations, and policies and all Federal, State, and Municipal laws that govern the activities of Police Officers;
 - b. Demonstrated commitment to holding supervisory personnel accountable for the timely and effective execution of organizational policy by individuals under their command;¹⁹
- 7. **Deputy Superintendent.** Responsible for:
 - a. Manages CPD administrative functions such as Field Services, Records Inquiry, Performance Management, Training Division, and Professional Counseling;
 - b. Complies with department rules, regulations, and policies and all Federal, State, and Municipal laws that govern the activities of Police Officers;
 - c. Demonstrated commitment to holding supervisory personnel accountable for the timely and effective execution of organizational policy by individuals under their command;²⁰
- 8. **First Deputy Superintendent.** Responsible for:
 - a. Complies with department rules, regulations, and policies and all Federal, State, and Municipal laws that govern the activities of Police Officers;
 - b. Demonstrated commitment to holding supervisory personnel accountable for the timely and effective execution of organizational policy by individuals under their command;²¹
- 9. **Superintendent of Police.** Responsible for:

¹⁸ City of Chicago Deputy Chief Class Title, Code 9796, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

¹⁹ City of Chicago Chief Class Title, Code 9785, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

²⁰ City of Chicago Deputy Superintendent Class Title, Code 9782, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

²¹ City of Chicago First Deputy Superintendent Class Title, Code 9781, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

- a. The Superintendent of Police will plan, organize, staff, direct and control the personnel and resources of the Department to attain the goals and implement the regulations set forth herein;²²
- b. The Superintendent is charged with the responsibility and has the authority to maintain discipline within the department;²³
- c. Directs the organization, promotion, and disciplinary action of all department members;
- d. Complies with department rules, regulations, policies, and all Federal, State, and Municipal laws that govern the activities of Police Officers;
- e. Demonstrated commitment to holding supervisory personnel accountable for the timely and effective execution of organizational policy by individuals under their command.²⁴

The duties reflected in the job characteristics promulgated by the Chicago Police Department are intrinsic to supervision and have been ever since the ranks were established. The responsibilities exist to provide direction and control over personnel and to ensure personnel meet their legal and ethical obligations as they carry out their assigned duties. Although the means to achieve these ends may change over time (e.g., the advent of technology), the standards remain constant. Identifying problematic employees is necessary to protect citizens from police misconduct.

- e. *A Police Tactical Team that Deals with Narcotics Operations is a Corruption-Prone Assignment that Requires Additional Supervision.* Working in a tactical narcotics team is more prone to corruption compared to other assignments within a police department, regardless of the agency's size or location.²⁵ The tactics that must be used to enforce drug laws

²² Chicago Police Department Rules and Regulations, pp. 8-9, Bates BG59176-59177.

²³ Chicago Police Department Complaint and Disciplinary Procedures Policy, effective January 15, 1993, Bates BG-59013.

²⁴ City of Superintendent of Police Class Title, Code 9957, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

²⁵ The Chicago Commission Report found that the Chicago Police Department "...has embraced a comprehensive community policing strategy (featuring decentralized authority and greater discretion for officers) at a time when *a flourishing narcotics trade poses greater temptation and opportunity for corruption*" (Commission on Police Integrity. (November 1997). Report of the Commission on Police Integrity. Chicago, p. 22); also see: **1**) Stevens, D. J. (1999). Corruption among narcotic officers: A study of innocence and integrity. *Journal of Police and Criminal Psychology*, 14(2), 1-10; **2**) United

create an impetus toward dishonesty (e.g., undercover operations, surveillance locations, secrecy, search warrants; reverse sting operations). Police officers assigned to tactical narcotics enforcement are exposed to corruption hazards more frequently than other elements of the police department, which requires additional supervision.

For example:

- i. **Involvement with illicit drugs:** Working closely with narcotics exposes officers to the illegal drug trade. The presence of large quantities of drugs, drug proceeds (i.e., cash, vehicles, weapons), and interactions with drug traffickers leave officers vulnerable to bribery, theft, drug-related offenses (i.e., planting drugs; fabricating evidence; fabricating official reports; fabricating testimony under oath; selling drugs; conducting unlawful searches). There are considerable pressures involved in enforcing drug laws, such as long hours, difficulty with effective enforcement by the same officers over long periods of time, pressures toward corruption, and pressures for performance.
- ii. **Financial temptations:** The lucrative nature of the drug trade can make officers susceptible to financial temptations. The potential for significant financial gains from drug trafficking can lead to misconduct, including accepting bribes, protecting drug dealers (i.e., “street tax”²⁶), or engaging in drug-related activities themselves (e.g., selling drugs; selling guns; protecting drug operations).
- iii. **Limited oversight with an ethos of secrecy, loyalty and solidarity:** Narcotics investigations often involve plainclothes operations and sensitive

States General Accounting Office. (1998). *Law Enforcement: Information on Drug-related Police Corruption: Report to the Honorable Charles B. Rangel, House of Representatives*. Washington, D.C: USGAO; 3) Williams, J. R., Redlinger, L. J., & Manning, P. K. (1979). *Police narcotics control: Patterns and strategies*. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice (the researchers noted: “The potential for police corruption is high because the high profits and risks of illicit business, and the limited access to other forms of influence, make dealers and users focus their attention on the police agencies whom they attempt to bribe, influence, or control directly or indirectly, p. 5...In Southern City the vice section head reported to the deputy director heading the division who in turn reported to the police chief equivalent. One salient reason for a chief maintaining close contact with a vice group is a concern for reducing the risk of corruption. Vice enforcement is, as we argue above, vulnerable to corruptive practices,” p. 32).

²⁶ In police parlance, “street tax” is money collected by a police officer from a drug dealer to allow the dealer to continue selling drugs in a given area without the threat of arrest or enforcement. The Chicago Commission Report identified other cities across the United States that faced a cycle of police corruption related to narcotics enforcement including New York City, Miami, New Orleans, Philadelphia, Los Angeles and Detroit (Commission on Police Integrity. (November 1997). Report of the Commission on Police Integrity. Chicago, pp. 7-8).

intelligence. This often creates an environment with limited oversight, which provides opportunities for officers to engage in misconduct without detection. The secrecy surrounding investigations can also create an atmosphere where misconduct is more likely to occur. Since officers depend on each other,²⁷ secrecy and loyalty create a bond of silence. These characteristics not only promote police corruption, but impede efforts to control and detect it, which is why close supervision is so important.

- iv. **Managerial failures:** Various management-related factors associated with drug-related corruption include ineffective top-command (i.e., headquarters) and field supervision, failure by top police officials to promote integrity, and weaknesses in a police department's internal investigative structure and practices.
- v. **High-stress environment:** Narcotics enforcement is often highly demanding and stressful. Officers typically face intense pressure to produce results and effect arrests. This operating environment leaves officers prone to unethical or illegal practices to achieve their objectives.²⁸
- vi. **Cultivating confidential informants:** Working with confidential informants poses unique challenges since informants are human assets that require special care (compared to tangible assets such as physical equipment). Cultivating informants through the arrest process requires additional oversight that is not found in other assignments. Although informants can provide useful

²⁷ By way of example, Frank Serpico, NYPD, the center of the infamous *Knapp Commission Report of Police Corruption* (1973), was shot during a drug raid after his comrades allegedly failed to assist him during the entry. Detective Serpico was famous for not succumbing to the lucrative corruption that pervaded narcotics enforcement in New York City at that time. He was known for his ethical behavior, and for exposing widespread corruption in the NYPD at various levels.

²⁸ Williams, J. R., Redlinger, L. J., & Manning, P. K. (1979). *Police narcotics control: Patterns and strategies*. Department of Justice, Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice (regarding informants, the researchers noted: "In situations where money for informants is scarce and the pressures for enforcement necessitate the continued use of informants, there is a strain toward practices which are illegal and may lead to corruption. Furthermore, when raids produce possible resources in the form of drugs and money that can be used to pay informants and finance additional work, there can develop compromising situations. The lack of resources allocated become a major structural feature placing strains upon the officers caught in the situation. Asked to do a difficult task without proper resources, and then having the task produce resources that can be used presents an enormous temptation. At first the temptation is to utilize confiscated drugs to pay informants, but later can develop into much more serious forms of corruption especially when, the agents become cynical about the goals of enforcement. Then, agents may begin to utilize the confiscated evidence for their own purposes; yet one must realize that in some such situations, the structural feature beginning the process was the lack of resources allocated," p. 285).

information that police officers could not otherwise access, they may carry sinister motives. This is why police officers and supervisors must abide by policy, to safeguard against those motives.²⁹

Police departments with active tactical narcotics units must engage in various prevention practices, such as: **1)** making a commitment to integrity from the top to the bottom of the organization; **2)** changing the police culture to ensure secrecy and solidarity do not outweigh ethics; **3)** requiring command accountability (i.e., requiring a commitment to corruption control throughout the entire department, especially by field supervisors³⁰); **4)** raising the age and educational requirements for entry level and special assignments; **5)** implementing or improving integrity training at the recruit level; **6)** implementing or improving integrity training and accountability measures for career officers; **7)** periodic command rotation³¹ to eliminate stress, tension, and opportunity for corruption experienced by investigators; **8)** appropriate adequate resources to ensure the organization's goals can be achieved without shortcuts or compromises, which reduces strain and temptation. Police officers who act on their own accord (e.g., pressing arrestees into confidential informants) must be scrutinized, and their official reports must be subject to strenuous review to ensure their practices are within policy.

- f. *Chicago Police Department's Failure to Supervise the Officers Involved in Alvin Waddy's Arrest.* When the Chicago Police Department began to receive complaints against the officers involved in Alvin Waddy's arrest that they were engaged in adverse behavior (e.g., selling drugs, paying informants with drugs, stealing, fabricating evidence,³²

²⁹ Jones-Brown, D., & Shane, J. M. (2011). An exploratory study of the use of confidential informants in New Jersey. *Newark, NJ: American Civil Liberties Union of New Jersey*; Shane, J. (2016). *Confidential informants: A closer look at police policy*. London: Springer.

³⁰ Although the Chicago Police Department promulgated policies that define specific actions from field supervisors, and has developed a tall rank structure, there is nothing in the discovery that I reviewed to indicate that command accountability for corruption was prevalent during the instant case.

³¹ Command rotation is a managerial practice that has been advocated for several decades. The practice was first documented in 1970 by the International Association of Chiefs of Police (International Association of Chiefs of Police. (1970). *Standards for the Staffing and Organization of Municipal Narcotics and Dangerous Drug Enforcement Units*. Gaithersburg, MD: IACP).

³² The CPD was aware of repeated allegations of fabricating against the officers involved in Alvin Waddy's arrest. Knowing the complainants alleged that they had never handled the evidence, a reasonable investigative measure would have been to submit the evidence for forensic analysis (e.g., fingerprinting, DNA testing) to eliminate the complainant as an offender. If a complainant had handled the evidence, particularly over a longer period (such maintaining a "stash" and

unlawfully prosecuting individuals³³), the Department had an obligation to act and stop their conduct.³⁴ Given that the allegations were criminal, stronger supervisory measures such as targeted integrity testing³⁵ was warranted.³⁶

Integrity testing is a logical extension of an employer's right to evaluate employees' work performance and honesty. As an aspect of supervision, the intent behind integrity testing is to manage risk. Such a practice is aimed at testing the target's compliance or expected response against the actual observed response. Integrity testing is: **1)** used as an anti-corruption tool to identify and catch corrupt police officers; **2)** to create a more comprehensive corruption barometer by providing a limited measure of corruption within the Department; **3)** used to create an environment of supervisory omnipresence; and **4)** used to identify training needs and communicate these needs for appropriate follow up. Although the instant case was ripe for an integrity test,³⁷ the discovery materials indicate that any integrity

peeling off smaller quantities from larger quantities to serve customers), then forensic analysis may confirm or dispel the investigator's suspicions. This did not occur.

³³ For example, Clarissa Glenn made allegations against Sergeant Watts for fabricating evidence (CR # 309282, Bates CITY BG 012903 to 012927; also see CR # 313683 for a case of fabricating evidence. This matter took 406 days before it was completed). Chief Barbara West testified at deposition that one complaint against Sergeant Watts occurred in April 2008, it was subsequently assigned to Joseph Barnes in September 2009, and then assigned to Sergeant Chester in June 2013. This is evidence of a continuing pattern after Sergeant Watts was arrested. There is no explanation in discovery for the investigative delay (West deposition, 91: 23-24; 92-93: 2).

³⁴ Calvin Holiday testified at deposition that if multiple investigations were open against a CPD employee, then the investigations may have been assigned to different investigators with each not necessarily aware that separate investigations were underway (Holiday deposition, 51: 6-25; 52-53: 4). This reflects a management failure that implicates duplication of effort, consistency and fairness, and strengthening the investigative process. Situational awareness allows for a more comprehensive analysis of the evidence, and a more robust investigation overall. The input and feedback from multiple investigators can help strengthen the case, identify any potential weaknesses or biases, and increase the chances of arriving at a just and accurate conclusion.

³⁵ Integrity testing is a term used to describe various covert conditions intended to assess a police officer's ability to avoid tempting counterproductive behavior and comply with the requirements of the position. Calvin Holiday testified at deposition that integrity testing was discussed in the instant case, but there is nothing in the discovery that I reviewed to indicate that it was ever executed to stop the officers involved in the instant case (Holiday deposition, 91: 23-25; 92-94: 1).

³⁶ Although the FBI eventually investigated the defendant officers, the CPD did not act swiftly enough when they had information that the defendant officers were committing crimes. The CPD allowed the defendant officers to continue in their role for several years, harming individuals at the Ida B. Wells housing development (see affidavit of Pete Koconis;

[REDACTED]

³⁷ [REDACTED]

[REDACTED] This is precisely the type of condition that requires an integrity test. However, the evidence in discovery indicates the CPD was slow to consider integrity testing, which would have developed evidence suitable for prosecution.

testing effort was insufficient. The discovery materials also indicate that the Chicago Police Department failed initiate and ensure other supervisory methods to eliminate the officers' unlawful enforcement action. Failing to take supervisors actions would lead reasonable officers to believe that the city condoned their conduct...]

1. **Regular performance evaluations.** Performance evaluations are an instrument for determining individual strengths and weaknesses across a spectrum of performance dimensions related to an employee's specific function. They can also detect emerging problems. By job description, Chicago police captains, and police commanders are required to conduct "performance evaluations to document staff performance; review performance evaluations completed by subordinate supervisors to ensure that proper procedures are followed, and evaluation processes are conducted in a standardized manner." Of the discovery that I reviewed, there is nothing to indicate that any Chicago police captain or commander submitted any performance evaluations for officers involved in Alvin Waddy's arrest in the instant case.
2. **Early intervention systems.** Early intervention systems³⁸ are intended as incident-driven systems, not outcome-driven systems. This means despite the outcome of any internal investigation, or whether someone files a complaint, the incident is the driving factor, not the outcome, for taking personnel action before negative discipline becomes necessary. When personnel complaints arise, it is

³⁸ An early warning system, either electronic or paper-based is intended to assist supervisors and managers in identifying employees whose performance warrants review and, where appropriate, outlining intervention procedures in circumstances where the employee's behavior may have negative consequences for the employee, coworkers, the agency, and/or the public. Early warning systems serve to improve employee health, promote community-police relations, encourage positive behavior, and reduce public complaints. These systems also assist the employee in reaching their full potential by using data to identify performance trends worthy of review and enhance supervision.

³⁸ Identifying and addressing patterns of complaints against police officers has been an element of police personnel management and academic research since the early 1970s (see for example: A.E. Wagner. **1972**. "Patterns in Police Misconduct - Citizen Complaints Against The Police." UMI Dissertation service. Ann Arbor, MI—correlational techniques were used to compare the relationships between the individuals and their milieu. Findings indicate that police officers accused of misconduct are seldom disciplined since few cases are substantiated and rarely differ from any other officer; Toch, H. J., Grant, D., & Galvin, R. T. (1975). *Agents of change*. New York: John Wiley—developed a program in which Oakland, California, police officers with records of use-of-force incidents were counseled by peer officers; Milton, Catherine. H., Jeanne W. Halleck, James Lardner, and Gary L. Albrecht. (1977). "Police use of deadly force." Washington, DC: National Police Foundation—examined use of force complaints; Porter, B. (1984). *The Miami riot of 1980*. Lexington, MA: Lexington Books and U.S. Commission on Civil Rights. (1984). *Confronting racial isolation in Miami*. Washington, DC: Government Printing Office—The Miami Police Department became concerned with its officers' behavior that generated citizen complaints in 1979 in response to a major police-community relations crisis (the study period was 1976 to 1978).

incumbent upon supervisors and managers to initiate and ensure action is taken to address the complaints, especially when a pattern of complaints and allegations accrues, notwithstanding the outcome of any investigation. Although the officers involved in Alvin Waddy's arrest accrued several complaints during the relevant period of the discovery that I reviewed, there is nothing to indicate that the Chicago Police Department acted on the data to disrupt the pattern.

3. **Transfer to a non-enforcement assignment.** Transferring a police officer from an enforcement position to an administrative position when personnel complaints accrue, or when criminal allegations are reported is a common practice. Doing so removes the officer from contact with the public and eliminates their enforcement capacity, thus eliminating the opportunity to cause harm. Of the discovery that I reviewed, there is nothing to indicate that the Chicago Police Department transferred any of the officers involved in Alvin Waddy's arrest to an administrative position in the instant case.
4. **Dissolving the unit in which the officers involved in Alvin Waddy's arrest were assigned.**³⁹ Although a specialized tactical narcotics division may be useful, if it causes more harm than good, then it should be dissolved. It is evident from the discovery materials that a culture⁴⁰ of supervisory indolence and abrogation

³⁹ As one example in Chicago, the Police Department dissolved the Special Operations Section after several incidents of misconduct were reported (David Heinzmann & Emma Graves Fitzsimmons, October 10, 2007, "Cops disband elite unit," *Chicago Tribune*). The Los Angeles Police Department dissolved the Rampart CRASH unit (an anti-gang unit) on March 3, 2000 following a corruption scandal that began around March 1997 (see PBS Frontline, LAPD Blues. Retrieved on June 24, 2023 from <https://www.pbs.org/wgbh/pages/frontline/shows/lapd/scandal/cron.html>). The NYPD dissolved the Street Crime Unit after the unit was involved in some of the city's most notorious police shootings (see Ali Watkins, June 15, 2020, "N.Y.P.D. Disbands Plainclothes Units Involved in Many Shootings," *New York Times*. Retrieved on June 24, 2023 from <https://www.nytimes.com/2020/06/15/nyregion/nypd-plainclothes-cops.html>).

⁴⁰ Daniel Echeverria testified at deposition that he was often referred to as a "rat" or "rat motherfucker" by his supervisor Lieutenant Pascua (Echeverria deposition, 95: 15-18), and that Sergeant Janice Barney was also prone to insulting personnel in the Inspections Unit 126 (Echeverria deposition, 106: 10-24; 107: 1). Mr. Echeverria also testified at deposition that Commander O'Grady informed Echeverria and Spaulding's Fugitive Apprehension Division supervisors that they were "rats" and should be "treated accordingly" (Echeverria deposition, 152: 19-24; 153: 1-11; 154: 21-24; 155: 3). This culture of labeling and stigmatizing individuals who report misconduct as "rats" is detrimental to police accountability and the Department's overall integrity, does not engender positive interpersonal relations, and is contrary to all CPD supervisors' responsibilities to motivate employees as defined by CPD Rules and Regulations (CPD Rules and Regulations, p. 9, Bates CITY18796. The CPD defines a "supervisory member" as "a member responsible for the performance of duty and the conduct of other members," CPD Rules and Regulations, p. 12, Bates CITY18809). In a similar case (see *Klipfel & Casali v. Gonzalez et al.*, 2006.), CPD Officer Joseph Miedzianowski "...told other CPD gang crimes officers not to work with ATF, and especially not to work with Klipfel because she was a rat and may be wearing a wire" (p. 3). This same cultural behavior existed in 1993 involving CPD Officer Miedzianowski, long before Echeverria encountered it in his work unit. Chicago Mayor Rahm Emanuel also addressed the negative culture in CPD speaking about the Laquan McDonald police shooting (October 20, 2014): "We need a painful but honest reckoning of what went

of responsibility were pervasive in the tactical narcotics team to which the defendants were assigned. Conduct by the officers involved in Alvin Waddy's arrest persisted for several years. This is an indication that despite being aware of the allegations through years of citizen complaints, successive levels of supervision ignored those complaints, and allowed the officers to continue in

wrong, not just in this one instance but over decades. We need to talk about what to do differently to ensure that incidents like this do not happen again; about the police culture that allows it and enables it...Supervision and leadership in the police department and the oversight agencies that were in place failed...Nothing less than complete and total reform of the system and the culture that it breeds will meet the standard we have set for ourselves as a city" (American Rhetoric, Rahm Emanuel, Chicago City Council Address, December 9, 2015. Retrieved on July 8, 2023, from <https://www.americanrhetoric.com/speeches/rahmemanuelcitycouncil9december2015.htm>).

There is relationship between police culture and police corruption, which holds across international settings. See for example: **1)** Campbell, J. L., & Göritz, A. S. (2014). Culture corrupts! A qualitative study of organizational culture in corrupt organizations. *Journal of Business Ethics*, 120(3), 291-311 (the research found that corrupt organizations perceive themselves to fight in a war, which leads to their taken-for-granted assumption that 'the end justifies the means.' This assumption inspires many values and norms of the organizational culture. An important value in a corrupt organization is "security", and an important norm is punishment of deviant (i.e., non-corrupt) behavior"); **2)** Amagnya, M. A. (2023). Police officers' support for corruption: examining the impact of police culture. *Policing: An International Journal*, 46(1), 84-99 (the study of Ghanaian police officers found that "the perception of corruption prevalence, lack of deterrence (i.e., perceived oversight measures) and the Upper East Region significantly predicted officers' support for corruption. Particularly, lack of deterrence was a consistent predictor of support for corruption across different models compared to corruption prevalence"); **3)** Mink, O. G., Dietz, A. S., & Mink, J. (2000). Changing a police culture of corruption: Implications for the police psychologist. *Journal of Police and Criminal Psychology*, 15(2), 21-29 (the study found that "to the extent that relationships are embedded in a culture of corruption and meta-pathologies such as dishonesty, an officer's sense of well-being will forever fall short of achieving wholeness and less than optimum performance will be achieved. As the culture continues to become increasingly more toxic, the individual's performance will continue to decline"); **4)** Hagedorn, J., Kmiecik, B., Simpson, D., Gradel, T. J., Zmuda, M. M., Sterrett, D., ... & Chebat, T. (2013). Crime, Corruption and Cover-ups. Anti-Corruption Report Number 7. University of Illinois at Chicago Department of Political Science (the study found "The "blue code of silence," while difficult to prove, is an integral part of the department's culture and it exacerbates the corruption problems [and] The listing in our report of the 295 convicted police officers and their illegal activities demonstrate that corruption in Chicago Police Department is not confined to a few isolated cases. While people can debate whether the CPD has a culture that promotes corruption, the findings clearly show that the CPD has at the very least a culture that tolerates police misconduct and corruption"); **5)** Garduno, L. S. (2019). Explaining police corruption among Mexican police officers through a social learning perspective. *Deviant behavior*, 40(5), 602-620 (the research examined the causes of corruption among Mexican police officers and found that positive definitions and reinforcement towards corruption are significant predictors of police corruption, and partially mediate the effect of job dissatisfaction on corruption).

Although police culture may be positive (i.e., support for integrity), negative culture (i.e., one that tends to ignore corruption) is a key factor associated with drug-related police corruption. The cultural disposition supporting drug-related corruption includes: **1)** a code of silence with grave consequences for those violating it; **2)** loyalty to other officers above all else, including personal integrity; **3)** cynicism or disillusionment about the job, the criminal justice system, and public support for those who performed properly; and **4)** indoctrination on the job as to what is acceptable behavior—for example, ignoring corruption. These cultural expectations facilitate corruption by **1)** setting the standard that nothing was more important than the loyalty of officers to each other (e.g., not stopping even the most serious forms of corruption; and **2)** thwarting efforts to control corruption, thereby leading officers to cover up for other officers' crimes (see Caldero, M. A., & Crank, J. P. (2010). *Police ethics: The corruption of noble cause*. Routledge; Goldschmidt, J., & Anonymous. (2008). The necessity of dishonesty: police deviance, 'making the case' and the public good. *Policing & Society*, 18(2), 113-135.).

their assignment. With so many successive layers of supervision, and so many accumulated complaints, the tactical narcotics team continued to operate unfettered. The tacit message to supervisors and officers engaged in tactical operations was continue doing what you are doing, because what you are doing is good.⁴¹ There is no need to change. When adverse behaviors are not addressed promptly and effectively, they can be taken for granted, perpetuated, and eventually normalized within the department; this is commonly known as normalized deviance, and has been the focus of police corruption research for several decades.⁴² Police officers may come to accept such actions as part of the culture, making it challenging to report misconduct when they are exposed to it. This is tantamount to managerial indifference, including an abrogation of the Superintendent's responsibility to direct the organization.⁴³

Candor and honesty are intrinsic to police operations.⁴⁴ Veracity promotes pro-social behavior so that social order and mutual trust are preserved. The job specifications for the Chicago police rank structure are replete with supervisory functions that require successive ranks to monitor subordinate personnel for compliance with agency policy. Police policy exists to provide clear guidelines, rules, and procedures that govern the actions and conduct of police officers. These policies are designed to ensure that individual police officers and law enforcement agencies

⁴¹ For example, Sgt. Watts apparently made statements that he had little to concern himself with from the Office of Professional Standards (OPS). One complainant (Pamela Nooner) gave a statement to OPS that when she threatened to call OPS about Watts and his unlawful search, Watts replied "Fuck OPS, they aint going to do shit. Don't you see I keep beating my cases" (Bates CITY BG 12064, CR # 305849). This indicates that a reasonable officer in Watts' position would believe that the CPD condoned his behavior.

⁴² See: **1)** Barker, T. (1977). Peer group support for police occupational deviance. *Criminology*, 15(3), 353-366 (the research examines the way the opportunity structure and socialization practices within the occupation combine with peer group support to create a social situation where certain corrupt acts are tolerated and accepted); **2)** Ashforth, B. E., & Anand, V. (2003). The normalization of corruption in organizations. *Research in Organizational Behavior*, 25, 1-52 (the research explains how otherwise morally upright individuals can routinely engage in corruption without experiencing conflict, how corruption can persist despite the turnover of its initial practitioners, how seemingly rational organizations can engage in suicidal corruption and how an emphasis on the individual as evildoer misses the point that systems and individuals are mutually reinforcing).

⁴³ See City of Chicago Superintendent of Police Class Title, Code 9957, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

⁴⁴ The Cook County State's Attorney's Office promulgated a list of CPD Brady/Giglio officers that they cannot call to testify because of their dishonesty (updated July 17, 2023) (Bates PL JOINT 82730-82734).

operate efficiently, fairly, and in compliance with the law while maintaining the safety and security of the public. Policies serve several important functions:

1. **Regulation and Consistency.** Police policies establish a framework for consistent and standardized practices within the Department. They define the roles and responsibilities for personnel and outline the appropriate procedures for various situations (e.g., use of force, supervision, conducting investigations).
2. **Legal Compliance.** Police policies are designed to ensure that officers comply with federal, state, and local laws, as well as court rulings. By adhering to these policies, police departments aim to reduce the risk of legal challenges and civil rights violations.
3. **Transparency and Accountability.** Well defined policies enhances the transparency of law enforcement practices. The public and oversight bodies can use these policies to understand how the Department operates and holds officers accountable for their actions.
4. **Training and Professional Development.** Policies provide a basis for training and professional development. Officers are educated on how to handle specific situations, utilize equipment, and interact with individuals they encounter while on duty.
5. **Preserving Public Trust.** Clear policies contribute to building and maintaining public trust in law enforcement. When officers act according to established policies, and practices it promotes a sense of fairness, accountability, and legitimacy in the eyes of the community.
6. **Internal Management and Discipline.** Police policies provide a basis for internal management, supervision, and discipline within the department. Policy violations can lead to internal investigations and disciplinary actions.

A promulgated policy is only effective when it is consistently and appropriately enforced by supervisors within the agency. Enforcement by supervisors is a crucial step to ensuring that policies are followed, and that officers' actions align with the department's standards and values.

g. *Chicago Police Department's Long-Term Notice of Poor Management and Disciplinary Practices.*

The Chicago Police Department has history of corruption, and both the City and Police Department have been aware of these problems for decades.⁴⁵ The personnel complaint function was originally administered by CPD internal affairs. However, the 1972 Metcalfe Report found that internal affairs "...complaints from citizens of abusive conduct by police are almost universally rejected by the Police Department's self-investigation system" (p. 32).⁴⁶ By 1974, the City developed the Office of Professional Standards (OPS). This body was intended as an independent police oversight agency tasked with investigating citizen complaints. However, it was soon evident that OPS had direct ties to CPD, the Chief Administrator was appointed by the Mayor and worked under the Police Superintendent. The OPS conducted "sloppy investigations," and they were "vulnerable to pressure by the police union."⁴⁷

The OPS continued until 2007 when it was dissolved and replaced by the Independent Police Review Authority (IPRA). Other than changing its name, the discovery materials that I reviewed to suggest that IPRA was substantively different from OPS. For example, IPRA's Chief Administrator was also appointed by the Mayor and it "inherited the exact same staff (from OPS) that was inadequate, and had a culture of protecting the police."⁴⁸ IPRA's failure began to publicly manifest around 2015 following the police-involved shooting death of Laquan McDonald. At

⁴⁵ See: **1)** Commission on Police Integrity. (November 1997). Report of the Commission on Police Integrity. Chicago, IL, p. 9, for a chronology of significant cases between 1960 and 1997; **2)** Police Accountability Task Force Report. (April 2016). Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve, pp. 23-24, for a discussion of previous corruption task forces (Bates BAKER GLENN 6794-6983); **3)** Futterman, C. B., Mather, H. M., & Miles, M. (2007). The Use of Statistical Evidence to Address Police Supervisory and Disciplinary Practices: The Chicago Police Department's Broken System. *DePaul Journal for Social Justice*, 1, 251-329 (documenting a litany of police corruption cases, and the CPD's internal disciplinary data that reveal a substandard accountability system).

⁴⁶ A Report and Recommendations Based on Hearings Before the Blue Ribbon Panel convened by the Honorable Ralph H. Metcalfe. (1972). Misuse of Police Authority in Chicago. The findings from the Metcalfe Report in 1972 that CPD "almost universally rejected by the Police Department's self-investigation system" is consistent with the data in the instant case on the same issue. The data in the instant case reveal that 97.9% of external allegations against CPD officers were not sustained (a disposition similar to "universally rejected") (see table 14).

⁴⁷ Shielded from Justice: Police Brutality and Accountability in the United States. Chicago: Office of Professional Standards. Retrieved on July 7, 2023 from <https://www.hrw.org/legacy/reports98/police/uspo55.htm>. The report also found a disciplinary system fraught with long investigative delays, credibility issues with OPS staff, and rude staff, all of which contribute to a system that did not prioritize the complainant. The notion that OPS conducted "sloppy investigations" is similar to what the data in the instant case reveal. Many investigations were incomplete and missing essential elements that rendered them unreliable (see tables 16 and 17).

⁴⁸ Cabaniss, W. (October 13, 2015). The Origins of IPRA. *South Side Weekly*. Retrieved on July 7, 2023, from <https://southsideweekly.com/the-origins-of-ipra/>.

that time, Mayor Rahm Emanuel assembled the Police Accountability Task Force (PATF) to investigate the problems inside CPD, and soon IPRA's failures were evident. The Task Force found that IPRA was "under-resourced, lack[ed] true independence" and was "not held accountable for their work." Also, IPRA had not investigated "40% of complaints filed,"⁴⁹ and its "disciplinary recommendations" were "reduced or eliminated...in 73% of cases."⁵⁰ IPRA held a bias in favor of the police.⁵¹

Whether OPS, and IPRA, the institutional responses have been lackluster, nothing more than current practices repackaged under a new name, with reform recommendations going unanswered.⁵² For example, the 2016 Police Accountability Task Force Report noted:

The fact of the matter is that there is a general absence of a culture of accountability within CPD, largely because no one in top leadership has taken ownership of the issue. Although so-called "problem officers" are either well known to their supervisors and CPD's leadership or easily identified, few steps are being taken to proactively manage and redirect those officers' conduct. The effective tools for providing greater oversight and supervision to officers are well known and widely used in other jurisdictions. There appears to be no urgency within CPD around accountability. Something must change, and that change must come from the highest levels of CPD.

CPD's efforts to actively monitor and improve officer behavior appear to be at a standstill, but the problem is not new. CPD's history is replete with examples of wayward officers whose bad behavior or propensity for bad behavior could have been identified much earlier if anyone had viewed managing this risk as a business imperative (p. 96, Bates BAKER GLENN 6895).

But, despite [Officer Jerome Finnigan's] outward appearances, red flags were piling up long before 2006. Between 2000 and the time he was indicted in 2006 and ultimately resigned in 2008, Finnigan racked up 89 CRs. Over the

⁴⁹ The data in the instant case bear some similarity to this finding. There are 14 CR files that bear the "not investigated" disposition (CR numbers 300778, 1004698, 1008321, 1013134, 1014553, 1055288, 1056042, 1058489, 1058852, 1059446, 1060620, 1082599, 1091128, 1091138).

⁵⁰ Police Accountability Task Force Report. (April 2016). Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve, pp. 11-12.

⁵¹ The data in the instant case bear some similarity to this finding. Tables 14 and 15 reveal bias in favor of the police, where the overwhelming majority of external allegations against the officers were not sustained.

⁵² Concerning recommendations for reform from the Commission on Police Integrity, (November 1997), the Police Accountability Task Force Report (April 2016) notes "Unfortunately, other recommendations were not addressed and still need attention" (p. 24, Bates BAKER GLENN 6823). After 19 years, the City still failed to implement certain police reforms.

entire course of his career, he had 161 total CRs—a shocking number by any standard. These CRs were for a range of serious complaints, including numerous lawsuits; numerous warrantless, non-consensual searches; theft; and other felony crimes. And yet, according to CPD records provided by the City, no effort was ever taken to enroll Finnigan in the department’s formal intervention programs or otherwise intercede in his obvious pattern of misconduct (Finnigan was later identified in CPD’s manual efforts to identify and enroll more officers in the department’s formal intervention programs—discussed in more detail below—but, by that point, Finnigan had already been indicted.) (p. 97, Bates BAKER GLENN 6896).

In 2005, another CPD officer, Corey Flagg, was arrested for his part in a ring of five Englewood officers who used traffic stops and home invasions to rob drug dealers. Flagg pled guilty to conspiracy to distribute cocaine and marijuana, as well as possession of a firearm in a drug trafficking crime, and was sentenced to nearly 10 years in prison. Flagg’s record also raised numerous red flags. As with Finnigan, Flagg incurred large numbers of CRs during his tenure at CPD—88 in total—and received a number of lengthy suspensions. (Unlike Finnigan, Flagg was enrolled in the department’s behavioral intervention program in 2003.) (p. 97, Bates BAKER GLENN 6896).

Some might argue that Finnigan’s and Flagg’s criminal conduct is aberrational. It is not. Police corruption cases in Chicago may not be commonplace, but neither are they rare occurrences. Former CPD Gang Crimes Officer Joseph Miedzianowski (sentenced to life imprisonment for racketeering, drug conspiracy and robbery), former CPD Chief of Detectives William Harnhardt (pled guilty to racketeering and conspiracy) and former CPD Narcotics Officer Glenn Lewellen (guilty of narcotics conspiracy) are but three of the most notorious instances of police corruption in recent memory. But there have been others, and it is clear that some portion of the Chicago police force still is not meeting their professional and legal obligations (p. 97, Bates BAKER GLENN 6896).

Another example of poor CPD management is one case of “two places at once” arrest reports identified by COPA (Bates 68062 to 68094). In this one case police supervisors knew or should have known that tactical narcotics officers submitted fictitious reports of arrests involving Mr. Ben Baker and Ms. Clarissa Glenn. The officers reported being in two places at the same time. Despite the discrepancy in the arrest reports, the CPD did not notice and reconcile the fictitious information at the time they were submitted consistent with a supervisor’s obligations.

h. *Chicago Police Department's Failure to Adequately Address Complaints Against Personnel.* The Chicago Police Department was aware that the officers involved in Alvin Waddy's arrest (Sergeant Ronald Watts, Kallatt Mohammed, Elsworth J. Smith, Jr., Robert Gonzalez, Manuel Leano, Douglas Nichols, Alvin Jones, Brian Bolton, Lamonica Lewis) were accruing personnel complaints that emanated from their work as Chicago Police Officers.

1. **Complaints Against Personnel.** The personnel complaint data is described as follows: The data range is 25 years, from 1994 to 2018 (table 5, based on the date of the incident) consisting of 1,058 allegations and 9 unique allegation categories (table 6).

Table 5		
<i>Complaints by Year</i>		
Year	n	%
1994	2	1.1%
1995	1	0.6%
1996	1	0.6%
1997	3	1.7%
1998	3	1.7%
1999	9	5.2%
2000	9	5.2%
2001	14	8.0%
2002	9	5.2%
2003	10	5.7%
2004	18	10.3%
2005	16	9.2%
2006	13	7.5%
2007	14	8.0%
2008	8	4.6%
2009	14	8.0%
2010	4	2.3%
2011	7	4.0%
2012	7	4.0%
2013	4	2.3%
2014	1	0.6%
2015	2	1.1%
2016	1	0.6%
2017	2	1.1%
2018	1	0.6%
(blank) ⁵³	1	0.6%
Total	174	100.0%

⁵³ CR270177 did not report the Date of Incident.

Table 6		
<i>Allegations by Category</i>		
Allegations	n	%
Excessive Force	300	28.4%
Unlawful Search, Entry, or Arrest	239	22.6%
Demeanor	221	20.9%
Operation or Personnel Violations	100	9.5%
Fabricated Evidence and Integrity Violations (inculpatory)	95	9.0%
Theft / Improper Inventory Procedure	50	4.7%
Property Damage	37	3.5%
Domestic Violence	11	1.0%
Integrity Violations - Non-Inculpatory	5	0.5%
Total	1,058	100.0%

Table 7 presents allegations before April 4, 2007 based on the date the complaint was initiated.

Table 7	
<i>Allegations by Category Before April 4, 2007 Based on Date Complaint Was Initiated</i>	
Allegation Categories	n
Excessive Force	205
Demeanor	149
Unlawful Search, Entry, or Arrest	87
Operation or Personnel Violations	57
Theft / Improper Inventory Procedure	32
Fabricated Evidence and Integrity Violations (inculpatory)	27
Property Damage	17
Domestic Violence	9
Integrity Violations - Non-Inculpatory	3
Total	586

2. **Pareto Analysis.** The Pareto Principle (also known as the 80-20 Rule) is a principle of analysis that indicates certain types of events are highly concentrated among particular people, places and things (in the instant case, complaints against Chicago police officers). This kind of concentration is not peculiar to complaints against police officers, but is almost a universal law. For example, a small portion of the population holds most of the wealth. As applied to police personnel complaints, the principle is useful to determine where complaints are concentrated so police supervisors and managers can focus resources and limit their efforts to those complaints that will that yield the greatest preventive benefits.

Table 8 shows the allegation categories based on frequency. Excessive force and unlawful search, entry or arrest are criminal allegations and should be treated with the utmost preventive action by CPD. There was a clear pattern of allegations arising over the analysis period, most of which dealt with a physical confrontation (e.g., excessive force), actions that affect legitimacy and community perception (demeanor), Fourth Amendment violations (unlawful entry, search, or arrest) and truthfulness (fabricated evidence and integrity violations (inculpatory)). The allegations that affect legitimacy are contrary to the duties listed in the job specifications for every rank in the Chicago Police Department, which is to promote positive community relations. Had the Superintendent of Police and the command staff prioritized the effort to address the most common allegations—consistent with their job specifications—then they would have been able to intervene and stop the defendants’ adverse behavior sooner than their arrest through a personnel improvement plan. This is why supervisors at every level in the CPD are tasked with the responsibility to monitor personnel for compliance with industry standards.

Table 8*Pareto Analysis of Allegations*

Allegation Categories	n	%	Cum. %	Cum. % of Categories
Excessive Force	300	28.4%	28.36%	11.1%
Unlawful Search, Entry, or Arrest	239	22.6%	50.95%	22.2%
Demeanor	221	20.9%	71.83%	33.3%
Operation or Personnel Violations	100	9.5%	81.29%	44.4%
Fabricated Evidence and Integrity Violations (inculpatory)	95	9.0%	90.26%	55.6%
Theft / Improper Inventory Procedure	50	4.7%	94.99%	66.7%
Property Damage	37	3.5%	98.49%	77.8%
Domestic Violence	11	1.0%	99.53%	88.9%
Integrity Violations - Non-Inculpatory	5	0.5%	100.00%	100.0%
Total	1,058	100.0%		

Table 9 presents the same analysis using allegations before April 4, 2007 based on the date the complaint was initiated.

Table 9*Pareto Analysis of Allegations Before April 4, 2007 Based on Date the Complaint Was Initiated*

Allegation Categories	n	%	Cum. %	Cum. % of Categories
Excessive Force	205	35%	35%	11.1%
Demeanor	149	25%	60%	22.2%
Unlawful Search, Entry, or Arrest	87	15%	75%	33.3%
Operation or Personnel Violations	57	10%	85%	44.4%
Theft / Improper Inventory Procedure	32	5%	90%	55.6%
Fabricated Evidence and Integrity Violations (inculpatory)	27	5%	95%	66.7%
Property Damage	17	3%	98%	77.8%
Domestic Violence	9	2%	99%	88.9%
Integrity Violations - Non-Inculpatory	3	1%	100%	100.0%
Total	586	100%		

3. *Internal and External Allegations by Source.* There were 1,058 allegations (table 10). Of those, 93% were from external sources (n=981) and 7% were from internal sources (n=76). Table 11 presents allegations by source before April 4, 2007 based on the date the complaint was initiated.

Table 10*Allegations by Source*

Allegations	Source			Total
	External	Internal	(blank)	
Demeanor	221			221
Domestic Violence	11			11
Excessive Force	299		1	300
Fabricated Evidence and Integrity Violations (inculpatory)	76	19		95
Integrity Violations - Non-Inculpatory	3	2		5
Operation or Personnel Violations	71	29		100
Property Damage	37			37
Theft / Improper Inventory Procedure	44	6		50
Unlawful Search, Entry, or Arrest	219	20		239
Total	981	76	1	1,058

Table 11*Allegations By Source Before April 4, 2007 Based On The Date The Complaint Was Initiated*

Allegations	Source		
	External	Internal	Total
Excessive Force	205		205
Demeanor	149		149
Unlawful Search, Entry, or Arrest	87		87
Operation or Personnel Violations	36	21	57
Theft / Improper Inventory Procedure	28	4	32
Fabricated Evidence and Integrity Violations (inculpatory)	27		27
Property Damage	17		17
Domestic Violence	9		9
Integrity Violations - Non-Inculpatory	2	1	3
Total	560	26	586

4. **Allegations by Disposition.** Table 12 shows allegations by the disposition. Of the total allegations,⁵⁴ 5.8% were sustained, the remainder were not sustained (94.2%). Of those that were potentially criminal (indicated by the shaded cells), one allegation for excessive force was sustained (0.09%), 19 allegations of fabricated evidence were sustained (1.8%), two allegations for theft were sustained (0.19%), and three allegations of unlawful search were sustained (0.29%).

Table 12
Allegations by Disposition

Allegations	Exonerated	None (not investigated)	Not Sustained	Other	Unfounded	(blank)	Sustained	Total
Demeanor	3	6	140	2	56	2	12	221
Domestic Violence			9		2			11
Excessive Force	14	14	156	3	110	2	1	300
Fabricated Evidence and Integrity Violations (inculpatory)		15	7	1	31	22	19	95
Integrity Violations - Non-Inculpatory			5					5
Operation or Personnel Violations	3	6	30	5	29	5	22	100
Property Damage			11		26			37
Theft / Improper Inventory Procedure		2	24	1	16	5	2	50
Unlawful Search, Entry, or Arrest	4	61	73	19	72	7	3	239
Total	24	104	455	31	342	43	59	1,058

Table 13 presents the same data using allegations before April 4, 2007 based on the date the complaint was initiated.⁵⁵ The vast majority of sustained findings were for relatively minor allegations (i.e., demeanor) or a vague personnel category (i.e., operation or personnel violations) compared to criminal allegations (i.e., excessive force, domestic violence, fabricated evidence, and integrity violations (inculpatory), theft, or unlawful search, entry, or arrest).

⁵⁴ Missing data (n=43) were removed from the calculations. The total is 1,015 instead of 1,058.

⁵⁵ Four dispositions were missing, two from CR 306232 and two from CR 291693.

Table 13*Allegations by Disposition Before April 4, 2007 Based on Date the Complaint Was Initiated*

Allegations	Exonerated	None (not investigated)	Not Sustained	Unfounded	(blank)	Sustained	Total
Demeanor			107	28	2	12	147
Domestic Violence			9				9
Excessive Force	9		129	64	2	1	203
Fabricated Evidence and Integrity Violations (inculpatory)			7	20			27
Integrity Violations - Non-Inculpatory			3				3
Operation or Personnel Violations	2		27	14		14	57
Property Damage			10	7			17
Theft / Improper Inventory Procedure		2	22	8			32
Unlawful Search, Entry, or Arrest	1		63	22		1	87
Total	12	2	377	163	4	28	586

Table 14 shows the likelihood of sustaining an allegation based on the source (internal or external), and tests for relationship between these variables using the chi-square test of independence.⁵⁶ If an allegation was generated from an internal source (n=76), then the CPD sustained the allegation 51% of the time (n=39), which is higher than expected.⁵⁷ However, if the allegation was generated from an external source (n=938), then the CPD sustained the allegation 2.1% of the time (n=20), which is lower than expected. In fact, 97.9% of external allegation were not sustained, which is higher than expected, all things being equal. This wide disparity results in a statistically significant relationship⁵⁸ ($p<.000$) with a very strong positive association ($V=.553$), where internal

⁵⁶ Chi-square is a statistical test that is applied with two nominal variables from a single population. The procedure is used to determine whether there is a significant relationship between the two variables. SPSS was used to test for this relationship. The variable “initial disposition recommended by investigator” was dichotomized into sustained (=1) and not sustained (=0. The “not sustained” category was collapsed to include exonerated, none-not investigated, not sustained, unfounded and other). There are 44 allegations with missing data, 43 from initial disposition recommended by the investigator, and 1 from source).

⁵⁷ The data are skewed due to a sizeable number of sustained allegations from the COPA reinvestigation of the Baker-Glenn matter (CR 1087742). Twenty-three (23) sustained internal allegations derived from the Baker-Glenn reinvestigation skews the data in a positive direction making it seem that the sustained rate is higher.

⁵⁸ A “significant relationship” is the likelihood that a result or relationship is caused by something other than mere random chance, meaning the result did not happen by chance alone. By statistical convention, significant relationships exist at the 0.05 alpha level or lower. Significant does not mean important or meaningful; significant means the finding is not likely due to chance alone, and that the observed effect or relationship between variables is likely to be real and not simply due to random variation in the data.

allegation are more likely to be sustained than external allegation (as indicated by the positive standard residuals in the shaded cells +16.4, compared to -4.7).⁵⁹ Said differently, external allegations (those generated by sources outside CPD) are less likely to be sustained than those generated by sources inside the CPD. This means the outcome of an investigation (sustained or not sustained) depends, at least partly, on the source of the allegation (internal or external).

Table 14
Disposition by Source (full data set)

Allegations		Source		Total
		External	Internal	
Disposition	Count	918	37	955
	Expected Count	883.4	71.6	955.0
	% of Total	90.5%	3.6%	94.2%
	Std. Residual	1.2	-4.1	
	Count	20	39	59
Sustained	Expected Count	54.6	4.4	59.0
	% of Total	2.0%	3.8%	5.8%
	Std. Residual	-4.7	16.4	
	Count	938	76	1,014
Total	Expected Count	938.0	76.0	1,014.0
	% of Total	92.5%	7.5%	100.0%

$\chi^2(1) = 310.341, p < .000, V = .553$ (Fisher's exact test due to low cell counts)

Analyzing the same data before April 4, 2007 based on the date the complaint was initiated, table 15 shows similar results. If an allegation was generated from an internal source (n=26), then the CPD sustained the allegation 30.7% of the time (n=8), which is higher than expected. However, if the allegation was generated from an external source (n=556), then the CPD sustained the allegation 3.6% of the time (n=20), which is lower than expected. In fact, 96.4% of external allegations were not sustained, which is higher than expected, all things being equal. This wide disparity results in a statistically significant relationship ($p < .000$) with a moderate positive association ($V = .262$), where internal allegations are more likely to be sustained than external allegations

⁵⁹ The residuals are based on the difference between the observed (O) and the expected (E) values. They are useful in helping to interpret chi-square tables by providing information about which cells contribute to a significant chi-square. If the standardized residual is beyond the range of ± 2 , then that cell can be considered a major contributor. A positive residual (+) means that there are more observed cases in a cell than you would expect in the null hypotheses were true (i.e., the null hypothesis is that the disposition (sustained/not sustained) and allegation source (external/internal) are independent). A negative residual (-) means that there are fewer observed cases than you would expect if the null hypothesis were true.

(as indicated by the positive standard residuals in the shaded cells +6.0, compared to -1.3).

Table 15

Disposition by Source Before April 4, 2007 Based on Date the Complaint Was Initiated

Allegations		Source		Total
		External	Internal	
Disposition	Count	536	18	554
	Expected Count	529.3	24.7	554.0
	% of Total	92.1%	3.1%	95.2%
	Std. Residual	.3	-1.4	
Disposition	Count	20	8	28
	Expected Count	26.7	1.3	28.0
	% of Total	3.4%	1.4%	4.8%
	Std. Residual	-1.3	6.0	
Total	Count	556	26	582
	Expected Count	556.0	26.0	582.0
	% of Total	95.5%	4.5%	100.0%

$\chi^2(1) = 40.045, p < .000, V = .262$ (Fisher's Exact Test due to low cell counts)⁶⁰

4. **Investigative Quality.** Chicago Police Department General Order 93-3, Conduct of the Investigation states “The ranking on-duty member of the unit which has initiated an investigation or to which an investigation has been assigned will immediately designate a command or supervisory member of the unit to conduct the investigation. Every effort will be made to ensure that the investigation is conducted by an impartial member” (Bates CITY BG 59022). Analyzing the CR files for evidence of investigative dimensions that are commonly part of every internal affairs investigation (table 16) indicates the investigations frequently contain missing elements that could change the disposition of the case. Therefore, the investigations are not thorough as required by CPD policy. This deprives the victim/complainant, the CPD, and the public of an accurate and unbiased investigation.⁶¹

Supervisory review and approval of a personnel investigation is an endorsement of the investigative process. Each investigation that is flawed, but subsequently endorsed by each member of the command staff in the chain of command is explicit approval of the investigative process. Supervisory review and

⁶⁰ 1 cell had an expected count less than 5 (25%). The minimum expected count was 1.3. When the expected cell count is less than 5 (in the instant case 1 cell had an expected count of 1.3), Fisher's Exact Test is appropriate.

⁶¹ Tables 14 and 15 suggest potential bias in the personnel investigations.

approval of police reports at the time they are submitted is an administrative function aimed at accountability and is intended to ensure:

- i. The reports are complete and reflect the actions and omissions of the submitting officer;
- ii. The approved department forms are utilized, which ensure consistency and due process;
- iii. The details of the incident establish the elements of a crime or rule infraction and, if necessary, the required levels of proof (i.e., reasonable suspicion; preponderance of the evidence; probable cause);
- iv. The officer's actions are consistent with legal and administrative rules;
- v. Identify collateral issues important to the agency's performance, including policy and procedures, competency and skills of individual officers, and appropriate topics for in-service training;
- vi. A supervisor provides immediate contact with the submitting officer and has an opportunity to review the incident in its totality and provide direction and control over personnel, materials and resources as needed;
- vii. The official reports follow the approved chain of command from point of origin to final destination so that all members in the chain of command remain informed.

To effectively supervise investigative personnel, a supervisor is required to know common investigative tasks (e.g., area canvass; interview victim witnesses and officers), common investigative techniques (e.g., surveillance; collect evidence; record statements) and to probe officers for answers when they submit a report that does not contain these common elements. A report that is missing common investigative tasks must be returned to the officer to be completed and resubmitted. If a supervisor is aware of common investigative tasks and techniques, then the supervisor would be able to identify reporting deficiencies and any missed tasks toward a thorough investigation. However, the supervisors that endorsed the CR files knew or should have known that common investigative elements were missing, but approved them anyway. By endorsing police reports, the supervisors are accountable for and concur

with the reports' contents, the officers' conduct, and they also attest that the reports meet the customary standards listed above. Because the supervisors endorsed the investigations submitted by the internal affairs investigators, the supervisors agreed with the investigator's method even though the method did not comport with accepted industry standards. When flawed investigations are endorsed, the Department misses the opportunity to uncover potential problems, preempt emerging patterns and take corrective action.

Conducting an internal investigation is a process. That process encompasses a range of activities resulting in a final product that involves collecting and interpreting facts to inform criminal and/or administrative proceedings. The CR files are replete with incomplete activities fundamental to a thorough investigation.⁶² When these activities are left unaddressed, the investigation is not thorough and lacks evidence sufficient to justify the disposition. Consequently, the final product includes equivocal findings and equivocal findings result in an unreliable investigation. The general recurring themes arising from the content analysis of the investigations that support my conclusion appear in table 16; table 16 is a summary of investigative activities from the CR files, expressed in numerical terms that were completed. These activities are fundamental to any internal affairs investigation and are expected to be completed in each applicable case to ensure a thorough investigation (as required by CPD General Order 93-3 and the associated CPD Special Orders). Because many of these activities are incomplete, they reflect a lack of initiative and tenacity that are indispensable for a thorough investigation. The result is a final product whose findings are unreliable. In general, the investigations are superficial, they are not thorough, and they do not comport with Chicago police Department standards.

⁶² See Chicago Police Department General Order 93-3, Complaint and Disciplinary Procedures (effective January 15, 1993) and the associated Special Orders, which requires a consistently thorough investigative process.

Table 16*Completed Investigative Activities in the CR Files*

Investigative Dimension	n	n= "yes"	n= "no"	Subtotal	% of "yes"	n= "n/a"	n= "unclear"
Arrest Report	174	84	5	89	94.38%	84	1
Statement Taken from Victim	174	88	13	101	87.13%	69	4
Statement Taken From Witness	174	31	5	37	83.78%	136	1
Statement Taken From Complainant	174	87	21	109	79.82%	61	4
Medical Treatment Documented	174	29	9	38	76.32%	136	0
Arrest Photos	174	62	27	89	69.66%	84	1
Did Victim Require Medical Attention	174	38	18	56	67.86%	118	0
Complainant Contacted	174	106	60	166	63.86%	4	4
Officer Identified by Victim	174	97	59	156	62.18%	13	5
In-Person Interview with Victim	174	58	37	96	60.42%	70	8
Officers Submit Administrative Report	174	102	70	172	59.30%	0	2
Victim Contacted	174	95	66	161	59.01%	9	4
In-Person Interview with Complainant	174	50	45	95	52.63%	69	10
Witnesses Contacted	174	34	32	66	51.52%	107	1
In-Person Interview with Witness	174	19	17	37	51.35%	136	1
District Phone Tapes Preserved	174	5	5	10	50.00%	162	2
Officer Identified by Witness	174	18	31	49	36.73%	124	1
Victim Described Pain or Injuries	174	55	108	163	33.74%	11	0
Incident Report Prepared	174	44	106	150	29.33%	22	2
Photos of Victim Taken by CPD	174	40	124	164	24.39%	7	3
Involved Officer Statement Taken	174	17	98	115	14.78%	59	0
Accused Officer Statement Taken	174	20	150	170	11.76%	1	3
Scene Canvass	174	14	151	165	8.48%	7	2
Photos of Scene Obtained	174	10	157	167	5.99%	4	3
Cameras Located at Scene	174	8	162	170	4.71%	1	3
Radio Communication Tapes Preserved	174	3	164	167	1.80%	4	3
Referred to Cook County Prosecutor's Office	174	1	100	101	0.99%	73	0

Table 17

Completed Investigative Activities in the CR Files Before April 4, 2007 Based on The Date The Complaint Was Initiated

Investigative Dimension	n	n= "yes"	n= "no"	Subtotal	% of "yes"	n= "n/a"	n= "unclear"
Arrest Report	103	46	2	48	95.83%	55	0
Statement Taken from Victim	103	58	5	63	92.06%	40	0
Statement Taken From Complainant	103	58	10	68	85.29%	35	0
Statement Taken From Witness	103	16	3	20	80.00%	83	0
District Phone Tapes Preserved	103	3	1	4	75.00%	98	1
Officers Submit Administrative Report	103	76	27	103	73.79%	0	0
Medical Treatment Documented	103	17	7	24	70.83%	79	0
Did Victim Require Medical Attention	103	24	10	34	70.59%	69	0
Complainant Contacted	103	66	36	102	64.71%	1	0
Officer Identified by Victim	103	62	34	96	64.58%	6	1
Victim Contacted	103	61	37	98	62.24%	5	0
In-Person Interview with Victim	103	34	26	60	56.67%	41	2
Arrest Photos	103	26	22	48	54.17%	55	0
Witnesses Contacted	103	18	19	37	48.65%	66	0
In-Person Interview with Complainant	103	28	32	60	46.67%	40	3
Officer Identified by Witness	103	11	17	28	39.29%	75	0
Victim Described Pain or Injuries	103	33	64	97	34.02%	6	0
In-Person Interview with Witness	103	6	13	20	30.00%	83	0
Incident Report Prepared	103	26	61	87	29.89%	16	0
Photos of Victim Taken by CPD	103	18	80	98	18.37%	4	1
Involved Officer Statement Taken	103	9	59	68	13.24%	35	0
Accused Officer Statement Taken	103	11	90	101	10.89%	1	1
Scene Canvass	103	9	89	98	9.18%	5	0
Photos of Scene Obtained	103	3	97	100	3.00%	2	1
Cameras Located at Scene	103	1	100	101	0.99%	1	1
Radio Communication Tapes Preserved	103	0	101	101	0.00%	1	1
Referred to Cook County Prosecutor's Office	103	0	62	62	0.00%	41	0

i. *Conclusion.* The evidence in discovery indicates that the internal investigation system in the Chicago Police Department was flawed to such a degree that the officers involved in Alvin Waddy's arrest could expect to avoid a thorough investigation into their conduct, and the public could expect that their complaint would almost invariably result in a not sustained finding. A properly functioning internal investigation system should ensure:

1. **Fairness and Impartiality:** Officers and the public deserve and expect that investigations into alleged misconduct are conducted in a fair and unbiased manner, ensuring that all parties involved are treated equitably. However, tables 14 and 15 reveal that those external to the CPD (i.e., the public) who complain about CPD officers are less likely to have their allegations sustained. In fact,

97.9% of external allegations were not sustained, which is higher than expected, all things being equal (table 14).

2. **Consistency:** Officers and the public deserve and expect that internal investigations into alleged misconduct are conducted consistently across the department for similar offenses. Inconsistencies can breed resentment and undermine the legitimacy of the disciplinary system. A thorough internal affairs investigation is required by CPD policy,⁶³ tables 16 and 17 reveal that the elements of a standard internal affairs investigation were not always conducted, even after accounting for dimensions that were not applicable, or unclear in the CR file. For example, the victim was contacted in 59% of the investigations, and witnesses were contacted in 51.5% of the investigations in the instant matter (table 16) even though CPD policy requires that investigators “contact *all* complainants *and* witnesses as soon as possible” (emphasis mine).⁶⁴
3. **Protection from Retaliation:** Officers and the public who report misconduct or cooperate with internal affairs investigations deserve and expect protection from retaliation, ensuring a culture of openness and accountability. However, CPD member Daniel Echeverria testified at deposition that he was often referred to as a “rat” or “rat motherfucker” by his supervisor Lieutenant Pascua (Echeverria deposition, 95: 15-18), and that Sergeant Janice Barney was also prone to insulting personnel in Inspections Unit 126 (Echeverria deposition, 106: 10-24; 107: 1). Mr. Echeverria also testified at deposition that Commander O’Grady informed Echeverria and Spaulding’s Fugitive Apprehension Division supervisors that they were “rats” and should be “treated accordingly”

⁶³ See Chicago Police Department General Order 93-3 Complaint and Disciplinary Procedures (effective January 15, 1993) and the associated Special Orders for a consistently thorough investigative process. Captain John Farrell testified at deposition that it is was common to talk to complainants in person (Farrell deposition, 27: 20-25; 28: 1). However, although Captain Farrell did report that he spoke to Mr. Waddy’s mother, the complainant, he did not interview the victim, Alvin Waddy because he was lodged in the Cook County Jail and assigned a public defender (Bates COPS WATTS 60115). Captain Farrell also did not interview the officers that were present during the arrest, and testified at deposition that he felt it was not necessary (Farrell deposition, 67: 18-25). Captain Farrell also reported: “The R/Capt. explained to the complainant that her son was in possession of the drugs at the time of the arrest and was properly charged” (Bates COPA WATTS 60115). Captain Farrell did not indicate how he knew Waddy possessed the drugs that he was charged with, even though he reported Waddy was in possession of the drugs at the time of his arrest. This does not comport with accepted standards for investigating internal affairs matters.

⁶⁴ Chicago Police Department General Order 93-3 Complaint and Disciplinary Procedures (effective January 15, 1993) (Bates CITY BG 59022), and Chicago Police Department Special Order S08-01-01 (see Bates CITY BG 59085-59132).

(Echeverria deposition, 152: 19-24; 153: 1-11; 154: 21-24; 155: 3). This culture of labeling and stigmatizing individuals who report misconduct as “rats” is counter to the protection from retaliation expected from a properly functioning internal affairs element. Mr. Echeverria’s experience is detrimental to police accountability and the Department’s overall integrity, does not engender positive interpersonal relations, and is contrary to all CPD supervisors’ responsibilities to motivate employees as defined by CPD Rules and Regulations.⁶⁵ In a similar case (see *Klipfel & Casali v. Gonzalez et al.*, 2006), CPD Officer Joseph Miedzianowski “...told other CPD gang crimes officers not to work with ATF, and especially not to work with Klipfel because she was a rat and may be wearing a wire” (p. 3). This same stigmatizing and retaliatory culture existed in 1993 involving CPD Officer Miedzianowski, long before Echeverria encountered it in his work unit.

4. **Timeliness:** Police officers and the public deserve and expect that the internal affairs process is efficient and timely. Delays in investigations can lead to prolonged stress and uncertainty for officers involved, and for victims/complainants. Prolonged investigations send a tacit message to those involved that the complaint is not necessarily important. Chicago Chief Barbara West testified at deposition that one complaint against Sergeant Watts occurred in April 2008, it was subsequently assigned to Joseph Barnes in September 2009, and then assigned to Sergeant Chester June 2013. There is no explanation in discovery for the investigative delay (West deposition, 91: 23-24; 92-93: 2).
5. **Ignoring Systemic Issues:** When the internal affairs system fails to address underlying systemic issues contributing to misconduct, officers and the public will likely view the internal affairs and disciplinary process as arbitrary and ineffective.⁶⁶ The evidence in tables 14 and 15 reveals repeated instances of

⁶⁵ See CPD Rules and Regulations, p. 9, Bates CITY18796. The CPD defines a “supervisory member” as “a member responsible for the performance of duty and the conduct of other members,” CPD Rules and Regulations, p. 12, Bates CITY18809.

⁶⁶ Evidence of this sentiment is documented throughout several pieces of literature cited in this report: **1)** Commission on Police Integrity. (November 1997). Report of the Commission on Police Integrity. Chicago, IL, p. 9, for a chronology of significant cases between 1960 and 1997; **2)** Police Accountability Task Force Report. (April 2016). Recommendations for Reform: Restoring Trust between the Chicago Police and the Communities they Serve, pp. 23-24, for a discussion of previous corruption task forces (Bates BAKER GLENN 6794-6983); **3)** Futterman, C. B., Mather, H. M., & Miles, M. (2007). The Use of Statistical Evidence to Address Police Supervisory and Disciplinary Practices: The Chicago Police Department’s Broken System. *DePaul Journal for Social Justice*, 1, 251-329 (documenting a litany of police

internal allegations being sustained at higher rates than allegations from external sources, and repeated instances of incomplete internal investigations (tables 16 and 17). The evidence also indicates that all supervisory ranks in CPD have ignored these systemic issues between at least 1994 and 2018. There is an abundance of legacy information shown in this report that these issues persist despite adequate notice to the CPD that their internal investigative processes are flawed.⁶⁷ Of the discovery that I reviewed, there is no evidence of any managerial action from CPD supervisors to mitigate personnel complaints against the officers involved in Alvin Waddy's arrest.

Notwithstanding the accumulated complaint histories of the officers that were involved in Alvin Waddy's arrest, the discovery that I reviewed indicated that the CPD failed to monitor, or track the officers for patterns of complaints, or initiate and ensure any corrective action. A clear pattern of complaints emerged among the officers involved in Alvin Waddy's arrest between 1994 and 2018. As the Pareto Analysis shows (tables 8 and 9), the CPD could have and should have directed its preventive effort where most complaints emanated from, which would have given them the ability to prioritize those issues and develop a personnel improvement plan for the officers. This does not mean that the remaining allegations should be ignored. Pareto analysis is simply a method to uncover the relative spread of allegations among categories. There is nothing in the discovery that I reviewed to indicate the CPD developed any personnel plans to address chronic complaints particularly those involving a physical confrontation between the officer and the victim/complainant such as excessive force. There is also nothing in the discovery that I reviewed that the Superintendent directed any commanding officers to take any corrective or that the Superintendent held any commanding officers responsible for their subordinates' repeated adverse behavior.

corruption cases, and the CPD's internal disciplinary data that reveal a substandard accountability system); 4) A Report and Recommendations based on hearings before the Blue Ribbon Panel convened by the Honorable Ralph H. Metcalfe. (1972). *Misuse of Police Authority in Chicago*; 5) *Shielded from Justice: Police Brutality and Accountability in the United States*. Chicago: Office of Professional Standards. Retrieved on July 7, 2023 from <https://www.hrw.org/legacy/reports98/police/uspo55.htm>.

⁶⁷ See pp. 29-32 and footnotes for a description of the information known to the CPD across various years.

Empirical analysis of personnel complaint data provides feedback and evidence for police administrators regarding whether the internal investigation process works to promote fairness and equity for both citizens and the accused officers. In the absence of such evidence, police administrators do not have a mechanism to determine whether an internal investigation's outcome is reliable. The failure to collect, analyze and act on the available personnel complaint data in the Chicago Police Department is tantamount to managerial indifference, including an abrogation of the Superintendent's responsibility to direct the organization.⁶⁸ The failure to act also implicates the supervisory chain of command at the CPD during the period in question. Ultimately, Alvin Watts and Kallatt Mohammed were arrested for their criminal conduct, which was allowed to continue because of supervisory failures.⁶⁹

Collectively, the evidence suggests a combination of a lack of institutionalized oversight, willful blindness, and the abrogation of responsibility at each supervisory level. Consequently, the CPD's failure to properly supervise, investigate and discipline the officers in the instant case is likely the proximate cause of the plaintiff's injuries. The CPD's supervisory failures would have allowed reasonable police officers to believe the CPD condoned their adverse behavior.⁷⁰ ■

⁶⁸ See City of Chicago Superintendent of Police Class Title, Code 9957, Police Job Specifications (retrieved on June 24, 2023 from https://www.chicago.gov/city/en/depts/dhr/supp_info/police_job_specifications.html).

⁶⁹ See Bates CITY BG 056533, FBI 1181 to 1183, FBI 1196 to 1197, FBI 1165 to 1197.

⁷⁰ See *Klipfel & Casali v. Gonzalez et al.*, 2006; see also *Obrycka v. City of Chicago*; *Anthony Abate*, 2012 for issues concerning both a code of silence within the CPD and a widespread custom or practice of failing to adequately investigate and/or discipline officers. Also see Bates CITY BG 12064, where Sgt. Watts believed he had little to concern himself with regarding the Office of Professional Standards (OPS). One complainant (Pamela Nooner) gave a statement to OPS that when she threatened to call OPS about Watts and his unlawful search, Watts replied "Fuck OPS, they aint going to do shit. Don't you see keep beating my cases." This indicates that Watts was aware that the CPD internal affairs function was not functioning as expected according to CPD policy.

EXHIBITS**Table 18***Exhibits*

Documents	Date or Identifying Information	Pages
Deposition of Shannon Marie Spalding	Spalding & Echeverria vs City of Chicago et al No 12 CV 8777 November 18, 2014 Bates PL JOINT 050377-477	101
Deposition of Daniel Echeverria	Spalding & Echeverria vs City of Chicago et al No 12 CV 8777 December 2, 2014 Bates PL JOINT 009534-609	76
Deposition of Michael Thomas Spaargaren	Spalding & Echeverria vs City of Chicago et al No 12 CV 8777 August 13, 2015 Bates CITY-BG-033398-433	36
Deposition of Barbara West	Watts Coordinated Cases Case No. 19 CV 01717 September 17, 2019	63
Deposition of Calvin Holliday	Watts Coordinated Cases Case No. 19 CV 01717 November 14, 2022	87
Deposition of Keith Calloway	Watts Coordinated Cases Case No. 19 CV 01717 May 6, 2019	270
Deposition of Debra Kirby	Obrycka, Kolodziej & Cepiaszuk vs City of Chicago et al Case No. 7 C 2372 March 12, 2009 Bates PL JOINT 006712-748	37
Continued Deposition of Debra Kirby	Lilia Arias vs City of Chicago et al Case No. 05 C 5940 April 19, 2007 Bates PL JOINT 009399-424	26
Deposition of Coleen Dougan	Spalding & Echeverria vs City of Chicago et al Case No. 12 C 8777 June 17, 2015	34
Deposition of Janet Hanna	Spalding & Echeverria vs City of Chicago et al Case No. 12 C 8777 August 12, 2015	39
Deposition of Peter Koconis	Spalding & Echeverria vs City of Chicago et al Case No. 12 C 8777 September 21, 2015	118
Deposition of Thomas Mills	Spalding & Echeverria vs City of Chicago et al Case No. 12 C 8777	43

Table 18*Exhibits*

Documents	Date or Identifying Information	Pages
	February 25, 2015	
Deposition of James O'Grady	Spalding & Echevierra vs City of Chicago et al Case No. 12 C 8777 March 5, 2015 Bates PL JOINT 009659-684	26
Deposition of James Padar	Spalding & Echevierra vs City of Chicago et al Case No. 12 C 8777 May 21, 2015 Bates PL JOINT 009685-717	33
Deposition of Lou Reiter	Spalding & Echevierra vs City of Chicago et al Case No. 12 C 8777 December 16, 2015 Bates PL JOINT 009934-958	25
Deposition of Alvin Waddy	Alvin Waddy vs City of Chicago Case No. 2019 L 010035	193
Deposition of Juan Rivera	Spalding & Echevierra vs City of Chicago et al Case No. 12 C 8777 December 4, 2014 Bates PL JOINT 009718-757	40
Deposition of Tina Skahill	Spalding & Echevierra vs City of Chicago et al Case No. 12 C 8777 December 5, 2014 Bates PL JOINT 009611-626	17
Deposition of John Farrell	Alvin Waddy vs City of Chicago Case No. 2019 L 010035 July 14, 2023 No Bates	93
Auto CR-Log Summary 1057625	Bates CPD0670813-830	18
Memorandum Opinion and Order	Docket No. 19-cv-1717 October 14, 2022	37
Chicago PD Notice of Charges regarding Ben Baker and Alvin Jones	Bates DO-JOINT010525-29	5
FBI file w/ cover letter to Exoneration Project	May 24, 2018 Bates FBI000001-1284 (11 pages have no Bates)	1295
Various Chicago PD documents	Bates DO-JOINT032424-39	16
Chicago PD Arrest Report-Jamar Lewis	May 30, 1982 Bates COPA-WATTS_045096-97	2

Table 18*Exhibits*

Documents	Date or Identifying Information	Pages
Chicago PD Arrest Report-Ben Baker	December 11, 2005 Bates COPA-WATTS_044954-56	3
Chicago PD Arrest Report-Clarissa Glenn	December 11, 2005 Bates COPA-WATTS_044996-98	3
Chicago PD Arrest Report-Laurence Little	December 11, 2005 Bates COPA-WATTS_000740-44	5
Chicago PD Arrest Report-Louis Moore	December 11, 2005 Bates COPA-WATTS_000745-49	4
Chicago PD Arrest Report-Larry Pulley	December 11, 2005 Bates COPA-WATTS_000755-59	5
Chicago PD Arrest Report-Willie Robinson	December 11, 2005 Bates COPA-WATTS_000760-764	5
Chicago PD Arrest Report-Ricky Henderson	July 22, 2006 Bates COPA-WATTS_045220-224	5
Chicago PD Arrest Report-Lionel White	April 24, 2006 Bates COPA-WATTS_006712-717	6
Chicago PD Vice Case Report-Teresa Butler	April 24, 2006 Bates COPA-WATTS_006979-980	2
Chicago PD Arrest Report-John Pierce	April 24, 2006 Bates COPA-WATTS_006990-994	5
Chicago PD Arrest Report-George Green	April 24, 2006 Bates COPA-WATTS_007004-008	5
Chicago PD Arrest Report-Timothy Brown	April 24, 2006 Bates COPA-WATTS_007011-015	5
Chicago PD Arrest Report-Thomas Mitchell	April 24, 2006 Bates COPA-WATTS_007017-021	5
Chicago PD Arrest Report-Cleveland Smith	April 24, 2006 Bates COPA-WATTS_007024-028	5
Chicago PD Arrest Report-Charlie Riley	April 24, 2006 Bates COPA-WATTS_007031-035	5
Chicago PD Arrest Report-Dale Morrow	April 24, 2006 Bates COPA-WATTS_007038-042	5
Chicago PD Arrest Report-Lynn Howard	April 24, 2006 Bates COPA-WATTS_007044-048	5

Table 18*Exhibits*

Documents	Date or Identifying Information	Pages
Chicago PD Arrest Report-Cleothus Morris	April 24, 2006 Bates COPA-WATTS_007051-055	5
Chicago PD Arrest Report-Lorener Williams	April 24, 2006 Bates COPA-WATTS_007058-062	5
Chicago PD Arrest Report-Rodney Carter	August 28, 2007 Bates COPA-WATTS_031906-910	5
Chicago PD Arrest Report-Stephanie Arnold	August 28, 2007 Bates COPA-WATTS_031925-929	5
Chicago PD Arrest Report-Raymond Ruffin	August 28, 2007 Bates COPA-WATTS_031936-940	5
Chicago PD Arrest Report-Shell McIntosh	August 28, 2007 Bates COPA-WATTS_031947-951	5
Chicago PD Arrest Report-Leonard Gipson	Bates COPA-WATTS_045154-156	3
Chicago PD General Order 87-7	October 30, 1987 Bates CITY-BG-058793-797	5
Chicago PD General Order 11-02	March 15, 2011 Bates CITY-BG-058798-803	6
Chicago PD General Order 92-5	September 4, 1992 Bates CITY-BG-058804-850	47
Chicago PD General Order 02-03	June 6, 2002 Bates CITY-BG-058851-906	56
Chicago PD General Order G06-01	June 6, 2002 Bates CITY-BG-058907-925	19
Chicago PD Special Order S06-01	June 6, 2002 Bates CITY-BG-058926-059012	87
Chicago PD General Order 93-3	January 13, 1993 Bates CITY-BG-059013-075	63
Chicago PD General Order G08-01	January 13, 1993 Bates CITY-BG-059076-084	9
Chicago PD Special Order S08-01	December 14, 2010 Bates CITY-BG-059085-132	48
Chicago PD General Order 99-03	March 30, 1999 Bates CITY-BG-059133-137	5
Chicago PD General Order 89-3	February 28, 1989	12

Table 18*Exhibits*

Documents	Date or Identifying Information	Pages
	Bates CITY-BG-059138-149	
Chicago PD General Order 04-03	September 7, 2004 Bates CITY-BG-059150-165	16
Chicago PD Special Order 03-03-01	January 7, 1983 Bates CITY-BG-059166-168	3
Chicago PD Rules and Regulations	Bates CITY-BG-059169-197	29
Chicago PD Rules and Regulations	January 12, 2011 Bates CITY-BG-059198-217	20
Chicago PD Special Order 90-3	April 5, 1990 Bates CITY-BG-062111-116	6
Chicago PD Special Order 98-13	December 11, 1998 Bates CITY-BG-062117-129	13
Chicago PD Special Order 05-02	March 3, 2005 Bates CITY-BG-062130-147	18
Chicago PD Special Order S04-18	March 3, 2008 Bates CITY-BG-062148-165	18
Chicago PD General Order 89-3	February 28, 1989 Bates CITY-BG-062166-176	11
Chicago PD General Order 04-03	September 7, 2004 Bates CITY-BG-062177-192	16
Chicago PD General Order G04-01	September 7, 2004 Bates CITY-BG-062193-195	3
Chicago PD Special Order 92-6	July 28, 1992 Bates CITY-BG-062196-204	9
Chicago PD Special Order 01-07	July 12, 2001 Bates CITY-BG-062205-217	13
Chicago PD Special Order 07-06	June 1, 2007 Bates CITY-BG-062218-240	23
Chicago PD Special Order S04-19	June 1, 2007 Bates CITY-BG-062241-265	25
COPA Summary Report of Investigation-1087742	March 10, 2021 Bates PL JOINT 068062-094	33
City's Second Amended Answer to Complainant Clarissa Green's Interrogatories	Baker & Glenn vs City of Chicago et al Case No. 16 CV 8940 No Bates	54

Table 18*Exhibits*

Documents	Date or Identifying Information	Pages
Petition for Relief from Judgement	State of Illinois vs 88 Victims of Former CPD Sergeant Ronald Watts Bates PL JOINT 049939-050053	115
Clarissa Glenn Court of Claims Order	Clarissa Glenn vs State of Illinois No 19 CC 0568 Bates PL JOINT 050054-057	4
Lloyd Newman Court of Claims Order	Lloyd Newman vs State of Illinois No 21 CC 3091 Bates PL JOINT 050058-9	2
Defendant Ronald Watts' Answers to Plaintiff's First Set of Interrogatories	Lionel White vs City of Chicago et al Case NO 17 CV 02877 Bates PL JOINT 050060-69	10
ATF Report of Investigation	April 14, 2005 Bates PL JOINT 050222-30	9
Defendant Ronald Watts' Answers to Plaintiff Ben Baker's Additional Interrogatories	Ben Baker & Clarissa Glenn vs City of Chicago et al Case No.: 16 CV 8940 Bates PL JOINT 050231-34	4
FBI Whistleblower Conversation	January 18, 2006 Bates PL JOINT 050235-257	23
Affidavit of Pete Koconis	State of Illinois vs Ben Baker No 05 CR 8982-01 Bates COPA-WATTS_043354-55	2
Affidavit of Michael Spaargaren	Spalding & Echeverria vs City of Chicago et al 12-CV-8777 Bates CITY-BG-026603-606	4
Chicago Tribune "Cops Disband Elite Unit" Article	October 10, 2007	9
Plea Agreement	United States vs Jerome Finnigan Case No. 07 CR 634-1 April 26, 2011 Bates PL JOINT 040862-892	31
Transcript of Proceedings	United States vs Eric J Olsen Case No 11 CR 273 April 20, 2011 Bates PL JOINT 040893-918	26
Plea Agreement	United States vs Keith A Herrera Case No. 07 CR 634-2 April 19, 2011 Bates PL JOINT 040919-942	24
Transcript of Proceedings	United States vs Keith A Herrera	32

Table 18*Exhibits*

Documents	Date or Identifying Information	Pages
	Case No. 07 CR 634-2 April 19, 2011 Bates PL JOINT 040943-974	
Plea Agreement	United States vs Stephen Delbosque Case No. 11 CR 274 April 18, 2011 Bates PL JOINT 040975-990	16
Transcript of Proceedings	United States vs Stephen Delbosque Case No. 11 CR 274 April 18, 2011 Bates PL JOINT 040991-041013	23
Change of Pleas	State of Illinois vs Guadalupe Salinas et al September 18, 2009 Bates PL JOINT 041014-078	65
Transcript of Proceedings	State of Illinois vs Margaret Hopkins Case No. 07 CR 3152 September 23, 2009 Bates PL JOINT 041082-108	27
Transcript of Proceedings	State of Illinois vs Frank Villareal Case No. 07 CR 3155 September 25, 2009 Bates PL JOINT 041111-147	37
FBI Report-Mohamed Omar	June 23, 2001 Bates PL JOINT 82735-82750	16
Case Law Summary	George Garcia vs City of Chicago Case No. 01 C 8945 March 20, 2003	10
Invisible Institute's series of 17 articles (collectively known by the title "Kicking the Pigeon")	Various dates between July 6, 2005-February 16, 2006 Bates PL JOINT 83381-83433	53
US Department of Justice Investigation of the Chicago Police Department	January 13, 2017 Bates PL JOINT 005134-297	164
Police Accountability Task Force Report	April 2016 Bates PL JOINT 006794-983	190
Report of the Commission of Police Integrity	November 1997 Bates 0000448-486	39
Futterman, C. B., Mather, H. M., & Miles, M. (2007). The Use of Statistical Evidence to Address Police Supervisory and Disciplinary Practices: The Chicago Police	No date or Bates	43

Table 18*Exhibits*

Documents	Date or Identifying Information	Pages
Department's Broken System. <i>DePaul Journal for Social Justice</i> , 1, 251-329.		
Amended Complaint	Diane Bond vs Chicago PD Officer Edwin Utreras et al Case No. 04 C 2617 June 6, 2005	35
Report of Chicago PD/FBI Joint Investigations	Bates CITY-BG-024099-103	5
Officer Calvin Holliday's Letter to Internal Affairs requesting Confidential Complaint Register Number	September 17, 2004 Bates CITY-BG-023964	1
Officer Calvin Holliday Letter to Internal Affairs regarding the search for Lelissa Jackson	August 11, 2005 Bates CITY-BG-023974	1
Various Documents regarding Theotis Coker's Complaint	Bates CITY-BG-015881-82, 015886, 015895-900	9
Chicago PD Summary Report	July 15, 2013 Bates CITY-BG-023775-778	4
Notes regarding CI Activity	Bates CITY-BG-023858-859	2
First Amended Complaint	Alvin Waddy vs City of Chicago et al Case No. 19 L 10035 July 8, 2020	17
Affidavit of Alvin Waddy	November 21, 2017 Bates PL JOINT 028905-908	4
Chicago City Council Address	December 9, 2015 Bates PL JOINT 069860-869	10
CR-309359	November 3, 2005 Bates CITY-BG-012928-936	9
CR-309282	November 3, 2005 Bates CITY-BG-012903-927	25
CR-300778	September 17, 2004 Bates CITY-BG-011611-621	11
CR-305849	April 4, 2006 Bates CITY-BG-012058-264 (2 pages missing Bates)	205
Additional Documents regarding CR-300778	September 17, 2004 Bates PL JOINT 000161-167, 000187-190, 000206	12

Table 18*Exhibits*

Documents	Date or Identifying Information	Pages
Defendant City of Chicago's Response to Plaintiff's First Set of Requests to Admit	Alvin Waddy vs City of Chicago Case No. 2019 L 010035 No date or Bates	9
COPA Summary Report of Investigation-1092530	June 28, 2021 Bates PL JOINT 079612-647	36
Email Chain regarding COPA 1092530	Bates COPA-WATTS_057490-057529	40
Alvin D. Waddy Criminal History	Bates IND DEF-AW 06-16	11
All reports and documents cited in this report		
Spreadsheet of CPD Complaint Register files concerning the officers involved in Alvin Waddy's arrest and the CRs listed therein		
Chicago Police FOP Labor Agreements 1999-2017	1999-2003 Bates 83137-83197	61
	2003-2007 Bates PL JOINT 82751-82958	208
	2007-2012 Bates PL JOINT 83207-83370	164
	2012-2017 Bates PL JOINT 82959-83136	178
City of Chicago, Office of Inspector General Evaluation of the Use of The Affidavit Override in disciplinary Investigations of Chicago Police Department Members	December 2020	59
Personnel files of the officers involved in Alvin Waddy's arrest		
Alvin Jones	CITY BG 58746-58749	4
	CITY BG 56517-56532	16
	CITY BG 56487-56516	30
	CITY BG 56442-56486	45
	CITY BG 58697-58745	49
Lamonica Lewis	CITY BG 58240-58284	45
Brian Bolton	CITY BG 56963-57006	44
	CITY BG 56916-56962	48
Elsworth Smith	CITY BG 56171-56232	62
	CITY BG 56116-56170	55
Ronald Watts	CITY BG 23807-23830	24
Kallatt Mohammed	CITY BG 23788-23806	19
Total		6,043

ACKNOWLEDGEMENT

This report provides my opinion based on the available information at this time. I presume the information provided to me is accurate and correct. If additional information becomes available at a later time, then I may submit a supplemental report. Depending on the new information, my opinion in this report may or may not change. My opinion is based upon a reasonable degree of professional certainty.

 /s/ Jon M. Shane

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ACADEMIC QUALIFICATIONS

2008	Ph.D.	Criminal Justice	School of Criminal Justice, Rutgers University, Newark, NJ
2005	MA	Criminal Justice	School of Criminal Justice, Rutgers University, Newark, NJ
2002	BS	Criminal Justice	School of Criminal Justice, Rutgers University, Newark, NJ

RESEARCH INTERESTS

Issues in police policy and practice; social disorganization theory; situational crime prevention; problem-oriented policing; secondary effects; violent crime; organizational accidents

TEACHING POSITIONS AND INSTRUCTIONAL RESPONSIBILITIES

2020-Present	Professor	John Jay College of Criminal Justice	New York, NY
2015-2017	Director	New York City Police Department, Executive Master's Program	New York, NY
2014-2020	Associate Professor	John Jay College of Criminal Justice (tenured & promoted, September 2014)	New York, NY
2011-2022	Doctoral Faculty	CUNY Graduate Center, Ph.D. Program in Criminal Justice	New York, NY
2009-2014	Assistant Professor	John Jay College of Criminal Justice	New York, NY
2005-2008	Adjunct Lecturer	Rutgers University, Newark College of Arts and Sciences	Newark, NJ
		Fairleigh Dickinson University-School of Administrative Science, Petrocelli College	
2005	Adjunct Professor	College	Teaneck, NJ

HONORS, RECOGNITION AND AWARDS

2023 Distinguished Teaching Prize	Nominated	Dec 2022
Recognized as a widely cited scholar for "early onset" of influence ⁷¹	Top 100 Cited Works 2010-2015	Jan 2019
The 2014 Academy of Criminal Justice Sciences Outstanding Mentor of the Year	Winner	Feb 21, 2014
The 2012 Award for Outstanding Experimental Field Trial	Winner (research team member)	Nov 2012
The 2011 American Society of Criminology Mentor of the Year	Winner	Aug 26, 2011
The 2010 Emerald/European Foundation for Management Development (EFMD) Outstanding Doctoral Research Award (ODRA)	Highly Commended Award Winner	Jan 24, 2011
Dean's List 2009-2010	Certificate of appreciation for	Oct 28, 2010
Dean's List 2008-2009	graduate student mentorship	Oct 15, 2009

COURSES TAUGHT

Advanced Issues in Policing (D)
 Contemporary Problems in Community Policing (G)
 Criminology (U)
 Introduction to Criminal Justice (U)
 Introduction to Law Enforcement (U)
 Issues in Criminal Justice (Police & Corrections) (G)
 Police and the Community (U)
 Police Ethics (G)
 Problem-Oriented Policing (G)
 Research Design and Methods (G)
 Using Computers in Social Research (statistics) (G)

⁷¹ Graham, A., Pratt, T.C., Lee, H & Cullen, F. T. (2019). Contemporary classics? The early onset of influence of articles published in criminology and criminal justice journals, 2010-2015. *Journal of Criminal Justice Education*, 30(3), 348-375 (part of the top 4.1% of all articles published in 20 criminology and criminal justice journals from 2010 to 2015 [Organizational Stressors and Police Performance]). The articles in these journals represent an elite group of research..., p. 354).

D=Doctoral; G=Graduate; U=Undergraduate

DEPOSITION AND TRIAL EXPERIENCE

Event	Venue	Date	Case Number and Attorney
Deposition testimony (use of force)	United States District Court, District of New Jersey—Newark	July 3, 2023	18:cv:3241 (EP) (JSA) (Patrick Caserta, Esq.)
Deposition testimony (internal affairs)	United States District Court For The Northern District of Illinois Eastern Division	May 26, 2023	(Jennifer Bonjean, Esq.)
Deposition testimony (problem-oriented policing)	United States District Court For The Middle District of Pennsylvania	April 28, 2023	3:11-CV-0617 (Cletus Lyman, Megan Maguire Esq.)
Deposition testimony (internal affairs)	United States District Court For The Northern District of Illinois Eastern Division	March 10, 2023	(Jennifer Bonjean, Esq.)
Deposition testimony (use of force; chemical munitions)	United States District Court, Western District of Missouri	October 12, 2022	4:21-CV-662-HFS (James Thompson, Esq.)
Trial testimony (adverse employment action; retaliation)	Superior Court of Washington For King County	September 29, 2022	20-2-09949-0-SEA (Sumeer Singla, Esq.)
Deposition testimony (general police policy and practice)	United States District Court For The Western District of Washington	August 11, 2022	Case No.: 2:200-cv-00983-TSZ (Tyler Weaver Esq.).
Trial testimony (on-call overtime compensation)	State of Kentucky, Jefferson Circuit Court Division Seven (7)—Louisville, KY	July 22, 2021	16-CI-01500 (Ann Oldfather Esq.)
Deposition testimony (investigations policy and practice)	Circuit Court of The 17th Judicial Circuit in and for Broward County, Florida	October 5, 2021	Case No.: 1511533CF10A (Carl Lida, Esq.).
Deposition testimony (adverse employment action; retaliation)	Superior Court of Washington For King County	August 17, 2021	20-2-09949-0-SEA (Sumeer Singla, Esq.)
Deposition testimony (internal affairs)	Superior Court, Bergen County, New Jersey	July 19, 2021	BER-L-1051-19 (Kieran Dowling, Esq)
Deposition testimony (on-call overtime compensation)	State of Kentucky, Jefferson Circuit Court Division Seven (7)—Louisville, KY	July 14, 2021	16-CI-01500 (Ray Haley, Esq.)
Deposition testimony (use of force)	United States District Court, District of New Jersey—Newark	July 29, 2020	17-3604 (KM-MAH) (Aymen Aboushi, Esq.)
Deposition testimony (use of force)	United States District Court, District of New Jersey—Newark	May 14, 2020	2:15-cv-03215-ES-JAD (Brooke Barnett, Esq.)

Deposition testimony (on-call overtime compensation)	United States District Court, District of New Jersey—Newark	March 10, 2020	2:18-cv-10731 (Valerie Palma DeLuisi, Esq.)
Deposition testimony (use of force)	United States District Court Northern District of New York-Utica, New York	January 9, 2020	1:18-cv-00672-LEK-TWD (Ronald Rosenkranz, Esq.)
Trial testimony (qualified as an expert in police internal affairs and discipline and police policy and practices)	Superior Court, Atlantic County, New Jersey	March 25-26, April 1, 2019	ATL-L-2517-11 (David Castellani, Esq)
Deposition testimony (internal affairs)	Superior Court, Atlantic County, New Jersey	November 1, 2018	ATL-L-2517-11 (David Castellani, Esq)
Deposition testimony (use of force)	United States District Court for the Middle District of Alabama, Northern Division	July 30, 2018	2:11-cv-370 (Michael Allsup, Esq)
Trial testimony (criminology/statistics)	Superior Court, Hudson County, New Jersey	June 5, 2018	indictment no. 17-10-0716 (Raoul Bustillo, Esq)
Deposition testimony (general police policy/practices)	Superior Court, Monmouth County, New Jersey	March 9, 2018	MON-L-1284-15 (David Schwartz, Esq)
Trial testimony (internal affairs)	United States District Court, District of New Jersey—Camden	March 6, 2018	1:13-CV-02741 (Jennifer Bonjean, Esq)
Deposition testimony (use of force)	United States District Court, District of New Jersey—Camden	February 23, 2018	3:13-CV-07374-JAP-DEA (Barry Pollack, Esq)
Qualified in federal court as an expert in criminal investigations (criminal investigations/internal affairs)	United States District Court, District of New Jersey—Camden	September 5, 2017	14-CV-05092 (Jennifer Bonjean, Esq)
Qualified in federal court as an expert in statistics (statistics)	United States District Court, District of New Jersey—Camden	December 2016	1:13-cv-06667-RBK-JS (Jennifer Bonjean, Esq)
Qualified in federal court as expert in criminal investigations (criminal investigations/confidential informants)	United States District Court, District of New Jersey—Camden	February 26, 2013	08-1873 (NLH) (JS) (Jennifer Bonjean, Esq)
Deposition testimony (show-up procedures)	Superior Court of New Jersey Law Division, Middlesex County	August 23, 2011	MID L-005876-09 (Lawrence Lustberg, Esq)
Deposition testimony (use of force)	United States District Court, District of New Jersey—Newark	January 13, 2011	2:09-CV-4170 (KSH-DS) (David Schwartz, Esq)

Publications

Peer-reviewed Journals

Twerski, A. & **Shane, J.M.** (2018). Bringing the science of policing to liability for third-party crime at shopping malls. *Marquette Law Review*, 101(3): 776-802.

Shane, J.M., Piza, E. & Silva, J. R. (2017). Piracy for ransom: The implications for situational crime prevention. *Security Journal*. DOI 10.1057/s41284-017-0115-0.

Shane, J., Lawton, B. & Swenson, Z. (2017). The prevalence of fatal police shootings by U.S. police, 2015-2016: Patterns and answers from a new data set. *Journal of Criminal Justice*, 52, 101-111.

- Shane, J.M.** (2016). Improving police use of force: A policy essay on national data collection. *Criminal Justice Policy Review*. 1-21.
- Shane, J.M.,** Piza, E. & Mandalla, M. (2015). Situational crime prevention and worldwide piracy: A cross-continent analysis. *Crime Science*, 4(21): 1-13.
- Shane, J.M.** & Magnuson, S. (2014). Successful and unsuccessful pirate attacks worldwide: A situational analysis. *Justice Quarterly*.
<http://dx.doi.org/10.1080/07418825.2014.958187>.
- Shane, J.M.** (2012). The police disciplinary sentencing matrix: An emerging concept. *Police Quarterly*, 15(1): 62-91.
- Shane, J.M.** (2011). Daily work experiences and police performance. *Police Practice & Research*, 13(3): 1-19.
- Shane, J.M.** (2011). Deterrence or system overload? The effect of imprisonment and clearance rates on auto theft in the United States. *Law Enforcement Executive Forum Journal*, 11(1): 149-178.
- Shane, J.M.** (2010). The limits of auto parts marking as a situational crime prevention measure: A qualitative analysis. *Law Enforcement Executive Forum Journal*, 10(3): 109-140.
- Shane, J.M.** (2010). Organizational stressors and police performance. *Journal of Criminal Justice*. 38(4): 807-818. [Top 100 Cited Works 2010-2015].
- Shane, J.M.** (2010). Key administrative and operational differences in the police quasi-military model. *Law Enforcement Executive Forum Journal*, 10(2): 75-106.
- Shane, J.M.** (2010). Performance management in police agencies: A conceptual framework. *Policing: An International Journal of Police Strategies & Management*, 33(1): 6-29.
- Sellers, C.L., Sullivan, C.J., Veysey, B.M., & **Shane, J.M.** (2004). Responding to persons with mental illnesses: Police perspectives on specialized and traditional practices. *Behavioral Sciences and the Law*, 23(5): 647-657.

Books & Book Chapters

- Shane, J.M.** (2020). Stress Inside Police Organizations: How the Organization Creates Stress and Performance Problems in Police Officers London: Routledge.
- Shane, J.M.** & Magnuson, S. (2019). Worldwide maritime piracy and the implications for situational crime prevention. In M. Natarajan (ed.) *International and Transnational Crime and Justice: An Anthology*. Cambridge University Press.
- Shane, J.** & Swenson, Z. (2018). Unarmed and Dangerous: Patterns of Threats by Citizens During Deadly Force Encounters with Police Officers. U.K: Routledge.
- Shane, J.** (2016). Confidential Informants: A Closer Look at Police Policy. Springer Briefs in Criminology Series. New York, NY: Springer.
- Shane, J.** (2013). Learning from Error in Policing: A Case Study in Organizational Accident Theory. Springer Briefs in Criminology Series. New York, NY: Springer.
- Haq, Q. & **Shane, J.M.** (2012). The impact of work environment on police performance. In V. Sergevnnin (ed.), *Critical Issues in American Criminal Justice System*. Russian Academy of National Economy and Public Administration under the President of Russian Federation. Moscow.
- Shane, J.M.** & Lieberman, C.A. (2009). Criminological theories and the problem of modern piracy. In M. Haberfeld and A. von Hassell (eds.), *Modern Piracy and Maritime Terrorism: The Challenge of Piracy for the 21st Century*. Dubuque, IA: Kendall-Hunt Publishing.
- Shane, J.M.** (2009). September 11th terrorist attacks on the United States and the law enforcement response. In M. Haberfeld and A. von Hassell (Eds.), *A New Understanding of Terrorism—Case Studies, Analyses and Lessons Learned*. New York: Springer.
- Shane, J.M.** (2007). *What Every Chief Executive Should Know: Using Data to Measure Police Performance*. New York: Looseleaf Law Publications.

Monographs & Monograph Chapters

- Shane, J.M.** (2012). Abandoned Properties. Problem-Oriented Guides for Police, Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services.
- Shane, J.M.** (2008). Go After Terrorism Grants. Brief # 20. In G. Newman and R.V. Clarke, *Policing Terrorism: An Executive's Guide*. Washington. D.C: U.S. Department of Justice.
- Shane, J.M.** (2008). Developing a Performance Management Model. New York: Looseleaf Law Publications.

Professional Journals (Non peer reviewed)

- Shane, J.M.** (2008, September). Developing a performance measurement model. *FBI Law Enforcement Bulletin*, Vol. 77, No. 9.
- Delorenzi, D., **Shane, J.M.** & Amendola, K.L. (September 2006). The Compstat process: Managing performance on the pathway to leadership. *Police Chief*, Vol. 73, No. 9.
- Shane, J.M.** (June 2005). Activity-based budgeting: Creating a nexus between workload and costs. *FBI Law Enforcement Bulletin*, Vol. 74, No. 6.

Shane, J.M. (April, May, June 2004.). Compstat process. *FBI Law Enforcement Bulletin*. Vol. 73. No. 4, 5 and 6.

Shane, J.M. (May 2003). Writing a winning grant proposal. *FBI Law Enforcement Bulletin*. Vol. 72. No. 5.

Government Publications

Shane, J. (2014). Reducing Failure: A View of Policing Through an Organizational Accident Lens. In “Mending Justice: Sentinel Event Reviews,” *National Institute of Justice, Special Report*, pp. 50-52. Washington, D.C: National Institute of Justice.

Shane, J.M. (August 5, 2009). Report of the expert panel on parts-marking, professional theft and other vehicle security; Auto body repair shops; Prosecution of parts cases. In. M. Maxfield and R.V. Clarke. *Parts Marking and Anti-theft Devices Technology Study*. For Maryn Consulting on behalf of National Highway Traffic and Safety Administration, Washington, D.C. (pp. 107-152).

Clarke, R.V., Zanin, N. & **Shane, J.M.** (August 2004). Reducing drug dealing in private apartment complexes: Final report to the U.S. Department of Justice Office of Community Oriented Police Services on a Project Undertaken in Newark, NJ to Test the Utility of the Problem-Oriented Guides for Police.” Washington, D.C.: U.S. Department of Justice, COPS Office. Accessible at www.popcenter.org/library.

Other Publications

Shane, J.M. (July 5, 2023). Creating a nexus between workload and costs: A case study from Ocean View PD.

Police1. <https://police1.webstage.lexipol.com/chiefs-sheriffs/articles/creating-a-nexus-between-workload-and-costs-a-case-study-from-ocean-view-pd-tfQ6Vcx1tUNcNgh7/>

Shane, J.M. (June 27, 2023). Survey results indicate urgent need for comprehensive workload analysis and service revamp. *Police1*. <https://police1.webstage.lexipol.com/what-cops-want-2023/articles/survey-results-indicate-urgent-need-for-comprehensive-workload-analysis-and-service-delivery-revamp-F2ixCHtt8jZUmZAZ/>.

Shane, J.M. (July 2021). Situational crime prevention: Removing opportunity and improving defence to tackle violent crime. *Policinginsight.com*

Amendola, K.A., Weisburd, D. Hamilton, E., Jones, G., Slipka, M., **Shane, J.M** & Ortiz, C. (December 2011). The impact of law enforcement shift practices and extra-duty employment on various health, safety, performance, and quality of life measures. Washington, D.C: Police Foundation.

Jones-Brown, D. & **Shane, J.M.** (July 2011). An exploratory study of the use of informants in drug prosecutions in New Jersey. Newark, NJ: ACLU-NJ

Shane, J.M. (June 2010). Miranda’s “clear-statement” requirement. New York City Police Department, *Executive Development Section Executive Newsletter*, 1(2).

Shane, J.M. (Task force advisor and contributor). (2010). Reducing inherent danger: Report of the task force on police-on-police shootings. Albany, NY: New York State Task Force on Police-on-Police Shootings.

CONFERENCE PRESENTATIONS AND INVITED LECTURES

Conference Presentations

“When Do Police Kill in Metropolitan America”? American Society of Criminology, Thematic Panel, Atlanta, GA, **November 2018**.

“Policing the Mentally Ill: A Problem-Oriented Approach,” Seminar on Legal and Ethical Issues in Psychiatry and General Medicine, invited lecture Columbia University Medical Center, **October 13, 2015**.

“United States Commission on Civil Rights, Office of Civil Rights Evaluation, panel on Police Practices and Prosecution of Police Deadly Force,” invited panelist. Panel presentation, **April 20, 2015**.

“Successful and unsuccessful pirate attacks worldwide: A situational analysis.” Annual Meeting Academy of Criminal Justice Sciences, Orlando, FL. **March 6, 2015**.

“Columbia University, School of Public Health, guest lecture on American policing and the relationship between crime and public health. Hosted by Dr. Sara Albiola. **February 23, 2015**.

“Terrorist Threat Perceptions of Police Leaders from Small and Medium Police Departments.” Feature Roundtable: Annual Meeting Academy of Criminal Justice Sciences, Philadelphia, PA, **February 19, 2014**.

“The Police Employee Disciplinary Sentencing Matrix: An Emerging Concept.” Annual Meeting Academy of Criminal Justice Sciences, Dallas, TX, **March 21, 2013**.

“A Study on Police Sector Integrity.” Annual Meeting Academy of Criminal Justice Sciences, Dallas, TX, **March 21, 2013**.

“Abandoned Buildings and Lots.” Annual Problem-Oriented Policing Conference, Providence, RI, **October 22-23, 2012**.

“Deterrence or system overload? The Effect of Imprisonment and Clearance Rates on Auto Theft in the United States.” Annual Meeting American Society of Criminology, Washington, D.C: **November 16, 2011**.

“Organizational Stressors and Police Performance.” Annual Meeting American Society of Criminology, San Francisco, Ca: **November 19, 2010**.

- “The Myth of The American Police Quasi Military Model,” Presentation, Annual Meeting Academy of Criminal Justice Sciences, San Diego, CA: **February 26, 2010.**
- “Rethinking Police Use of Confidential Informants,” Presentation, Annual Meeting Academy of Criminal Justice Sciences, San Diego, CA: **February 23, 2010.**
- “Performance Management in Police Agencies: A Conceptual Framework,” Poster presentation, Annual Meeting American Society of Criminology, Philadelphia, PA: **November 5, 2009.**
- “Confronting Gun Traffickers: Stopping the Interstate Flow of Illegal Guns through Tracing and Analysis.” Roundtable presentation with Christopher Andreychak, 2008 Annual Meeting American Society of Criminology, St. Louis, MO: **November 15, 2008.**

Invited Lectures

- “National Sheriff’s Association (NSA),” Grand Rapids, MI, creating a nexus between workload and costs, **June 28, 2023.**
- “Government Finance Officers Association (GFOA),” Chicago, IL, on activity-base budgeting, **February 10, 2023.**
- “Inter-American Development Bank” on policing in democratic societies, Washington, D.C., **December 2, 2014.**
- “Presentation to the Chinese People’s Public Security University, Police Security Bureau, Beijing, China on creating a nexus between police workload and budget, police policy and practice issues.” **November 29, 2011.**
- “Developing a Performance Management Model,” Leading Police Performance and Accountability Symposium 2010, Jamaica Constabulary Force, Kingston, Jamaica: **March 30 – April 2, 2010.**
- “Tattletales and Victims: Rethinking Police Use of Confidential Informants,” John Jay College Graduate Lecture Series: **November 30, 2009.**
- “Key Administrative and Operational Differences in the Police Quasi Military Model,” CUNY Hostos Community College, Bronx, NY: **October 13, 2009.**
- “Eyewitness Identification: Improving Reliability and Preventing Wrongful Convictions,” panel discussant providing a perspective on police policy and practice. American Judicature Society, Annual Meeting, New York City: **August 8, 2008.**

TRAINING WORKSHOPS

2018	March 29	Use of Force Investigations Guide—An ASCIA and Police Foundation Webinar, <i>Washington, D.C.</i>
2018	March 13	Murder Book - A Profile of the Los Angeles Police Department’s Homicide Case Management Framework, Police Foundation Webinar, <i>Washington, D.C.</i>
2015	April 4-17	Uruguay National Police, Basic and Advanced Criminal Investigations, <i>Montevideo, Uruguay.</i>
2014	June 9-20 Sept 15-16	Uruguay National Police, Basic and Advanced Criminal Investigations, <i>Montevideo, Uruguay.</i>
2013	July 9-11	U.S. Army Senior Military Police Leaders Conference of Performance Management Process, <i>Ft. Hood, TX.</i>
	September 18-20	U.S. Army Senior Military Police Leaders Conference of Performance Management Process, <i>Ft. Campbell, KY.</i>
2010	November 9	New Haven (CT) Police Department Investigative Training Course, <i>West Haven, Connecticut.</i>
	March 30 to April 2	Leading Police Performance and Accountability Symposium 2010, Jamaica Constabulary Force. Producers House Building, <i>Kingston, Jamaica.</i>
2009	September to November (Various dates)	Implementing and Institutionalizing CompStat in Maryland. Grant program with University of Maryland and Governor’s Office of Crime Prevention, <i>Baltimore, MD.</i>
2008	April 22	Developing a Performance Management Model. Ohio Association of Chiefs of Police. 2008 in-service training conference, <i>Deer Creek, Ohio.</i>
	June 23	Developing a Performance Management Model. Florida Police Chiefs Association 56th Annual Summer Training Conference, <i>Palm Beach Gardens, Florida.</i>

	August 19	Developing a Performance Management Model. Virginia Association of Chiefs of Police, Annual Conference, Hot Springs, Virginia.
	October 28	Developing a Performance Management Model. The Houston Area Police Chief's Association, Woodlands Public Safety Training Center, Conroe, Texas.
2007	May 5	Developing a Performance Management Model. Ottawa Association of Law Enforcement Planners. Algonquin College, Ottawa, Ontario, Canada.
	August 8	Developing a Performance Management Model. Louisiana Attorney General's Command College, Baton Rouge, Louisiana.
	October 16-17	Developing a Performance Management Model. International Association of Law Enforcement Planners, Calgary, Alberta, Canada.

PREVIOUS EMPLOYMENT AND RELATED EXPERIENCE

March 2006 July 2006	Consultant to Essex County College, Newark, NJ to assist with design and implementation of a geographic information system (GIS) training program for law enforcement and homeland security initiatives
February 2005 September 2005	<i>Staff Member</i> , NJ Attorney General's Office - Camden Commission for Public Safety. Final report accessible at http://www.state.nj.us/lps/com-report-camden.pdf <i>Research Associate, Rutgers Police Institute.</i> Conducted public safety research and a police management study in Camden, NJ as a staff member of the <i>Camden Commission for Public Safety</i> . Research included a management study on efficiency and recommendations on best practices for organizational change, deployment and sustained crime control initiatives.
May 2004 Present	<i>Senior Research Associate, Police Foundation Washington, D.C. (currently National Policing Institute).</i> Currently, serving as a senior research associate to the Police Foundation on a variety of topics related to policing. Most recently, assisted preparing a research grant to the National Institute of Justice entitled: <i>A National Assessment of the Risks and Benefits of Shift Practices and Related Policies in Law Enforcement: Impact on Officer and Organizational Performance.</i>
October 2003 May 2004	<i>Research Team Member, Rutgers Center for Mental Health.</i> Conducted research on police interactions and responses to persons with mental health issues. Study included conducting on site interviews with police officers as well as calls for service data analysis.
September 2003 September 2004	<i>Differential Police Response: Neighborhood Social Disorganization and Police Response Time to Domestic Violence Calls.</i> Principal investigator and author of explanatory research on police response time to domestic violence calls in Newark, New Jersey. The objective was to explain the relationship between indicators of social disorganization and police response time to domestic violence calls for service.
March 1993 August 2003	Successfully solicited by proposal over \$50 million in state and federal grants for various police initiatives including community policing, personnel, equipment and training as a member of the Newark Police Department, Research, Analysis and Planning Division
June 2001	Harvard University, John F. Kennedy School of Government and Police Executive Research Forum (PERF)—Senior Management Institute for Police, Session 25, Boston, MA
February to June 1998	Federal Bureau of Investigation, FBI National Academy—193rd Session Quantico, Virginia
January to June 1996	Police Foundation Washington, D.C. Visiting fellow, Police Fellowship Program

March 1989 December 2005	Newark (NJ) Police Department (Retired, Captain of police). See below for detailed law enforcement experience.
December 1985 March 1989	Clifton (NJ) Police Department

GRANTS AND FUNDING

March 24, 2023 (awarded)	National Safe Skies Alliance (in partnership with TransSolutions Aviation)	\$225,000.00	Airport Law Enforcement Staffing
October 18, 2013 (awarded)	Ministry of the Interior, Uruguay	\$253,156.00	Scholarship Program for Training in Advanced Criminal Investigations for Uruguay Police
October 18, 2012 (awarded)	PSC CUNY	\$10,003.74	Principal investigator to examine maritime piracy using situational crime prevention
April 15, 2010 (awarded)	PSC CUNY (Award # 63310-00 41)	\$3,990	Principal investigator, to examine the impact of organizational stressors on police performance
November 2008 (awarded)	State of Maryland Governor's Office of Crime Control Programs	\$185,696	Co-principal investigator with Dr. Rachel Boba, Dr. Jeanne Bilanin and Laura Wyckoff to develop and implement Compstat for police agencies throughout Maryland (University of Maryland—IGSR)

SERVICE*Professional*

- Book review: Speaking Truth to Power, *Criminal Law and Criminal Justice Books* 2017
- Peer-review member, *Crime Science* 2015
- Peer-review member, *The Sociological Quarterly* 2012
- Editorial advisory board member, *International Journal of Emergency Services* 2011
- Peer-review member, *Police Quarterly* 2011
- ACJS 47th Annual Meeting, *Ethics in Policing, Modalities; Dynamics of Use of Force & The Police Command Structure*, Panel chair 2010
- Delphi Panel participant, Incentive Research Foundation; offered a police perspective to re-validate and update *The Master Measurement Model of Employee Performance* study conducted in 1992 2010
- Peer-review member, *Journal of Criminal Justice* 2010, 2017
- Peer-review member, *Criminal Justice & Behavior* 2010
- Peer-review member, *International Journal of Comparative and Applied Criminal Justice* 2010
- Peer-review member, *Taylor Francis Publishing* 2010
- Peer-review member, *Police Practice & Research* 2010
- Peer-review member, *Policing: An International Journal of Police Strategies & Management* 2009-2010
- Book review member Thompson/Wadsworth publishing 2009
- Rutgers School of Criminal Justice Alumni Association, Treasurer 2009-2010
- Invited lecture, Benjamin Cardozo Law School March 22, 2010
- Invited lecture, U.S. Department of Justice COPS Office National Leadership Roundtable, *Leadership For Public Safety II*, with the Community Policing Leadership Institute (CPLI) at the John Jay College of Criminal Justice Office of Continuing and Professional Studies April 29-30, 2010

Department

- Grant development task force 2011

- Police Studies Coordinator 2009-2013
- LPS Faculty Research Salon Discussant November 2009
- LPS ad hoc Curriculum Committee member 2010-2015

College

- Doctoral faculty member Jan 14, 2011
- *Clinton Global Initiative*, faculty representative to student committee 2009-2011
- Council of Major Coordinators 2009-2011
- Council of Allied Major Coordinators (Dean Ann Lopes, Committee Chair) 2010-2011
- CUNY Faculty COACHE Survey November 2009
- Chair of the AA Degree Educational Partnerships Committee, CUNY Justice Academy (David Barnet, Director of Educational Partnerships) 2010-2011
- CRJ 101 student performance evaluation study participant Sept-Dec 2009

Community

- Bay Area Rapid Transit Police (BART) Police-Citizen Encounters (with Dr. Maki Haberfeld and Consortium for Police Leadership in Equity (CPL) at UCLA). Research application was awarded in November and work began in January 2013. Nov. 27, 2012
- New York City Police Department, Executive Development Section Article Contributor
- Student outreach effort, Passaic County Technical Institute, Wayne, NJ (With Jeanette Taverez, Undergraduate Admission Counselor) June 2010
March 26, 2010
- Paterson (NJ) Mayor's Task Force on Crime and Violence October 2009

PROFESSIONAL AFFILIATION AND MEMBERSHIP

Police Staffing Observatory, Michigan State University	2023-Present
Academy of Criminal Justice Sciences	2009-Present
Police Executive Research Forum	2003-Present
American Society of Criminology	2004-Present
Society for Police and Criminal Psychology	2008-2009

LAW ENFORCEMENT EXPERIENCE

Parent Command	Division/Unit	Date	
Office of the Chief of Police	Command Operations Center	August 2004	December 2005

The Command Operations Center (COC) provides command rank supervision to the Department during non-business hours. The COC personnel monitor significant planned or spontaneous events, inspect Department-wide operations including field deployment, operational readiness, and administrative procedures. The COC also provides control of resources to address prevailing service demands, command level presence and oversight at the scene of unusual incidents. Personnel assigned to COC also address citizen complaints to ensure departmental objectives are achieved.

Operations Bureau	North District Police Station—District Commander	April 2004	August 2004

See East District Station for responsibilities

Office of the Police Director	Office of Policy and Planning	August 2002	April 2004
<i>See Research, Analysis and Planning Division for responsibilities</i>		January 2002	June 2002

Operations Bureau	East District Police Station—District Commander	June 2002	August 2002

The East Police District is the largest geographical precinct in the city with a residential population of approximately 80,000 and a daytime population of more than 200,000. Newark's most coveted areas are situated here, including Newark International Airport, Port Newark seaport, the New Jersey Performing Arts Center, University Heights, the campuses of Rutgers University, New Jersey Institute of

Technology and Essex County College, and Restaurant Row in the Ironbound. Responsibilities include charge of district station performance, a complement of 160 police officers and detectives, property and evidence, fifty-vehicle fleet, crime analysis, ComStat, personnel assignments, internal affairs and integrity control, records management, and prisoner detention.

Office of the Police Director

Office of Policy, Planning and Technology—Commanding Officer, Management Information Systems April 2000 January 2002

MIS exists to ensure the Department operates efficiently through the use of technology. Responsible for managing the Department's information systems which include hardware and software from Intergraph, Oracle and Motorola. Also, GIS services (mapping), computer aided dispatching (CAD), records management system (RMS), researching new technologies, and administering a \$5 million budget for personnel and equipment. Directed the following projects:

- Construction and implementation of a state-of-the-art Computer Learning Center
- Development of a multimillion dollar Oracle® records management system (RMS)
- Implementation of a wireless (CDPD) network
- Reorganization and management of the geographic information systems (GIS) program

Operations Bureau

North District Police Station—Tour Commander July 1999 April 2000

During a tour of duty, responsible for the efficient operation of one of four geographical District police stations. Responsibilities include supervision of first line supervisors, motor patrol and foot patrol officers; conducting personnel inspections and performance evaluations; initiating disciplinary procedures and personnel investigations; monitoring and counseling subordinate personnel; conducting roll call training, recommending commendations. Also accountable for District desk operations and precinct activities, including charge determinations, reviewing, approving and classifying reports, prisoner detention, assignments, and bail.

Office of the Police Director

Policy and Planning Division—Executive Officer July 1998 July 1999

Responsibilities same as listed under Research, Analysis & Planning

Office of the Police Director

Special Assistant to the Police Director September 1997 July 1998

The Police Director's Office is responsible for the policy position of the Police Department. Responsible for developing policy, implementing strategic crime control initiatives, responding to interagency correspondence and letters of complaint, acting as an intermediary among police executives, political and community leaders, representing the Police Director as directed, media relations and public information—Police Department spokesperson—and overall tasks designed to direct the mission of the Newark Police Department.

- Coordinated and appeared in an ethics training video produced for the U.S. Department of Justice—COPS Office through a grant to the Police Foundation, Washington, D.C.
- Assigned to the Criminal Investigation Bureau—Fugitive Apprehension Section to design and implement a Fugitive Apprehension Program.
- Task force member to audit, reorganize and develop policy for the central property and evidence function.

Criminal Investigation Bureau—Violent Crime Division

Homicide Section—Detective Supervisor May 1997 September 1997

The Homicide Section is responsible for all death investigations, officer-involved shootings, and kidnapping investigations. Responsible for monitoring all active investigations, reviewing "cold" cases, reviewing, classifying and approving investigations, charge determinations, crime scene management, statistical analysis, and database management.

Field Operations BureauEast & West District Police
Station—Field Supervisor

June 1995

September 1995

Responsible for the supervision of motor patrol and foot patrol officers; conducting personnel inspections and performance evaluations; initiating disciplinary procedures and personnel investigations; monitoring and counseling subordinate personnel; conducting roll call training, recommending commendations. Also accountable for desk operations and precinct activities, including charge determinations, reviewing, approving and classifying reports, prisoner detention, and bail.

Office of the Police DirectorResearch, Analysis & Planning
Division—Detective

March 1993

May 1997

Responsible for the research and development of budgetary proposals, Department policies, tactical and strategic planning, comparative, statistical and crime analysis, State and Federal grant proposals, interagency surveys, and overall tasks designed to improve the efficiency and effectiveness of the Newark Police Department.

- Over a four-year period successfully solicited by proposal over \$40 million in Federal and State funds for community policing initiatives, equipment, personnel, and construction projects.
- Cadre member of the Emergency Operations Center (E.O.C). E.O.C is responsible for activation during all mobilization exercises, demonstrations/protests, severe weather emergencies, civil disorder conditions, airport disasters and other similar critical incidents.
- Participated in a five month police fellowship at the Police Foundation Washington, D.C. Fellowship entailed writing proposals, designing training curricula, conducting research on policing, and participating in management studies on a national level. Also assisted in the development of the Police Foundation's segment of the *Community Policing Consortium Phase V* grant proposal, submitted to the U.S. Department of Justice, COPS Office.
- Participated in the development and implementation of the Newark Police Department's Emergency Response Team (E.R.T). Team member and supervisor August, 1994 - September, 1997.

Special Investigation BureauTARGET Team—Police
Officer

November 1992

March 1993

Assigned to the Tactical Auto Recovery Group and Enforcement Team (T.A.R.G.E.T). This proactive anti-crime unit was designed to combat bank robberies, serial crimes, high-profile incidents, carjackings, and auto thefts on a citywide level. T.A.R.G.E.T. jointly participated with the F.B.I.'s Violent Crime Fugitive Task Force and the Joint Bank Robbery Task Force for combined operations.

Field Operations BureauSouth District Police
Station—Police Officer

August 1989

November 1992

Appointed to the Newark Police Department and assigned to the South Police District one of four geographical police precincts in the City. The South District encompasses a residential population of more than 80,000 residents, including several public housing tracts with a population in excess of 10,000 people. The South District also harnesses a sizeable industrial/commercial manufacturing area that raises the daytime population to more than 100,000 people.

- Responsible for service demands and response to calls for police service.
- Assigned to Special Enforcement 1990-1992; district level street-crime suppression unit designed to address local conditions. Responsible for plain clothes/anti-crime efforts, decoy, vice, robbery, prostitution and narcotics operations.
- Participated in selective enforcement operations, including saturation patrol and directed patrol operations in high crime neighborhoods.
- Participated in various community policing programs at the district level
- Field Training Officer 1990-1991

Communications Division (Clifton, NJ Police Department)

Communications Technician

December 1985

March 1989

Clifton city is one of the urban-15 communities in New Jersey serving a population of nearly 90,000. Responsible for managing police, fire and EMS field assets through a computer aided dispatch system. Also responsible for processing incoming calls for public safety and using advanced crime information systems (CJIS, NCIC).

DISTINCTION

Police Director's Special Recognition Award	1997
Department Award Excellent Police Duty	1997, 1996, 1992, 1991, 1990
New Jersey Exemplary Awards Program	1996
Webber Seavey Award for Quality in Law Enforcement (Finalist)	1994

PROMOTIONS

Captain	September 2000
Lieutenant	July 1998
Sergeant (rank)	July 1995
Detective (status)	March 1993

Appendices

Appendix A is a copy of the codebook that was used to code the CR data analyzed in this report.

Appendix B is an electronic file containing the CR data coded for my analysis.

EXHIBIT 107



**Transcript of Proceedings had in
Alvin Waddy v. City of Chicago; et al.**

Taken On: November 14, 2023

Royal Reporting Services, Inc.
Phone: 312.361.8851
Email: info@royalreportingservices.com
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Alvin Waddy v. City of Chicago; et al.
Proceedings had on 11/14/2023

Page 1

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

ALVIN WADDY,)
Plaintiff,)
v.) No. 19 L 10035
CITY OF CHICAGO, et al.,)
Defendants.)
_____)

REPORT OF PROCEEDINGS at the hearing of
the above-entitled cause before the Honorable
Anthony C. Swanagan, Judge of the said Court,
Daley Center Room 2208, on the 14th day of
November, 2023, commencing at 12:00 p.m.

Reported by:

Cynthia J. Conforti

Certified Shorthand Reporter

Certified Realtime Writer

Alvin Waddy v. City of Chicago; et al.
Proceedings had on 11/14/2023

Page 2

1 A P P E A R A N C E S:

2

3 ATTORNEYS FOR THE PLAINTIFF:

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6 Chicago, Illinois 60607

7 312.243.5900

8 BY: MR. SCOTT RAUSCHER

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10

11

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20 MS. HANNAH BESWICK-HALE

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23

24

Alvin Waddy v. City of Chicago; et al.
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Page 3

1 A P P E A R A N C E S: (Continued)

2

3 ATTORNEYS FOR DEFENDANTS CITY OF CHICAGO (and all
4 supervisory CPD personnel:)

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8 Chicago, Illinois 60606

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21

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23

24

Alvin Waddy v. City of Chicago; et al.
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1 A P P E A R A N C E S:

2

3 ATTORNEYS FOR DEFENDANT KALLATT MOHAMMED:

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9 ssullivan@mohangroble.com

10

11

* * *

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1 THE COURT: All right. So we are here on 2 Case No. 2019 L 010035, correct? It's Alvin Waddy 3 versus multiple defendants, am I right? 4 MR. RAUSCHER: Yes. 5 MR. STEFANICH: Correct. 6 THE COURT: And we are here on two motions 7 for summary judgment, I believe, one by one small 8 set of defendants and the other from a larger set 9 of defendants. And I was going to rule on these 10 sometime after the trial date. Thank you for your 11 patience. So here's the scoop: 12 I'm going to deny the motions, and I'm 13 going to do some explaining. 14 First, I'm going to discuss whether 15 Mr. Waddy's guilty plea prevents him from going 16 forward on his claims here, and I think there are 17 a number of reasons why the guilty plea doesn't 18 have that effect. 19 First of all, I think it's very 20 significant that Mr. Waddy got issued by then 21 presiding judge and now appellate court justice 22 LeRoy Martin, a Certificate of Innocence, and I'm 23 going to go into some detail about that. 24 But, first of all, I guess I'll say the	1 The Reed court cites People vs. Tallarico, 2 177 Ill. 2d 195: 3 "It is not always reasonable to presume 4 that defendant's admission of guilt, pursuant to 5 his negotiated, plea establishes a fact that 6 cannot be relitigated." 7 So, again, it's in a different context, 8 but it's the Supreme Court saying, at least pretty 9 directly related to the original criminal 10 proceeding, post-conviction proceeding, a prior 11 plea of guilty does not preclude a post-conviction 12 claim of actual innocence. 13 People vs. Reed was cited by the Supreme 14 Court this past July, July 18th. The case is 15 People vs. Washington. The cite is 16 2023 IL 127952. And, let's see, I don't want to 17 read too much. 18 But basically, they cite Reed with 19 approval, and I'm talking about paragraph 33, the 20 Washington court cites Reed with approval in 21 ruling that: 22 "A prior plea of guilty in a criminal 23 proceeding does not preclude defendant from 24 pursuing and achieving a Certificate of
Page 6	Page 8
1 Supreme Court has been pretty clear on multiple 2 occasions that a guilty plea in a criminal 3 proceeding is not necessarily conclusive in other 4 proceedings. 5 I'm going to start with a citation to 6 People vs. Reed. The case citation is 7 2020 IL 12490. 8 In Reed, the Court was deciding whether 9 the previous criminal defendant could bring a 10 post-conviction claim asserting actual innocence 11 under the post-conviction statute. 12 And I'll just read from paragraph 38: 13 "We also reject the State's contention 14 that the record of the plea proceedings positively 15 rebuts any claim of actual innocence. An 16 admission of guilt, while often sufficient to 17 support the acceptance of the plea and the 18 conviction is not guilt in fact." 19 And Reed here cites People vs. Gaines, 20 2020 IL 125165. And then there's a parenthetical 21 here. Trial judge decided whether to accept the 22 plea and legally deemed the defendant guilty of 23 the relevant charge. 24 I'll go on.	1 Innocence." 2 And so I think a couple of those things, 3 although they're not directly applicable to these 4 procedural circumstances, they do suggest that the 5 Supreme Court doesn't take a plea of guilty as 6 having a definitive preclusive effect to 7 plaintiff's claim of innocence in another 8 proceeding. 9 Now that's a couple of general principles. 10 Specifically, though, I do want to get to 11 the Certificate of Innocence because I have a hard 12 time seeing how a defendant can be precluded from 13 pursuing civil remedies for supposedly malicious 14 prosecution once that defendant has received a 15 Certificate of Innocence, and I will just read 16 from an appellate court case. 17 This case is Rudy vs. People. The 18 citation is 2013 Ill.App. (1st) 113449. 19 Once again, Rudy vs. People of the State 20 of Illinois: 21 "If a Court finds that the petitioner is 22 entitled to a judgment, it shall enter a 23 Certificate of Innocence, finding that the 24 petitioner was innocent of all offenses for which

5 (Pages 5 to 8)

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1 he or she was incarcerated." 2 This is at paragraph 10. 3 "A person who secures a Certificate of 4 Innocence may file a petition in the State's Court 5 of Claims seeking compensation. A Certificate of 6 Innocence serves no purpose other than to permit 7 its bearer to sue the government for damages." 8 And I do note that the Certificate of 9 Innocence statute and the particular Certificate 10 of Innocence that then Presiding Judge Martin 11 signed said that the certificate was to be sent to 12 the Court of Claims. It seems to me to be 13 incongruous for the statute and the Court to be of 14 the mind that a Certificate of Innocence enables a 15 previous criminal defendant to seek relief in the 16 Court of Claims, or elsewhere, while at the same 17 time, believing that if the defendant had entered 18 a guilty plea, his claim would be summarily 19 defeated. 20 And, obviously, People v Washington, the 21 July case I cited, says exactly that; says exactly 22 that that's not the case, that a plaintiff in a 23 civil matter can -- or no, that's incorrect. 24 A previously convicted defendant who was	1 guilty plea prevents prevailing in a suit for 2 civil remedies for an allegedly malicious 3 prosecution. 4 Another thing I guess I will say, in 5 addition -- I mean, I think this is sort of 6 related, a point related to the impact of a 7 Certificate of Innocence, but also related to the 8 Court's viewpoint that a guilty plea is not always 9 final or conclusive. 10 Whenever the Courts discuss things having 11 a preclusive effect in other proceedings, so 12 collateral impacts in other proceedings, those are 13 always considered to be equitable rulings. And I 14 think what the Courts are telling me is that they 15 want a defendant, a criminal defendant, to be able 16 to pursue his claims of innocence wherever they 17 may go, whether it be from the criminal conviction 18 itself. Or as far as civil remedies are 19 concerned, they want to enable the claims of 20 innocence to be pursued wherever they go, and 21 that's in spite of a guilty plea. 22 So as far as whether the judicial 23 admission finds Mr. Waddy in this case or whether 24 he is collaterally estopped, as I say, of
Page 10	Page 12
1 convicted on the basis of a guilty plea can pursue 2 a Certificate of Innocence. 3 And so I guess the punch line, as far as 4 I'm concerned, is that the entry of a guilty plea 5 has not been given the complete preclusive effect 6 in different proceedings that the defendants here 7 suggest. 8 And, again, I'll also note that to me, 9 this is of interest, and, you know, maybe it's a 10 technical point, but the Certificate of Innocence 11 Statute says that records -- let's see. This is 12 735 ILCS 5/2-702. 13 And basically it says that all of the 14 clerk's records of a conviction are to be sealed, 15 all the records of a criminal proceeding where the 16 defendant was found guilty, those records are to 17 be sealed after a Certificate of Innocence is 18 entered. 19 When we have Courts saying that the 20 Certificate of Innocence is intended to enable a 21 pursuit of civil remedies, and we have the Court 22 saying that we can get a Certificate of Innocence 23 even if you entered a guilty plea, I don't think 24 that's reconcilable with the position that the	1 traditionally considered equitable consideration, 2 you know, I have to conclude that given what the 3 statute is supposed to do, and given what the 4 courts say about the freedom to relitigate the 5 plea of guilty, I can't consider the judicial 6 admission to be conclusive, and I can't consider 7 Mr. Waddy to be collaterally estopped from 8 claiming innocence. 9 Now, I guess I'll also have to say the 10 Certificate of Innocence statute is careful to 11 point out, just reading from a subsection, it's 12 the last subsection, I don't know if I can 13 consistently -- oh, okay. This is subsection J: 14 "The decision to grant or deny a 15 Certificate of Innocence shall be binding only 16 with respect to claims filed in the Court of 17 Claims and shall not have a res judicata effect on 18 any other proceedings." 19 Now, what I think that means is that maybe 20 that -- this is not a ruling now. This is just an 21 observation. 22 Maybe this does have some meaning sort of 23 by inference. Doesn't have a res judicata effect 24 on any other proceedings.

6 (Pages 9 to 12)

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1 That says to me, though, that the question 2 of whether Mr. Waddy was inappropriately 3 prosecuted is still an open question despite the 4 fact that he pleaded guilty to the cocaine charges 5 he was convicted of. 6 And so I think at least the admission and 7 estoppel questions are applicable to every 8 defendants's summary judgment motion, and so I 9 can't grant the motion on that basis. 10 Now, I do also have in front of me 11 arguments by multiple individual defendants that 12 say that basically there isn't sufficient evidence 13 that they were involved and that they have to be 14 granted summary judgment on that basis, and I'm 15 denying the motions on those grounds as well. 16 We do have evidence presented in the 17 summary judgment record of the sort of 18 conspiracy -- yeah, I mean we do have evidence at 19 least of the City's investigation of alleged 20 conspiracy on the part of officers who were 21 included in Sergeant Watts' tactical team to frame 22 innocent defendants. So at least there is 23 evidence that a conspiracy went on. I am not 24 saying that we have anything conclusive yet, but I	1 they saw that Mr. Waddy wasn't really a drug 2 seller at the time of the arrest and they were 3 silent about it, you know, I think that's 4 something that a jury could consider. 5 Now, I do understand that Mr. Waddy, Miss 6 Dotts and various of the officers who are 7 defendants have differing stories about what 8 officers were present at the time of the arrest or 9 before or after. But, as I say, the vice case 10 report lists everybody as witnesses. 11 Officer Jones, I believe, was the 12 complaining officer. Everybody else who's an 13 individual defendant was listed as a witness 14 except for Sergeant Watts, who signed off on the 15 report. 16 So everybody's a witness or it's also 17 possible -- given what the evidence is, it's also 18 possible that a jury could say that one 19 conspirator knows what other co-conspirators will 20 cosign their false report. It's evidence. 21 I can't say it's conclusive evidence by 22 itself, but I think that report plus the evidence 23 of, at least to some degree, a conspiracy that 24 included multiple defendants here is something
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1 will add to that that the vice case report lists 2 basically everybody as witnesses to Mr. Waddy's 3 arrest. 4 Now, I think a jury deciding whether 5 there's sufficient evidence to find in favor of 6 Mr. Waddy can look at that vice case report and 7 come to a couple of possible conclusions. 8 I'm not saying that the two conclusions 9 I'm about to mention are the entire universe of 10 conclusions, but one possible conclusion is that 11 all of the named defendants were there when 12 Mr. Waddy was arrested. 13 And I do know that Mr. Waddy's deposition 14 testimony says that basically Mr. Gonzalez or 15 Officer Gonzalez, I apologize, Officer Gonzalez 16 sort of fraudulently nailed Waddy with a bag of 17 what turned out to be cocaine and said "this is 18 his too." 19 And Mr. Waddy's allegation, at least for 20 purposes of this case, is that that was a phony 21 accusation. Part of what the plaintiff asserts to 22 be sufficient element of his claim for malicious 23 prosecution is that the defendants didn't reveal 24 exculpatory evidence, and if they were there and	1 that a juror would have to weigh against the 2 individual's testimony about what they remembered 3 or didn't remember about who was there when. 4 And so I understand that there's no 5 testimony from Waddy or Dotts that conclusively 6 puts multiple individual defendants there at the 7 time of Mr. Waddy's arrest, but the vice case 8 report calls all of these individuals witnesses 9 except for the person who was making the report 10 and the person who's approving the report. 11 So I think that's evidence that is 12 conflicting enough to deny summary judgment on the 13 basis of noninvolvement by the officers who have 14 asserted that they didn't have anything to do with 15 anything that would constitute malicious 16 prosecution. 17 So, basically, that's it. I mean, it 18 would have been much more elegantly stated if I 19 could take after the trial, but, hopefully, even 20 if -- I'm sure everybody on one side of the V 21 disagrees, but, hopefully, it's understandable 22 from the transcript. 23 So I'll shut up. What's next? 24 MR. RAUSHER: Just write the order, and

7 (Pages 13 to 16)

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Page 17 1 then I think there's a hearing scheduled for next 2 week, a separate motion? 3 THE COURT: And that's on Assistant 4 State's Attorney's Adduci's motion for a 5 protective order, yes, that's next week. 6 MR. STEFANICH: Judge, I did have one 7 thing. 8 We had the IDOC phone call issue a while 9 ago. 10 THE COURT: What happened? 11 MR. STEFANICH: We are having trouble 12 getting IDOC to produce the phone call, so if we 13 can put in the order that they're to produce, 14 maybe that will shake the cause loose. 15 THE COURT: If you think that will help, 16 I'm happy to have the order say that, but there's 17 all sorts of folks who don't care what I say, so 18 we'll see if it helps. 19 Okay. Anything else? 20 MR. RAUSHER: Not from us. 21 THE COURT: All right. Thank you, all. 22 (Ending time noted: 12:24 p.m.) 23 24	

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1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

2

3 I, Cynthia J. Conforti, Certified

4 Shorthand Reporter No. 084-003064, CSR, CRR, and a

5 Notary Public in and for the County of Cook, State

6 of Illinois, the officer before whom the

7 foregoing trial was taken, do hereby certify that

8 the foregoing transcript is a true and correct

9 record of the testimony given; that said testimony

10 was taken by me stenographically and thereafter

11 reduced to typewriting under my direction; and

12 that I am neither counsel for, related to, nor

13 employed by any of the parties to this case and

14 have no interest, financial or otherwise, in its

15 outcome.

16 IN WITNESS WHEREOF, I have hereunto set my

17 hand this 21st day of November, 2023.

18

19

20

21

22

Cynthia J. Conforti



23 Notary Public in and for the

24 State of Illinois

ARTICLE 2

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17-F.O.P. Representatives	P-Benefits During Probationary Period	Changes in Watch Assignments
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ARTICLE 2

Limited Duty I.O.D.
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ARTICLE 1
PREAMBLE

This Agreement is entered into by and between the City of Chicago, an Illinois municipal corporation (hereinafter referred to as the “Employer”) and the Fraternal Order of Police, Chicago Lodge No. 7 (hereinafter referred to as the “Lodge”).

It is the purpose of this Agreement and it is the intent of the parties hereto to establish and promote mutual harmonious understanding and relationships between the Employer and the Lodge, to promote departmental efficiency and effectiveness, to establish wages, hours, standards and other terms and conditions of employment for officers covered by this Agreement, and to provide for the equitable and peaceful adjustment and resolution of differences which may arise from time to time over the negotiations, interpretation and application of this Agreement.

In consideration of the mutual promises, covenants and agreements contained herein, the parties hereto, by their duly authorized representative and/or agents, do mutually covenant and agree as follows:

ARTICLE 2
RECOGNITION

The Employer recognizes the Lodge as the sole and exclusive collective bargaining representative for all sworn Police Officers below the rank of sergeant (herein referred to as “officer”), excluding probationary officers employed by the Employer in its Department of Police, provided said probationary period shall not extend beyond

ARTICLE 2

an **eighteen (18)** month period.

The normal probationary period shall consist of **eighteen (18)** months of actual presence during active duty. Consequently, time absent from duty or not served, for any reason, shall not apply toward satisfaction of the probationary period, **except as provided in Appendix P**. During the probationary period, an officer is not entitled to any rights, privileges or benefits under this Agreement, **except as provided in Appendix P**.

Officers covered by the Agreement who have completed their probationary period as defined in Article 2 of the Agreement and thereafter commence disability or approved leaves of absence but subsequently return to active duty shall not be considered probationary and shall be entitled to all rights and benefits provided for in the Agreement, including, but not limited to, the right to invoke the provisions of Article 9 of the Agreement.

ARTICLE 3 LODGE SECURITY

Section 3.1 - Maintenance of Membership and Agency Shop.

A. Each officer who on the effective date of this Agreement is a member of the Lodge, and each officer who becomes a member after that date, shall, as a condition of employment, maintain their membership in good standing in the Lodge during the term of this Agreement.

B. Any present officer who is not a member of the Lodge shall, as a condition of employment, be required to pay fair share (not to exceed the amount of Lodge dues) of the cost of the collective bargaining process and contract administration. All officers hired on or after the effective date of this Agreement and who have not made application for membership shall, on or after the thirtieth day following the completion of their probationary period, also be required to pay a fair share of the cost of the collective bargaining process and contract administration.

Section 3.2 — Lodge Presentation at Orientation.

The Employer shall grant the Lodge an opportunity during the orientation of new officers to present the benefits of membership in the Lodge.

Section 3.3 - Dues Deduction.

A. With respect to any officer on whose behalf the Employer receives written authorization in a form agreed upon by the Lodge and the Employer, the Employer shall deduct from the wages of the officer the dues and/or financial obligations uniformly required and shall forward the full amount to the Lodge by the tenth (10th) day of the month following the month in which the deductions are made. The amounts deducted shall be in accordance with a schedule to be submitted to the Employer by the Lodge. Authorization for such deduction shall be irrevocable unless revoked by written notice to the Employer and the Lodge during the fifteen (15) day period prior to the expiration of this contract. The Employer will not similarly deduct the dues of any other organization as to officers covered by this Agreement.

B. With respect to any officer on whose behalf the Employer has not received a written authorization as provided for in 3.3A above, the Employer shall deduct from the wages of the officer, the fair share financial obligation, including any retroactive amount due and owing, and shall forward said amount to the Lodge by the tenth (10th) day of the month following the month in which the deduction is made, subject only to the following:

1. The Lodge has certified to the Employer that the affected officer has been delinquent in his **or her** obligation for at least 60 days;
2. The Lodge has certified to the Employer that the affected officer has been notified in writing of the obligation and the requirement of each provision of this Article;
3. The Lodge has certified to the Employer that the affected officer has been given a reasonable opportunity to prepare and submit any objections to the payment and has been afforded an opportunity to appear before the Board of Directors of the Lodge or its designee for the purpose of being heard on said objections.

Section 3.4 — Indemnity.

The Lodge shall indemnify and save the Employer harmless against any and all claims, demands, suits or other forms of liability that shall arise out of, or by reason of, action taken by the Employer for the purpose of complying with the above provisions of this Article, or in reliance on any list, notices, certification or assignment

ARTICLE 2

furnished under any of such provisions.

ARTICLE 4
MANAGEMENT RIGHTS

The Employer has and will continue to retain the right to operate and manage its affairs in each and every respect. The rights reserved to the sole discretion of the Employer shall include, but not be limited to, rights:

- A. to determine the organization and operations of the Department of Police;
- B. to determine and change the purpose, composition and function of each of its constituent departments, and subdivisions;
- C. to set standards for the services to be offered to the public;
- D. to direct the officers of the Department of Police, including the right to assign work and overtime;
- E. to hire, examine, classify, select, promote, restore to career service positions, train, transfer, assign and schedule officers;
- F. to increase, reduce or change, modify or alter the composition and size of the work force, including the right to relieve employees from duties because of lack of work or funds or other proper reasons;
- G. to contract out work when essential in the exercise of police power;
- H. to establish work schedules and to determine the starting and quitting time, and the number of hours to be worked;
- I. to establish, modify, combine or abolish job positions and classifications;
- J. to add, delete or alter methods of operation, equipment or facilities;
- K. to determine the locations, methods, means, and personnel by which the operations are to be conducted, including the right to determine whether goods or services are to be made, provided or purchased;
- L. to establish, implement and maintain an effective internal control program;
- M. to suspend, demote, discharge, or take other disciplinary action against officers for just cause; and
- N. to add, delete or alter policies, procedures, rules and regulations.

Inherent managerial functions, prerogatives and policymaking rights, whether listed above or not, which the Employer has not expressly restricted by a specific provision of this Agreement are not in any way, directly or indirectly, subject to the grievance and arbitration procedures contained herein, provided that no right is exercised contrary to or inconsistent with other terms of this Agreement.

ARTICLE 5
NO STRIKE

Section 5.1 — No Strike Commitment.

Neither the Lodge nor any officer will call, institute, authorize, participate in, sanction, encourage, or ratify any strike, work stoppage, or other concerted refusal to perform duties by any officer or officer group, or the concerted interference with, in whole or in part, the full, faithful and proper performance of the duties of employment with the Employer. Neither the Lodge nor any officer shall refuse to cross any picket line, by whomever established.

Section 5.2 — Resumption of Operations.

In the event of action prohibited by Section 5.1 above, the Lodge immediately shall disavow such action and request the officers to return to work, and shall use its best efforts to achieve a prompt resumption of normal operations. The Lodge, including its officials and agents, shall not be liable for any damages, direct or indirect, upon complying with the requirements of this Section.

Section 5.3 - Union Liability.

Upon the failure of the Lodge to comply with the provisions of Section 5.2 above, any agent or official of the Lodge who is an officer covered by this Agreement

ARTICLE 2

may be subject to the provisions of Section 5.4 below.

Section 5.4 - Discipline of Strikers.

Any officer who violates the provisions of Section 5.1 of this Article shall be subject to immediate discharge. Any action taken by the Employer against any officer who participates in action prohibited by Section 5.1 above shall not be considered as a violation of this Agreement and shall not be subject to the provisions of the grievance procedure; except that the issue whether an officer in fact participated in a prohibited action shall be subject to the grievance and arbitration procedure.

ARTICLE 6
BILL OF RIGHTS

Section 6.1 - Conduct of Disciplinary Investigation.

Whenever an officer covered by this Agreement is the subject of a Disciplinary Investigation other than Summary Punishment, the interrogation will be conducted in the following manner:

- A. The interrogation of the officer, other than in the initial stage of the investigation shall be scheduled at a reasonable time, preferably while the officer is on duty, or if feasible, during daylight hours.
- B. The interrogation, depending upon the allegation will normally take place at either the officer's unit of assignment, the Office of Professional Standards, the Internal Affairs Division, or other appropriate location.
- C. Prior to an interrogation, the officer under investigation shall be informed of the identity of the person in charge of the investigation, the interrogation officer and the identity of all persons present during the interrogation. When a formal statement is being taken, all questions directed to the officer under interrogation shall be asked by and through one interrogator.
- D. Unless the Superintendent of Police specifically authorizes in writing, no complaint or allegation of any misconduct concerning any incident or event which occurred five (5) years prior to the date the complaint or allegation became known to the Department shall be made the subject of a Complaint Register investigation or be re-opened or re-investigated after five (5) years from the date the CR # was issued.

No anonymous complaint made against an officer shall be made the subject of a Complaint Register investigation unless the allegation is a violation of the Illinois Criminal Code, the criminal code of another state of the United States or a criminal violation of a federal statute.

No anonymous complaint regarding residency or medical roll abuse shall be made the subject of a Complaint Register investigation until verified. No ramifications will result regarding issues other than residency or medical roll abuse from information discovered during an investigation of an anonymous complaint regarding residency or medical roll abuse, unless of a criminal nature as defined in the preceding paragraph.
- E. Immediately prior to the interrogation of an officer under investigation, he **or she** shall be informed in writing of the nature of the complaint and the names of all complainants.
- F. The length of interrogation sessions will be reasonable, with reasonable interruptions permitted for personal necessities, meals, telephone calls and rest.
- G. An officer under interrogation shall not be threatened with transfer, dismissal or disciplinary action or promised a reward as an inducement to provide information relating to the incident under investigation or for exercising any rights contained herein. **The Department shall not retaliate in any manner against any officer covered by this Agreement who cooperates in a Department disciplinary investigation.**
- H. An officer under investigation will be provided with a copy of any statement he/**she** has made within twenty-four (24) hours of the time the statement was made.
- I. If the allegation under investigation indicates a recommendation for separation is probable against the officer, the officer will be given the statutory administrative proceedings rights, or if the allegation indicates criminal prosecution is probable against the officer, the officer will be given the constitutional rights concerning self-incrimination prior to the commencement of interrogation.

ARTICLE 2

J. An officer under interrogation shall have the right to be represented by counsel of his/**her** own choice and to have that counsel present at all times during the interrogation, and/or at the request of the officer under interrogation, he/**she** shall have the right to be represented by a representative of the Lodge, who shall be either a police officer on leave to work for the Lodge or a retired police officer working for the Lodge. The interrogation shall be suspended for a reasonable time until representation can be obtained.

K. At the time an officer is given the original copy of the Request for Complaint Review Panel Hearing/Waiver of Complaint Review Panel Hearing and Waiver of Police Board Review, the officer will be informed of the rule(s) violated and the corresponding specifications of misconduct, to include date, time, location and manner in which the rule was violated.

If new allegations of the rule(s) violated and/or the corresponding specifications are thereafter made, a new Request for Complaint Review Panel Hearing/Waiver of Complaint Review Panel Hearing and Waiver of Police Board Review shall be given to the officer at least fifteen (15) days prior to the date of said hearing.

Section 6.2 - Witness Officer's Statements in Disciplinary Investigations.

When an officer covered by this Agreement is required to give a written statement or oral statement in the presence of an observer, as a witness in a disciplinary investigation other than Summary Punishment, or as a witness in a police-related shooting investigation, at the request of the officer the interview shall be conducted in the following manner:

- A. The interview of the officer shall be scheduled at a reasonable time, preferably while the officer is on duty, or if feasible, during daylight hours.
- B. The interview, depending on the nature of the investigation, will normally take place at either the officer's unit of assignment, the Office of Professional Standards, the Internal Affairs Division, or other appropriate location.
- C. Prior to an interview, the officer being interviewed shall be informed of the identity of the person in charge of the investigation, the interviewing officer, the identity of all persons present during the interview, and thenature of the complaint, including the date, time, location and relevant R.D. number, if known. When a formal statement is being taken, all questions directed to the officer being interviewed shall be asked by and through one interviewer.
- D. The officer will be provided with a copy of any statement he/**she** has made within twenty-four (24) hours of the time the statement was made.
- E. An officer being interviewed pursuant to this section shall, upon his/**her** request, have the right to be represented by counsel of his/**her** own choice and to have that counsel present at all times during the interview, or at the request of the officer being interviewed, he/**she** shall have the right to be represented by a representative of the Lodge who shall be either a police officer on leave to work for the Lodge or a retired police officer working for the Lodge. For purposes of this paragraph E, "represented" shall mean that the officer's counsel and/or representative shall only advise the officer but shall not in any way interfere with the interview. The interview shall be postponed for a reasonable time, but in no case more than forty-eight (48) hours from the time the officer is informed of the request for an interview and the general subject matter thereof and his/**her** counsel or representative can be present; provided that, in any event, interviews in shooting cases may be postponed for no more than two hours.
- F. This Section 6.2 shall not apply to: questions from a supervisor in the course of performing his/**her** normal day-to-day supervisory duties or to requests to prepare detailed reports or To-From-Subject Reports, except To-From-Subject Reports that relate to the police-related shooting.
- G. The length of interviews will be reasonable, with reasonable interruptions permitted for personal necessities, meals, telephone calls and rest.

Section 6.3 - Non-Adoption of Ordinance.

The City of Chicago shall not adopt any ordinance and the Chicago Police Department shall not adopt any regulation which prohibits the right of an officer to bring suit arising out of his/**her** duties as an officer.

Section 6.4 - Photo Dissemination.

No photo of an officer under investigation shall be made available to the media prior to a conviction for a criminal offense or prior to a decision being rendered by the Police Board.

Section 6.5 - Compulsion of Testimony.

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The Chicago Police Department shall not compel an officer under investigation to speak or testify before, or to be questioned by any nongovernmental agency relating to any matter or issue under investigation.

Section 6.6 - Auto-Residency Card.

No officer shall be required to submit the information now required in an Auto-Residency Card as it applies to any other member of his/**her** family or household.

Section 6.7 - Polygraph.

No officer shall be disciplined for refusal to take a polygraph exam and the results of the polygraph exam shall not be admissible as evidence in proceedings before the Police Board or in any proceeding where the officer may appeal to the Police Board, unless by Illinois or Federal Court decision or statute, such evidence shall become admissible before the Police Board.

In the event that the results of a polygraph exam become admissible as evidence before the Police Board and the Department determines a polygraph exam is necessary, the complainant will be requested to take a polygraph exam first. If the complainant refuses to take a polygraph exam, the accused police officer will not be requested to take a polygraph exam. If the complainant takes the polygraph exam and the results indicate deception, the accused officer may be requested to take a polygraph exam covering those issues wherein the examiner determines that the complainant is truthful.

When the polygraph is used, the accused member will be advised twenty-four (24) hours prior to the administering of the test, in writing, of any questions to which the Department will request an answer.

Section 6.8 — Disclosure.

An officer shall not be required to disclose any item of his/**her** property, income, assets, source of income, debts, or personal or domestic expenditures(including those of any member of his/**her** family or household) unless such information is reasonably necessary to monitor the performance of the officer's job, violations of reasonable Employer rules, statutes, ordinances, or this Agreement. In the administration of fringe benefits applicable to all employees of the Employer, officers covered by this Agreement may be required to disclose any coverage they (including any member of their families or households) may have under health or medical insurance and the name and appropriate identification of the carrier and coverage. The parties agree that the disclosure of such personal information shall not be made available for public inspection or copying because such would be an unwarranted invasion of personal privacy of the officer, and/or is intended to otherwise be exempt from any state or local freedom of information statute, ordinance or executive order.

Section 6.9 - Media Information Restrictions.

The identity of an officer under investigation shall not be made available to the media unless there has been a criminal conviction or a decision has been rendered by the Police Board (or by the Superintendent or Complaint Review Panel where no appeal is taken to the Police Board). However, if the officer is found innocent, the officer may request and the Department shall issue a public statement.

Section 6.10 — Discipline Screening Program

The Discipline Screening Program shall be available to officers covered by this Agreement who, as a result of a sustained Complaint Register investigation, receive a recommendation for discipline of fifteen (15) days or less. The Rules of Procedure for the Discipline Screening Program are set forth in Appendix Q of this Agreement.

ARTICLE 7
SUMMARY PUNISHMENT

Section 7.1— Administration of Summary Punishment.

It is agreed that the provisions contained elsewhere in this Agreement shall not apply to Summary Punishment action, which action shall be considered as an alternative to formal disciplinary procedures, provided that in each such action the following shall apply:

- A. The Summary Punishment which may be administered conforms to the "Notice To Supervisors Regarding Progressive Discipline," as set forth in this

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Agreement, and is limited to:

1. reprimand;
2. excusing a member for a minimum of one day to a maximum of three days without pay.

In lieu of days off without pay, an officer shall be permitted to utilize accumulated **elective** time to satisfy the Summary Punishment.

B. The Department shall promulgate, maintain and publicize reasonable guidelines which will specify those acts, omissions or transgressions, the violation of which will subject an officer to summary punishment action, and the penalties for each such violation, which shall be uniformly applied.

C. Summary Punishment action may be challenged before the Complaint Review Panel, and the affected officer may be represented by an FOP representative.

Section 7.2 - Challenge of Summary Punishment.

After Summary Punishment has been administered three (3) times within a twelve (12) month period, an officer who wishes to contest the application of Summary Punishment on a fourth occasion within the last twelve (12) months may contest the fourth and/or succeeding applications of Summary Punishment by timely challenge through the Complaint Register process or the grievance procedure. An officer who initiates such action through the Complaint Register process shall have the right to be represented by an FOP representative at the Complaint Review panel.

ARTICLE 8
EMPLOYEE SECURITY

Section 8.1 - Just Cause Standard.

No officer covered by this Agreement shall be suspended, relieved from duty or **otherwise** disciplined in any manner without just cause.

Section 8.2 - File Inspection.

The Employer's personnel files, disciplinary history files and completed inactive investigative files, except for information which the Employer deems to be confidential, shall be open and available for inspection by the affected officer during regular business hours.

Section 8.3 - Limitation on Use of File Material.

It is agreed that any material and/or matter not available for inspection, such as provided in Section 8.2 above, shall not be used in any manner or any forum adverse to the officer's interests.

Section 8.4 — Use and Destruction of File Material.

All Disciplinary Investigation files, Disciplinary History Card Entries, OPS **and** IAD disciplinary records, and any other disciplinary record or summary of such record other than Police Board cases, will be destroyed five (5) years after the date of the incident or the date upon which the violation is discovered, whichever is longer, **except that not sustained files alleging criminal conduct or excessive force shall be retained for a period of seven (7) years after the date of the incident or the date upon which the violation is discovered, whichever is longer**, and thereafter, cannot be used against the officer in any future proceedings in any other forum, **except as specified below**, unless the investigation relates to a matter which has been subject to either civil or criminal court litigation or arbitration prior to the expiration of the five-year period. In such instances, the Complaint Register case files normally will be destroyed **immediately** after the date of the final arbitration award or the final court adjudication, unless a pattern of sustained infractions exists.

Any information of an adverse employment nature which may be contained in any unfounded, exonerated, or otherwise not sustained file, shall not be used against the officer in any future proceedings. **Information contained in files alleging excessive force or criminal conduct which are not sustained may be used in future disciplinary proceedings to determine credibility and notice.**

A finding of "Sustained – Violation Noted, No Disciplinary Action" entered upon a member's disciplinary record or any record of Summary Punishment may be used for a period of time not to exceed one (1) year and shall thereafter be removed from the officer's disciplinary record and not used to support or as evidence of adverse

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employment action. The Department's finding of "Sustained – Violation Noted, No Disciplinary Action" is not subject to the grievance procedure.

Information relating to a **preventable** traffic accident involving a Department Vehicle may be used and/or considered in determining future discipline for a period of time not to exceed two (2) years from the date of such **preventable** traffic accident and shall thereafter not be used and/or considered in any employment action provided there is no intervening **preventable** traffic accident involving a Department Vehicle and if there is, the two-year period shall continue to run from the date of the most recent **preventable traffic** accident and any prior incidents may be used and/or considered in employment actions. In no event shall any prior incident five (5) or more years old be used and/or considered.

Section 8.5 — CRP **Limitation and** Representation.

A Complaint Review Panel (CRP) hearing shall be available to officers covered by this Agreement who, as a result of a sustained Complaint Register investigation receive a recommendation for discipline of fifteen (15) days or less. The CRP is not available in the case of a sustained Complaint Register investigation where the recommended finding is a suspension for sixteen (16) days up to and including thirty (30) days. An officer covered by this Agreement who receives such a recommendation for suspension shall have the option of filing a written report within fourteen (14) working days directly to the Superintendent in order to contest the finding, the recommendation for suspension, or to offer new evidence for the Superintendent's consideration.

An accused officer appearing before the Complaint Review Panel shall, upon request by said officer, be represented by a representative of the Lodge. The representative may make inquiry on relevant and material issues on behalf of the accused and may present argument and inquire in support of the accused officer's position, all of which shall at all times be in accordance with the Rules of Procedure for such hearings set forth in Appendix L of this Agreement.

Section 8.6 — Notification.

In the event the Employer receives subpoena or other legal process requiring the inspection, tender or submission of personnel, disciplinary or investigative records and/or files (other than Grand Jury subpoena or other subpoena or process which would preclude disclosure), the Employer will promptly send a copy of such subpoena or process to the officer whose records have been requested and to the Lodge. However, failure to furnish such notice shall not in any way affect the validity of any disciplinary action or personnel action taken by the Employer, provided that the Lodge will not be barred from asserting and does not waive any right(s) an officer may have to inspect or to otherwise challenge the use of files under applicable rules, statutes or this Agreement including Article 8.

Section 8.7 — Detectives, **Investigators**, Gang Crime Specialists, **Evidence Technicians**, **Police Laboratory Technicians**, **Forensic Investigators** and **Field Training Officers**.

The Employer agrees not to remove officers in the positions of Detective, **Investigator**, (formerly known as Youth Officer), or Gang Crime Specialist except for just cause.

During this Agreement, the Employer agrees that the ranks of Detective, **Investigator**, Gang Crime Specialist, **Evidence Technician**, **Police Laboratory Technician**, **Forensic Investigator** and **Field Training Officer** will not be eliminated from the budget.

ARTICLE 9 GRIEVANCE PROCEDURE

Section 9.1 — Definition and Scope.

A grievance is defined as a dispute or difference between the parties to this Agreement concerning interpretation and/or application of this Agreement or its provisions. Summary Punishment shall be excluded from this procedure, except as provided in Article 7.2. The separation of an officer from service is cognizable only before the Police Board and shall not be cognizable under this procedure, provided, however, that the provisions of Article 17 shall be applicable to separations.

Section 9.2 - Procedures, Steps and Time Limits for Standard Grievances

A grievance may be initiated by the Lodge or an aggrieved officer. Any officer shall have the right to present a grievance at any time, although it is understood that the officer should attempt to satisfy his/**her** concerns on an informal basis before invoking the procedure. In the event an informal resolution proves to be unsatisfactory, a grievance may be filed in a form to be agreed upon between the Lodge and Employer and shall be processed in accordance with this Agreement. Upon request, the grievant shall be represented by an appropriate Lodge representative, provided, however, the grievant officer may have the grievance adjusted without a Lodge representative, so

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long as such adjustment is not inconsistent with the provisions of this Agreement.

Step One: Initiating a Grievance. The grievant will first submit his/**her** grievance in writing to his/**her** immediate supervisor in his/**her** unit of assignment within seven (7) of the officer's working days following the events or circumstances giving rise to the grievance or where first known by the grievant, or thirty-five (35) days, whichever period is shorter. The grievance will be reduced to writing on a pre-printed, standard grievance form set agreed upon between the Lodge and Employer.

Step Two: Supervisory Responses. Within seven (7) days of receipt of the member's grievance, the supervisor will respond to the grievance on the grievance form set and then immediately present the grievance form set to the Commanding Officer of the unit of assignment. Following the submission of the written grievance, the Commanding Officer shall render a decision in writing within fourteen (14) days of receiving the grievance. The response shall be written on the bottom portion of the pre-printed, standard grievance form set. The Commanding Officer must forward one (1) copy of his/**her** decision to the grievant, one (1) copy to the Lodge's unit representative, and three (3) copies to Management and Labor Affairs Section (MLAS). MLAS will then forward to the Lodge a copy of the Commanding Officer's decision within fourteen (14) days of its receipt. If the grievant is directed by the Employer to meet concerning his/**her** grievance at a time when the officer is not scheduled to work, he/**she** shall be compensated for such time at the applicable rate provided for in this Agreement, including the provisions of Article 20.

Step Three: Mediation. If the response at Step Two is not satisfactory to the grievant and the Lodge, the Lodge and MLAS will meet for the purpose of mediation of the grievance. Either party may request the presence of a Mediator at such meeting, the selection of whom shall be mutually agreed upon. The mediation meeting shall be conducted no less than once each month between the Lodge Grievance Chairman, Lodge President or his/**her** designee and a Department representative having authority to resolve the grievance. The parties shall split evenly the cost of the Mediator's expenses and fees.

Step Four: Arbitration. If the parties cannot resolve the grievance at Step Three, either party may at any time demand arbitration.

Section 9.3 — Arbitration of Standard Grievances.

If either party proceeds to arbitration, the following procedure shall apply:

A. Within ten (10) days, the Employer and the Lodge shall attempt to mutually agree upon an Arbitrator. If they fail to agree, a list of seven (7) qualified neutrals shall be requested from the American Arbitration Association. Within five (5) days after receipt of the list, the parties shall select an Arbitrator. Both the Employer and Lodge each shall alternately strike names from the list. The remaining person shall be the Arbitrator.

B. The Employer or the Lodge, by mutual agreement, may submit the matter to expedited arbitration under rules to be determined by the parties. Discipline cases may be processed under Expedited Arbitration Rules agreed upon by the parties and subject to the jurisdictional and procedural limitations of the parties' Expedited Arbitration Rules.

Whenever discipline cases are processed pursuant to the parties' Expedited Arbitration Rules, the parties shall submit the cases to a screening process, known as the Summary Opinion Process, and the Arbitrator designated by the parties for the process shall issue a Summary Opinion. This report shall be submitted to the parties and reviewed by them each month. The parties shall meet and discuss the recommendations contained in the Summary Opinion for a minimum of two days each month. In the event the cases are not resolved based upon discussions of the parties, the Arbitrator's summary recommendations will not be binding upon the parties. Any cases not resolved by the Summary Opinion Process shall be submitted to arbitration under the parties' Expedited Arbitration Rules. The Arbitrator shall issue a minimum of ten (10) Summary Opinions each month.

In all discipline cases, Department Complaint Register files shall be provided to the Lodge promptly after request by the Lodge, or Lodge representatives who are sworn members of the Department shall be allowed to use Department copying equipment to copy the requested Complaint Register files, with appropriate supervision.

C. The parties shall develop a roster of 12 arbitrators who shall commit to pre-schedule hearing dates on a regular basis. From this roster the parties shall schedule a minimum of six (6) cases to be heard in expedited arbitration. The parties shall have the option in any month to decrease the number of cases to be heard that month in expedited arbitration and refer the remainder of cases to the Summary Opinion Process, but only upon mutual agreement to exercise this option. The total number of cases to be heard in either expedited arbitration or the Summary Opinion Process shall be a minimum of **twenty-five (25)** cases per month. The parties shall make every effort (including the substitution of cases in the event of settlement or inability to try a case when scheduled) to insure that such dates are not cancelled.

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The parties shall avoid continuances. Requests for continuances are disfavored and shall be granted only upon showing good cause.

MEDICAL GRIEVANCES

Section 9.4 - Psychological Review.

Grievances concerning involuntary removal from active duty due to psychological or psychiatric reasons will comply with the following procedures:

Step One: An officer who wants to challenge the Employer's decision to place him/**her** involuntarily on the medical roll will file a grievance with the **Medical Services Section** within ten (10) calendar days of being placed on the medical roll, or if the member was on full authorized furlough during his/**her** involuntary placement, within thirty-five (35) calendar days of being placed on the medical roll.

If the Employer's psychiatrist/psychologist recommends that the officer is fit for full duty and also was fit when he/**she** was involuntarily placed on the medical roll due to psychological or psychiatric reasons, the officer shall have any paid medical time used during such period of being involuntarily placed on the medical roll restored and will be made whole for lost pay and other benefits to which he/**she** is entitled.

Step Two: For a member who has filed a timely grievance at Step One, and/or when the Employer's psychiatrist/psychologist recommends that the officer is unfit for full duty and was also unfit when he/**she** was involuntarily placed on the medical roll due to psychological or psychiatric reasons, then upon written request made by the Lodge within ten (10) calendar days of notice to the member that he/**she** is unfit for duty, the Lodge may file a grievance at Step Two and may request review of that decision by a three-member psychological review panel. The officer shall, as promptly as feasible, be evaluated by a panel of three psychiatrists or psychologists, one appointed by the Lodge, one appointed by the Employer and a third appointed by mutual agreement of the Employer's and the Lodge's psychiatrist or psychologist knowledgeable about police duties. This panel shall have the authority to examine and evaluate the officer, and recommend whether or not the officer is fit for duty. In making its recommendations, the primary considerations of the panel shall be the protection and safety of, and need for effective service to, the public. These considerations shall prevail over all others in any case of conflict of interests between the officer and the Employer.

If the panel recommends that the officer is fit for duty, and was also fit when he/**she** was placed involuntarily on the medical roll due to psychological or psychiatric reasons, then the officer shall have any paid medical time used during such involuntary period on the medical roll restored, and will be made whole for lost pay and other benefits to which he/**she** is entitled.

If the panel determines that the member was unfit for duty at the time he/**she** was involuntarily placed on the medical roll, but became fit for duty sometime thereafter, the panel shall identify the point at which the member was fit for duty and the member will be made whole for lost pay and benefits from the date that the panel determined he/**she** was fit for duty.

Each party shall bear the full cost of the panel member appointed by it, with the cost of the mutually-appointed panel member to be split equally between the parties. The recommendations of the panel shall be binding upon the Employer, the Lodge and the officer.

The Lodge and the Employer acknowledge that procedural disputes which prevent the Psychological Review Panel from going forward with the review process set forth above may arise. The Lodge and the Employer acknowledge that it is in the best interests of all persons involved in the Psychological Review process to have these procedural disputes resolved as promptly and as fairly as possible. Once such a procedural dispute arises, the parties will have seven (7) working days to resolve the dispute. If they cannot resolve the dispute, either party may initiate the Summary Arbitration Process if the dispute involves the timeliness of the grievance or the period of time which the review panel is to consider when determining when the officer became fit. Any other procedural dispute may be submitted to the Summary Arbitration process only by mutual agreement of the parties. The Lodge and the Employer will maintain a group of three (3) arbitrators for the Summary Arbitration Process. One arbitrator will be selected from this group to decide the dispute. The parties will share equally the cost of the arbitrator. At the earliest possible time, representatives of the Lodge and the Employer will appear before the arbitrator. Either party may call witnesses, provided notice is given to the other party before the hearing date is selected. No written briefs will be permitted. No court reporter will be allowed. The arbitrator will issue a decision within ten (10) working days following the hearing. The decision of the arbitrator will be binding on the Lodge, the Employer, and the members of the review panel. The decision will not set a binding precedent on subsequent procedural disputes.

Section 9.5 — Medical Grievances.

Grievances concerning medical issues (excluding issues covered under Section 9.4) shall follow the procedure below. Medical issues are defined as grievances

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involving medical issues, including but not limited to the nonpayment of I.O.D. bills; removal of an officer from duty for medical reasons; refusal to return an officer to duty from medical roll; classification of an injury as non-I.O.D. and the Benefits Management Office's denial of payment of medical and hospital bills of an officer or his/**her** covered dependent under the Employer's self-funded health care plan.

Step One: Initiating a Medical Grievance. Grievances concerning the Benefits Management Office's denial of payment of medical and hospital bills will be filed with the Management and Labor Affairs Section within ten (10) working days following the events or circumstances giving rise to the grievance or where first known by the grievant, but in no event later than thirty-five (35) calendar days following the events or circumstances giving rise to the grievance.

All other grievances concerning medical issues will be filed with the **Medical Services Section** within ten (10) working days following the events or circumstances giving rise to the grievance or where first known by the grievant, but in no event later than thirty-five (35) calendar days following the events or circumstances giving rise to the grievance. If the determination at Step One is not satisfactory, the Lodge may bywritten request made within fifteen (15) days of the Step One response, or the expiration of the period for said response submit the matter for mediation.

Step Two: Mediation of MedicalGrievances. At mediation, representatives of the Lodge, the Police Department, the Benefits Management Office and the Finance Committee of the City Council, shall participate, as needed. Any settlements reached in the mediation proceedings shall be binding upon the parties. Medical mediation sessions shall occur each thirty (30) days. The parties shall split evenly the cost of the Mediator's fees and expenses.

The grievant shall be provided with the relevant medical records within the possession of the Medical Section, the Committee on Finance, Benefits Management Office and Management & Labor Affairs Section. A release shall be required for production of medical records. The relevant medical records shall include the **Medical Services Section's** determination of the grievant's status and the response to the grievance. The above records shall be submitted to the Lodge by the Department within forty-five (45) days of the Department's receipt of the Lodge's releases and mediation agenda, setting forth the grievants' names. Relevant records from the Medical Section, the Committee on Finance, the Benefits Management Office and Management and Labor Affairs Section shall be provided as stated above and throughout the grievance process until the grievance is fully resolved.

Relevant documents to be produced by the Benefits Management Office in mediation are limited to medical records, claim forms, medical bills, explanation of benefits, and recommendation to and decision of the Benefits Committee regarding the claim. This definition of relevant records to be produced by the Benefits Management Office does not preclude the Lodge from subpoenaing additional relevant documentation in response to the scheduling of an arbitration of a grievance.

Step Three: Arbitration. If the grievance is not resolved at Step Two, the Lodge upon written request within thirty (30) days of the date of mediation, may demand arbitration. The Mediator shall not be selected as the Arbitrator for the same case. The arbitration hearing shall be scheduled to commence within thirty (30) days of the selection of the Arbitrator unless the parties agree otherwise. Within ten (10) days of the Lodge's demand for arbitration, the Employer and Lodge shall attempt to mutually agree upon an Arbitrator. If they fail to agree, a list of seven qualified neutrals shall be requested from the American Arbitration Association. Within five (5) days after receipt of the list, the parties shall select an Arbitrator. Both the Employer and the Lodge shall alternately strike names from the list. The remaining person shall be the Arbitrator.

Section 9.6 - Authority of the Arbitrator.

A. Except as specified in Subsection B below, the Arbitrator shall have no right to amend, modify, nullify, disregard, add to, or subtract from the provisions of this Agreement. The Arbitrator shall only consider and make a decision with respect to the specific issue or issues presented to the Arbitrator and shall have no authority to make a decision on any other issues not so submitted. The Arbitrator shall submit in writing his/**her** decision to the Employer and to the Lodge within thirty (30) days following the close of hearing unless the parties agree to an extension thereof. The decision shall be based upon the Arbitrator's interpretation of the meaning or application of the terms of this Agreement to the facts of the grievance presented, and shall be final and binding upon the parties.

B. Any officer who is a member of and adheres to the established and traditional tenets or teachings of a bona fide religion, body or sect which has historically held conscientious objections to financially supporting organizations such as the Lodge, upon proof thereof, may be excused from the obligations set forth in Section 3.1 Article 3; and the Arbitrator may require, in lieu of such obligations, the payment by such officer of a sum equal to the fair share agency fee to a non religious charitable fund exempt from taxation under Section 501(c)(3) of Title 26 chosen by such officer from a list of at least three such funds to be submitted by the Lodge. The Employer shall not participate in but shall be bound by such an arbitration.

1. If an officer who holds conscientious objections pursuant to this section requests the Lodge to use the grievance-arbitration procedure on the

ARTICLE 2

officer's behalf, the Lodge may charge the officer the reasonable costs of using the procedure.

Section 9.7 - Expense of the Arbitrator.

The fee and expenses of the Arbitrator shall be borne by the party whose position is not sustained by the Arbitrator. The Arbitrator in the event of a decision not wholly sustaining the position of either party, shall determine the appropriate allocation of his/**her** fees and expenses. Each party shall be responsible for compensating its own representative(s) and witness(es). The cost of a transcript, where requested by either party, shall be paid by the party so requesting it.

The party requesting a cancellation, rescheduling or other postponement of a set hearing date shall pay the Arbitrator's cancellation fee.

Section 9.8 — Processing and Time Limits.

The resolution of a grievance satisfactory to the Lodge at any step shall be deemed a final settlement, and any grievance not initiated or taken to the next step within the time limit specified herein will be considered settled on the basis of the last answer by management. The time limits specified in this Article may be extended or waived by mutual agreement. Grievances may be initiated at any appropriate step corresponding with the nature of the grievance and the manner in which it arose.

Section 9.9 — Normal Operation.

Grievance meetings shall be scheduled at reasonable times and in a manner which does not unreasonably interfere with the Employer's operations. Reasonable duty time shall be allowed the grievant officer(s) and the watch representative or unit representative under this Article, for the pre-arbitral steps under Section 9.2.

Section 9.10— Exhaustion.

It is the intent of the parties to this Agreement that the procedures set forth in this Article shall be mandatory as to any grievance unless expressly and specifically excluded by the terms of this Agreement.

ARTICLE 10
NON-DISCRIMINATION

Section 10.1 - Equal Employment Opportunity.

The Employer will continue to provide equal employment opportunity for all officers, and develop and apply equal employment practices.

Section 10.2 — Non-Discrimination.

In the application of the terms and conditions of this Agreement, the Employer shall not discriminate against officers, and employment-related decisions will be based on qualifications and predicted performance in a given position without regard to race, color, sex, religion, age (40-63), **sexual orientation**, or national origin of the officer nor shall the Employer discriminate against officers as a result of membership in the Lodge. In this Agreement shall be deemed to preclude the mandatory retirement of any officer upon or after the attainment of age 63. Officers shall not be transferred, assigned or reassigned for reasons prohibited by this Section 10.2.

Section 10.3 - Political Activity or Campaigning.

The Employer shall not prohibit a police officer from, or discriminate against, his/**her** engaging in political activities or campaigning while off duty, provided that the officer does not:

- A. wear a uniform or any part thereof which would identify the individual as a police officer, or use property (including documents or records) of the Chicago Police Department;
- B. display or otherwise lead others to believe he/**she** is carrying a badge, baton or gun;
- C. hold himself/**herself** out as a police officer, except that a truthful response to a legitimate question shall not be a violation of this section;
- D. engage in such activities in a District(s) where he/**she** is assigned unless the officer lives in the District except that the Employer shall not transfer an officer into a District for the purpose of preventing him/**her** from engaging in such activities.

An officer who runs for political office may, but need not, take a leave of absence; provided that if the officer does not choose to take a leave of absence, he/**she** shall

ARTICLE 2

first fully exhaust all accumulated paid time off and any time off thereafter shall be subject to meeting the operational needs of the Police Department.

Section 10.4 - Religious Holiday Accommodation.

The obligation to accommodate the religious beliefs of officers covered by the Agreement is fulfilled if those officers whose religious beliefs require that they not work but who are scheduled to work on a recognized religious holiday are permitted at the officer's option one of the following choices in order to be excused from their regular tour of duty: (a) the use of a personal day; (b) the use of compensatory time; (c) voluntary change of regular day off (as permitted in Section 20.3 of the Agreement); or (d) excused from duty non-disciplinary (Code 89). This option may be applied for certain recognized religious holidays of faiths whose tenets require abstinence from work subject to the determination of the Commanding Officer that this accommodation does not unduly interfere with operational needs.

Section 10.5 - Americans with Disabilities Act.

In the event the Employer shall be required to make reasonable accommodation under the Americans with Disabilities Act to the disability of an applicant or incumbent officer that may be in conflict with the right of an officer under this Agreement, the Employer shall bring this matter to the attention of the Lodge. In the event the parties cannot reach an agreement on such accommodation, the provisions of Article 9 shall be available and the Arbitrator shall consider the Employer's and the Lodge's (if any exists) obligations under the Americans with Disabilities Act and this Agreement, provided that no officer shall be displaced by such decision.

ARTICLE 11
HOLIDAYS

Section 11.1 — Designated Holiday.

The Employer agrees that the following days shall be considered holidays:

New Year's Day	1 January
M. L. King Birthday	3rd Monday in January
Lincoln's Birthday	12 February
Washington's Birthday	3rd Monday in February
Pulaski Day	1st Monday in March
Community/Police Partnership Day	29 April
Memorial Day	Last Monday in May
Independence Day	4 July
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veteran's Day	11 November
Thanksgiving Day	4th Thurs. in November
Christmas Day	25 December

Section 11.2 — Compensation for Holidays.

Compensation for the holidays listed in Section 11.1 is granted as follows:

- A. Employees who are required to work a regular tour of duty (eight hours) on a holiday will be credited with eight (8) hours of compensatory time and four (4) hours of compensatory time or additional pay, as the officer elects.
- B. Employees whose regular day-off coincides with an established holiday will be credited with eight (8) hours of compensatory time.
- C. Employees whose regular day off coincides with an established holiday, and who are required to work a regular tour of duty (eight hours) on that holiday, will be credited with twenty (20) hours of compensatory time and four (4) hours of compensatory time or additional pay, as the officer elects.

ARTICLE 2

In the event that an officer covered by this Agreement is required to attend court on his/her regular day off and that day is also a holiday, the officer will be compensated at the rate of double-time for the minimum set forth in 20.5 or double-time for the actual hours worked, whichever is greater, plus eight (8) hours of compensatory time or additional pay, as the officer elects.

D. All hours in excess of a regular tour of duty on a holiday will be compensated in accordance with the provisions of Article 20, Hours and Overtime.

E. Compensatory time will not be credited to an employee on a holiday if he/she is on the medical roll (excluding I.O.D.), absent due to sickness, or death in family, on military leave, suspended, excused non-disciplinary, or on a leave of absence.

Section 11.3 - Personal Day.

For each calendar year, officers shall be entitled to receive, in addition to the days specified in Section 11.1, four (4) personal days. Officers shall not be required to work on a personal day provided that written notice of the personal day is given to the appropriate **supervisor** no later than ten (10) days prior to the personal day and that the granting of the personal day does not adversely affect Department operations. A holiday specified in Section 11.1 may not be selected as a personal day. Officers **covered by this Agreement** may elect to be paid for **all** unused personal days **each** year in lieu of taking the time off. Where officers elect such payment, the payment shall be made by April 1 of the following year. Officers may carry over **up to four (4)** unused personal days for use in the following year. Any dispute within a unit as to the selection of a personal day shall be resolved by seniority **as defined in Section 23.5.**

Section 11.4 - Special Compensation Time

If, as a result of a declaration by the Mayor, all employees of the City of Chicago except for police and fire department employees are given a day off or portion thereof with pay, then all officers who are required to work during such excused time shall be given compensatory time off at straight time rate equivalent to the hours worked during such excused time.

Section 11.5 - Holiday Declaration.

To the extent that any additional holiday is declared by federal, state or municipal authority during the term of this Agreement, and such holiday is granted to any employee of the Employer, then said holiday shall be added and incorporated into Section 11.1 above and compensated for as provided in Section 11.2 above.

ARTICLE 12
PROMOTIONS

For positions within the bargaining unit for which there is an appointment, selection and promotion process, the Employer will provide the Lodge with copies of any department level directives announcing an appointment and selection process, if any are issued, prior to the time the process is initiated. The Employer will provide the Lodge with the names of officers appointed to those positions. At the Lodge's request, the Employer will provide the Lodge with material regarding the selection and appointment process.

Effective for BIS D2A examinations that are announced and administered after the ratification of this Agreement which include a written qualifying test, each applicant who takes the written qualifying test shall be given a copy of his/her answer sheet prior to the departure from the test site. Applicants will be allowed to review a copy of the written qualifying test and to challenge items on that test, in writing, during an announced challenge period.

After the BIS D2A selection process is complete and the promotional list has been finalized, the City shall provide the Lodge with a copy of the list, a copy of the written qualifying test and the correct answer key.

The Employer will announce BIS D2A examinations sixty (60) days before the examination is administered, whenever possible

ARTICLE 13
LAYOFFS – RE-EMPLOYMENT

Section 13.1 - Notice of Layoffs.

When there is an impending layoff with respect to any officers in the bargaining unit, the Employer shall inform the Lodge in writing no later than thirty (30) days

ARTICLE 2

prior to such layoff. The Employer will provide the Lodge the names of all officers to be laid off prior to the layoff. Probationary officers shall be laid off first, then officers shall be laid off in accordance with their seniority. The officers with the least amount of seniority in the Police Department shall be laid off first, unless special qualifications dictate retention. All officers shall receive notice in writing of the layoff at least thirty (30) days in advance of the effective date of such layoffs.

Section 13.2 — Hiring During Layoffs.

No employees may be hired to perform or permitted to perform those duties normally performed by an officer while any officer is in layoff status. In the event special qualifications requiring expert skills of a technical or professional nature are unavailable in the bargaining unit, but essential to the operation of the Department, the parties shall meet to resolve such issue. If a mutual resolution is not reached, the Employer may invoke the grievance procedure.

Section 13.3 - Recall.

Any officer who has been laid off shall be placed on the appropriate reinstatement list and shall be recalled on the basis of seniority in the Police Department, as provided in this Agreement prior to any new officers being hired.

ARTICLE 14
BULLETIN BOARDS

The Employer shall provide the Lodge with designated space on available bulletin boards, or provide bulletin boards on a reasonable basis, where none are available, upon which the Lodge may post its notices.

ARTICLE 15
SAFETY ISSUES

Section 15.1 — Cooperation.

The Employer and the Lodge agree to cooperate to the fullest extent reasonably possible to promote the use of safe equipment and facilities.

Section 15.2 - Safety Committee.

Up to a maximum of five (5) officers designated by the Lodge and five (5) persons designated by the Employer shall comprise a Safety Committee for the purpose of discussing and investigating safety and health issues relating to officers and to recommend reasonable safety and health criteria relating to equipment and facilities. The Committee shall meet at least once each calendar quarter or more frequently by mutual agreement. Formal recommendations of the Committee shall be submitted in writing to the Superintendent of Police with a copy to the Lodge, but such recommendations shall not be binding upon the Employer or the Lodge. In addition to Committee recommendations, the Lodge may submit additional written recommendations to the Superintendent.

For purposes of this section, the term “investigating” shall be limited to the right of the Lodge Committee members to obtain information upon request and observe conditions regarding identified safety and health hazards and to discuss such matters with officers and members of management provided such discussions do not unduly interfere with the performance of duty by any officer or Committee member.

In the event the Employer agrees in writing to adopt the recommendation of the Committee or the Lodge, the recommendation shall be implemented within a reasonable period of time, unless the failure to implement in a timely fashion was beyond the reasonable control of the Employer. However, no monetary relief shall result from the failure to implement any such recommendation.

If the Superintendent disagrees with the recommendation of the Committee or the Lodge, he/she shall so notify the Committee or the Lodge in writing. Within ten (10) calendar days of such notice, the Lodge may request arbitration of any such dispute if such dispute raises a good faith issue regarding the use of equipment or materials which are alleged to present a serious risk to the health or safety of an officer beyond that which is inherent in the normal performance of police duties. The decision of the Arbitrator under this section shall be advisory only and shall not be binding upon the Employer; provided that this procedure shall not be exclusive and shall not affect the right of an officer or the Lodge to invoke Article 9, where otherwise appropriate. No such advisory opinion shall constitute a determination of the existence of any safety or health hazard under this Agreement, nor shall any such advisory opinion be introduced in any proceeding under Article 9 of this Agreement.

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Section 15.3 - Disabling Defects.

No employee shall be required to use any equipment that has been designated by both the Lodge and the Employer as being defective because of a disabling condition unless the disabling condition has been corrected. When an assigned department vehicle is found to have a disabling defect or is in violation of the law, the police officer will notify his/**her** supervisor, complete required reports, and follow the supervisor's direction relative to requesting repair, replacement or the continued operation of said vehicle.

Section 15.4 — Notice.

The Employer shall post in conspicuous places where notices to officers are customarily posted, all safety and health notices required by law.

ARTICLE 16

SECONDARY EMPLOYMENT AND SPECIAL EMPLOYMENT

Section 16.1 — Secondary Employment.

The Employer reserves the right to restrict secondary employment when it has reasonable cause to believe that the number of hours which the officer spends on secondary employment is adversely affecting his/**her** performance as a police officer. The Employer retains the existing right to limit, restrict or prohibit the nature or type of secondary employment that an officer undertakes.

Section 16.2 — Special Employment.

The special employment program is a voluntary program which allows officers covered by this Agreement to work on their off days for the Chicago Housing Authority or the Chicago Transit Authority. Participation in this program is subject to the provisions listed below.

Nothing in this Agreement affects the ability of the command and supervisory personnel assigned to the Special Functions Group to disqualify officers for future assignments based on their performance while working the special employment program.

- A. An officer serving suspension, serving summary punishment, on the medical roll or on limited duty is prohibited from participating in the program**
- B. An officer must maintain a performance rating of 76 or better to be considered for the program.**
- C. An officer with three (3) sustained Complaint Register Numbers and/or SPARs within a six (6) month period will not be considered for the program.**
- D. An officer with five (5) or more days on the medical roll (not including I.O.D.) in a police period will not be allowed to work special employment for the remainder of the police period.**
- E. An officer will not be considered for the special employment program if the Employer has just cause to suspend the officer from the special employment program.**

If the discipline that formed the basis for the disqualification is subsequently overturned by an arbitrator, the grievant will be entitled to the compensation the grievant would have earned had the grievant been otherwise qualified to participate in the program. This reimbursement applies only to officers who participate in the special employment program.

ARTICLE 17

FOP REPRESENTATIVES

For the purposes of administering and enforcing the provisions of this Agreement, the Employer agrees as follows:

Section 17.1 - Meeting Participation and Scheduling.

The Employer recognizes and agrees to meet with FOP representatives, including Watch and Unit representatives relating to matters covered by this Agreement.

ARTICLE 2

Meetings shall occur at reasonable times by mutual agreement. The names of designated representatives shall be certified to the Employer in writing by the Lodge.

Section 17.2 — Leave from Duty.

In addition to the Lodge President, six (6) officers covered by this Agreement shall, upon written request, be granted leave from their duties for the Employer for the purpose of performing full time duties for the Lodge. During such a leave, the Employer will continue to pay said officers all salary and maintain all benefits, including pension contributions and seniority accruals, as if the officers were on full duty with the Employer, **provided that, effective 07-01-01, the Lodge reimburses the Employer an amount equal to the salary and benefits and provided that the Employer shall remain responsible for its portion of the pension contribution.** The duration of such a leave shall not exceed three (3) years, but shall be renewable in the same duration. Such leaves may be revoked only by written notice to the Employer from the President of the Lodge. Up to two (2) additional officers covered by this Agreement who shall be elected to a State Lodge and/or the National Office of the Fraternal Order of Police shall, upon written request, be granted leave from duties for the Employer under the same terms and conditions previously set out in this Section.

Section 17.3 — Attendance at Lodge Meetings.

Subject to the need for orderly scheduling and emergencies, the Employer agrees that elected officials and members of the Board of Directors of the Lodge shall be permitted reasonable time off, without loss of pay, to attend general, board or special meetings of the Lodge, provided that at least forty-eight (48) hours notice of such meetings shall be given in writing to the Employer, and provided further that the names of all such officials and officers shall be certified in writing to the Employer. Unit representatives shall also be included within the provisions of the preceding sentence, provided that such time off for such Unit representatives shall be without pay, unless the Unit representative has compensatory time available and elects to use it.

Section 17.4 — Grievance Processing.

Reasonable time while on duty shall be permitted Lodge representatives for the purpose of aiding or assisting or otherwise representing officers in the handling and processing of grievances or exercising other rights set forth in this Agreement, and such reasonable time shall be without loss of pay.

Section 17.5 - Attendance at State and National Conferences.

- A. Subject to staffing needs, a reasonable number of appointed or elected delegates will be permitted to attend state and national conferences of the FOP. Such conference time shall be equal to the duration of the conference plus reasonable travel time to and from such conference.
- B. A maximum of twenty-two (22) members of the FOP Board of Directors will be permitted to attend state and national conventions of the FOP with pay. Such convention time shall be equal to the duration of the convention plus reasonable travel time to and from such convention, up to a maximum of seven (7) days every two (2) years.

Section 17.6 — Lodge Negotiating Team.

Members designated as being on the Lodge negotiating team who are scheduled to work on a day on which negotiations will occur, shall, for the purpose of attending scheduled negotiations, be excused from their regular duties without loss of pay. If a designated Lodge negotiating team member is in regular day-off status on the day of negotiations, he/she will not be compensated for attending the session.

Section 17.7 - Lodge Activity.

The Employer shall not prohibit discussion, solicitation, or distribution of literature, among officers covered by this Agreement with respect to matters concerning Lodge affairs, unless such activity interferes with the performance of the duties of any employee or with the orderly and efficient operations of the Employer, or unless it interferes with the transaction of business by the public with the City government.

ARTICLE 18
DISABILITY INCOME

Section 18.1 - I.O.D.

Any officer absent from work on account of injury on duty (I.O.D.) for any period of time not exceeding twelve (12) months shall receive for each such I.O.D. full pay and benefits for the period of absence, provided such injury or illness is certified by the Department's physician. Such certification shall not be unreasonably withheld.

ARTICLE 2

Officers who have exhausted said twelve (12) month paid I.O.D. leave shall be given the option to voluntarily go on non-paid medical leave instead of disability pension, provided:

- A. The officer must exhaust all furlough, personal days, baby furlough days, and accumulated compensatory time;
- B. Such non-paid leave shall continue for no more than three months, plus an extension of no more than three months, and shall not be granted or extended unless the Employer determines that the officer is likely to return to duty within the period of the leave or extension thereof; and
- C. Such non-paid leave shall be subject to Section 23.1.B(2) herein below, and shall not be deemed duty disability leave.

Section 18.2 - Non-I.O.D.

Any officer absent from work on account of non-I.O.D. injury or illness for any period of time not exceeding twelve (12) months in any twenty-four (24) consecutive month period, shall receive full pay and benefits for the period of absence, provided such injury or illness is certified by the **Medical Services Section**. Such certification shall not be unreasonably withheld.

Section 18.3 - Limited Duty I.O.D.

Officers injured in the line of duty, who are certified by the **Medical Services Section** as being able to perform limited duty assignments, shall be given limited duty assignments until they can perform regular duty assignments, or until they are mandatorily retired, whichever occurs first.

Section 18.4 - Recognized Openings.

Any officer who is certified by the **Medical Services Section** as being able to perform a limited duty assignment may be placed by the Employer in a recognized opening, as defined in Section 23.9, notwithstanding anything in Section 23.9 to the contrary.

Section 18.5 — Certification.

Certification that an officer has been injured in the line of duty shall not be unreasonably withheld.

Section 18.6 - Return to Duty.

In order to enable officers applying to return from leave for injury or illness to be processed back to duty as soon as possible, the Employer shall advise such officers in advance of the records needed and other requirements they must meet in order to permit such return. The Employer must consider medical records and reports from legally-qualified practitioners of the healing arts acting within the scope of his or her license, including, but not limited to, chiropractors, in its determination of whether an officer is fit to return to duty.

If the Employer requires and specifies certain additional medical tests to be performed and passed as a condition of the officer's return and said tests were not, and are not normally, performed in the normal course of appropriate medical treatment for the illness or injury involved, then the Employer shall, at its option, either provide the test, or reimburse the officer for the cost of both the test and any required record thereof to the extent that such cost is not covered by insurance.

The Employer shall not require a physician's certificate as a condition of return to duty from medical leave lasting three days or less, except for good cause.

Section 18.7 — Advisory Committee.

The Employer and the Lodge shall establish a joint Committee to develop solutions to problems of medical leave cost and abuse. The Committee shall be advisory only.

Section 18.8 - Injuries on Duty and Recurrence Claims.

The Employer and the Lodge have agreed upon procedures which will be followed by the Medical Services Section when an officer reports an injury on duty or a recurrence of an injury on duty. Those procedures are set forth in Appendix N of this Agreement.

Section 18.9 — Employer Responsibility for Hospital, Medical and Prescription Costs and Pension Contributions.

Pending the final determination of benefits by the Fund, officers covered by this Agreement who apply for duty, ordinary, or occupational disability

ARTICLE 2

benefits will be required to contribute the same amount as active officers for health care benefits; and the Employer will continue to provide the same health care benefits.

Officers who receive duty or occupational disability benefits will continue to receive those benefits at no cost without any refund of their previous contributions. Officers who are awarded ordinary disability benefits will be required to contribute at the Public Health Services Act (PHSA) rate reduced by the administrative fee of 2%, as of the first day of the month following the Fund's final determination of the officer's claim.

The Employer agrees to pay all hospital, medical and prescription costs of an officer who is on a leave of absence for duty or occupational disability purposes, all at no cost to the employee. The Employer shall make pension contributions on behalf of the employee as if the employee had remained in active service.

Section 18.10 — Medical Benefit Statement

Upon the written request of an officer who is injured or become ill in the performance of his/her duties, the Employer will provide a written statement showing the period of absence and the amount of salary received during the period of absence due to such injury or illness. Upon the written request of an officer on a leave of absence for ordinary, occupational or duty disability pension, the Employer will provide a statement covering the period of absence prior to retirement and the amount of the disability benefit received by the officer during said period.

Any statements for any calendar year required of the Employer under this Section will be provided only once.

ARTICLE 19
BEREAVEMENT LEAVE

Section 19.1 - Death in Family.

The Employer agrees to provide to officers leave without loss of pay, as the result of death in the family, not to exceed three (3) consecutive days (except for brother-in-law and sister-in law which shall be for the day of the funeral only) including regularly-scheduled days off, immediately following the death of a member of the immediate family.

Annual and time-due furlough will not be extended as a result of death occurring in the officer's immediate family during such furlough unless the death occurs during the last three (3) days of the furlough period, at which time the procedure outlined above will be followed.

Section 19.2 - Definition of Family.

A member of the immediate family shall be defined to be any officer's mother or father (including step), wife, husband, domestic partner, daughter or son (including step or adopted), sister or brother (including half or step), father-in-law, mother-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparent or grandchild.

In the event of the death of a domestic partner, the employee shall be granted three (3) consecutive days of leave including regularly-scheduled days off immediately following the death provided that the employee has registered the name of the employee's domestic partner with the Department of Personnel.

Domestic partners are defined as two persons, regardless of their gender, who have a close personal relationship, sharing the same regular and permanent residence for at least six months, are eighteen years of age or older, not married to anyone, not related by blood closer than would bar marriage in the State of Illinois, and are each other's sole domestic partner, responsible for each other's common welfare and jointly sharing their financial responsibilities.

Section 19.3 - Extended Bereavement Leave

Where an officer is entitled to bereavement leave pursuant to Section 19.1 above, and where death occurs and the funeral is to be held out of Illinois and beyond the states contiguous thereto, the officer shall be entitled to a maximum of five consecutive days. For purposes of this Section, those states contiguous to the State of Illinois are: Missouri, Iowa, Wisconsin, Indiana, Kentucky and Michigan.

ARTICLE 20
HOURS AND OVERTIME

Section 20.1 - Work Day and Work Week..

ARTICLE 2

All time in excess of the hours worked in the normal work day (8 hours) and the normal work week (40 hours) shall be compensated as provided in Section 20.2.

Section 20.2 — Compensation For Overtime.

All approved overtime in excess of the hours required of an officer by reason of the officer's regular duty, whether of an emergency nature or of a non-emergency nature, shall be compensated for at the rate of time-and-one-half. Such time shall be computed on the basis of completed fifteen (15)-minute segments.

The officer shall have the option of electing pay or compensatory time, at the rate of time-and-one-half, for approved overtime hours worked provided that, effective April 15, 1986, officers may accumulate a maximum of 480 hours compensatory time as a result of earned overtime for hours worked in excess of 171 per 28 day period.

Section 20.3 — Sixth and Seventh Day Work.

An officer who is in pay status for six (6) or seven (7) consecutive days within the pay period Sunday through Saturday will be compensated at the rate of time-and-one-half for work performed on the sixth (6th) day and seventh (7th) day. An officer who performs work on a regular day off which has been cancelled, will receive a minimum of eight (8) hours compensation or compensation at the rate of time-and-one-half times the actual hours worked, whichever is greater. Voluntary schedule changes will be exempt from this provision.

Section 20.4 - Call-Back.

A call-back is defined as an official assignment of work which does not continuously precede or continuously follow an officer's regularly-scheduled working hours. Officers who are directed to report to any of the Employer's premises or other specified location or are authorized to attend a beat meeting at a specified time on a regular scheduled work day or required to report to the Medical Section or are authorized to attend a beat meeting at a specified time on the officer's regular day off, shall be compensated for two (2) hours at the appropriate overtime rate or be compensated for the actual time worked, whichever is greater, at the overtime rate.

Section 20.5 - Court Time.

Officers required to attend court outside their regularly scheduled work hours shall be compensated at the overtime rate with a minimum of two (2) hours, except (1) if the court time is during the officer's compensatory time and the officer knew of the court date before his/her request for compensatory time was approved, (2) while the officer is on paid medical leave, or (3) if the officer is compensated for such time by a secondary employer.

Officers required to attend authorized court or authorized pretrial conferences within one (1) hour immediately preceding their normal tour of duty will be compensated at the overtime rate for one (1) hour. Officers required to attend authorized court or authorized pretrial conferences commencing during their tour of duty and extending beyond the normal end of the tour of duty will be compensated at the overtime rate on the basis of completed fifteen (15)-minute segments. This overtime will be computed from the end of the normal tour of duty to the sign-out time at court or at conclusion of the pretrial conference.

Court appearances during off-duty hours will be credited at the rate of time-and-one-half with a minimum of two (2) hours when the actual time spent in court is two (2) hours or less. When the actual time spent in court exceeds two (2) hours, overtime will be computed on the basis of completed fifteen (15)-minute segments. Appearances at more than one court on the same day will be computed at the rate of time-and-one-half in the following manner:

- A. When the time between court appearances exceeds two (2) hours (sign-out time from the first court to sign-in time at the next court), a minimum of two (2) hours will be credited for each court appearance.
- B. When the time between court appearances is two (2) hours or less, overtime will be computed on the basis of completed fifteen (15)-minute segments for the total time between sign-in at first court and sign-out time at the last court.

A minimum of two (2) hours will be credited when this total time is two (2) hours or less.

Section 20.6 - Volunteer Tour of Duty.

Volunteers working a tour of duty (daily or weekly) other than that specified in Section 20.1 shall be compensated at the overtime rate only when that tour of duty exceeds the designated hours.

Section 20.7 - Change of Schedule.

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The Employer's right to assign officers for duty at any time and at different times during each 28-day police period remains unrestricted and unchallenged. Watch assignments and designated starting times shall be established and posted for each police period. Watch assignments and designated starting times shall remain in effect for the duration of the 28-day police period, except for:

- A. in-service training **(including individualized training)** with a maximum of **six (6)** programs per year for a maximum of **eighteen (18)** days per year and with seven (7) days' notice to the officer; or
- B. elective training (elective training are job-related programs the Department makes available to officers and in which the officer elects to participate); or
- C. mandatory proficiency training for employees receiving D-2 **or D-2A** pay or otherwise receiving specialist or premium pay because of the position or assignment held, with a maximum of **six (6)** programs per year, for a maximum of **thirty (30)** days per year and with seven (7) days' notice to the officer; or
- D. pre-service training for promotions; or
- E. court appearances in excess of two (2) consecutive days; **or**

F. initial assignment when detailed to the Alternate Response Section.

However, starting times may be adjusted by the Employer: (1) plus or minus two (2) hours from the designated starting times; or (2) for up to seven (7) hours within an officer's assigned watch for circumstances not known to the Department 48 hours prior to the start of the police period. Provided that where an officer who has been scheduled to attend in-service training and does not attend because of circumstances beyond the reasonable control of the Employer, the Employer may reschedule said officer for said in-service training without payment of premium time hereunder.

Any adjustment inconsistent with the above provision, made after the start of the 28-day police period, will result in payment in accordance with Section 20.2 for the hours worked outside of the officer's tour of duty scheduled at the beginning of the officer's 28-day police period for that period. Shift changes during a police period made voluntarily at the request of an officer and upon approval of the Employer shall not require additional compensation.

This Section does not apply to a condition where the Superintendent of Police and the Mayor have determined in writing that a serious emergency condition exists or to officers assigned to duties which by their very nature require changes in starting times, including: personnel working in the Office of the Superintendent, working in the Patrol Division who are assigned to District Tactical Teams, First and Eighteenth District Foot Patrol units, Patrol Division Administration, the Detail Unit, the Labor Relations Section, the Mounted Unit and the Special Operations Section, Internal Affairs Division, Bureau of Staff Services, Personnel Division Personnel Investigations Section, Summer Mobile Force, Organized Crime Division, Special Events Unit, Detached Services Unit, Operational Services Administration, Youth Division Special Investigations Unit, Auto Theft Special Investigative and Stripping Teams, Central Investigation Unit, Detective Division Mission Teams and officers assigned to dignitary protection duties as part of their regular duties, or temporary replacements therefor, excluding officers assigned to visiting dignitaries; and up to two officers assigned to the immediate staff of exempt commanding officers. Due to the particular scheduling requirements for officers assigned to the School Patrol Unit, no additional compensation shall be paid to any such officer who is reassigned (including reassignment to a different watch) during any police period which includes the end of the school year or the start of the school year.

Section 20.8 - Stand-By.

Where the Employer requires an officer to remain on standby, available for work, and the officer is not able to come and go as he/**she** pleases, such time shall be paid as time worked.

Section 20.9 - Day-Off Change

Days off assigned on "change day" shall remain unchanged for the duration of each 28-day police period except for:

- A. in-service training **(including individualized training)** with a maximum of **seven (7)** programs per year for a maximum of **twenty-eight (28)** days per year and with seven (7) days' notice to the officer; or
- B. elective training (elective training are job-related programs the Department makes available to officers and in which the officer elects to participate); or
- C. mandatory proficiency training for employees receiving D-2 **or D-2A** pay or otherwise receiving specialist or premium pay because of the position or assignment held, with a maximum of **twelve (12)** programs per year, for a maximum of **thirty (30)** days per year and with seven (7) days' notice to the officer; or

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D. pre-service training for promotions.

Section 20.10 - Day-Off Group Assignment.

In the event the Employer determines to change an officer's day-off group assignment, the Employer shall seek volunteers to satisfy its needs; provided, however, (1) if there are more volunteers than required, the volunteers with the greatest seniority on the watch in the day-off group affected shall be changed, and (2) if there are not sufficient volunteers, the officers with the lowest seniority on the watch in the day-off group affected shall be changed; provided further, said officers meet the Employer's needs.

Section 20.11 — Accumulation of Compensatory Time.

The Employer will not restrict an accumulation of compensatory time subject to Section 20.2; and the number of hours of compensatory time which an officer has on record shall not be the controlling factor in determining whether an officer will be allowed to take time due.

Section 20.12 - Back to Back Shifts on Change Day.

An officer shall normally not be required to work more than four hours on the first watch on change day if he/**she** has worked a full tour of duty on the third watch on the proceeding day. If he/**she** is required to work more than four hours on a change day on the first watch, he/**she** shall be paid at the rate of time-and-one-half for the hours worked on the first watch on change day.

Section 20.13 - Duty Availability Allowance.

A. Effective on each of the following effective dates, all officers shall be paid the following quarterly amounts:

<u>Effective Date</u>	<u>Per Quarter</u>
January 1, 2001	\$ 580.00
January 1, 2002	\$ 605.00
January 1, 2003	\$ 630.00

B. In accord with **applicable law**, the Employer shall treat duty availability allowance payments as pensionable .

C. Entitlement to duty availability pay is not dependent on an officer being present for duty for an entire pay period.

ARTICLE 21 UNIFORMS

Section 21.1 — Uniforms and Equipment Advisory Committee.

The Lodge shall establish a three (3) member Uniforms and Equipment Advisory Committee. The Committee's function will be to offer recommendations relative to additions or deletions in the Departments Uniforms and Personal Equipment Program. The recommendations will be channeled through the Research and Development Division to the Department's Uniforms and Personal Equipment Policy Committee. Any and all recommendations made by the Uniform and Equipment Advisory Committee will be advisory only.

Section 21.2 — Major Change.

The Department will apprise the Uniform and Equipment Advisory Committee of the Lodge whenever major changes to the Uniform and Personal Equipment Program are anticipated.

Section 21.3 — Uniform Allowance.

Each officer **covered under this Agreement** shall receive a uniform allowance of **\$1,300.00** per year, payable in three (3) installments of **\$450.00**, on February 1 and August 1 and **\$400.00** on December 1 for the year **2001**.

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Beginning in **2002**, each officer shall receive a uniform allowance of **\$1,500.00** per year, payable in three (3) installments of **\$500.00** on February 1, August 1, and December 1 of **2002**.

Section 21.4 — Uniform Change or Modification.

The Employer shall pay for the first issue of any change in, or modification of, the prescribed uniform announced and effective after November 15, 1981.

Section 21.5 — Uniform Option.

Subject to seasonal uniform requirements, the prescribed dress uniform may be worn at any time at the officer's option. The current optional winter leather jacket is reclassified as an alternative to the prescribed long cloth coat, but an officer shall not be required to own both. When performing administrative/clerical duties inside a facility, the prescribed uniform short sleeved shirt may be worn irrespective of seasonal uniform requirements.

Section 21.6 - Lost Shields.

In cases where discipline is warranted, the maximum suspension for the first offense of loss of shield shall be one-half day to be implemented by reducing the officer's compensatory time by four (4) hours or one actual one-half day suspension without pay if the officer does not have available compensatory time.

ARTICLE 22
INDEMNIFICATION

Section 22.1 - Employer Responsibility.

The Employer shall be responsible for, hold officers harmless from and pay for damages or monies which may be adjudged, assessed, or otherwise levied against any officer covered by this Agreement, subject to the conditions set forth in Section 22.4.

Section 22.2 - Legal Representation.

Officers shall have legal representation by the Employer in any civil cause of action brought against an officer resulting from or arising out of the performance of duties.

Section 22.3 — Cooperation.

Officers shall be required to cooperate with the Employer during the course of the investigation, administration or litigation of any claim arising under this Article.

Section 22.4 — Applicability.

The Employer will provide the protections set forth in Sections 22.1 and 22.2 above so long as the officer is acting within the scope of his/**her** employment and where the officer cooperates, as defined in Section 22.3, with the City of Chicago in defense of the action or actions or claims.

Section 22.5 - Expedited Arbitration.

Grievances alleging a violation of Article 22 may be initiated at Step Four of the grievance procedure. In arbitrations thereunder, unless the parties agree otherwise, hearing shall commence within thirty (30) days of the selection of the Arbitrator, and the Arbitrator shall issue his/**her** award in writing within fifteen (15) days following the close of the hearing; the full written decision of the Arbitrator may be issued within thirty (30) days of the close of the hearing.

ARTICLE 23
SENIORITY

Section 23.1 — Definition and Application.

A. Seniority shall be defined as an officer's continuous length of service from the date of last hire as a police officer, subject to subsection B below.

The seniority of an officer retained beyond the twelve month probationary period shall date back to the last date of hire as a police officer and be subject to the deductions provided in subsection B.

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In the event two or more officers have the same seniority date, the older officer, as determined by referring to the officers' date of birth as recorded on their employment application, shall receive the higher seniority status.

B. There shall be only one seniority for officers covered by this Agreement and that seniority shall control for the purpose of determining rights, benefits, and other conditions of employment affected by seniority under this Agreement, subject to the following:

1. Suspensions occurring before July 1, 1981 shall be deducted in computing continuous length of service for purposes of determining advancement within the salary schedule, amount of furlough, and seniority for other purposes covered by this Agreement.
2. All absence from the Employer's service without pay as a result of leaves for more than thirty (30) days (other than military, duty, **occupational or ordinary** disability) and all unexcused absences shall be deducted in computing continuous length of service for purposes of determining advancement within the salary schedule, amount of furlough, and seniority for other purposes covered by this Agreement.
3. Effective January 1, 1984 only the days absent in excess of a thirty (30) day leave from the Employer's service without pay (other than military or duty disability) shall be deducted in computing continuous length of service for purposes of determining advancement within the salary schedule, amount of furlough, and seniority for other purposes covered by this Agreement.

C. The seniority for officers who resigned after August 18, 1981, applied for reinstatement within one (1) year, and were subsequently rehired prior to January 1, 1984 shall be computed by deducting time lost due to resignation and as provided for in subsection B.

D. The seniority of an officer and the employment relationship shall be terminated in the following circumstances:

1. Resignation;
2. Separation (discharge);
3. Retirement;
4. Unauthorized absence for four (4) consecutive working days without notice to the Employer;
5. If laid off, failure to report fit for duty within seven (7) days of delivery of written notification of recall to the officer's last known address which notification shall be simultaneously provided to the Lodge;
6. Failure to report fit for duty upon termination of an authorized leave of absence; and
7. Laid off for a period of time as set forth in the City of Chicago Personnel Rules as in effect on Dec. 31, 1983.

Section 23.2 - Furlough Scheduling.

An officer shall select his/**her** furlough within the unit of assignment, or if detailed for 28 days or more prior to the date selection begins, within the unit of detail on the basis of seniority **on the watch**. Officers may elect to take their full furlough or split the furlough to which they are entitled into two equal segments. Both furloughs, if split, shall be determined in one process and on the basis of seniority. A full furlough will commence on the 1st day of a police period. A split furlough will commence on either the 1st or 15th day of a police period.

Compensatory time furloughs will not be scheduled for officers who split their annual furloughs; however, such officers shall be allowed to take a compensatory time furlough by utilizing **elective** days between regularly-scheduled weekends off, subject to manpower requirements.

Furlough schedules may be adjusted to accommodate seasonal operations, significant revision in organization, work assignments or the number of personnel in particular ranks.

The day-off group of an officer on furlough (full or split) will not be changed during the remainder of the week in which the officer is scheduled to return, unless an officer who is required to work on his/**her** scheduled day(s) off during that week is compensated by the payment of premium benefits under Article 20 for all hours worked on his/**her** scheduled day off.

Officers who elect to either split their annual furloughs into two segments or take a full annual furlough will be returned to the day-off group they were in at the time

ARTICLE 2

their furlough or furlough segments were selected. Affected officers will notify their unit commanding officer two (2) weeks prior to the beginning of the furlough segment if their day-off group must be changed to match the original group. The change in day-off group should take place on the Sunday preceding the first day of the furlough segment.

Section 23.3 - Promotion.

Seniority shall be considered in the promotion of officers covered by this Agreement. In considering officers for promotion, seniority shall in competitive testing, be utilized as a tie-breaker.

Section 23.4 - Seniority List.

The Employer shall prepare a seniority list. The list shall be made available to officers in each unit. The Lodge shall receive a copy of said list at least once each year. In addition to a seniority list by seniority, the Lodge shall be provided a seniority list in alphabetical order at least once each year.

Section 23.5 — **Priority Schedule for Use of Elective Time.**

Any dispute within a unit as to the selection of a personal day provided for in Section 11.3 shall be resolved by seniority.

Elective time used for an authorized furlough extension as defined in Section 29.A.4 shall receive first priority provided that a written request is submitted at least fourteen (14) days prior to the beginning of a furlough or furlough segment.

Section 23.6 - Overtime for Pre-Planned Events.

The following procedures will apply in case of events which will require the cancellation of days off and for which the Department has received a minimum of 21 days' prior notice.

In those units which have been designated to provide personnel, seniority will be the dominant factor in the selection of officers required to work their regular days off, provided that the member to be selected possesses the necessary skill or special qualifications to perform the duties required. The Employer shall seek volunteers on the basis of seniority from among those qualified officers in said unit. If there are insufficient qualified volunteers, the Employer shall select officers on the basis of reverse seniority, provided that the Employer may assign probationary officers without regard to seniority.

The Employer will post a notice of such events on the unit bulletin board and officers desiring to exercise the option to work will notify their unit commanding officer within seven days of the date the notice was posted.

For the purpose of pre-planned overtime assignments, a unit may be defined as a bureau, division, district, watch, tactical team, etc.

For duty on election or primary days, seniority will be the dominant factor in the selection of members required to work their regular day off in the polling place. Those officers who work overtime will be compensated in accordance with Sections 20.1 and 20.2. For purposes of this paragraph, officers in tactical teams on their regular day off shall be treated the same as other officers on the same watch in the same district, subject to operational needs.

For purposes of this paragraph, the Employer will select officers to work a four- (4) hour extended tour of duty on election or primary days on the basis of seniority from among those qualified officers working the affected watch who volunteer for the extended tour. If and to the extent that there are insufficient volunteers, the Employer shall select officers from the affected watch on the basis of reverse seniority.

Section 23.7 - Holiday Assignment.

When operational considerations require that some officers of a unit work on a holiday, as defined in Section 11.1 of this Agreement, the most senior officers will be given the option to work, provided that the holiday is not an officer's regular day off **or a part of an officer's approved furlough extension** and that the officer possesses the necessary skill or special qualifications to perform the duties required.

For the purpose of holiday assignments, a unit may be defined as bureau, division, section, **group**, watch, district, etc.

Section 23.8 - Filling Recognized Vacancies.

This Section shall apply only to the following: Public Transportation Section including the Public Transportation Canine Unit, Public Housing Sections **North and**

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South, the Special Activity Section, **Traffic Section/Detail Unit, Traffic Enforcement Unit, Traffic Court/Records Unit, Traffic Safety & Training Unit, Major Accident Investigation Unit, Loop Traffic**, District Law Enforcement, Airport Law Enforcement North and South, Mounted Unit, Marine Unit, Gun Registration Section, Records Inquiry Section, Field Inquiry Section, Evidence & Recovered Property Section, Police Document Services Section, Central Detention Section, Auto Pound Section (D-1 Officers), Electronics and Motor Maintenance Division (D-1 Officers), Office of Emergency Communications (excluding the Alternate Response Section), Area Criminal Investigations, Missing Persons Section, Juvenile Court Liaison Section, School Patrol Unit and Youth **Investigation Group** Areas (excluding Youth **Investigation Group** Special Investigation Unit and Youth **Investigation Group** Administration), Auto Theft Section, Bomb and Arson Section (except bomb technicians), excluding the immediate staff of each exempt commanding officer not to exceed two (2) staff members.

A vacancy for purposes of this Section ("recognized vacancy") exists when an officer is transferred, resigns, retires, dies, is discharged, when there are new units created, or when the Department increases the number of employees in a unit, except for details for not more than three (3) months, provided that, in any event, this Section 23.8 shall not apply to (1) the Summer Mobile Force detail from the last change day before Memorial Day to the first change day after Labor Day, and (2) the Auto Snow Tow detail from the last change day before December 1 to the first change day after April 1. The Employer shall determine at any time before said vacancy is filled whether or not a recognized vacancy shall be filled. If and when the Employer determines to fill a recognized vacancy, this Section shall apply.

In order to avoid the inefficiency of chain-effect bidding, the vacancy created by the reassignment of a successful bidder shall be a recognized vacancy herein; however, subsequent vacancies created thereby shall be filled within the Department's discretion. Further, there is no recognized vacancy created as a result of emergencies, or when an officer is removed for disciplinary reasons for up to 30 days. When an officer is removed for disciplinary reasons for more than 30 days, a recognized vacancy is created.

The Employer shall post a list of recognized vacancies, if any, stating the requirements needed to fill the opening, at least 14 days before the start of the 28-day police period. A copy of such postings shall be given to the Lodge. Non-probationary officers within the same D-1 salary grade or D-2 job classification, within 72 hours of the time the list has been posted, may bid on a recognized vacancy in writing on a form to be supplied by the Employer. One copy of the bid shall be presented to the Employer; one copy shall be forwarded to the Lodge; and one copy shall be retained by the officer. Bidding under this Section 23.8 may only be for a recognized vacancy in a specific unit without regard to shift, day off, unit duty assignments, etc. The Employer shall respond to the successful bidder and the Lodge no later than 3 days prior to the change day for the new 28-day police period. During the bidding and selection process, the Employer may temporarily fill a recognized vacancy by assigning an officer to said vacancy until the recognized vacancy is filled.

An eligible bidder shall be an officer who is able to perform in the recognized vacancy to the satisfaction of the Employer after orientation without further training. The Employer shall select the most senior qualified bidder when the qualifications of the officers involved are equal. In determining qualifications, the Employer shall not be arbitrary or capricious, but shall consider training, education, experience, skills, ability, demeanor and performance, except that the parties recognize that the unique operational needs of the Employer require flexibility in the delivery of public service and to meet this need the Employer may fill 20% of the recognized vacancies within its discretion, provided that, if the Employer does not utilize any or all of its 20% exception in any personnel order, the remainder of the unused exception may be carried forward and used to fill future recognized vacancies within a twelve (12)-month period.

Upon the effective date of this Agreement, an exception to the above paragraph will apply to Airport Law Enforcement North and South, the School Patrol Unit, and the Traffic Section/Detail Unit, 33% of all recognized vacancies in each of these units occurring after the ratification of the Agreement through 30 June 2003 shall be filled by bid.

Bidding procedures will be done in conformance with the Memorandum of Understanding in this Agreement. The successful bidder may not bid for another recognized vacancy for one (1) year **unless reassigned by the Employer during that year**. A successful bidder may not be reassigned except for (1) emergencies for the duration of the emergency, (2) for just cause or (3) where the Superintendent determines that the officer's continued assignment would interfere with the officer's effectiveness in that assignment. When there are no qualified bidders, the Employer may fill the recognized vacancy within its discretion.

Section 23.9 - Filling Unit Duty Assignments.

This Section shall apply only to the following jobs within the units set forth in Section 23.8: Warrant Clerk, Summary Investigation Detective, Review Investigation Detective, Review Officers, Detective Division Administrative Desk Duty Assignment, **Area Youth Investigations Administrative Desk Duty Assignments (limited to one bid position each for the second and third watch in each area)**; and District Desk, District Watch Relief, Lockup, or Airport Law Enforcement Section Explosive Detection Canine Officer only as specifically set forth below. The Employer agrees not to eliminate any Unit Duty Assignments listed in this Section for the duration of this

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contract.

An opening in a unit duty assignment for purposes of this Section (“recognized opening”) exists when an officer performing the above unit duty assignments is to be transferred, resigns, retires, dies, is discharged, when there are new unit duty assignments created, or when the Department increases the number of employees in a unit, except for details for not more than three (3) months. An officer’s assignment to a detail shall not be rolled over solely for the purpose of avoiding the effect of this Section. The Employer shall determine at any time before said opening is filled whether or not a recognized opening shall be filled. **If the Employer decides to fill a recognized opening utilizing Section 18.4, the Employer must provide the Lodge with the name of the limited duty officer within ten (10) days of filling the recognized opening.** If and when the Employer determines to fill a recognized opening **other than utilizing Section 18.4**, this Section shall apply. Further, there is no recognized opening created as a result of emergencies, or when an officer is removed for disciplinary reasons for up to thirty (30) days. When an officer is removed for disciplinary reasons for more than thirty (30) days **or when an officer is relieved of his/her police powers for more than ninety (90) days for reasons other than placement on the medical roll**, a recognized opening is created.

In the event a recognized opening is to be bid under this Section, the Employer shall post within the unit on the first Wednesday of the next police period a list of recognized openings therein, if any, stating the requirements needed to fill the opening. **This list will remain posted for seven (7) calendar days.** A copy of such postings shall be given to the Lodge **at the time of the bid posting.** Non-probationary officers within the same unit and within the same D-1, D-2 **or D-2A** job classification, may bid on a recognized opening in writing on a form to be supplied by the Employer. One copy of the bid shall be presented to the Employer, one copy shall be forwarded to the Lodge, and one copy shall be retained by the officer. The Employer shall respond to the successful bidder and the Lodge no later than **three (3) days** prior to the change day for the new 28-day police period. During the bidding and selection process, the Employer may temporarily fill a recognized opening by assigning an officer to said opening until the recognized opening is filled **by bid; however, the Employer may not assign officers to a vacated position to avoid bidding the recognized opening.**

An eligible bidder shall be an officer who is able to perform in the recognized opening to the satisfaction of the Employer after orientation. The Employer shall select the most senior qualified bidder when the qualifications of the officers involved are equal. In determining qualifications, the Employer shall not be arbitrary or capricious, but shall consider training, education, experience, skills, ability, demeanor and performance.

The successful bidder may not bid for another recognized unit duty assignment opening for one (1) **police period** year. A successful bidder may not be reassigned except for (1) emergencies for the duration of the emergency, (2) for just cause, (3) where the Superintendent determines that the officer’s continued assignment would interfere with the officer’s effectiveness in that assignment, or (4) temporary unit duty assignments for operational needs, provided the Employer shall not fill the vacated unit duty assignment. When there are no qualified bidders, the Employer may fill the recognized opening within its discretion. Unit duty assignments in District Desk, District Watch Relief, or Lock-up shall be treated in accordance with this Section 23.9 in all respects except the following: (1) only non-probationary officers within the same watch and within the same D-1 salary grade shall be eligible to bid for recognized openings in such assignments.

The District Watch Secretary position may be filled at the Employer’s discretion. These positions are limited to one (1) position per watch in each district. If the Employer decides to fill the District Watch Secretary position, the daily unit duty assignment sheets will identify the officer assigned to the District Watch Secretary position. The duties and responsibilities of the District Watch Secretary are to be determined by the Employer provided that the lockup, review and the desk officer bid positions as set forth in the Agreement shall be filled by either the bid officer or District Watch Relief personnel prior to filling these positions with the District Watch Secretary.

Section 23.10 — Non-Disciplinary Demotion.

In the event of non-disciplinary demotions for economic reasons, the Employer shall select the most junior officer when the qualifications of the officers involved are equal. In determining qualifications, the Employer shall not be arbitrary and capricious, but shall consider training, education, experience, skills, ability, demeanor and performance.

Section 23.11 - Details.

Officers assigned to units designated to provide personnel to the Summer Mobile Force, Expressway Detail, Auto Snow Tow Detail, and the Winter Holiday Season Traffic Detail will be permitted to bid for this detail on the basis of seniority. If and to the extent that there are insufficient qualified bidders from a designated unit to meet that unit’s allocation, the Employer will select officers who are deemed qualified by reverse seniority from the designated unit to fill that unit’s allocation.

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If the Employer decides to assign an officer to a detail outside the area, district, or unit, to a sports event, parade, festival, **or** labor dispute, or **to another** event detail which constitutes a tour of duty, the Employer shall announce the detail at a roll call preceding the event, which roll call is for the same roll call on the same watch in the same unit from which officers are to be assigned to the detail. If notification at roll call is not feasible or appropriate, the Employer shall determine the method of notification. The Employer shall select officers to work the detail on the basis of seniority from among those qualified officers on said watch who are not in bid jobs and who volunteer for the detail. If and to the extent that there are insufficient qualified volunteers, the Employer shall select officers on the basis of reverse seniority. **The Employer may assign probationary officers during their initial twelve (12) month period of probation without regard to seniority.**

When the Employer decides to assign an officer to a detail outside the officer's unit of assignment for more than ten (10) days to a unit listed in Section 23.8 to provide relief for a temporary manpower shortage due to furlough, medical, or suspension, the Employer shall select officers to work the detail on the basis of seniority from among those qualified officers who volunteer for the detail. If and to the extent that there are insufficient volunteers, the Employer shall select officers on the basis of reverse seniority, provided that the Employer may assign probationary officers during their initial twelve (12) month period of probation without regard to seniority.

When the Employer decides to assign an officer to a detail outside the officer's unit of assignment for more than thirty (30) days to a unit listed in Section 23.8 to provide relief for a temporary manpower shortage due to the actual strength being more than ten (10%) percent below authorized strength, the Employer shall select officers to work the detail on the basis of seniority from among those qualified officers who volunteer for the detail. If and to the extent that there are insufficient volunteers, the Employer shall select officers on the basis of reverse seniority, provided that the Employer may assign probationary officers during their initial twelve (12) month period of probation without regard to seniority.

The Employer's right to assign Tactical Teams, Mission Teams, District Gang Tactical Teams, or other specialized units shall not be restricted in any way by this Section. In emergency situations, or situations where the Employer reasonably anticipates civil disorder will occur, or does occur, this Section shall not apply.

For purposes of bidding, the Employer may disregard seniority if and to the extent necessary to achieve the balance of experience and qualifications the Employer determines to be desirable in the detail and unit involved.

For purposes of selecting officers on the basis of reverse seniority, the Employer may retain a junior officer if and to the extent necessary to fulfill operational needs.

If the Employer assigns an officer to a detail or denies an officer(s) assignment to a detail in any manner contrary to the provisions of this Agreement, the affected officer(s) will be entitled to compensation at the rate of time and one-half in quarter hour increments for the duration of the detail.

Section 23.12 - Reassignment of Duties.

Any other provision of this Agreement to the contrary notwithstanding, nothing in this Agreement shall be deemed to prohibit the Employer from hiring or assigning any non-bargaining unit personnel to perform any unit duties as described in Appendix B and/or C, provided that no officer covered by this Agreement shall be laid off either as a result thereof or if his/her non-bargaining unit replacement, if any, has not been laid off.

Any officer who is to be displaced by a non-bargaining unit person shall be given 60 days' prior notice of said displacement. The Employer shall designate the positions and duties to which displaced officers shall be assigned. Displaced officers may be assigned to other job duties within the same unit without regard to Section 23.8 and 23.9. If the Employer decides to assign displaced officers to different units, such displaced officers shall be permitted to bid for such assignments which the Employer decides to fill with such officers on the basis of seniority and qualifications in accordance with Section 23.8. If officers other than those displaced are permitted by the Employer to bid for such assignments, then all the displaced officers shall be deemed to be more senior than all of the non-displaced bidders for purposes of said bid.

An officer who has been given a limited duty assignment pursuant to Section 18.3 shall not be displaced from limited duty under Section 23.12 for the duration of his/her eligibility for limited duty.

Section 23.13 - Acting Desk Sergeant.

Officers regularly assigned to District Desk duties by virtue of successful bid under the provisions of Section 23.9 shall be given the option by seniority for

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the assignment as Acting District Desk Sergeant.

**ARTICLE 24
EDUCATIONAL REIMBURSEMENT**

Employer agrees to provide tuition reimbursement to officers for extra-departmental education subject to the following conditions:

A. To be eligible for reimbursement:

1. Each course taken must be job-related or necessary for a degree.
2. Proof of acceptance for a degree program must be presented upon request.
3. Each course taken must grant college level credit.
4. Each course must be taken through an accredited college or university.

B. Employees must file applications for reimbursement on the appropriate forms no later than thirty (30) days after the beginning of the course of study.

C. Reimbursement will be granted on the following basis:

1. Grade "A" 100%
2. Grade "B" 75%

and other grades classified by the school as passing.

D. Reimbursement may be denied if an officer's work performance is deemed inadequate or if an officer has a record of sustained infractions of Department orders, directives or procedures.

E. Reimbursement will not be granted if:

1. Tuition costs are covered by Veteran's Administration or other funds, or
2. The program in which the officer is enrolled is reimbursable through a federal grant-in-aid program for which the officer is eligible.

F. Reimbursement will be made for a maximum of two (2) courses per school term.

G. Reimbursement will be granted when an officer is required by the Superintendent of Police to attend an educational or training program.

H. In the event an officer commences an undergraduate or graduate degree (including a law degree) program after the execution of this Agreement, and obtains an undergraduate or graduate degree with the assistance of the tuition reimbursement program, and the officer, within one (1) year of obtaining such degree, voluntarily resigns from the Department, all tuition costs (100%) reimbursed to the officer by the Employer for obtaining such a degree shall be repaid to the Employer. If the officer voluntarily resigns after one (1) year but less than two (2) years after obtaining the degree, the officer shall repay one-half (50%) of the tuition reimbursement to the Employer. If the officer does not complete the degree program and voluntarily resigns from the Department, the officer shall repay 100% of all tuition reimbursement received for any course completed within two (2) years of such resignation. Officers receiving tuition reimbursement for such degrees shall, as a condition of receiving such reimbursement, execute an appropriate form consistent with this paragraph.

The provision shall not apply to reimbursement under Subsection G of this Article, nor shall this provision apply to officers who resign from the Department for the purpose of accepting employment within another City of Chicago Department.

**ARTICLE 25
LIFE AND HEALTH INSURANCE PROVISIONS**

ARTICLE 2

Section 25.1 — Life Insurance.

The Employer agrees to provide a \$25,000 life insurance benefit at no cost to the officer; and AD&D to be increased to \$5,000. Officers must complete a City of Chicago Group Term Life Insurance enrollment formset including the employee beneficiary section of the formset in order to qualify for coverage in the Basic Group Term Life Plan. The failure of the officer to complete the enrollment formset will result in termination of the officer's Basic Group Term Life Insurance coverage.

The Employer agrees to provide procedures for officers to purchase optional Group Term Life Insurance and Universal Life Insurance in addition to basic Group Term Life Insurance coverage provided above at nominal additional cost to the officer. Officers will be permitted to purchase any amount of optional insurance coverage in \$1,000 multiples up to an amount equal to their annual salary rounded up to next multiple of \$1,000. The optional Group Term Life Insurance shall continue to be provided officers at the Employer's then current cost.

Section 25.2 — Medical and Dental Plans.

The officers' and dependents' medical, dental, optical and prescription drug plans are hereby incorporated in this Agreement.

The Employer shall make available to officers covered under this Agreement and their eligible dependents copies of the Summary of Medical and Dental Plan Benefits booklets. The cost of such coverage to be borne by the Employer.

The plans for medical, dental, optical, and prescription drug benefits, including the provisions on eligibility and self-contribution rules in effect as of the date of this Agreement, may not be changed by the Employer without the agreement of the Lodge.

The Employer also agrees to make available to the following other persons the above-described hospitalization and medical program, the dental plan and the optical plan: officers covered by this Agreement who retire on or after age 60 and their eligible dependents; surviving spouse and children of officers covered by this Agreement killed in the line of duty; officers covered by this Agreement on a leave of absence for disability (both duty and occupational) and their eligible dependents; surviving spouse and children of deceased officers covered by this Agreement who were formerly on pension disability (both duty and occupational.) The Employer will contribute the full cost of coverage for any of the above-enumerated officers covered by this Agreement who elect coverage under any plan or plans. However, coverage under a plan for officers covered by this Agreement shall terminate when an officer covered by this Agreement either reaches the age for full Medicare eligibility under federal law or ceases to be a dependent as defined in a plan, whichever occurs first. After an officer covered by this Agreement reaches the age for full Medicare eligibility, that officer shall be covered under the medical program for annuitants, provided the person pays the applicable contributions.

An officer covered by this Agreement who retired or will retire, pursuant to the pension statute, between the period January 1, 1997 and the date of the ratification of this Agreement inclusive, and who was age 60 or over at the time of ratification, will be entitled to the benefits of this paragraph, provided the officer covered by this Agreement notifies the City's Benefits Office, in writing, within forty-five (45) days after ratification of this Agreement. If such notice is given, benefits to the officer covered by this Agreement and the officer's eligible dependents will be effective on the first day of the following month.

Section 25.3 — Optical Coverage.

The Employer shall provide each officer and each of their dependents with an optical plan, the cost to be borne by the Employer. Each year, for each officer and for each dependent, the Plan shall provide payment, with no deductible provision, in accord with the following schedule: for optical examination, \$25.00; for corrective lenses, \$15.00 for each lens; or, for bifocal lenses, \$20.00 for each lens; or for trifocal lenses, \$30.00 for each lens; and, when necessary for eye glass frames, \$30.00 per pair; or, for contact lenses, \$25.00 for each lens.

Section 25.4 - Ambulance Fees.

Officers and their eligible dependents will be exempt from fees for emergency medical services performed by the Chicago Fire Department.

Section 25.5. — Labor Management Committee on Health Care.

The City of Chicago and the Fraternal Order hereby establish the "Labor Management Committee on Health Care." The Committee shall consist of four representatives selected by the Fraternal Order of Police, Chicago Lodge No. 7 and four representatives elected by the City, plus the City Comptroller or his/her

ARTICLE 2

designee, who shall serve as Committee Chair. The Committee shall meet not less than once each calendar quarter.

The purpose of the Committee shall be to monitor the performance of the City's health care plan and to discuss ways to improve plan operation and administration on an on-going basis, including such items as:

- the prescription drug plan, provider network and the mail order program,
- carve-outs for administrative efficiency and benefit efficiency,
- revisions to the list of providers participating in the hospital PPO,
- revision to the list of providers participating in the physician PPO.

This Committee is advisory only. It is intended to promote collaboration and discussion over the efficient and cost-effective operation of the benefit plan. It in no way diminishes the right regarding the benefit plan contained in any collective bargaining agreement nor does it in any way diminish the responsibilities, right and prerogatives of the City regarding the administration of the plan.

The size and composition of this Committee may be increased upon agreement of the parties.

ARTICLE 26
WAGES

Section 26.1 - Salary Schedule.

A. Effective July 1, 1999, the basic salary of all officers covered by this Agreement shall be increased as follows: effective July 1, 1999, two (2%) percent; effective January 1, 2000, four (4%) percent; and effective January 1, 2001, four (4%) percent; effective January 1, 2002 four (4%) percent and effective January 1, 2003, two (2%) percent.

B. Officers covered by this Agreement who are assigned as Armorer, Canine Handler, Evidence Technician, Explosives Detection Canine Handler, Extradition Officer, Fingerprint Examiner, Field Training Officer, Marine Unit Officer, Mounted Patrol Unit Officer, Police Agent, Police Technician, or Traffic Specialist shall receive D-2 pay as base salary.

C. Officers covered by this Agreement who hold the positions of Detective, Investigator (formerly known as Youth Officer), or Gang Crimes Specialist shall receive D-2A pay as base salary.

D. Officers covered by this Agreement who are assigned as a Field Training Officer shall continue to be allowed to work up to an additional one-half (1/2) hour per day prior to or at the conclusion of his/her tour of duty which time is to be compensated in accord with Article 20-Overtime.

E. Officers covered by this Agreement who are assigned as Explosive Technician I, Firearms Identification Technician I, Legal Officer I, Police Forensic Investigator I, Police Laboratory Technician II, Security Specialist, or Supervising Substance Abuse Counselor shall receive D-3 pay as base salary.

Section 26.2 - Bi-lingual Compensation.

All officers covered by the terms of this Agreement who are capable of reading, writing and translating a language other than English into the English language and English into a language other than English who are directed to perform such services by a supervisor outside of his/her unit shall be entitled to compensation for the time spent performing such services at the rate of time and one-half.

Officers who are directed to report to duty or remain on duty to perform such services at a time other than their regularly-assigned duty hours or perform such services during their regularly-scheduled duty hours will receive a minimum of two hours of compensation and such compensation will be at the rate of time and one-half.

In order to be eligible for the benefits of this section, an officer must be certified by the Department and placed on an eligibility list. The Department may promulgate rules to determine who is capable to perform such services. Subject to the above criteria and the ability to perform the assigned task, opportunities to

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provide such services will be rotated on the basis of the officer's seniority.

Section 26.3 - Work Out Of Grade.

A. Any officer covered by this Agreement being paid D-1 salary who is directed to perform substantially all the duties and assumes substantially all the responsibilities of a Patrol Specialist, Auto Pound Supervisor and/or Garage Supervisor, for two (2) or more hours within a single eight (8)-hour tour of duty, shall be paid at a D-2 rate consistent with his/her own tenure for an eight (8) hour tour of duty, or for the time spent, whichever is greater.

Any officer covered by this Agreement being paid D-1 or D-2 salary who is directed to perform substantially all the duties and assumes substantially all the responsibilities of Sergeant (other than in the Internal Affairs Division, Training Division, or Research & Development Division) or Police Laboratory Technician II for more than two (2) hours within a single eight (8)-hour tour of duty, shall be paid at a D-3 rate consistent with his/her own tenure for an eight (8)-hour tour of duty, or for the time spent, whichever is greater.

B. Any officer covered by this Agreement regularly assigned to a position which is paid at a D-2 or D-2A rate, who is temporarily detailed to perform the work of a lower rated employee, which work is normally paid at the D-1 or D-2 rate, shall continue to be paid at the D-2 or D-2A rate for such work. This paragraph B does not apply to demotions or reassignments.

Section 26.4 - Payment of Wages.

Except for delays caused by payroll changes, data processing or other breakdowns, or other causes outside the Employer's control, the Employer shall continue its practice with regard to the payment of wages, which generally is: (1) payment of wages provided herein shall be due and payable to an officer no later than the 1st and 16th of each month, and (2) holiday premium pay shall be due and payable to the officer no later than the 22nd day of the month following the month in which the holiday premium was earned, (3) other premium pay shall be payable to the officer no later than the last day of the period following the period in which the premium work was performed. The Employer shall not change said pay days except after notice to, and, if requested by the Lodge, negotiating with the Lodge. "Negotiating," for the purposes of this Section, shall mean as it is defined in Section 8(d) of the National Labor Relations Act.

Section 26.5 - Payment of Time.

An officer covered by this Agreement who resigns, retires or dies, shall be entitled to and shall receive all unused compensatory time accumulated by said officer including furlough time, baby furlough days, personal days, and holidays. An officer who is separated for cause shall be entitled to receive only unused compensatory time accumulated as a result of earned overtime for hours worked in excess of 171 per 28-day period.

**ARTICLE 27
RESIDENCY**

All officers covered by this Agreement shall be actual residents of the City of Chicago.

**ARTICLE 28
DURATION, ENFORCEMENT AND DISPUTE RESOLUTION**

Section 28.1 - Term of Agreement.

This Agreement shall be effective from July 1, 1999 and shall remain in full force and effect until June 30, 2003. It shall continue in effect from year to year thereafter unless notice of termination is given, in writing, by certified mail, by either party no earlier than February 1, 2003 and no later than March 1, 2003. The notices referred to shall be considered to have been given as of the date shown on the postmark. Written notice may be tendered in person, in which case the date of notice shall be the written date of receipt. It is mutually agreed that the Articles and Sections shall constitute the Agreement between the parties for the period defined in this Section.

Section 28.2 - Continuing Effect.

Notwithstanding any provision of this Article or Agreement to the contrary, this Agreement shall remain in full force and effect after any expiration date

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while negotiations or Resolution of Impasse Procedure are continuing for a new Agreement or part thereof between the Parties.

Section 28.3 - Impasse Resolution, Ratification and Enactment.

A. If the parties reach a complete agreement as to the items for negotiation at the end of any negotiating period, the following procedure shall apply:

1. The agreement will first be presented to the Lodge membership with the recommendation of the Executive Board for ratification.
2. Within ten (10) days after such ratification by the Lodge membership, the agreement will be submitted to the City Council of the City of Chicago, with the Superintendent of Police and the Mayor's recommendation for ratification and concurrent adoption in ordinance form pursuant to the City's Home Rule authority. The Employer and Lodge shall cooperate to secure this legislative approval.
3. In the event the City Council should reject the recommended agreement, the parties shall meet again within ten (10) days of the Council's vote to discuss the reasons for the Council's rejection and to determine whether any modifications can be made to deal with the problems; but either party may thereafter invoke arbitration in accordance with Section 28.3(B) of this Article upon ten (10) days' written notice to the other party.

For purposes of this Article, rejection by the City Council means affirmative rejection by a three-fifths (3/5) vote of the members of the City Council within thirty (30) days of the date the contract is submitted to it.

B. If complete agreement is not reached between the parties as to the items for negotiation at the end of any negotiating period, the following procedure shall apply:

1. In the event that disputed items cannot be resolved during the negotiation period, all disputed items shall be referred to a three person Arbitration Board, one member to be selected by each of the parties and the third member to be jointly agreed upon by the parties.
2. A Dispute Resolution Board shall be convened and shall be composed of three (3) persons: one appointed by the Employer, one appointed by the Lodge and one impartial member to be mutually selected and agreed upon by the Employer and the Lodge. If, after a period of five (5) days from the date of the appointment of the two representatives of the parties, the remaining Board member has not been selected or otherwise agreed upon, then either representative may request the American Arbitration Association, or its successor in function, to furnish a list of seven members of said service from which the remaining Board member shall be selected. The Association shall be advised that the eligibility for names to be placed upon the list shall include the following: membership in the National Academy of Arbitrators; at least five (5) years' experience in labor relations dispute resolutions in either the private or public sector; United States citizenship; and a commitment by any such individual that, if appointed or selected, said individual agrees to comply with the time limits set forth in subsection 28.3(B)5, below. Upon mutual written agreement of the Employer and the Lodge, the parties' right to appoint any Board members other than the impartial member may be mutually waived.
3. The list shall be immediately published and the representative appointed by the Employer shall within five (5) days after publication of said list eliminate three (3) names from the list. Within two (2) days after such elimination, the representative appointed by the Lodge shall eliminate three (3) names from the list. The remaining individual, plus the individual appointed by the Employer and the individual appointed by the Lodge, shall compose the Dispute Resolution Board.
4. The member of the Dispute Resolution Board selected, pursuant to subsection 28.3(B)3, above, shall act as Chairman. He/she shall be an impartial, competent and reputable individual and shall be administered and subscribe to the constitutional oath or affirmation of office. The Employer and the Lodge shall each pay half of the fees and expenses of the impartial member.
5. The Chairman shall have the authority to convene and adjourn proceedings, administer oaths, compel testimony and/or documents, and employ such clerical or research assistance as in his/her judgment and discretion are deemed warranted. He/she shall convene proceedings on the issues presented to the Dispute Resolution Board within ten (10) days after his/her appointment and/or selection; and the Board shall make its determination within thirty (30) days after it has convened. The time limits set forth herein may be extended only upon written mutual

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agreement of both the Board member appointed by the Lodge and the Board member appointed by the Employer.

6. The Employer and the Lodge shall attempt to agree upon a written statement of the issue or issues to be presented to the Board. In lieu of, or in addition to, such mutual statement of issues, each party may also present its own list or statement of issues, provided only that any such issue not mutually agreed upon shall have been an issue previously the subject of negotiations or presentation at negotiations. During the course of proceedings, the Chairman of the Board shall have the authority as necessary to maintain decorum and order and may direct, (absent mutual agreement) the order of procedure; the rules of evidence or procedure in any court shall not apply or be binding. The actual proceedings shall not be open to the public and the parties understand and agree that the provisions of 5 ILCS 120/1 et seq. are not applicable. If, in the opinion of the impartial member of the Board, it would be appropriate in his/her discretion to meet with either the Employer or Lodge for mediation or conciliation functions, the Board may do so, provided only that notice of such meetings shall be communicated to the other party.

7. The compensation, if any, of the representatives appointed by the Lodge shall be paid by the Lodge. The compensation of the representative appointed by the Employer shall be paid by the Employer.

8. The terms decided upon by the Board shall be included in an agreement to be submitted to the City Council for adoption. The terms of this Agreement shall continue to bind both parties hereto during all negotiations and impasse resolution procedures.

9. If the City Council should reject the arbitrated agreement, the parties shall meet again within ten (10) days of the Council's vote to discuss the reasons for the Council's rejection and to determine whether any modifications can be made to deal with the problems; but either party may thereafter terminate this Agreement upon ten (10) days' written notice to the other.

10. There shall be no implementation of any provisions of a successor agreement without Council ratification and adoption in ordinance form of the agreement; except, however, that the terms of this Agreement shall remain in full force and effective until a successor agreement is adopted in ordinance form or this Agreement is terminated pursuant to subparagraph 28.3(B)9.

11. As permitted by 5 ILCS 315/14(p), the impasse resolution procedure set forth herein above shall govern in lieu of the statutory impasse resolution procedure provided under 5 ILCS 315/14, except that the following portions of said 315/14 shall nevertheless apply; Subsections (h), (i), (k) and (m).

ARTICLE 29 BABY FURLOUGH DAYS

Section 29.1

Officers with the following years of service as determined by the officer's seniority date shall receive the following number of Baby Furlough Days (BFD) (eight (8) hours for each BFD) for each calendar year:

<u>Baby Furlough Days</u>	<u>Years of Service</u>
15 or more	6
10 but less than 15	5
5 but less than 10	4
1 but less than 5	3

Section 29.2

An officer's BFD shall be granted pursuant to and in accordance with the Department's policy of granting compensatory time off, except if an officer elects not to use or is denied all his/her BFD in a calendar year, he/she may, at his/her option, carry over for use as days off in the next year four (4) of his/her BFD to the next succeeding calendar year.

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Section 29.3

Any BFD not used in a calendar year shall be paid to the eligible officer in the following calendar year, except as provided for in Section 29.2 above. Payment shall be based upon the salary schedule in effect at the time of payment. Payment shall be made by April 1 for BFD not used in the preceding calendar year.

**ARTICLE 29A
FURLOUGHS**

Section 29A.1

Furlough shall be granted to officers for each calendar year of this Agreement.

Section 29A.2

Effective January 1, 1994 and thereafter, officers with the following years of service shall receive the following number of furlough (vacation) days:

<u>Years of Service</u>	<u>Furlough Days</u>
1 but less than 5 years	20 Straight Days
5 but less than 10 years	24 Straight Days
10 but less than 15 years	22 Working Days
15 years or more	25 Working Days

Section 29A.3

Furlough shall be selected in accordance with this Agreement and procedure subject to operational needs, and approved individual furlough days may be taken by officers so requesting at the discretion of the Department.

Section 29A.4

Furlough may be extended at the request of an officer with the approval of the Department by the use of any accumulated compensatory time, baby furlough days, personal days, and individual furlough days. A furlough extension is defined as the Sunday through Wednesday prior to the start of a furlough or the Thursday through Saturday at the completion of the furlough.

**ARTICLE 30
PERSONAL LEAVES OF ABSENCE**

Section 30.1 — Personal Leave.

Applications for personal leaves of absence shall be governed by the applicable provisions of the City of Chicago Personnel Rules as in effect on December 31, 1983, provided that the Lodge shall be promptly notified of all personal leaves of absence and extensions thereof taken by officers covered by this Agreement.

Section 30.2— Military Leave.

Any employee who is a member of a reserve force or a national guard of the United States or of the State of Illinois, and who is ordered by appropriate authorities to attend a training program or to perform other duties under the supervision of the United States or the State of Illinois, shall be granted paid leave of absence during the period of such activity, not to exceed fourteen (14) calendar days in any calendar year, in the case of a member of a reserve force, and not to exceed fifteen (15) calendar days in the case of the National Guard. Employees hired after 1 January 1997 shall deposit their military pay with the City

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Comptroller for all days compensated by the City of Chicago.

**ARTICLE 31
STEADY WATCH**

Section 31.1 — Implementation.

A. 1. District and units in which assigned officers have selected a steady watch will continue to select a steady watch each year. These units include:

**District Law Enforcement
Airport Law Enforcement - (O'Hare and Midway)
Area Youth
Bomb and Arson Unit
Central Detention
Crime Lab (including Mobile Crime Unit)
Detective Division
Electronics & Motor Maintenance
Evidence & Recovered Property
Marine Unit
Major Accident Investigation
Mounted Unit
Office of Emergency Communications (COS)
Public Housing
Public Transportation (including Canine)
Traffic Enforcement**

2. The employer will not expand excluded units or assign officers to excluded units for the purpose of avoiding the provisions of this Article.

B. After initial implementation, it is the intention that the above units will continue on steady watch. In the event that there is a dispute as to whether a newly created unit is susceptible to steady watches after the effective date of this Agreement, the dispute shall first be subject to procedures set forth at Section 31.7 hereof, then Section 31.8, if available, or the dispute resolution as set forth in Article 28.

Section 31.2 — Alternate Response Section Bidding.

Officers covered by this Agreement who are detailed to the Alternate Response Section will be allowed to bid by seniority for a steady watch subject to the following provisions:

- A. Fifty percent, up to a maximum of thirty-one (31), of the most senior officers who are in a convalescent duty status or limited duty status and have been detailed to the Alternate Response Section for a minimum of two (2) years will be allowed to bid for a steady watch.**
- B. The Employer will calculate the number of eligible bidders and identify the number of positions on each watch that will be put to bid.**
- C. This bidding procedure is to be done on an annual basis prior to the Annual Furlough Selection. The Filling of Vacancies provision of Section**

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31.5 and the Temporary Watch Assignments provision of Section 31.6 do not apply to the Alternate Response Section. Vacancies that occur after the annual bidding process will be filled at the Employer's discretion.

D. Successful bidders may be removed at any time from their bidded watch by the Employer if: 1) it can be demonstrated that the officer's continued assignment to the watch would interfere with the officer's effectiveness in that assignment; 2) there are emergencies, for the duration of the emergency; or 3) there is just cause for removal.

Section 31.3 — Exclusions.

Police officers voluntarily assigned as Tactical Officers and police officers voluntarily assigned to Foot Patrol in the 1st and 18th Districts are not subject to the bid process for steady watch assignments. The Employer will not expand the excluded assignments or assign officers to the excluded assignments for the purpose of avoiding the provisions of this Article.

Section 31.4— Annual Selection Process.

Prior to the Annual Furlough Selection, steady watch assignments shall be made in the following manner:

The Employer shall determine and post the number of positions to be assigned to each watch. Eighty (80%) percent of the positions on each watch included in this Article shall first be selected by seniority, and such seniority bid assignments shall be made before any discretionary assignments are filled by the Employer. The biddable opening on each watch shall be awarded to the most senior qualified bidder within that district or unit who has the present ability to perform all of the available duties to the reasonable satisfaction of the Employer. Any officer performing a duty assignment anywhere in the Department shall be presumptively considered able to perform to the satisfaction of the Department. The remaining twenty (20%) percent of those positions shall be filled at the discretion of the employer.

Within ten (10) days of the date of the annual selection of watch assignments, the Employer shall provide the Lodge with documentation of the number of allocated personnel by watch, a list of successful bidders by watch, and a list of officers assigned by the Department's discretionary percentage by watch.

Section 31.5 — Filling of Vacancies.

Except for those exclusions set forth in Section 31.2 and 31.3 above, vacancies in steady watch assignments occurring after the Annual Selection Process shall be filled in the manner provided for in this Section. A vacancy exists when an officer performing the assignment is permanently transferred, permanently reassigned, resigns, retires, dies, is separated, or when the Department increases the number of officers in a unit on a specific watch.

Vacancies shall be filled as follows: if the vacancy is a bid vacancy, i.e., the previous incumbent held the position by bid, then the vacancy shall be filled by bid. If the previous incumbent had been appointed at the discretion of the Employer, then the vacancy shall be filled at the discretion of the Employer.

If and when the Employer decides to fill a recognized watch vacancy by bid, such vacancy to be bid shall be posted on the seventh calendar day (Wednesday) of the Third, Sixth, and Ninth Police Periods and shall remain posted for seven (7) calendar days from the day of posting. The vacancy shall be filled by the most senior qualified officer bidding for the vacancy. If no such qualified officer within the unit bids for such vacancy, the Employer may fill the watch vacancy by reverse seniority. Any officer performing the duty assignment anywhere in the unit shall be presumptively considered able to perform to the satisfaction of the Employer.

Members who are newly assigned to a unit may be placed on a watch at the Employer's discretion until such time as the member accepts a management position or is able to bid on a vacancy at the next regularly-scheduled vacancy posting during the Third, Sixth, or Ninth Police Period.

Within ten (10) days of the date of the watch vacancy filling, the Employer shall provide the Lodge with documentation of the number of vacancies filled by watch, the number of additional allocated personnel by watch, a list of successful bidders by watch, and a list of officers assigned by the Department's discretionary percentage by watch.

Section 31.6 - Temporary Watch Assignments.

For the purpose of filling a temporary vacancy in order to provide relief (i.e., vacation, medical, suspension, detail, etc.) for a police period, the Employer shall first designate the watch(es) to provide the relief and shall seek volunteers to satisfy its needs from the specific watch(es). If there are more volunteers than

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required, the volunteer with the greatest seniority from the designated watch(es) shall be selected. If there are not sufficient volunteers, the officer with the lowest seniority from the designated watch(es) shall be selected.

Once watch assignments are made, changes will not be made except for: (1) officers identified as Personnel Concerns, (2) officers in a limited or convalescent duty for the duration of that status, (3) officers on restricted duty, (4) officers who have been relieved of their police powers, (5) to fill a temporary vacancy not to exceed three periods (for example, furlough, suspension, medical, detail), initially filled by volunteers, then by reverse seniority, or (6) upon mutual agreement of the officer seeking the change and the Department (provided no such agreement shall involuntarily displace any other officer's selected watch assignment). These changes in watch assignments shall be made only for the duration of the circumstances giving rise to the change, after which the officer will return to his or her previous watch assignment and will be made only for operational needs.

When watch assignments are changed in accordance with the provisions of this Section, the provisions of Article 20 shall not apply. Changes in watch assignment not in accordance with the provision of this Section shall require compensation of the officer in accordance with Article 20 (i.e., time and one-half for all hours worked outside of the officer's selected watch).

Section 31.7 — Joint Labor Management Committee.

Upon the effective date of this Agreement, there shall be a Joint Watch Selection Committee established to promptly address errors and omissions in the bidding of steady watch assignments. The parties agree that such a Committee is necessary as a means by which complaints and/or grievances can be resolved without the delay inherent in the arbitration process. The Committee will consist of the Commanding Officer of the Management & Labor Affairs Section and the Lodge's Grievance Committee Chairperson, or their designees. The Committee will meet within five (5) working days of a request by either party for the purpose of resolving the dispute. A decision by the Joint Committee will be binding on the Employer and the Lodge. A mediator may be used if either party requests. The cost of the mediator will be split evenly between the parties. In the event the Joint Committee cannot agree on a resolution of the dispute, then either party may invoke the provisions of Section 31.8.

Section 31.8 — Dispute Resolution.

In the event the parties are unable to resolve disputes regarding the application of the terms of this Article, then either party may invoke expedited arbitration in accordance with the following procedure and the arbitration hearing shall commence within thirty (30) days of the demand for expedited arbitration unless the parties otherwise agree:

- A. The parties shall mutually select an Arbitrator from among the following 3 names:

_____,
_____, and
_____.

If the parties cannot mutually agree, the Arbitrator selected shall be the one who will provide the parties with the earliest available hearing date for an expedited arbitration hearing;

- B. Recognizing that the parties have agreed to the steady watch concept and the selection process therefore, the jurisdiction of the Arbitrator is for the purpose of addressing problems that may arise which unreasonably interfere with the effective performance of the Department's mission;

- C. The Arbitrator shall render his/her decision within 72 hours of the close of the hearing, or such other time upon which the parties mutually agree.

ARTICLE 32 COMPLETE AGREEMENT

The parties acknowledge that during the negotiations which preceded this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining. The understandings and agreements arrived at by the

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parties after the exercise of that right and opportunity are set forth in this Agreement. Except as may be stated in this Agreement, each party voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter referred to, or covered in this Agreement or with respect to any subject or matter not specifically referred to or covered in this Agreement, even though such subjects or matters may not have been within the knowledge or contemplation of either or both of the parties at the time they negotiated and signed this Agreement.

**ARTICLE 33
SAVINGS CLAUSE**

If any provisions of this Agreement or any application thereof should be rendered or declared unlawful, invalid or unenforceable by virtue of any judicial action, or by any existing or subsequently enacted Federal or State legislation, or by Executive Order or other competent authority, the remaining provisions of this Agreement shall remain in full force and effect. In such event, upon the request of either party, the parties shall meet promptly and negotiate with respect to substitute provisions for those provisions rendered or declared unlawful, invalid, or unenforceable.

IN WITNESS WHEREOF, the parties hereto affix their signatures this ____ day of ____, 2002

FOR THE EMPLOYER
Richard M. Daley
Mayor

FOR THE LODGE

President

Terry G. Hillard
Superintendent of Police

**APPENDIX A Salary Schedule — SALARY SCHEDULE FOR SWORN POLICE PERSONNEL
FRATERNAL ORDER OF POLICE – CHICAGO LODGE NO. 7**

2% INCREASE EFFECTIVE JULY 1, 1999

CLASS GRADE		ENTRANCE RATE										MAXIMUM RATE
		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
		FIRST 12 MOS	AFTER 12 MOS	AFTER 18 MOS	AFTER 30 MOS	AFTER 42 MOS	AFTER 54 MOS	AFTER 10 YRS	AFTER 15 YRS	AFTER 20 YRS	AFTER 25 YRS	AFTER 30 YRS
1	ANNUAL	34,194	41,670	44,046	46,308	48,606	51,054	52,818	54,684	56,592	58,680	60,372
	MONTHLY	2,849.50	3,472.50	3,670.50	3,859.00	4,050.50	4,254.50	4,401.50	4,557.00	4,716.00	4,890.00	5,031.00
2	ANNUAL	41,670	44,046	46,308	48,606	51,054	53,616	55,494	57,408	59,412	61,638	63,456
	MONTHLY	3,472.50	3,670.50	3,859.00	4,050.50	4,254.50	4,468.00	4,624.50	4,784.00	4,951.00	5,136.50	5,288.00

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2A	ANNUAL	43,098	45,534	47,844	50,160	52,680	55,308	57,210	59,166	61,230	63,456	65,322
	MONTHLY	3,591.50	3,794.50	3,987.00	4,180.00	4,390.00	4,609.00	4,767.50	4,930.50	5,102.50	5,288.00	5,443.50

4% INCREASE EFFECTIVE JANUARY 1, 2000

		ENTRANCE RATE										MAXIMUM RATE
		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
CLASS GRADE		FIRST 12 MOS	AFTER 12 MOS	AFTER 18 MOS	AFTER 30 MOS	AFTER 42 MOS	AFTER 54 MOS	AFTER 10 YRS	AFTER 15 YRS	AFTER 20 YRS	AFTER 25 YRS	AFTER 30 YRS
1	ANNUAL	35,562	43,338	45,810	48,162	50,550	53,094	54,930	56,874	58,854	61,026	62,784
	MONTHLY	2,963.50	3,611.50	3,817.50	4,013.50	4,212.50	4,424.50	4,577.50	4,739.50	4,904.50	5,085.50	5,232.00
2	ANNUAL	43,338	45,810	48,162	50,550	53,094	55,758	57,714	59,706	61,788	64,104	65,994
	MONTHLY	3,611.50	3,817.50	4,013.50	4,212.50	4,424.50	4,646.50	4,809.50	4,975.50	5,149.00	5,342.00	5,499.50
2A	ANNUAL	44,820	47,358	49,758	52,164	54,786	57,522	59,496	61,530	63,678	65,994	67,932
	MONTHLY	3,735.00	3,946.50	4,146.50	4,347.00	4,565.50	4,793.50	4,958.00	5,127.50	5,306.50	5,499.50	5,661.00

4% INCREASE EFFECTIVE JANUARY 1, 2001

CLASS GRADE		ENTRANCE RATE									MAXIMUM RATE	
		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
		FIRST 12 MOS	AFTER 12 MOS	AFTER 18 MOS	AFTER 30 MOS	AFTER 42 MOS	AFTER 54 MOS	AFTER 10 YRS	AFTER 15 YRS	AFTER 20 YRS	AFTER 25 YRS	AFTER 30 YRS
1	ANNUAL	36,984	45,072	47,640	50,088	52,572	55,218	57,126	59,148	61,206	63,468	65,298
	MONTHLY	3,082.00	3,756.00	3,970.00	4,174.00	4,381.00	4,601.50	4,760.50	4,929.00	5,100.50	5,289.00	5,441.50
2	ANNUAL	45,072	47,640	50,088	52,572	55,218	57,990	60,024	62,094	64,260	66,666	68,634
	MONTHLY	3,756.00	3,970.00	4,174.00	4,381.00	4,601.50	4,832.50	5,002.00	5,174.50	5,355.00	5,555.50	5,719.50
2A	ANNUAL	46,614	49,254	51,750	54,252	56,976	59,820	61,878	63,990	66,228	68,634	70,650
	MONTHLY	3,884.50	4,104.50	4,312.50	4,521.00	4,748.00	4,985.00	5,156.50	5,332.50	5,519.00	5,719.50	5,887.50

ARTICLE 2

4% INCREASE EFFECTIVE JANUARY 1, 2002

CLASS GRADE		ENTRANCE RATE										MAXIMUM RATE
		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
		FIRST 12 MOS	AFTER 12 MOS	AFTER 18 MOS	AFTER 30 MOS	AFTER 42 MOS	AFTER 54 MOS	AFTER 10 YRS	AFTER 15 YRS	AFTER 20 YRS	AFTER 25 YRS	AFTER 30 YRS
1	ANNUAL	36,984	46,872	49,548	52,092	54,672	57,426	59,412	61,512	63,654	66,006	67,908
	MONTHLY	3,082.00	3,906.00	4,129.00	4,341.00	4,556.00	4,785.50	4,951.00	5,126.00	5,304.50	5,500.50	5,659.00
2	ANNUAL	46,872	49,548	52,092	54,672	57,426	60,312	62,424	64,578	66,828	69,330	71,382
	MONTHLY	3,906.00	4,129.00	4,341.00	4,556.00	4,785.50	5,026.00	5,202.00	5,381.50	5,569.00	5,777.50	5,948.50
2A	ANNUAL	48,480	51,222	53,820	56,424	59,256	62,214	64,356	66,552	68,880	71,382	73,476
	MONTHLY	4,040.00	4,268.50	4,485.00	4,702.00	4,938.00	5,184.50	5,363.00	5,546.00	5,740.00	5,948.50	6,123.00

2% INCREASE EFFECTIVE JANUARY 1, 2003

CLASS GRADE		ENTRANCE RATE										MAXIMUM RATE
		STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10	STEP 11
		FIRST 12 MOS	AFTER 12 MOS	AFTER 18 MOS	AFTER 30 MOS	AFTER 42 MOS	AFTER 54 MOS	AFTER 10 YRS	AFTER 15 YRS	AFTER 20 YRS	AFTER 25 YRS	AFTER 30 YRS
1	ANNUAL	36,984	47,808	50,538	53,136	55,764	58,572	60,600	62,742	64,926	67,326	69,264
	MONTHLY	3,082.00	3,984.00	4,211.50	4,428.00	4,647.00	4,881.00	5,050.00	5,228.50	5,410.50	5,610.50	5,772.00
2	ANNUAL	47,808	50,538	53,136	55,764	58,572	61,518	63,672	65,868	68,166	70,716	72,810
	MONTHLY	3,984.00	4,211.50	4,428.00	4,647.00	4,881.00	5,126.50	5,306.00	5,489.00	5,680.50	5,893.00	6,067.50
2A	ANNUAL	49,452	52,248	54,894	57,552	60,444	63,456	65,646	67,884	70,260	72,810	74,946
	MONTHLY	4,121.00	4,354.00	4,574.50	4,796.00	5,037.00	5,288.00	5,470.50	5,657.00	5,855.00	6,067.50	6,245.50

APPENDIX B

Timekeeper

Citation Clerk

ARTICLE 2

Clerk (Office Clerical – performing such duties as secretarial, filing, preparing routine periodic reports, etc.)

Review Officer

Crossing Guard Supervisor

Radio Equipment Officer

Assembly Room Officer

Summary Case Management Officer – Traffic Division

Remote Terminal Officer

Motor Maintenance Supervisor

Lockup Keeper

Activity Officer

Assistant Desk Officer (one such job per watch per district shall continue to be subject to bid under Section 23.9)

Motor Maintenance-Service Writers

Communications and Operations Section (including dispatchers and call-back personnel)

Auto Pound Supervisor

Police Officers working in the Crime Lab (excluding Mobile Unit)

Extradition Warrant Officers

Evidence and Recovered Property Officers

Abandoned Vehicle Officer

Police Officers working in Youth Division Administration – Missing Persons Section – performing Inquiry Aide/Clerical duty

APPENDIX C
AUXILIARY POLICE AIDS

The following are duties which may be performed by Auxiliary Police Aides:

- A. Prepare case reports of non-criminal incidents as directed by a sworn officer.**
- B. Answer telephone inquiries and make appropriate referrals.**
- C. Provide information to members of the public.**
- D. Process Department reports and forms as directed by management.**
- E. Aid in traffic direction and control.**
- F. Run errands, and/or act as messengers.**
- G. Assist in:**
 - 1. crowd control at parades, athletic events and other public gatherings where potential for violence is minimal.**
 - 2. times of disaster, disorder or emergency as directed by the Superintendent of Police.**

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3. the operation of the Youth Fingerprint, Law Enforcement Explorer and Junior Police programs, under the direction of program personnel.
- H. Assist district neighborhood relations program personnel.
- I. Provide clerical assistance to court sergeants.
- J. Perform other administrative duties as determined by the unit commanding officer.

APPENDIX D
DENTAL PLAN

The Employer shall make dental coverage available to officers covered under this Agreement and their eligible dependents. The cost of this coverage will be borne by the Employer. Officers will have the opportunity to choose between the Dental PPO Plan and the Dental HMO Plan. Under the Dental PPO Plan participants can use the dentist of their choice for services, but if they choose a dentist in the PPO network the benefit will be higher. If they choose an out-of-network dentist, the benefit will be lower. The Dental HMO Plan requires the member to select a participating network dentist. All family members must use the same Dental HMO dentist for their Dental services. Orthodontia is only available in the Dental HMO Plan. Lists of Dental PPO and Dental HMO dentists are available at the Benefits Management Office (312-747-8660).

APPENDIX E
NETWORK CHANGES

No change, modification or alteration in the composition of the hospital network in effect at the time this Agreement is executed (a list of which is attached) shall be made except in compliance with the following:

1. Lodge 7 FOP shall be notified in writing of the intent to change at least ninety (90) days prior to the proposed change where circumstances are within the City's control. In all other cases, the City will provide the maximum notice as is practicable under the circumstances.
2. The notice referred to shall, at the time the notice is given, provide sufficient information to explain the contemplated action and shall include, at a minimum, but shall not be limited to:
 - a. The affected institutions.
 - b. The precise reason(s) the action is being contemplated.
 - c. The numbers of covered participants (employee and/or dependents) receiving in-patient service from such affected facility at the time the notice is given.
 - d. The number of covered participants (employees and/or dependents) receiving in-patient service from such affected facility during the preceding twelve (12) months.
3. The City shall meet within seven (7) calendar days of a request from the Lodge to discuss the proposed change, shall provide all additional relevant information which is reasonably available, and shall be responsible for such notices to participants as may be reasonably demanded by the Lodge. In the event the parties are unable to resolve a dispute within seven (7) calendar days of the first meeting or such other time as may be mutually agreed upon, the dispute shall be submitted to arbitration pursuant to Section 9.5, Step 3 within ten (10) days, and both parties shall cooperate to expedite the proceedings.

No change, modification or alteration covered by this Appendix shall be made or permitted for arbitrary or discriminatory reasons; nor shall any change, modification or alteration result in the unavailability of quality health care services in a specific geographic area.

APPENDIX F

ARTICLE 2

IN-NETWORK/OUT-OF-NETWORK CARE

In-network co-insurance benefits shall be paid to eligible participants for the following out-of-network care or services:

- A. Emergencies defined as the sudden and unexpected onset of a medical condition with such severe symptoms that the absence of immediate medical attention could result in serious and permanent medical consequences.**
- B. Care ordered by a physician which, after review by the UR vendor, is:**
 - 1. medically necessary; and**
 - 2. only available at a non-network hospital, or the proposed treatment is performed so infrequently in-network that direction to non-network hospital is medically appropriate; or**
 - 3. available at a network hospital to which the patient cannot be safely transported (only until such time as the patient can be safely transferred to the network facility, arrangements for which should be initiated once the treatment plan has begun), provided the cost of the transfer shall be paid by the plan; or**
 - 4. care rendered beyond a 50-mile radius (from any network hospital) where participant is domiciled or stationed.**

This information is also contained in the Employee Benefit Handbook.

APPENDIX G
HEALTH CARE CONTRIBUTIONS FOR ACTIVE MEMBERS

Effective January 1, 2001, active officers covered by this Agreement will contribute the following percentages of their salary towards the cost of their health care:

Single Coverage: 1.0281%

Employee +1: 1.5797%

Family Coverage: 1.9705%

APPENDIX H
PPO PRESCRIPTION DRUG COST

The following are the co-payments and effective dates for the lesser of a 34-day supply or 100 units of the following prescription drugs:

TYPE	EFFECTIVE DATES (JANUARY 1)		
	2001	2002	2003
Generic	\$8	\$9	\$10
Brand w/no Generic	\$20	\$20	\$20
Brand w/Generic	\$8*	\$9*	\$10*

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Non-Formulary	\$33	\$34	\$35

***Plus the difference between the cost of the generic and the brand chosen.**

MAIL ORDER DRUGS (HOME PHARMACY)

- A. For drugs on the City's Preferred Drug List, co-payments for up to a 90-day supply are as follows:**
- 1. \$5.00 for generic drugs;**
 - 2. \$15.00 for brand name drugs for which there is no generic equivalent; and**
 - 3. \$5.00 plus the difference between the price of the brand name drug and the generic drugs for brand name drugs for which there is a generic equivalent.**
- B. For drugs not on the City's Preferred Drug List, co-payments for up to a 90-day supply follows:**
- 1. \$10.00 for generic drugs;**
 - 2. \$20.00 for brand name drugs for which there is no generic equivalent; and**
 - 3. \$10.00 plus the difference between the price of the brand name drug and the generic drug for brand name drugs for which there is a generic equivalent.**

APPENDIX I

CHEMICAL DEPENDENCY AND MENTAL HEALTH CO-INSURANCE AND LIMITS

Courses of treatment for inpatient chemical dependency and mental health shall include the continuum of care used to treat a particular diagnosis. A new course of treatment will be considered when there is a 30-day or longer period of time with no treatment or clinical supervision provided.

<u>In-network co-insurance</u>	<u>City</u>	<u>Employee</u>
First treatment	90%	10%
Second treatment	80%	20%
Subsequent treatments	50%	50%
<u>Out-of-network co-insurance</u>	<u>City</u>	<u>Employee</u>
First treatment	75%	25%
Second treatment	60%	40%
Subsequent treatments	0%	100%

It is understood that the first in-network treatment remains subject to the out-of-pocket maximum. All CD/MH treatment including out-patient may be subject to UR review and is subject to the following maximums: \$37,500 annual individual/\$250,000 individual lifetime/\$500,000 family. The maximum lifetime benefit provisions of the Plan still shall apply.

All chemical dependency and mental health treatment is subject to review by the utilization review program. Additionally, to be considered under the chemical dependency/mental health benefit structure, a claim for benefits must include a primary DSM-III-R (Diagnostic and Statistical Manual of Mental Disorders—Third Edition—Revised) diagnosis (or diagnosis under a subsequent revision).

APPENDIX J

ARTICLE 2

BEHAVIORAL INTERVENTION SYSTEM – PERSONNEL CONCERNS PROGRAM

I. Hearings will be allowed for both the Behavioral Intervention System (BIS) and the Personnel Concerns (PC) Program.

A. The hearing is voluntary and must be requested by the affected Department member.

- 1. In the instance of the Behavioral Intervention System, a hearing must be requested within seven (7) working days of being presented with the Individualized Performance Plan (IPP) and the Behavioral Intervention System Counseling Record. The request for a hearing must be in writing to the Director of the Personnel Division.**
- 2. In the instance of the Personnel Concerns Program, a hearing must be requested within seven (7) working days of having attended a Personnel Concerns Conference. The request for a hearing must be in writing to the Director of the Personnel Division.**

NOTE: Department members upgraded from the Behavioral Intervention System to the Personnel Concerns Program are not entitled to a hearing.

B. The Department will set the hearing date and notify the affected Department member of the date.

C. The hearing time will be as close as possible to the officer's regular duty hours (i.e., morning for 1st watch officers, afternoon for 3rd watch officers) and will not be on the officer's furlough, Regular Day Off, or previously planned day off (i.e. Baby Furlough Day, Personal Day, etc.) unless the officer agrees to such. Overtime will not be granted for the hearing.

II. Hearing Procedures.

- A. The Department will explain its position for enrollment of the member in the Behavioral Intervention System or Personnel Concerns Program.**
- B. The officer, or his/her representative, will present the officer's position.**
- C. The Department representative may ask the officer questions.**
- D. The officer's representative may question the officer.**
- E. The Department representative will, within five (5) working days, notify the officer of his/her decision and that decision is final.**

III. Placement Duration (Behavioral Intervention System/Personnel Concerns Program).

Placement in either program is for one (1) year.

NOTE: Placement in either program may be extended past the initial year or, in the instance of the Behavioral Intervention System, be upgraded to the Personnel Concerns Program. Additionally, a member may be removed from either program prior to a year being completed.

Any member who is upgraded from the Behavioral Intervention System to the Personnel Concerns Program will be informed at the Personnel Concerns Conference that he/she may forward a To/From subject report to the Commander of the Personnel Division outlining the reasons the member feels this upgrade should not take place. In addition, any officer who extends past one (1) year in the Behavioral Intervention System or the Personnel Concerns Program may submit a To/From outlining the reasons he/she believes that they should not be retained in the program.

The aforementioned hearing procedures are not retroactive.

**APPENDIX K
HIGH RISK PREGNANCY SCREENING PROGRAM**

In order to reduce the risk of a premature birth and the attendant health risks to mother and child and to avoid the costs associated with same, the City offers a high risk pregnancy screening program. The program is part of the medical advisor program.

Under the program, a pregnant employee, spouse or dependent is encouraged to notify the medical advisor during the first trimester of pregnancy. During the telephone interview, the nurse reviewers will collect information on the health status of the prospective mother, her medical history, and conduct a health risk

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assessment to determine if she meets criteria for a high risk pregnancy.

If the prospective mother does not meet criteria, the medical advisor would offer educational materials on pregnancy and advise her that they will be following up with a call in her second trimester of pregnancy. Further, they will advise her that they are available if she has any questions about her pregnancy. Subsequent follow up will depend on the course of the pregnancy. As delivery approaches, they will advise her about expected lengths of stay postpartum.

If the prospective mother meets criteria for a high risk pregnancy, the medical advisor will contact her physician to discuss the risk factors and identify what steps, if any, are appropriate to reduce the risk of early delivery. They will follow the case as appropriate. If home health or other services available under the plan are necessary, they will approve the care plan and negotiate discounts for approved services. They will be available as a resource to both the prospective mother and her physician.

APPENDIX L
COMPLAINT REVIEW PANEL RULES OF PROCEDURE

I. CHARGES, RECOMMENDATION AND PLEA.

The Department's representative will read to the Panel the charges against the member under investigation. The member under investigation or the Assisting member will enter a plea indicating whether he/she contests the Findings of the Department on each charge. The Department's representative will then advise the Panel of the recommendation for discipline and the member under investigation or the Assisting member will advise the Panel if he/she contests the recommendation for discipline.

II. OPENING STATEMENT.

A. The Department will proceed first with a statement of the case and the evidence which it believes supports its position.

B. The Assisting member will then address the Panel with his/her opening. If the member(s) under investigation do(es) not contest the Findings but instead only contest(s) the recommendation for discipline, those opening remarks will be confined to the recommendation for discipline.

III. PRESENTATION OF EVIDENCE.

A. The Department has the burden of proving the allegations by a preponderance of the evidence. The investigative file will be presented to the Panel for its review prior to the start of the hearing.

B. The officer under investigation and/or the Assisting member will present evidence in support of the officer relating to either the investigative Findings or the recommendation for discipline.

The Panel will consider evidence on relevant and material issues provided that any new evidence must be submitted at least five (5) days prior to the hearing. Use of the Complimentary and Disciplinary History of the accused member will be limited to the history as it existed on the date the allegation was sustained.

IV. DISCUSSION AND QUESTIONS FROM PANEL.

The members of the Panel may ask questions of the Department's representative, the member under investigation, or the Assisting member about any aspect of the investigation or the recommendation for discipline. Inquiries regarding the member's previous disciplinary history will be subject to the limitations of Section 8.4 of the collective bargaining agreement.

V. CLOSING ARGUMENT.

A. The Department will proceed first with an argument on the evidence, and any reasonable inferences to be drawn from that evidence which the Department's representative believes supports the Department's position.

B. The member under investigation or the Assisting member will then offer argument on the evidence, and any reasonable inferences to be drawn from that evidence which the member believes supports his/her position.

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C. The Department will be allowed to offer rebuttal to the arguments of the member under investigation.

VI. FINDINGS AND DECISION OF THE PANEL.

The Findings and Decision of the Panel will be made known to the Department's representative and the member under investigation or the Assisting member without delay.

APPENDIX M
EXPEDITED ARBITRATION RULES

- A. All just cause discipline cases brought under Article 8 of the Collective Bargaining Agreement and which challenge disciplinary action involving a thirty (30) day suspension or less and/or seniority under Article 20 or Article 23 or any other mutually-agreed upon contract Article will be heard under this expedited procedure unless designated by either party for a hearing under the full arbitration hearing procedure.
- B. Cases subject to the expedited procedure will be heard in as close to chronological order as possible, according to the date filed. Exceptions will be made only in order to facilitate the use of non-employee witnesses.
- C. Cases currently scheduled for arbitration may be subject to this expedited procedure, subject to agreement of the parties.
- D. Five or six Arbitrators constituting an "expedited" panel will be selected from the existing panel. The "expedited" panel will be reviewed every six months, at which time substitutions may be made. In making substitutions, an Arbitrator may be removed at the request of either party, but any substitute must be agreed upon.
- E. In scheduling hearings, the Arbitrator on the panel will be required to schedule a block of two or three consecutive hearing days. The parties will attempt to rotate the scheduling equitably among all Arbitrators on the expedited panel, subject to their availability.
- F. The parties will attempt to schedule at least two hearings per day before the Arbitrator. Any case not completed at the end of the particular block of hearing days will be the first case heard by the same Arbitrator on his/her next scheduled date.
- G. Arbitrators will receive all grievance documents and relevant documents from the C.R. file at least one week prior to the hearing, at the discretion of the Arbitrator.
- H. Arbitrators will be permitted to issue subpoenas in accordance with applicable law. Subpoenas shall not be used for purposes of delay.
- I. The expenses of witnesses for either side shall be paid by the party producing such witnesses.
- J. Hearings will be scheduled alternately at City and Lodge locations.
- K. Each party will represent itself at the hearing, and may designate any representative who is not an attorney.
- L. The hearings shall be informal. The Arbitrator shall assist the parties in ensuring that there is a complete record.
- M. The Arbitrator may require witnesses to testify under oath.
- N. There shall be no stenographic record of the proceedings.
- O. The rules of evidence normally followed in arbitration proceedings shall apply. The Arbitrator shall be the sole judge of the relevance and materiality of the evidence offered.
- P. The parties will not file post-hearing briefs. The parties may argue orally on the record and may present relevant authorities to the Arbitrator at the hearing, except that any decisions rendered in the expedited proceedings under these rules may not be cited to the Arbitrator.
- Q. The Arbitrator will issue a short, written decision no later than sixty (60) days after the completion of the last day of any scheduled block of hearings. His/Her decision shall be based upon the record developed by the parties before and at the hearing, and shall include a brief written explanation of the basis for his/her conclusion and shall include reference to the evidence considered and the role that evidence played in reaching his/

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her decision.

APPENDIX N PROCEDURES FOR INJURY ON DUTY AND RECURRENCE CLAIMS

An officer who has been certified as injured on duty shall be provided a group of three available physicians for treatment. Groupings of three available physicians will be randomly selected from a pool of physicians who are members in good standing of a network of workman's compensation physicians qualified to render appropriate medical care for the injury claimed. The groupings of physicians will be rotated on a weekly basis until all members of the pool have appeared in a group which was available for officer selection, at which point the process will repeat itself. The officer will select a physician from the group provided by the Employer. The Medical Services Section will refer the officer to the physician selected by the officer.

An officer claiming a recurrence of an injury on duty will have his/her claim evaluated by a physician from the Medical Services Section. If that physician finds the condition complained of is not a recurrence, the Medical Services Section will provide the officer with a list of three physicians chosen in the manner described above. Should the physician who treated the original injury on duty be a member in good standing of the pool of workman's compensation physicians from which the group of three physicians was chosen, then that physician will be added to the group of three physicians provided to the officer. The officer will select a physician from the group provided by the Employer. The Medical Services Section will refer the officer to the physician selected by the officer.

Should the officer or the Department not agree with the medical finding, of the referral physician, either party may seek another opinion. The officer will select another physician from a different group of three physicians chosen in the manner described above. The Medical Services Section will refer the officer to the physician selected by the officer. Should that physician's opinion agree with the finding of the first referral physician, it will be binding on both the officer and the Employer. Should that medical opinion disagree with the first opinion, the parties may accept the second opinion or seek a third opinion. The process for obtaining a third opinion shall follow the same procedure for selection of the second opinion. The finding of the third physician agreeing with either of the previous opinions shall be binding on both the officer and the Employer.

APPENDIX O SUBROGATION LANGUAGE FOR CITY OF CHICAGO

In the event the Plan provides benefits for injury, illness, medical care or other loss (the "Injury") to any person, the Plan is subrogated to all present and future rights of recovery that person, his/her parents, heirs, guardians, executors, or other representatives (individually and collectively called the "Participant") may have arising out of the Injury. The Plan's subrogation rights include, without limitation, all rights of recovery a Participant has: 1) against any person, insurance company or other entity that is in any way responsible for providing or does provide damages, compensation, indemnification or benefits for the Injury; 2) under any law or policy of insurance or accident benefit plan providing No Fault, Personal Injury Protection or financial responsibility insurance; 3) under uninsured or underinsured motorist insurance; 4) under motor vehicle medical reimbursement insurance; and, 5) under specific risk or group accident and health coverage or insurance, including, without limitation, premises or homeowners medical reimbursement, athletic team, school or workers compensation coverages or insurance.

Upon notice of an Injury claim, the Plan may assert a subrogation lien to the extent it has provided, or may be required to provide, Injury-related benefits. Notice of either the Plan's right of subrogation or the Plan's subrogation lien is sufficient to establish the Plan's rights of subrogation and entitlement to reimbursement from insurers, third parties, or other persons or entities against whom a Participant may have an Injury-related right of recovery. The Plan shall be entitled to intervene in or institute legal action when necessary to protect its subrogation or reimbursement rights.

The Participant and anyone acting on his/her behalf shall promptly provide the Plan or its authorized agents with information it deems appropriate to protect its right of subrogation and shall do nothing to prejudice that right and shall cooperate fully with the Plan in the enforcement of its subrogation rights. Reasonable attorney's fees and costs of Participant's attorney shall be paid first from any recovery by or on behalf of a Participant, and the amount of the Plan's subrogation claim shall be paid next from such recovery. Neither a Participant nor his/her attorney or other representative is authorized to accept subrogation or other Injury-related reimbursement payments on behalf of the Plan, to negotiate or compromise the Plan's subrogation claim, or to release any right of recovery prior to the payment of the Plan's subrogation claim.

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The Participant and all other parties to a recovery are required to contact the Plan to determine, and arrange to pay the Plan's subrogation claim at or prior to the time an Injury-related payment or settlement is made to or for the benefit of the Participant. If the Participant obtains a payment or settlement from a party without the Plan's knowledge and agreement, the Plan shall be entitled to immediate reimbursement of its total subrogation claim from the Participant or any party providing any Injury-related payment. In the alternative, the Plan, in its sole discretion, may deny payment of benefits to or on behalf of the Participant for any otherwise covered claim incurred by the Participant until the amount of the unpaid coverage is equal to and offset by the unrecovered amount of the Plan's subrogation claim.

The Plan Administrator or its authorized agents are vested with full and final discretionary authority to construe subrogation and other Plan terms and to reduce or compromise the amount of the Plan's recoverable interest where, in the sole discretion of the Plan Administrator or its authorized agents, circumstances warrant such action. The Plan shall not be responsible for any litigation-related expenses or attorney fees incurred by or on behalf of a Participant in connection with an Injury claim unless the Plan shall have specifically agreed in writing to pay such expenses or fees.

The payment of benefits to or on behalf of the Participant is contingent on both the Participant's full compliance with the Plan's provisions, including the subrogation provision, and, when the Plan deems appropriate, the Participant's signing of a reimbursement agreement. However, the Participant's failure to sign this reimbursement agreement will not affect the Plan's subrogation rights or its right to assert a lien against any source of possible recovery and to collect the amount of its subrogation claim.

APPENDIX P BENEFITS DURING PROBATIONARY PERIOD

In connection with the extension of the probationary period from a twelve (12) month period to an eighteen (18) month period, the following rights, privileges and benefits shall apply upon the completion of the first twelve (12) months of the probationary period:

Article 3 - Lodge Security

Section 7.1 - Administration of Summary Punishment

Article 8 - Employee Security

Article 10 - Non-Discrimination

Article 11 - Holidays

Article 12 - Promotions

Article 18 - Disability Income

Article 19 - Bereavement Leave

Section 20.1 - Work Day and Work Week

Section 20.2 - Compensation for Overtime

Section 20.3 - Sixth and Seventh Day Work

Section 20.4 - Call-Back

Section 20.5 - Court Time

Section 20.8 - Stand-By

Section 20.11 - Accumulation of Compensatory Time

Section 20.12 - Back to Back Shifts on Change Day

Section 20.13 - Duty Availability Allowance

ARTICLE 2

Section 21.3 - Uniform Allowance

Article 22 - Indemnification

Article 24 - Educational Reimbursement

Article 25 - Life and Health Insurance Provisions (the entire Article)

Article 26 - Wages

Article 27 - Residency

Article 29 - Baby Furlough Days

Article 29.A. - Furloughs

Article 30 - Personal Leaves of Absence

Appendix A - Wages

Appendix D - Dental Plan

Appendix E - Network Changes

Appendix F - In-Network/Out-of-Network Care

Appendix G - Health Care Contributions for Active Member

Appendix H – PPO Prescription Drug Cost

Appendix I - Chemical Dependency and Mental Health Co-Insurance & Limits

Appendix K - High Risk Pregnancy Screening Program

Appendix L - Complaint Review Panel Rules of Procedure

Appendix N – Reoccurrence Claims

Appendix O - Subrogation Language for City of Chicago

LOU re Retroactive Wage Increases

LOU re One-Half Hour Lunch Period

LOU re Indemnification

LOU re Health Care Plan

LOU re Health Care Plan/Election by Married Employees

Any dispute or difference between the parties concerning the interpretation and/or application of any of the above provisions shall be subject to the Grievance Procedure of Article 9.

The parties further agree that an officer who successfully completes his/her probationary period after having been placed on I.O.D. shall be entitled to the benefits under the contract on the same basis as police officers who were in that officer's class who did not have his/her probationary period extended.

Finally, the parties agree that in the event a probationary police officer during his/her final six (6) months of the probation period and a non-probationary police officer are involved together in a situation which gives rise to the non-probationary police officer and the probationary police officer each receiving discipline of a five (5) day suspension or less and the discipline for the non-probationary police officer is subsequently rescinded or reduced, any discipline imposed on the probationary police officer may be reviewed in accordance with the collective bargaining agreement and the City will not assert timeliness provided the

ARTICLE 2

officer has completed successfully his/her probationary period.

**APPENDIX Q
DISCIPLINE SCREENING PROGRAM**

1. When a Complaint Register (CR) investigation is sustained and the accused is a member of the bargaining unit and the recommendation for discipline is a fifteen-day (15) suspension or less, the accused member will be notified of the Screening Program option.
2. The Department will forward to the member notification of the sustained finding and recommendation for discipline. The member will be advised that he or she may accept the recommended discipline or request a CRP hearing or request the Screening Program option. This notification will be returned within seventy-two (72) hours to the Internal Affairs Division.
3. When the member requests the Screening Program option, he or she will be notified of the date the Screening Committee will meet and of the right to review the investigative file prior to the screening date. The member will appear at either the Office of Professional Standards or the Internal Affairs Division to review the investigative file. The member may make written or audiotape recorded notes, but may not remove or make copies of any part of the investigative file.
4. At the Screening Committee Meeting, a representative of the Lodge and a representative of the Department will meet and review the selected files and attempt to reach an agreement on the findings and/or the recommendation for discipline. If an agreement is reached, the representative of the Department will submit the agreed-upon disposition to the Assistant Deputy Superintendent, Internal Affairs Division or the Chief Administrator, Office of Professional Standards for approval. If approved, the representative of the Lodge shall contact the member for his or her agreement and approval of the agreed-upon disposition.
5. If all parties agree, the agreed-upon disposition will be forwarded to the Superintendent for final approval. The Superintendent will retain only the right to decrease the agreed-upon suspension and/or grant options when appropriate. The Superintendent will not increase the agreed-upon suspension or impose a suspension contrary to the agreed-upon disposition of the Committee.
6. In the event the member accepts the Committee's agreement, he or she will sign a waiver of the right to a Complaint Review Panel hearing and the filing of a grievance of the suspension. In the event the member rejects the Committee's agreement, he or she will sign a rejection of the Committee's agreement and will be entitled to a Complaint Review Panel hearing. The results of the Screening Program will not be made known to the Panel.
7. After the Complaint Review Panel hearing, if the Superintendent imposes discipline, the bargaining unit member retains the right to file a grievance if he/she wishes to do so.

**APPENDIX R
PROCEDURES FOR PSYCHOLOGICAL REVIEW**

Any officer covered by this Agreement who has been involuntarily removed from active duty for psychological reasons has a right to file a grievance pursuant to Section 9.4 of this Agreement. In order to achieve a fair and prompt resolution of such a grievance, the Lodge and the Employer agree that these procedures will be followed.

I. ISSUES FOR REVIEW

- A. Is the Grievant presently psychologically fit to perform the duties of a full duty police officer?
- B. Was the Grievant psychologically capable of performing the duties of a full duty police officer at the time he/she was removed from duty or at any time thereafter? If so, on what date?

The duties of a full duty police officer shall include the ability to perform the duties set forth in the following two paragraphs.

Police Officers, as part of and empowered by the community, protect the lives, property, and rights of all people, maintain order, and enforce the law

ARTICLE 2

impartially. They work in partnership with the community to respond to crime and neighborhood disorder. They work various shifts and days as assigned, patrolling an assigned beat by vehicle and/or on foot in order to observe conditions, intervene in observed situations that require their attention, and provide a visible presence to prevent crime from occurring. Police Officers respond to a variety of assignments such as crimes in progress, accidents, damage to property, and domestic and other disturbances. They may have to deal with unruly persons and overcome forceful resistance. They protect crime scenes until detectives or superiors arrive; examine the scene for evidence; and question suspects, victims, and witnesses in order to gather information. Under Chicago's Alternative Policing Strategy (CAPS), Police Officers participate in and conduct neighborhood meetings to identify community concerns and work with supervisors and peers to analyze crime patterns and develop responses to criminal activity in an area.

Police Officers respond to a variety of emergencies and must pursue suspects on foot over a variety of terrain and obstacles. Police Officers prepare reports, recording all details of an incident; prepare arrest slips to start the booking procedure; and testify in court. Police Officers must possess the ability to physically control suspects and to safely discharge firearms to protect citizens and/or themselves. They perform a wide variety of other tasks, such as directing pedestrian or vehicular traffic, issuing traffic citations, and assisting sick and injured persons in a variety of ways. They perform all other related duties as required and directed in order to serve citizens by enforcing laws and protecting lives and property.

The Panel must find that an officer is either fit or unfit for full duty as a Police Officer. When an officer is found fit for full duty, the Panel may recommend that the Grievant participate in counseling. However, the Panel's recommendation may not be conditioned upon such participation.

II. INFORMATION AVAILABLE FOR REVIEW BY THE PANEL

- A. The Grievant must execute a release in proper legal form authorizing the Lodge to have access to the Employer's psychological files. The term "psychological files" does not include the results of any standardized psychological/psychiatric tests.
- B. No documentation in the possession of any member of the Panel shall be withheld if requested by another Panel member. Each member of the Panel shall provide to the other members of the Panel the results of any standardized psychological/psychiatric tests, conclusions based on said tests, and each Panel member's rationale for finding the Grievant fit or unfit.
- C. The mutually-appointed member of the Panel may interview, examine, and evaluate the Grievant and may request additional data through the representatives of the Lodge and the Employer. Any member of the Panel is authorized to review any and all information or documents contained in Complaint Register files that are open, not-sustained, and/or sustained. However, no member of the Panel shall review any information or documents in Complaint Register files in which the finding was exonerated or unfounded. The restrictions on the retention of Complaint Register files set forth in Section 8.4 of this Agreement shall also apply to the Psychological Review process.

III. PROCEDURES

- A. All members of the Panel shall meet and discuss the Grievant's fitness and reach a conclusion regarding fitness.
- B. The mutually-appointed member of the Panel shall draft the Panel's decision regarding the Grievant's fitness. The decision must specifically address whether the officer was fit for some or all of the time the officer has been removed from duty and the officer's present fitness. The decision must also address all of the issues submitted for review and state the evidence relied upon as the basis for the decision.
- C. The mutually-appointed member of the Panel shall send the draft of the Panel's decision to the Panel members appointed by the Lodge and the Employer for verification of their representations within fourteen (14) days from the date of the meeting of the Panel. The members of the Panel appointed by the Lodge and the Employer shall have fourteen (14) days from the postmark date of the draft report to verify said representations and to provide suggestions, recommendations, and comments to the mutually-appointed member of the Panel. The mutually-appointed member of the Panel may make any revisions to the decision based upon the comments received from the other members of the Panel. The final decision shall issue no later than fourteen (14) days from the postmark date of the latest response of the other members of the Panel, if any. In all cases, the decision of the Panel shall issue no later than sixty (60) days from the date of the meeting of the Panel. Failure to meet these time guidelines does not divest the Panel of authority to make fitness for duty decisions, nor expose the Employer to any liability.

IV. Copies of the decision of the Panel shall be provided immediately to the representatives of the Lodge and the Employer.

ARTICLE 2

**APPENDIX S
FURLOUGH BY WATCH**

The parties recognize that the change from furlough selection by unit to furlough selection by watch represents a significant change. Although the parties will make their best efforts to assure the success of furlough by watch, nonetheless, neither party can guarantee that furlough by watch will attain the goals that each party desires.

Further, the parties recognize that, during the term of this Agreement, furlough by watch will be used only for calendar years 2003 and 2004. Accordingly, the parties hereby establish a committee to assess the effectiveness and acceptance of furlough by watch.

The committee will be composed of three officers appointed by the Lodge and three exempt officers appointed by the Superintendent. The committee will meet during the month of February 2004 for the purposes of reviewing the furlough by watch process for the previous two years. In reviewing and assessing that process, the committee will consider, among such other factors as it deems appropriate, the continued desirability of the process; the effectiveness of the process in enhancing experience among officers; and, the ability to effectively administer and implement the furlough by watch process.

The committee will meet as needed and will make recommendations to the Superintendent and to the Lodge, if appropriate, for modifications in the furlough by watch process, reversion to the furlough by unit process, or such other recommendations as the committee may deem appropriate, no later than April 1, 2004.

In the event the Lodge and the City do not reach an agreement regarding the continuation of furlough by watch by June 1, 2004, either party may invoke impasse arbitration by written notice to the other no earlier than June 15, 2004 and no later than June 30, 2004. In the event that impasse arbitration is invoked, the arbitration shall be conducted in accordance with ARTICLE 28 and Section 14 of the ISLRA, provided that the arbitrator shall be chosen by agreement of the parties.

The interest arbitration shall be conducted expeditiously to ensure that a decision is rendered no later than October 1, 2004.

NOTICE TO SUPERVISORS REGARDING PROGRESSIVE DISCIPLINE

Supervisors, including Watch Commanders, retain the flexibility, authority and discretion where circumstances warrant to issue reprimands to offending officers for infractions. Second or even repeated infractions of minor rules may, but do not always, require increased punishment (particularly including loss of time or income) when an oral or written reprimand will suffice to achieve the goal of correcting improper behavior.

There is some belief that a progressive system of discipline requires enhanced penalties no matter how insignificant the infraction. This is not correct.

You are permitted and urged to use your judgment in determining the appropriate level of discipline. Officers in this Department are a valuable resource which should not be wasted or unduly restricted.

Terry G. Hillard
Superintendent of Police

Acknowledged:

William J. Nolan

ARTICLE 2

President, Lodge 7 FOP

November 2000

MEMORANDUM OF UNDERSTANDING

It is further understood that the below-listed benefits enjoyed by officers covered by this Agreement will be maintained for the duration of the Agreement and shall not be diminished, modified, or eliminated during the term of the Agreement.

Sickness in family time

Change of uniforms at District

Use of department lockers and mailboxes

Use of gymnasium facilities during off-duty hours

Physical and optical examinations

Health care fringe benefits, including hospitalization insurance

Furloughs and compensatory (baby) furloughs

Marriage leave

Pension benefits as provided by statute

Utilization of compensatory time earned in partial tour or full tour segments consistent with operational needs and Article 23.5 of Agreement.

One half-hour lunch period taken during the tour of duty

Life insurance rates, including cost of optional insurance

Any obligation of the City of Chicago to indemnify officers for punitive damages assessed, adjudged, or otherwise levied shall be based upon City Ordinances and/or State Statutes providing for such indemnification.

IN WITNESS WHEREOF, the parties hereto affix their signatures this ____ day of November, 2000.

FOR THE EMPLOYER:

FOR THE LODGE:

**Richard M. Daley
Mayor**

**William J. Nolan
President**

**MEMORANDUM OF UNDERSTANDING
REGARDING DISTRICT UNIT BID ASSIGNMENTS**

The Lodge and the Employer agree that Lodge members who have successfully bid for the position of district desk or district lockup keeper will continue to function in that position for the duration of this contract unless removed in accordance with the provisions of Section 23.9.

The Lodge and the Employer further agree to open for bid in accordance with the provisions of Section 23.9 the position of District Watch Relief in each of

ARTICLE 2

the Patrol Division's 25 Districts. The member bidding for the position of District Watch Relief must be able to perform to the satisfaction of the Employer the functions of a desk officer, lockup keeper and district review officer after a period of orientation. Successful district bid members will be utilized in bid assignments before full duty non-bid members. When not required to function as district watch relief; the member will be assigned to district patrol duties.

The Employer shall select the most senior qualified bidder for the position of District Watch Relief. If there are not sufficient bidders to fill a District Watch Relief position declared vacant by the Employer, the Employer shall fill such vacancy within its discretion.

The following are the number of District Desk, District Lockup, and District Watch Relief positions subject to bid under the provisions of Section 23.9:

<u>Dist</u>	<u>Desk</u>	<u>Lockup</u>	<u>W/Relief</u>	<u>Dist</u>	<u>Desk</u>	<u>Lockup</u>	<u>W/Relief</u>
001	6	0	9	014	3	3	9
002	3	6	12	015	3	3	9
003	3	3	9	016	3	3	9
004	3	3	9	017	3	3	9
005	3	6	12	018	6	3	6
006	3	3	9	019	6	6	9
007	6	3	9	020	3	3	9
008	3	3	9	021	3	3	9
009	6	3	9	022	3	0	9
010	3	3	9	023	3	3	9
011	3	6	12	024	3	3	9
012	3	3	9	025	4	6	11
013	3	3	9				

MEMORANDUM OF UNDERSTANDING REGARDING BIDDING PROCEDURES

The City of Chicago and the Fraternal Order of Police, Chicago Lodge No. 7, jointly agree that the following procedures and interpretations will apply to processing bids to Fill Recognized Vacancies in accordance with Section 23.8 of the contract:

1. All sworn full duty non-probationary members below the career service rank of sergeant will be allowed to bid for one transfer request. Members who are currently on the medical roll but who are otherwise full duty will be allowed to bid.
2. Bids for vacancies must be submitted in accordance with the instructions contained in the Recognized Vacancy Announcement and must be forwarded to the Management and Labor Affairs Section within 72 hours of the time the announcement is posted. Members may fax a copy of the bid to the Management and Labor Affairs Section to ensure timely receipt; however, two copies of the properly completed bid form must also be forwarded to the Management and Labor Affairs Section. The bid form must contain the signature of the member, and the signature of their commanding officer/watch commander specifying the date and time the bid was submitted.
3. A successful bidder may not bid for another recognized vacancy within one police period year unless reassigned by the Employer. For example, a member who submits a successful bid in the 11th period for a 12th period vacancy in 2000 is not eligible to submit another bid to fill a recognized vacancy until the 11th period of 2001 for a 12th period of 2001 vacancy.
4. Probationary members may not submit a bid to fill a recognized vacancy while on probation. A probationary member whose probationary period will expire during the 72-hour period to submit bids, may submit a bid for a recognized vacancy. The member must be off probation at the time of the bid. A member whose probationary period expires after the 72-hour bid period but prior to the beginning of the period when the vacancy will be filled is not eligible to bid.
5. The member is responsible for ensuring that the bid form set has been received by the Management and Labor Affairs Section by the deadline

ARTICLE 2

specified in the Recognized Vacancy Announcement. The member will forward the original and white copy to the Management and Labor Affairs Section, the green copy to the Lodge, and will retain the gold copy for their records.

6. Bids which do not contain the required information or are otherwise improperly completed will not be accepted.

LETTER OF UNDERSTANDING AND AGREEMENT
REGARDING PHYSICAL FITNESS

The City of Chicago and Fraternal Order of Police Lodge No. 7 jointly recognize that physical fitness of police officers is of mutual benefit to the officers, the City and the public.

Therefore, the City and the Lodge hereby agree to undertake a joint effort to develop a reasonable physical fitness program applicable to all bargaining unit members.

The City and the Lodge hereby establish a Physical Fitness Committee consisting of 3 members designated by the Lodge and 3 members designated by the Superintendent of Police. The Committee may be assisted by such consultants or other individuals (paid for by the Employer, provided the Employer agrees to their participation) as may be necessary to accomplish its goals.

The Committee's recommendations shall be advisory only. Upon receipt of the Committee's recommendations, the Superintendent may adopt or modify the recommended program. If the Superintendent modifies the program, he/she shall so notify the Committee and the Lodge in writing. Within ten (10) calendar days of such notice, the Lodge may request arbitration of the modifications under Article 9. The issue before the arbitrator shall be whether the modifications proposed by the Superintendent are reasonable.

No officer shall be discharged, suspended, relieved from duty, demoted, or disciplined in any manner under or relating to any physical fitness program.

AGREED:
CITY OF CHICAGO

AGREED:
FRATERNAL ORDER OF POLICE
CHICAGO LODGE NO. 7

Terry G. Hillard
Superintendent of Police

William J. Nolan
President

Dated: November, 2000

PHYSICAL FITNESS INCENTIVE

In an effort to promote physical fitness among the officers covered by this Agreement, the Employer and Lodge agree to the following:

- Beginning in 2001, every officer covered by this Agreement will have one opportunity annually to schedule an appointment for a physical fitness test. An officer will have one opportunity to re-schedule the test, but will only be allowed to take the test once each year. The test must take place prior to November 1 of every year.
- An officer will complete a waiver which indicates that he/she is volunteering to take this test and will not hold the Employer liable for any injuries or illness that occurs as a result of his/her participation in the testing process.

ARTICLE 2

- Successful completion of the physical fitness test will result in payment of a physical fitness premium of \$250, payable December 1 of the year the officer successfully completes the test.
- It is understood that this is a voluntary program. Officers who participate in the physical fitness test will do so during off-duty hours without compensation.
- Any injury, illness, or death that results from participation in this program will not be considered an Injury on Duty or a death in the performance of duty.
- The performance requirement for each test is based on the State of Illinois P.O.W.E.R. test. Officers must pass every test and meet the minimum standards listed below to qualify for the physical fitness premium:

Test	MALE				FEMALE			
	23-29	30-39	40-49	50+	23-29	30-39	40-49	50+
Sit & Reach	16.0	15.0	13.8	12.8	18.8	17.8	16.8	16.3
1 Minute Sit Up	37	34	28	23	31	24	19	13
Maximum Bench Press Ratio	.98	.87	.79	.70	.58	.52	.49	.43
1.5 Mile Run	13.46	14.31	15.24	16.21	16.21	16.52	17.53	18.44

- The following are not subject to the grievance procedure:

The test standards.

The results of the testing.

The medical status of an officer who is injured participating in this program.

EXHIBIT 113

INTERNAL AFFAIRS DIVISION
Confidential Investigation Section

09 MARCH 2005
CR# 300778

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin HOLLIDAY, Star 10865
Internal Affairs Division
Confidential Investigations Section

SUBJECT: Integrity Check

ALLEGATION: It is alleged, while assigned to Unit 715, Sergeant Ronald WATTS, Star 2640 and Police Officer Kallatt MOHAMMED, Star 14122, were taxing drug dealers (taking money); allowing them to remain in business.

The before mentioned officers, formerly assigned to Unit 715, presently assigned to the 2nd District, are to be the subject(s) of an Integrity Check. The goal of the now unnamed operation is to give the accused members an opportunity to prove or disprove the allegation against them.

The information given suggests the officers know or make it a point to get to know, all drug dealers in the area of their assigned duties. It is said the officers take money from those drug dealers who wish to work in their area. Those who do not cooperate are arrested.

The objective of this exercise is to provide an undercover officer with a large sum of currency, placing him in an undercover vehicle, in the area of the accused officers work assignment. He will have the appearance of a working drug dealer and be prepared to have an evasive conversation, to arouse suspicion, upon being approached.

The undercover officer will be in full view of a surveillance team assigned to him as well as the group of Internal Affairs Division personnel working the operation. The operation will be conducted with set guidelines, under the direction of one named, on the scene supervisor. Information has been gathered regarding the accused. Before implementing the plan, every necessary piece of information will have been gone over by the participating members and approving supervisory personnel up to and including the deputy of the Internal Affairs Division.

Operational considerations are as follows

- 1 Duty hours
2. Daily mission assignments
3. Geographic locations

Complaint Register # 300778

Confidential # 259476

Attachment # _____

OFFICE OF THE SUPERINTENDENT
Confidential Investigation Section

CR# 300778

4. Uniform of the day
5. Possible inventory
6. Surveillance responsibilities and assignments
7. Officer Safety

These considerations and any others that come into play, will be addressed. The plan will allow for a certain degree of flexibility but will never compromise the safety of any person involved.

The plan of attack is to have the undercover officer appear to be a drug dealer, looking for one of his customers, while in the given work area of the accused. He will never be out of view of his personal surveillance officer(s). In his possession will be a sum of pre recorded currency. The undercover officer will be directed, by the supervisor on the scene, to the location that will place him in the view of the accused. If all goes according to plan, the accused officer will make contact. The undercover officer will be advised and reminded to not say anything that would be considered entrapment. The plan is such that if the undercover officer is taken into custody, he will be allowed to be transported to the 2nd District. If an attempt is made to transport him any place other than the 2nd District, a tactical unit from Internal Affairs Division will make the stop on the transporting unit.

There will be approximately ten (10) persons involved in addition to the undercover officer. They will have one common goal, the safety of the Undercover Officer.

Equipment necessary for the execution of this plan will be furnished by the Confidential Investigation Section of the Internal Affairs Division.

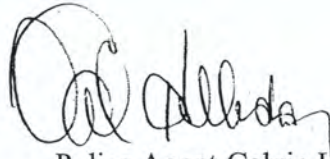
Styx and Zone radios
Covert and Tactical vehicles
Photographic equipment
United States Currency (amount as yet undetermined)
Drug paraphernalia

Complaint Register # 300778

Confidential # 259476

Attachment # _____

(Continued for signature only)



Police Agent Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigations Section

APPROVED:

 734

Commanding Officer
Confidential Investigation Section

SD. RD.

Complaint Register # 300778

Confidential # 259476

Attachment #

EXHIBIT 116

Holly N. Boyer, SBN 221788
hboyer@ecbappeal.com
ESNER, CHANG & BOYER
234 E. Colorado Blvd., Ste. 975
Pasadena, CA 91101
Telephone: (626) 535-9860
Facsimile: (626) 535-9859

Attorneys for Plaintiff
ALEXA CURTIN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ALEXA CURTIN,

Plaintiff,

vs.

COUNTY OF ORANGE; NICHOLAS
LEE CAROPINO, individually and as
Deputy Sheriff for the County of Orange;
and DOES 1 through 50,

Defendants.

Case No.: 8:16-CV-00591-SVW-PLA

Assigned to Hon. Stephen V. Wilson

**DECLARATION OF HOLLY N.
BOYER IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT COUNTY OF
ORANGE'S RENEWED MOTION
AS A MATTER OF LAW ON THE
ISSUE OF MUNICIPAL
LIABILITY UNDER FED. R. CIV.
P. 50(b)**

*[Filed Concurrently herewith Plaintiff's
Opposition to Defendant County of Orange's
Renewed Motion as a Matter of Law]*

Date: September 18, 2017
Time: 1:30 p.m.
Dept: 10A

Trial: August 2, 2017

DECLARATION OF HOLLY N. BOYER

I, Holly N. Boyer, declare as follows:

1. I am an attorney duly licensed to practice in all of the courts of the State of California and am a partner with Esner, Chang & Boyer, attorneys of record for Plaintiff, Alexa Curtin, along with Jass Law and Balaban Spielberger. The following is true of my own knowledge, and I am competent to testify hereto.

2. Attached as **Exhibit 1** is a true and correct copy of the Reporters Transcript of Daily Trial Proceedings for August 2, 2017, a.m. session.

3. Attached as **Exhibit 2** is a true and correct copy of the Reporters Transcript of Daily Trial Proceedings for August 2, 2017, p.m. session.

4. Attached as **Exhibit 3** is a true and correct copy of the Reporters Transcript of Daily Trial Proceedings for August 3, 2017, a.m. session.

5. Attached as **Exhibit 4** is a true and correct copy of the Reporters Transcript of Daily Trial Proceedings for August 3, 2017, p.m. session.

6. Attached as **Exhibit 5** is a true and correct copy of Trial Exhibit 12-1, entitled "Claim for Money or Damages Against the County of Orange" which was admitted into evidence.

7. Attached as **Exhibit 6** is a true and correct copy of Trial Exhibit 83-137, entitled "Follow-Up Report" which was admitted into evidence.

8. Attached as **Exhibit 7** is a true and correct copy of Trial Exhibit 38-1, entitled "Orange County Sheriff's Department Internal Memo," which was admitted into evidence.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed on August 28, 2017, at Pasadena, California.

/s/ Holly N. Boyer

Holly N. Boyer, Esq.

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -
HONORABLE STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE PRESIDING
- - -

ALEXA CURTIN,)
)
 PLAINTIFF,)
)
 VS.) CASE NO.:
) SA CV 16-591-SVW
 COUNTY OF ORANGE, ET AL.)
)
 DEFENDANT.)
)
 _____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
(P.M. SESSION)

WEDNESDAY, AUGUST 2, 2017

LOS ANGELES, CALIFORNIA

LAURA MILLER ELIAS, CSR 10019
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UNITED STATES DISTRICT COURT

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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, AUG. 2, 2017; 1:05 P.M.

2 - - -

3 THE COURT: Mr. Balaban, you are in your
4 examination; correct?

5 MR. BALABAN: Yes, Your Honor. Thank you.

6 DIRECT EXAMINATION (RESUMED)

7 BY MR. BALABAN:

8 Q. Good afternoon, Sergeant.

9 A. Good afternoon.

10 Q. If you could, can you turn to your left there? There's
11 some binders. I'm not sure which one it will be in, but it's
12 Exhibit 38. It may be in the first one or the second one.

13 Do you have Exhibit 38, Sergeant?

14 A. I do, yes.

15 Q. Okay. And Exhibit 38 is an internal memo drafted by
16 yourself to Lieutenant Danks; correct?

17 A. Yes, sir.

18 Q. And who is Lieutenant Danks?

19 A. He would be my supervisor.

20 MR. BALABAN: Any objection to publishing
21 Exhibit 38?

22 MR. FOX: No objection, Your Honor.

23 MR. BALABAN: Can we get page 1 of Exhibit 38?

24 THE COURT: Is 38 being offered in evidence?

25 MR. BALABAN: Yes, Your Honor.

1 A. I have.

2 Q. And the contents of this claim are the allegations that
3 set forth what you all are supposed to investigate; correct?

4 A. Yes, sir.

5 Q. And it's essentially putting you on notice of what this
6 claimant is alleging to have occurred to her; correct?

7 A. Yes.

8 MR. BALABAN: Your Honor, I'd offer Exhibit 12
9 under the notice exception to hearsay.

10 THE COURT: Received.

11 MR. FOX: Your Honor, there's an objection to
12 hearsay.

13 THE COURT: This is what the complainant said;
14 correct?

15 MR. FOX: It's what her lawyer wrote she claimed.
16 It's not written by her.

17 THE COURT: It's received for the limited purpose
18 that you just maintained notice.

19 MR. BALABAN: Thank you, Your Honor.

20 THE COURT: Not for anything else.

21 MR. BALABAN: Correct.

22 MR. FOX: Thank you, Your Honor.

23 (Exhibit 12 was admitted.)

24 MR. BALABAN: Can we display Exhibit 12, please?

25 Q. And the claim on the top right, we see that the claim

1 was received on February 28, 2014; correct?

2 A. Yes, sir.

3 Q. And then it's got the claimant's name; correct?

4 A. Yes.

5 Q. And identifying information; correct?

6 A. Yes.

7 Q. Date of birth, address, et cetera.

8 And if we go down, uh, it tells us who, uh,
9 correspondence responding to this claim should be from;
10 correct, Mr. Hughes?

11 A. Yes.

12 Q. And it tells you the date of alleged occurrence or
13 transaction. And that date was September 4, 2013; correct?

14 A. Yes, sir.

15 Q. And if we go down to No. 7, it tells us the location of
16 the allegation where the transaction happened; correct?

17 And what you all are put on notice of is that
18 there's an allegation that in the patrol car during arrest at
19 jail at Ms. Lamb's residence is where this offense happened;
20 correct?

21 A. Yes.

22 Q. And if we go down to No. 8, it indicates during
23 Ms. Lamb's arrest, Deputy Caropino uncuffed Taylor Lamb or
24 Ms. Lamb and forced her to touch his penis through his
25 uniform, intimidated her, coerced her, sexually harassed her,

1 called and text messaged her when she was released, and went
2 to her residence on duty and had sex with her in violation of
3 her 4th, 5th and 14th Amendment rights; correct?

4 A. Yes, sir.

5 Q. And therefore what you all you were notice that you were
6 investigating was one, whether he had assaulted her against
7 her will in the parking lot; correct?

8 A. Yes, sir.

9 Q. Whether he had sexually harassed her by sending these
10 messages back and forth; correct?

11 A. Yes, sir.

12 Q. And whether he went to her home and had sex with her in
13 violation of these constitutional rights; correct?

14 A. Yes, sir.

15 Q. And you understood when it indicates in violation of her
16 4th, 5th and 14th Amendment rights that this was against her
17 will; correct?

18 A. Yes, sir.

19 Q. And so this is the allegation that comes in to the
20 Department. This is what sets off this investigation;
21 correct?

22 A. Yes, sir.

23 Q. And by everything that you've told us, you were unable
24 to investigate this to look into his administrative
25 investigation based on the policy that was in place at Orange

1 County until the criminal investigation was completed?

2 MR. FOX: It's cumulative and asked and answered,

3 Your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: Can you ask that one more time?

6 MR. BALABAN: Sure.

7 Q. You were unable to look into this -- these serious
8 allegations as the Internal Affairs investigator until the
9 criminal investigation was completed?

10 A. That is correct.

11 Q. And all the while Deputy Caropino was still on the job.

12 A. Yes, sir.

13 MR. BALABAN: No further questions.

14 MR. FOX: Your Honor, if I may, I was remiss. I
15 didn't introduce to the Court and the jury my client who is
16 here, Ms. Janet Hayes with the Sheriff's Department. If I
17 can just do that now?

18 THE COURT: Yes.

19 MR. FOX: Ms. Hayes is here, right here.

20 Thank you, Your Honor. Appreciate that.

21 CROSS-EXAMINATION

22 BY MR. FOX:

23 Q. Okay. Is it sergeant?

24 A. Yes, sir.

25 Q. Um, let's go to Exhibit 12 which is now in evidence. I

1 A. I would say grainy.

2 Q. When you looked at the parking lot video, did you see
3 any evidence of improper behavior by Caropino in that video?

4 A. I did not.

5 Q. The dash cam video, when did you first become aware that
6 there was even dash cam video of Caropino's vehicle at
7 Ms. Lamb's residence?

8 A. After Ms. Lamb gave her statement to criminal.

9 Q. Before Ms. Lamb gave her statement to the criminal
10 investigators at your Department, did you have any reason to
11 believe that he had been out at her house on that specific
12 day, whatever it was, September 4th or September 6th, 2013?

13 A. No.

14 Q. Once she gave that interview, did the criminal
15 investigators and ultimately you then have the ability to
16 look for dash cam video on the day she identified when she
17 sat down with her interview?

18 A. Yes.

19 Q. Now, is there a reason -- set aside the dash cam video
20 for a second. The parking lot video, the video from his
21 patrol car is there a reason you did not look at it earlier
22 than whenever you did?

23 A. Uh, criminal was looking at it.

24 Q. I'm sorry?

25 A. Criminal, the criminal investigator was looking at the

1 videos.

2 Q. Now, when you finally do sit down and get a statement
3 from Caropino, is it correct that originally he was not
4 forthcoming with you?

5 A. Yes, sir.

6 Q. During your interview, did you slowly start making it
7 known to him that you had gathered facts and information
8 about the claim?

9 A. Yes, sir.

10 Q. After you started making it clear to him that you knew
11 what had happened with Ms. Lamb, did he then become more
12 forthright?

13 A. Yes, sir.

14 Q. When you finally sit down with him, that date was I
15 believe January 13, 2015. Does that sound about right?

16 A. I believe so.

17 Q. Okay. It's the document, whatever we put on the screen
18 before, the Lybarger and the Miranda; right?

19 A. Yes, sir.

20 Q. Okay. After you -- withdraw that.

21 When you go to sit down with him on January 13,
22 2015, do you have enough information to now interview him and
23 call him essentially on his story?

24 A. Yes, sir.

25 Q. I want to take you back to June 27, 2014. Okay?

1 REDIRECT EXAMINATION

2 BY MR. BALABAN:

3 Q. Sergeant, you were asked the reason why you didn't do an
4 investigation, Internal Affairs investigation, and you
5 testified that the reason you didn't is you didn't want to
6 interfere in the criminal investigation. Do you recall that?

7 A. Yes, sir.

8 Q. The reason why you didn't do an investigation is because
9 that's the policy is not to do an investigation Internal
10 Affairs until the criminal is exhausted. That's the policy;
11 right?

12 A. It's past practice, yes.

13 Q. You didn't do anything different in this case than you
14 did for every other case; right?

15 A. Yes, sir.

16 Q. This wasn't your decision not to interfere in the
17 criminal. This was the Department's decision that you don't
18 do investigative -- Internal Affairs investigation until the
19 criminal is exhausted; correct?

20 A. Yes, sir.

21 Q. Can we see Exhibit 12, please? And there was some
22 discussion about the date on this form September 4, 2013. Do
23 you recall that?

24 A. Yes, sir.

25 Q. And counsel asked you isn't it true that's not the date

1 investigation. And the purpose of the administrative
2 investigation is to determine whether or not the employee
3 violated our policies.

4 Q. How does that differ from what a criminal investigation
5 is?

6 A. A criminal investigation, you know, as far as the steps
7 of the investigation themselves, they're actually quite
8 similar as far as you're collecting evidence, you're
9 interviewing people, you're doing similar types of actions,
10 but they're very different investigations.

11 In a criminal investigation, you're trying to
12 determine solely whether somebody committed a crime. So
13 there are times where, obviously, committing a crime is a
14 violation. You know, all police departments have a policy
15 you can't commit a crime. Administratively, there are other
16 policies. So where you can have a criminal investigation and
17 it turns out they didn't commit a crime, but they may well
18 have violated other department policies.

19 And there's also the standards are different. So
20 in a criminal investigation to prove somebody's committed a
21 crime, you have to prove it beyond a reasonable doubt which
22 is a high standard. In an administrative investigation, you
23 just have to prove it by a preponderance of evidence. It is
24 more likely than not this occurred.

25 So the standards are different. So you're looking

1 at different things. You're looking at the employee's
2 behavior. And also from an administrative standpoint, you
3 review every investigation to see, you know, are our policies
4 good, is our training good, you know, so these are -- there
5 is a combination of things going on in these administrative
6 investigation. It's very different than a criminal
7 investigations.

8 Q. Can you tell us how many Internal Affairs investigations
9 you personally have conducted?

10 A. Uh, during that two-and -- or four-and-a-half years, I
11 personally have conducted probably close to 250 Internal
12 investigations.

13 Q. And how many in your career have you reviewed?

14 A. I've reviewed as an expert well over 2000 Internal
15 investigations. Um, I've been involved where cities have
16 retained me to review, uh, a single investigation that was
17 not part of the lawsuit. And I have been retained in a large
18 number of lawsuits where there's a large sampling of internal
19 investigations, and the issue is whether the sampling of the
20 investigations were reasonably conducted. So, you know,
21 throughout the course of that, I've -- I can show reports and
22 give you case numbers of literally over 2000.

23 Q. You shared with us that you've published a book in this
24 field. Can you tell us the name of that book?

25 A. Yes. It's called Managing and Accountability Systems of

1 Police Conduct, Internal Affairs and External Oversight.

2 Q. And does that book also include what we're talking about
3 in this case doing parallel or concurrent investigations of a
4 criminal nature and an Internal Affairs investigation?

5 A. Yes, it does.

6 Q. Uh, do you know how widely your textbook is in the
7 policing world?

8 A. You know, I don't know. I mean, these textbooks are out
9 there. You know, whether the people use it? I've certainly
10 been to conferences. It's been cited in literature that's
11 been produced by the Department of Justice --

12 MR. FOX: Your Honor, it lacks foundation given the
13 witness.

14 THE COURT: He said it's been cited, and he was
15 going to say where, I don't know.

16 Is that what you were going to say?

17 THE WITNESS: Yes, sir.

18 THE COURT: Where has it been cited?

19 THE WITNESS: The Department of Justice issued a
20 report on Internal Affairs, and it cited my text in order to
21 support their position.

22 BY MR. BALABAN:

23 Q. Are you also aware of the community at large, the
24 policing community, and whether generally, there are
25 concurrent investigations of a criminal and administrative

1 nature?

2 MR. FOX: Relevance, Your Honor, and foundation.

3 THE COURT: Well, given what he said so far, you
4 can probe that, but I think there's enough of a foundation
5 for him to answer.

6 THE WITNESS: Yes. There is a generally accepted
7 standard in policing to conduct concurrent investigations.

8 BY MR. BALABAN:

9 Q. Okay. Can you tell us the departments you're aware of
10 that actually do this, conduct concurrent, criminal and
11 administrative Internal Affairs investigations?

12 A. There's about 15,000 police departments across the
13 country so obviously, I'm not familiar with the vast majority
14 of them. Most of 'em are very small. But I am familiar with
15 agencies like the City of Seattle, the City of Chicago, uh,
16 in New York, Miami, major cities like Austin and numerous
17 other smaller cities across the nation.

18 Q. Los Angeles as well?

19 A. Yeah, absolutely Los Angeles.

20 Q. And all of those departments do concurrent
21 investigations, criminal and Internal Affairs?

22 A. Yes.

23 Q. Are you aware -- not to say that there isn't one other
24 than this one, but as a distributor, are you aware of any
25 other department that doesn't do it that way, that actually

1 stops the Internal Affairs investigations pending a criminal
2 investigation?

3 MR. FOX: Lacks foundation, Your Honor. 15,000?

4 THE COURT: Well, I mean, he can answer.

5 THE WITNESS: I've never seen one.

6 BY MR. BALABAN:

7 Q. Can you share with us your expert opinion about what the
8 dangers are to the public when an officer who has been
9 accused of a serious crime doesn't have any administrative
10 investigations into him until the criminal investigation is
11 complete?

12 MR. FOX: It's not relevant to this case,
13 Your Honor. It's overbroad.

14 THE COURT: I think that you can argue that.
15 That's really not within his expertise. We don't need him to
16 tell us that.

17 MR. BALABAN: Okay.

18 THE COURT: Okay.

19 BY MR. BALABAN:

20 Q. Are you also a member of any organizations in your
21 field?

22 A. Yes, sir.

23 Q. What organizations are you a member of?

24 A. The International Association of Chiefs of Police, the
25 Police Executive Research Forum and the National Tactical

1 Officers Association.

2 Q. It's been represented that the first time that you'll
3 ever testify in a quote unquote Monell case in the State of
4 California is here today. Is that -- is that true?

5 THE COURT: You've used the term Monell. I guess I
6 should tell you maybe that Monell is the lawyers' shorthand
7 for pattern and practice. When you hear the name Monell, it
8 refers to a pattern and a practice of a police force. It's
9 named after some case. That's the way lawyers talk. But
10 that's what it is.

11 BY MR. BALABAN:

12 Q. Have you testified in other jurisdictions on pattern and
13 practice?

14 A. I don't think I answered your first question. The
15 answer to your first question is no, I've never testified in
16 California, but yes, I've testified in other jurisdictions,
17 other states.

18 Q. Okay. Can you give us an idea?

19 A. Um, I've testified in federal court in Chicago three
20 times on Monell cases, in Georgia and once in Tennessee.

21 Q. And having reviewed thousands of this these cases and
22 been the Head of the Internal Affairs Department and written
23 a text book on it, do you think you're sufficiently qualified
24 as an expert to talk about this stuff today?

25 MR. FOX: That's not for him to determine. That's

1 improper.

2 THE COURT: I'll sustain that objection.

3 And don't ask the next question because I don't
4 like that practice. Just ask him questions. If I allow him
5 to testify, it goes without saying he can testify.

6 MR. BALABAN: Thank you, Your Honor.

7 BY MR. BALABAN:

8 Q. Um, it's been -- there's been discussion about whether
9 there's a rule that requires that an Internal Affairs
10 investigation and a criminal investigation happen at the same
11 time. You were asked about that at your deposition.

12 MR. FOX: Improper question or form about
13 deposition.

14 THE COURT: Well, the form of the question, the
15 objection is sustained.

16 You can just ask him now what he -- what his
17 opinion is in that regard if that's your desire.

18 MR. BALABAN: Yeah. Thank you, Your Honor.

19 BY MR. BALABAN:

20 Q. Is there a specific law that requires a department to do
21 investigations simultaneously?

22 A. There's no statute. There's no specific law.

23 Q. Okay. And are there specific laws that tell police
24 departments how to do their -- their job in general?

25 A. No.

1 Q. Um, can you tell us what your opinion, the best practice
2 in the standard that you're familiar with in conducting
3 criminal and administrative investigations?

4 A. In policing -- and I always compare it this way so if I
5 were an engineer and I wanted to build a bridge, I can go to
6 a text book, and if I wanted to cover a certain span, I would
7 know what strength of steel to use. In policing like many
8 other professions, there's no textbook. There's no -- this
9 isn't engineering. That exactitude isn't there.

10 So what we look at is what's generally accepted or
11 what was called generally accepted police practices. What
12 are other agencies doing? What's the Department of Justice
13 doing when they come in and give consent decrees? Uh, what
14 is the literature? What -- what is -- what is being accepted
15 within the policing? And when I say within policing, we're
16 talkin' about across the United States.

17 Q. Can you share with us why you believe that's the best
18 practice, to do these investigations concurrently?

19 A. The reason you want to do it concurrently is because if
20 you have an officer who is engaging in serious misconduct,
21 um, particularly a case where the officer has used his
22 position of authority by wearing a uniform, and there's a
23 likelihood that they could do that again, you want to conduct
24 a concurrent investigation to remove that person from the
25 field to protect the community. Um, you know, whether you

1 send the person home or you put 'em on some kind of desk
2 duty, their overarching goal is to get this person out of the
3 field.

4 But you also want to do it because, you know, you
5 may -- you may identify other problematic employees. You may
6 identify problematic practices. There are a lot of good, um,
7 management reasons to conduct it, um, immediately.

8 Q. Can you tell us what you've done in this case? The work
9 that you've done.

10 A. Sure. I've reviewed quite a bit of material. I've
11 reviewed all the police reports and depositions in this
12 matter. Um, I've prepared an expert report and a
13 supplemental report. I've reviewed, um, the defense expert's
14 reports and his depositions. I've reviewed all the
15 depositions in this case. And I had my deposition taken.

16 Q. About how much time do you think you've put into this
17 case?

18 A. Oh, 50 or 60 hours.

19 Q. Okay. And you charge for your time; correct?

20 A. I do.

21 Q. How much do you charge?

22 A. \$295.00 an hour.

23 Q. Okay. And do you charge to testify as well?

24 A. I do.

25 Q. And how much do you charge?

1 A. 2950 per calendar day.

2 Q. Did you do any other work on this case?

3 A. No, I think that's it.

4 Q. In this case, do you have an opinion whether there was
5 sufficient information to put Mr. Caropino on a desk job,
6 remove him from the field or place him on administrative
7 leave prior to the assault on our client, Ms. Curtin?

8 A. Yes, I do.

9 Q. What's your opinion?

10 A. Uh, he should have been placed on some type of desk
11 duty. He should have been removed from the field.

12 Q. Can you tell us what's the basis of that opinion?

13 A. Several factors. So this is a case that was received by
14 a claim for damages which is the pre-cursor to a lawsuit.
15 It's a short form that basically tells the police department,
16 you know, something happened, and this is what happened, and
17 you know, we're asking for money, and a lawsuit's likely to
18 follow.

19 So in a claim for damages, the Sheriff's department
20 learned of Ms. Lamb's arrest. They were told -- uh, they
21 were given a brief overview of that she was making
22 allegations that a sexual assault had occurred. So
23 immediately --

24 The police department, they received it on
25 February 28th, 2014. On March 5th, I believe Sergeant

1 Thompson compiled a file. The file included the police
2 report, the mobile video from Deputy Caropino's vehicle. And
3 so early on, they had the video and the police report so they
4 knew that, in fact, this arrest occurred. This wasn't just
5 made up. And they had that video.

6 And from a quick review of the video, what they
7 knew is that when Deputy Caropino first approached Ms. Lamb,
8 his microphone wasn't working outside the car so the field
9 sobriety test, that was not recorded. Sometimes that
10 happens. Sometimes these things malfunction. Sometimes they
11 don't get turned on. Sometimes that happens. You know,
12 we're looking at everything as it goes along.

13 The next thing we know is that he transports her to
14 the Dana Point police substation where she uses the restroom.
15 And during that transport, there's a camera, not only a front
16 facing camera, but in police cars, there's also a camera that
17 faces the back seat of the car. So the camera in the back
18 seat, that was recording so you can see Ms. Lamb, and you can
19 hear the conversation between Deputy Caropino and Ms. Lamb
20 during the transportation from the scene to the Dana Point
21 facility.

22 When they leave the Dana Point facility in order to
23 go to jail, the rear camera is now not working, and the audio
24 inside the car is not working so again, this is a red flag.
25 It doesn't tell us absolutely any -- it's just -- it's just

1 we're looking at this case because, you know, anything could
2 have happened in that car not being recorded.

3 The next thing that video shows us is when they
4 arrived at the rear parking lot of the jail, they park there,
5 and that they were in the parking lot for 40 minutes. In
6 policing, that's unusual. So it's not unusual to sit there,
7 and, you know, fill out the face of your jail booking form.
8 Those things take a few minutes, to fill out some forms.

9 It is unusual to sit there for 40 minutes,
10 particularly when you're conducting a DUI investigation
11 because even though you have what we call a PAS or a
12 preliminary alcohol screening in the field, a PAS isn't
13 admissible in court. So you want to get a blood test. And
14 blood evidence for DUIs dissipates. It goes away over time.
15 So you want to get that as soon as possible.

16 So it's not recommended to sit inside, you know, to
17 sit there and wait for 40 minutes before you go in and get
18 this blood test, particularly if there's no reason to do so.
19 And in the video, you can see other deputies coming and going
20 and going inside the jail. So that's the first thing you
21 have.

22 But we also know the next thing that we have is
23 Investigative Quilantan called Mr. Hughes, and Mr. Hughes was
24 Ms. Lamb's attorney. And he was trying to arrange an
25 interview of Ms. Lamb. And he and Mr. Hughes gave him,

1 Quilantan, some additional facts. In the claim for damages,
2 it talks about that some time after the arrest, that while
3 the deputy was on duty and in uniform, he went to her home
4 and had sex with her. In the interview of Hughes, he said it
5 was not too long after the arrest.

6 So now, they have some additional facts that they
7 can be looking at. They also had this jail video. I mean,
8 it's a jail. It's gonna have videos so they go, and they can
9 pull that jail video. They didn't do it for five-and-a-half
10 months, but they could have pulled the jail video. It was
11 available to 'em. It was in their possession.

12 And the jail video essentially shows the parking
13 lot. It's a grainy video. It's not a good video. But it
14 shows Caropino coming around to the passenger side of the car
15 and standing on the passenger side of the car. So it's not
16 like he's sitting in his car writing a report. It appears
17 that he's on the passenger side of the car which is a little
18 bit more unusual. Again, just another factor.

19 So now we know from Mr. Hughes that this sexual --
20 that Caropino -- this allegation that Caropino went to her
21 home happened not too long after the arrest, and that he text
22 her and called her. And during this time to the deputy's
23 credit, he's trying to call. He's trying to get an interview
24 for a long time. He makes a lot of efforts to try and get an
25 interview from, uh, Ms. Lamb, and he's unsuccessful.

1 But they have these videos. And they know that one
2 of -- the allegation is that he went to her home, um, and he
3 did it when he was on duty. So they have the ability to pull
4 his work records. And, in fact, they did pull the work
5 records, and they even pulled those on the day that the
6 original reports were taken which was on March 5th, 2014.
7 There's a copy in the file with his work schedule and what
8 days he worked. So they knew he worked which days, and, in
9 fact, he worked, you know, the days after her arrest.

10 So it was a relatively simple matter to go and pull
11 their mobile videos that record all the time and take a look
12 and say, you know, does he work in this area? Where does she
13 live? We know where she lives. It's on her arrest report.
14 Uh, where was he assigned to? Um, was that within his area?
15 And look at these videos.

16 And once you look at the videos, you see sure
17 enough, he went to her house, and he was there for an hour.
18 And he was out of his area. He had no business there. He
19 didn't report. He didn't log that he was there for some kind
20 of call. He didn't tell a supervisor that he was there. All
21 the things that are available to the Sheriff's department.

22 So certainly, once you find that video that says
23 that yes, he went to her home, then at that point, there's no
24 question that he should have been taken out of the field, and
25 that all could have been done within days.

1 Q. Going to the jailhouse video, the view from the top,
2 your review of the video, when he approaches the passenger
3 side door, do they remain in the parking lot for some
4 considerable time after that?

5 A. Yeah, it was a total of 40 minutes from the time that he
6 arrived until the time he took her inside.

7 Q. It's not like, as you viewed the video, that he opened
8 the passenger door to bring her into the jail?

9 A. No, no, no. He went to the passenger door and he was at
10 the passenger side for a lengthy period of time.

11 Q. So just based on what you just told us, that was
12 sufficient to take him out of the field?

13 A. Oh, yes, absolutely.

14 Q. Did they learn additional things that would have also
15 justified taking this officer out of the field?

16 A. Well, those are the primary factors. At some point they
17 interviewed him and he made statements.

18 Q. So let's talk about that. Did you review the statements
19 taken by this deputy?

20 A. Yes.

21 Q. And what did you glean from that statement?

22 A. Well, he admitted that he went there.

23 MR. FOX: This is beyond -- it's cumulative. It's
24 beyond what's relevant to this witness.

25 THE COURT: Well, I mean, I thought the interview

1 was in September, wasn't it?

2 MR. FOX: It was in January of 2015.

3 THE COURT: 2015. So I mean if he has the
4 foundation for responding to any questions regarding -- well,
5 he did assert the Fifth Amendment, didn't he, during the
6 period of the criminal investigation?

7 MR. BALABAN: I think I can lay a foundation,
8 Your Honor.

9 THE COURT: Okay.

10 BY MR. BALABAN:

11 Q. You saw that during the criminal investigation
12 Deputy Caropino declined to be interviewed; correct?

13 A. Yes.

14 Q. And in the request for the interview during the Internal
15 Affairs investigation, ultimately, he was compelled to give
16 that interview; correct?

17 A. Yes.

18 Q. And that interview happened after the assault of Curtin;
19 correct?

20 A. Yes.

21 Q. Now, the Internal Affairs Department had they had opened
22 an investigation prior to the criminal being closed, they
23 could have interviewed this deputy whenever they felt they
24 wanted to; correct?

25 A. Absolutely.

1 Q. They're the ones that chose to do it late; right?

2 A. Yes.

3 MR. FOX: This is not expert testimony. It's not
4 opinion testimony from an expert.

5 THE COURT: Well, he's -- it's within his realm.
6 He can answer.

7 BY MR. BALABAN:

8 Q. Why is it your opinion that they could have done an
9 interview of Deputy Caropino at any point in an
10 administrative investigation had they chosen to open one?

11 A. Well, anybody, including a police officer, has a right
12 to decline to give an interview regarding a criminal
13 investigation where you're the focus of that investigation.
14 Police officers who are employed, if they're being ordered to
15 give an interview, they have to answer questions or, uh, they
16 would be deemed insubordinate and they can be fired for
17 refusing to answer questions.

18 Q. And ultimately when he gave the interview, he admitted
19 to inappropriate contact.

20 MR. FOX: Your Honor, this is not expert testimony.

21 THE COURT: Have you gone through his testimony?

22 MR. BALABAN: Yes. I'll move on, Your Honor.

23 Q. Do you feel it's necessary to interview the victim of
24 the crime or alleged crime before the Department makes a
25 decision to take an officer who's alleged to have committed

1 Q. And do you go to conferences as well?

2 A. Yes.

3 Q. And in any of that research that you've done, reading
4 your literature, professional, the books, going to
5 conferences, have you ever heard or seen where a department
6 says we are gonna toll the administrative investigation of
7 Internal Affairs pending the criminal investigation?

8 MR. FOX: Objection, Your Honor. Hearsay and
9 foundation.

10 THE COURT: Well, I'll allow it. You can probe it,
11 but you can answer.

12 THE WITNESS: No. Not only have I not heard it,
13 but this is something I wrote about in my textbook. This is
14 something a gentleman named Lou Ryder wrote in a textbook on
15 Internal Affairs in 2006. This is something the Department
16 of Justice wrote in a letter to the Seattle Police
17 Department. And these are letters that are reviewed by
18 police departments routinely as the City of Seattle was going
19 under a consent decree. So all the information is just the
20 opposite.

21 BY MR. BALABAN:

22 Q. This is the first time that you've ever heard that the
23 policies in place to at a department to toll an
24 administrative investigation pending a criminal investigation
25 is this department here?

1 Affairs investigator Sergeant Asuncion about what his
2 attitude was towards doing a criminal investigation?

3 MR. FOX: Objection, Your Honor. Beyond the scope.

4 THE COURT: Now you're using him as a sounding
5 board for your argument. Let's not do that. You can make
6 that argument when you have the opportunity.

7 BY MR. BALABAN:

8 Q. Do you think it is an appropriate policy to rely on a
9 criminal investigator to do your Internal Affairs
10 investigation?

11 A. No.

12 Q. Why not?

13 A. Because, again, they're looking at it for something
14 different. They're looking to see whether or not the person
15 committed a crime. The standard they're using is much higher
16 than what an administrative investigator is looking at.
17 They're looking at very different things. That's why we have
18 these two different things. It wouldn't exist if it was okay
19 for criminal to do both.

20 Q. Going to the issue of getting a statement from Ms. Lamb,
21 you told us it's not unusual to get -- not to get a statement
22 from a sexual assault victim. Do you recall saying that?

23 A. Yes, that's true.

24 Q. Can you tell the jury why that's not unusual?

25 A. Certainly, in sexual assaults and domestic violence

1 cases, victims don't like coming forward. They're
2 embarrassed. There are all sorts of issues. Often it's
3 difficult to get statements from sexual assaults and domestic
4 violence.

5 Q. Do you think it's an appropriate policy not to take
6 administrative action against an officer unless and until you
7 have a statement from the victim?

8 MR. FOX: This is cumulative, Your Honor. It's
9 argumentative.

10 MR. BALABAN: Redirect, Your Honor.

11 THE COURT: Well, you can ask him that question.

12 THE WITNESS: Yeah, it would absolutely be wrong to
13 not take any action.

14 BY MR. BALABAN:

15 Q. Why not?

16 A. Because, again, you need to if the allegations are
17 founded or there's evidence that makes them appear to be
18 founded, you need to remove this person who has a badge and a
19 gun and a uniform from the field.

20 THE COURT: I mean the way you posed the question
21 was simply whether if he can if the victim is not available,
22 interview the officer. Wasn't that what you asked?

23 MR. BALABAN: Yes.

24 THE COURT: So let him answer that question.

25 MR. BALABAN: Can you answer the Court's question?

EXHIBIT 119



KENTUCKIANA
— COURT REPORTERS —

MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

**DEPONENT:
DEBRA KIRBY**

**DATE:
October 13, 2022**



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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF
3 ILLINOIS EASTERN DIVISION
4 JUDGE VALDERRAMA
5 MAGISTRATE JUDGE SHEILA M. FINNEGAN
6 MASTER DOCKET CASE NO. 19-CV-01717
7
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9

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11 IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS
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23 DEPONENT: DEBRA KIRBY
24 DATE: OCTOBER 13, 2022
25 REPORTER: SYDNEY LITTLE

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STIPULATION

The VIDEO deposition of DEBRA KIRBY was taken at KENTUCKIANA COURT REPORTERS, 30 SOUTH WACKER DRIVE, FLOOR 22, CHICAGO, ILLINOIS 60606, via videoconference in which all participants attended remotely, on THURSDAY the 13th day of OCTOBER 2022 at 9:34 a.m. (CT); said VIDEO deposition was taken pursuant to the FEDERAL Rules of Civil Procedure. The oath in this matter was sworn remotely pursuant to FRCP 30.

It is agreed that SYDNEY LITTLE, being a Notary Public and Court Reporter for the State of ILLINOIS, may swear the witness and that the reading and signing of the completed transcript by the witness is not waived.

PROCEEDINGS

THE REPORTER: On record. My name is Sydney Little. I'm the Online Video Technician and Court Reporter today representing Kentuckiana Court Reporters located at 30 South Wacker Drive Floor 22, Chicago, Illinois 60606. Today is the 13th day of October 2022. The time is 9:34 a.m. We are convened by videoconference to take the deposition of Debra Kirby in the matter of In Re: Watts Coordinated Pretrial Proceedings pending in the United States District Court for the Northern District of Illinois Eastern Division Master Docket case number 19-CV-01717. Will everyone but the witness please state your appearance, how you are attending, and the location you are attending from starting with Plaintiff's counsel?

MR. RAUSCHER: Scott Rauscher for the Lovey & Lovey plaintiffs attending remotely from the suburbs of Chicago.

MR. FLAXMAN: Kenneth Flaxman for the Flaxman plaintiffs attending remotely from a north suburb of Chicago.

MR. NOLAND: Hi, Daniel Noland on behalf of the city, Debra Kirby, other supervisory officials, attending at my law office in Chicago with the

1 witness.

2 MS. WEST: Allyson West on behalf of the
3 individual defendant officers attending from a
4 suburb of Chicago.

5 MS. DOI: Kathryn Doi on behalf of Kallatt
6 Mohammed, attending from Chicago, Illinois.

7 MS. MCGRATH: Megan McGrath on behalf of
8 defendants Cadman and Spaargaren, attending
9 remotely from my office in Chicago.

10 MR. KOSOKO: Ahmed Kosoko on behalf of Ronald
11 Watts, appearing from my office in Chicago,
12 Illinois.

13 THE REPORTER: Thank you. Ms. Kirby, will you
14 please state your name for the record?

15 THE WITNESS: My name is Debra Kirby, D-E-B-R-
16 A K-I-R-B-Y.

17 THE REPORTER: Thank you. Do all parties
18 stipulate that the witness is in fact Debra Kirby?

19 MS. DOI: Yes.

20 MR. RAUSCHER: Yes.

21 MS. MCGRATH: Yes.

22 MS. WEST: Yes.

23 MR. NOLAND: Yes.

24 MR. KOSOKO: On behalf of Watts, yes.

25 THE REPORTER: Thank you. And Ms. Kirby, will

1 you please raise your right hand? Do you solemnly
2 swear or affirm that the testimony you're about to
3 give will be the truth, the whole truth, and
4 nothing but the truth?

5 THE WITNESS: I do.

6 THE REPORTER: Thank you. Counsel, you may
7 begin.

8 DIRECT EXAMINATION

9 BY MR. RAUSCHER:

10 **Q. Will you please say and spell your name?**

11 A. Debra Kirby, D-E-B-R-A K-I-R-B-Y.

12 **Q. And where are you sitting for this**
13 **deposition?**

14 A. I'm with Dan Noland in the law office there
15 in Chicago.

16 **Q. Is anyone else -- are you in the same room as**
17 **Mr. Noland?**

18 A. I am.

19 **Q. Is anyone else in the room with you?**

20 A. No.

21 **Q. Do you have any papers with you?**

22 A. I have the -- the Initial Answer to
23 Interrogate -- Interrogations 2017 as submitted by the
24 city, and I have an empty pad of paper here.

25 **Q. All right. When you say initial answers to**

1 interrogations, are you talking about Answers to
2 Interrogatories issued by Plaintiff Clarissa Glenn June
3 7, 2017?

4 A. The document that I have is titled, "City's
5 First Amended Answer to Plaintiff Clarissa Glenn's June
6 7, 2017, Interrogatories to Defendant City of Chicago."

7 Q. Okay. And that plus a blank pad of paper,
8 the only documents you have in front of you?

9 A. Yes. At this time.

10 Q. All right. Can you tell me what you did to
11 prepare for your deposition?

12 A. I met with my attorneys. I looked at various
13 documents, and I'm here today.

14 Q. Which attorneys did you meet with?

15 A. Dan Noland and Terry Burns.

16 Q. When did you meet with them to prepare for
17 your deposition?

18 A. We had a couple meetings over a period of
19 time.

20 Q. When was the first one that you remember?

21 A. I can't recall, maybe last year. I'm not
22 sure.

23 Q. And then what was the most recent meeting
24 that you remember? When was that?

25 A. That was this week on Tuesday.

1 Q. How long in total do you think you met with
2 your attorneys to prepare for your deposition?

3 A. I'm not sure. I would say no more than --

4 Q. I'm sorry. I heard "no more than," but then
5 I missed the end of it. There was a -- like a lag, I
6 think, on the phone.

7 A. I would say no more than six hours, but I
8 can't be sure.

9 Q. Okay. What documents do you remember looking
10 at to prepare for your deposition?

11 A. I've looked at this document. I don't know
12 what we want to call it. We'll say the Clarissa Glenn
13 document. I looked at the deposition of Keith
14 Calloway. I looked at some other reports that my
15 attorneys had as well.

16 Q. Do you know what the other reports were?

17 A. They weren't complete reports. They were
18 bits and pieces of, maybe, court filings, my resume.
19 There were a couple of other things in there.

20 Q. What other things do you remember, other than
21 court filings and your resume?

22 A. There were a couple pages of handwritten
23 notes that seemingly I wrote. Right. I -- I honestly
24 can't recall what else I was looking at.

25 Q. Okay. And when you say, "seemingly wrote,"

1 do you mean you looked at them and it -- you thought it
2 was your handwriting, or your lawyers did, or you both
3 did or?

4 A. Yeah, I mean, it's my handwriting, so --

5 Q. Okay.

6 A. I can -- I'll -- I'll own I was the author.

7 Q. We will -- we'll probably look at some of
8 those later, but were they -- was that general topic of
9 those the investigation into Ronald Watts and others by
10 CPD and the FBI?

11 A. Yes, it was.

12 Q. Do you know about how many pages of notes you
13 looked at?

14 A. I -- I think they ran, like, there was three
15 to eight pages. I mean, there were two dates. So --

16 Q. I'm sorry, two what?

17 A. I'll be able to confirm that -- three to
18 eight pages. I'll be able to confirm that once I have
19 them in front of me.

20 Q. Okay. Did any of the documents you looked
21 at, including the Calloway deposition, refresh your
22 recollection about anything?

23 A. That's a very broad question. If you're
24 asking relative to the Watts investigation, it
25 refreshed some of my memory, yes.

1 Q. And then what about anything beyond the Watts
2 investigation? Did it refresh your recollection about
3 anything else?

4 A. That's very broad, counselor, so I -- I -- I
5 don't know how to answer that.

6 Q. It is potentially broad, but what is it --
7 why can't you answer it? Because -- is it because it
8 refreshed your recollection about many things and
9 you're not sure what, or what's the -- can -- I'm
10 trying to see if I can rephrase that question for you.

11 MR. NOLAND: Yeah, Scott, I think, you know,
12 the witness says that it's too broad and she can't
13 answer it. I mean, why can't you answer it? I
14 mean, she told you it's too broad, so it seems like
15 the ball is in your court, now.

16 MR. RAUSCHER: And that's why I just asked
17 another related question.

18 MR. NOLAND: Yeah. You said why -- go ahead.

19 A. You're asking if it refreshed my memory about
20 anything. These documents covered a period of years,
21 and so I'm -- I'm not quite sure what you would ask for
22 anything.

23 BY MR. RAUSCHER:

24 Q. Well, so you've given me one topic where it
25 refreshed your recollection, the Watts investigation.

1 Obviously, that's relevant to these cases and this
2 deposition. And I just want to know if there are any
3 other topics that you can remember, having your memory
4 refreshed when you looked at documents to prepare for
5 today's deposition?

6 A. Counsel, I -- I have to repeat that these
7 documents cover a period of years. So what it
8 refreshed and how it relates to anything, I can't
9 answer at this time.

10 Q. All right. What did it refresh your
11 recollection about specifically with the Watts
12 investigation?

13 MR. NOLAND: Objection. Form. Go ahead.

14 A. Specifically, it helped to refresh my memory
15 about some of the time parameters and some of the
16 actions taken by IA, as it relates to the Watts
17 investigation.

18 BY MR. RAUSCHER:

19 Q. And when you say Watts investigation, what
20 are you referring to? How do you define that?

21 A. I would refer to it as the actions of the
22 internal affairs department from the time that it
23 initiated the investigation and brought it to IA. And
24 frankly, for my purposes as of the time I left the
25 internal affairs division, but clearly there was more

1 to the Watts investigation, because it continued after
2 I left and ended with its -- his and Mohammed's arrest.

3 **Q. When you say IA, do you mean internal affairs**
4 **at the City of Chicago Police Department?**

5 A. Yes, I do.

6 **Q. Do you remember which document or documents**
7 **specifically refreshed your recollection about parts of**
8 **the Watts investigation?**

9 A. The various document -- documents
10 collectively helped to refresh my memory. I would say
11 the Clarissa Glenn document helped me -- I recall the
12 timeline.

13 **Q. And when you say the Clarissa Glenn document,**
14 **are you talking about interrogatories that you have**
15 **with you today?**

16 A. How -- how would we like to reference that
17 document so that we're all consistent?

18 **Q. I -- so I would say they're interrogatory**
19 **responses.**

20 A. Okay.

21 **Q. Is that fair, based on your review of them?**

22 A. Yes.

23 MR. NOLAND: I would say City's Answers to
24 Interrogatories.

25 THE WITNESS: There you go.

BY MR. RAUSCHER:

Q. Okay. Is it so --

MR. NOLAND: Maybe mark -- I think you had it as Exhibit, so maybe mark it as Exhibit and you can short circuit it.

MR. RAUSCHER: Yeah, that's fine. Let's mark --

THE WITNESS: Yeah.

MR. RAUSCHER: Let's mark Exhibit 1, City's First Amended Answer to Plaintiff Clarissa Glenn's June 7, 2017, Interrogatories to Defendant City of Chicago.

(EXHIBIT 1 MARKED FOR IDENTIFICATION)

BY MR. RAUSCHER:

MR. RAUSCHER: And Dan, if you're comfortable, is this the same -- does the document she has in front of her the same one that I circulated?

MR. NOLAND: Yes.

BY MR. RAUSCHER:

Q. Okay. And I'm not going to bring it up on the screen, but we'll -- now we can just call it Exhibit 1. We'll know what we're talking about. And so, looking at that helped refresh your recollection about the timeline of the Watts investigation?

A. Yes.

1 **Q. To your knowledge, did you participate in**
2 **answering this interrogatory for the city?**

3 MR. NOLAND: I just object to the extent it
4 would call for attorney-client communications, but
5 I think you're answering kind of beyond that, so
6 you can answer the question, if you can answer it
7 without divulging any discussions with your
8 lawyers.

9 A. I believe that I had some -- some
10 participation in this originally, but frankly, I don't
11 recall fully.

12 BY MR. RAUSCHER:

13 **Q. Okay. Do you currently work for the City of**
14 **Chicago?**

15 A. No, I do not.

16 **Q. Do you -- are you employed?**

17 A. Yes, I am.

18 **Q. Where do you work now?**

19 A. I work for a company called Jensen Hughes.
20 They're located in Chicago.

21 **Q. What do you do there?**

22 A. I am a security risk consultant with
23 responsibility over the threat balance risk management
24 and investigations practices.

25 **Q. What do you -- what -- can you tell us, sort**

1 of, substantively what that job entails? High-level.
2 Just high-level?

3 A. Yeah. Yeah. I help clients with a variety
4 of needs. We do a lot of what is known as security
5 risk consulting. My book of work has been primarily
6 within law enforcement agencies, workplace violence,
7 behavioral threat assessments, where people are a
8 threat to individuals, due diligence investigations,
9 you know, professional standards investigations, and
10 various aspects of security as it relates to corporate
11 security.

12 Q. Does that include -- when you say threat
13 assessments, if people are threats, does that include
14 helping companies identify if their employees are
15 threats?

16 A. It can.

17 Q. How do you go about doing that? What are the
18 sort of techniques you use?

19 MR. NOLAND: So it seems a little deep into
20 possible proprietary information, or how Jensen
21 Hughes goes about their business, that I guess I
22 don't -- I'd object on that basis, and to the
23 extent the witness has concerns about that, I --
24 that, you know, could be an issue, but maybe you
25 can give the counsel an answer that you're

comfortable with.

A. So generally speaking, this is really about looking at potential for homicide within workplace environments. And so, where clients have concerns about behaviors and direct threats to themselves, we employ a team of professionals. We have a, you know, a range of people who have psychological credentials, as well as types of information to help them to calculate and identify what is the specific individual thread to them for their corporations.

BY MR. RAUSCHER:

Q. Has the City of Chicago or the Chicago Police Department been one of your clients at Jensen Hughes?

A. I'm sorry, could you repeat the question?

Q. I was wonder -- I wanted -- the question is whether the City of Chicago or the Chicago Police Department has been one of your clients at Jensen Hughes?

A. It has been.

Q. And when -- is it a current client?

A. I don't believe so.

Q. What years was it a client?

A. I'm not 100 percent sure, but they did use our services to support some aspects of their compliance with the Consent Decree. Jensen Hughes was

1 formerly known as Hillard Heintze and did have some
2 contracts with the city years ago, but I -- I'm not 100
3 percent sure what those contracts were.

4 **Q. So was the most recent work that you're aware**
5 **of related to help with the -- help compliance with the**
6 **Consent Decree?**

7 A. Yes.

8 **Q. And so, when you say helping comply with the**
9 **Consent Decree, you're talking about the City of**
10 **Chicago complying with the Federal Court's Consent**
11 **Decree about reform; is that right?**

12 A. No, I don't believe it's a Federal Court
13 Consent Decree, and we were supporting -- but we were
14 supporting the City of Chicago relative to specific
15 issues.

16 **Q. And what Consent Decree are you talking**
17 **about?**

18 A. My knowledge of the Consent Decree is about
19 equivalent to yours, but my understanding is that this
20 Consent Decree is being managed by the Illinois
21 Attorney General, is therefore not a federal Consent
22 Decree. So that's -- but to my knowledge, there's only
23 one at the City of Chicago.

24 **Q. Okay.**

25 A. And it's (Inaudible).

1 **Q. You don't know which Court has -- if any, has**
2 **enforcement over the Consent Decree?**

3 A. Yeah. I don't know if it's before the
4 Federal Court, I do know that the AG is part of the
5 oversight.

6 **Q. Was -- were you part of a team at Jensen**
7 **Hughes working with the City of Chicago?**

8 A. We had various components, various contracts.
9 I did not work on all of those, but I did work on a few
10 of those.

11 **Q. So -- or which ones did -- which projects did**
12 **you work on for the City of Chicago while at Jensen**
13 **Hughes?**

14 THE WITNESS: I have a question for Counsel.
15 I'm -- I'm concerned whether or not I am addressing
16 privilege (Inaudible).

17 MR. NOLAND: Can we take a break so I can
18 consult to see if this is potentially privileged
19 information, or otherwise confidential?

20 MR. RAUSCHER: Yeah. You want to say like
21 five minutes? Or if you need more, then that's
22 fine.

23 MR. NOLAND: No, that's -- yeah. That's fine.

24 MR. RAUSCHER: Okay.

25 MR. NOLAND: Be back in a few minutes.

1 THE REPORTER: All right. We're off the
2 record. The time is 9:53.

3 (OFF THE RECORD)

4 THE REPORTER: We are back on the record for
5 the deposition of Debra Kirby being conducted by
6 video conference. My name is Sydney Little. Today
7 is October 13, 2022. The time is 9:57.

8 BY MR. RAUSCHER:

9 Q. So the last question was about what projects
10 you worked on for the City of Chicago. And I
11 understand you had potential attorney-client privilege
12 concerns. Were you able to consult with your attorney
13 about those concerns?

14 MR. NOLAND: Yes, Scott, we did talk and so
15 she -- yes. She'll provide some information.
16 There's a concern of a consultant's-type privilege
17 with her firm and the firm representing the City of
18 Chicago that contracted with her firm. So but
19 subject to that, she'll -- she can answer. And
20 then we would assert -- just because we don't know
21 the answers and don't want to risk revealing or
22 violating some type of a privilege in that matter,
23 we would kind of leave it kind of general and
24 topical.

25 MR. RAUSCHER: Yeah. I guess, why don't we

1 start and then maybe either you or she can explain
2 a little bit what that concern is, without,
3 obviously, getting into specifics, but maybe --

4 MR. NOLAND: Yeah. Well, I can -- I'll do it
5 right now. Yeah.

6 MR. RAUSCHER: Okay.

7 MR. NOLAND: So her -- Jensen Hughes has a
8 contract. The contract, they worked with the Taft
9 Law Firm. Taft represents the city. To my
10 understanding, this is all -- you know, I don't
11 have personal knowledge in the consent -- with
12 respect to the Consent Decree and that Taft could
13 be a consultant, an expert consultant. Under the
14 Federal Rules of Civil Procedure, that's a
15 consultant's privilege. We don't - - she doesn't
16 know -- we don't know if it's been disclosed in
17 that matter, and so we can't go into detail of
18 that, with respect to that.

19 MR. RAUSCHER: So you say Taft?

20 MR. NOLAND: Yeah. The Taft Law Firm, T-A-F-
21 T.

22 MR. RAUSCHER: Yep. So --

23 THE WITNESS: Yes.

24 MR. RAUSCHER: Taft is a -- let me just make
25 sure I understand it, then. The -- Taft is a -- is

1 working with the city on the Consent Decree.

2 Jensen Hughes has contracted with Taft. You're not
3 sure if Taft's role has been disclosed, and it may
4 be subject to a consulting expert privilege in the
5 federal case; is that right?

6 MR. NOLAND: No, no.

7 MR. RAUSCHER: All right.

8 MR. NOLAND: Jensen would be the expert,
9 Scott.

10 MR. RAUSCHER: Jensen would be the expert.

11 MR. NOLAND: Jensen would be a consultant that
12 an attorney is consulting.

13 MR. RAUSCHER: I got it.

14 MR. NOLAND: So if you hire --

15 MR. RAUSCHER: I know what you --

16 MR. NOLAND: -- an expert on this case, and
17 they're your consultant right now under Rule 26,
18 you have the consultant's privilege. So that's
19 what we're concerned about. We don't know. We
20 don't -- Ms. Kirby doesn't have the answers, so --

21 MR. RAUSCHER: Okay. I got it.

22 MR. NOLAND: -- to be prudent, it shouldn't be
23 disclosed right now.

24 BY MR. RAUSCHER:

25 **Q. Understood. So the -- but just let me make**

1 sure I understand. I know what you're saying. I get
2 that point now. The relationship is the city
3 contracted with Jensen Hughes directly, or no -- well,
4 let me ask you this. Do you know if the city
5 contracted directly with Jensen Hughes for the Consent
6 Decree issues?

7 A. I will answer to the extent that I know. I
8 am not 100 percent sure.

9 Q. Okay.

10 A. There were two streams of work. So we may be
11 out there as a city contractor, but our -- my work
12 directly was for Taft.

13 Q. Okay. And are you able to disclose the
14 general topics, or do you -- are you concerned that
15 even that is potentially privileged under the federal
16 rules?

17 MR. NOLAND: I am concerned that one of the --
18 that the topic that Ms. Kirby worked on is
19 potentially privileged, so we would decline to
20 answer that. I think that there is a topic that
21 Jensen Hughes worked on that she can talk about,
22 although she did not work on this particular topic.

23 MR. RAUSCHER: Okay. And then let me just
24 make sure, just to be clear for the record, are you
25 asserting the privilege for the City of Chicago,

1 because it wouldn't be her personal privilege so
2 I'm not going to ask her if she is trying to waive
3 it. At least I don't think it would be.

4 MR. NOLAND: I'm -- I don't know. I'm
5 asserting it because I'm not involved in the
6 litigation. I don't know if there was a Taft
7 lawyer here, if it would be asserted or not. It's
8 in an abundance of caution that we are raising it
9 now. So if somehow it becomes an issue later, I
10 guess we could talk about it, but -- so we are
11 asserting it to be prudent.

12 MR. RAUSCHER: No, that's -- I get it. I'm
13 not suggesting you're doing anything wrong by
14 asserting this privilege. I just want to know who
15 it's being asserted for, so we just have an
16 understanding, and then we'll table any potential
17 privilege issues and if we need to come back to it
18 later, we'll do that.

19 MR. NOLAND: So you're asking me for details,
20 Scott. Since I'm not involved, it you know, how
21 would Taft -- I don't know how Taft would answer
22 your question. So if they would say it's them
23 asserting it, if there is a consultant's privilege,
24 if it's the city, who their client is. So you're
25 asking me to answer a question, I don't think it's

1 necessary, because I'm tell -- I'm going to -- I'm
2 -- you know, we're going to decline to answer.
3 She's going to decline to answer those questions
4 anyway.

5 MR. RAUSCHER: Okay. It's -- I mean, it's not
6 supposed to be, like, a trick. I just I'm trying
7 to -- get a record for it, but okay. We can move
8 on.

9 MR. NOLAND: Yeah. All right. All right.
10 Yeah. I'm not -- you have my answer.

11 BY MR. RAUSCHER:

12 **Q. What are the -- what's the -- is there a**
13 **topic of your work related to the Consent Decree that**
14 **you are able to answer?**

15 A. Not to my work directly, but to the work of
16 Jensen Hughes, we also supported the city in its
17 community organizing, establishing some of the
18 committees that were called for under the Consent
19 Decree, as well as developing community engagement on
20 aspects of the Consent Decree. I don't have full
21 knowledge of that, and I was not directly involved in
22 that aspect of the project.

23 **Q. Is there a particular person at Jensen Hughes**
24 **who is the -- I don't know what the word would be.**
25 **Relationship partner or relationship manager with the**

City of Chicago?

A. Not at this time. This work was several years ago, and to my knowledge, there's nobody directly or currently engaged with the city on this work.

Q. For that -- for the work you were just talking about, who was the relationship partner, relationship manager, at Jensen Hughes?

A. I would say that the party that probably had the most oversight of that was Ken Bouche, but he no longer works for Jensen Hughes.

Q. Okay. Did you receive -- did you personally receive any compensation for the -- for Jensen Hughes' work with the city on the Consent Decree?

MR. NOLAND: Object to the form of the question.

A. I receive a salary from Jensen Hughes and I'm paid for my work. I did do work on a project, so I don't know if that answers your question.

BY MR. RAUSCHER:

Q. So I think it does, but let me just try to clarify. Are you saying you get -- well, let me ask this: Do you get -- was a portion of your compensation directly related to your work for the city with Jensen Hughes?

MR. NOLAND: Object to the extent it calls for

speculation, but go ahead.

A. I think what you're asking is the city has not paid me directly. I bill my work as a consultant, and my company pays me, whether or not it's direct from the City of Chicago paying me, you know, that's an accounting process that I can't answer.

BY MR. RAUSCHER:

Q. I think I'm being unclear. What I'm trying to ask, I guess, is there a direct correlation to your work? Like, do you get a, like, a percentage of your work for the city? If you bill -- I know the city isn't paying you, they're paying Jensen Hughes, but I guess what I want to know is your compensation directly tied to your projects, or do you get a salary and then you go do work and whatever you worked for, you get paid?

A. I'm a salary employee of Jensen Hughes.

Q. Okay.

A. There's no percentage tied to my client.

Q. How long -- I'm sorry if you already answered this, but how long have you worked at Jensen Hughes?

A. I started there in December 2015, so I'm coming up on seven years.

Q. And then how long did you work at the Chicago Police Department for?

1 A. Almost 28 years, or a little bit over 28
2 years. I started in June of 1986. I retired on
3 January 8th, 20 --

4 **Q. January 28th of which year?**

5 A. 2014.

6 **Q. Did you do anything between CPD and Jensen**
7 **Hughes? Any -- did you work anywhere between CPD and**
8 **Jensen Hughes?**

9 A. Yes. I worked for the Irish Department of
10 Justice and Equality as a deputy chief inspector at the
11 Garda Siochana Inspectorate.

12 **Q. And what'd you do for that organization?**

13 A. I was tasked with oversight of the policies
14 and practices beyond Garda Siochana, which is the
15 National Police Force of the Republic of Ireland.

16 **Q. Did you leave -- when you left -- well, did**
17 **you leave CPD voluntarily?**

18 A. Yes.

19 **Q. Have you had a chance to look at your**
20 **employee assignment detail history in connection with**
21 **this case at all?**

22 A. I don't recall it.

23 MR. RAUSCHER: Why don't we mark Exhibit 2,
24 which is City BG 003388 to 3390. Dan, do you have
25 these, or do you want me to put them up?

(EXHIBIT 2 MARKED FOR IDENTIFICATION)

MR. NOLAND: I got that one.

BY MR. RAUSCHER:

Q. Okay. I know some are huge. So just let me know. And just let me know when you've had a chance to look through this.

MR. NOLAND: You want to study her to study it in detail, or is there something specific you want to -

-

MR. RAUSCHER: I just want to know if it's accurate and if it's missing anything. I thought it might save a little bit of time. So I don't know -- it's going to take time to do this either way. I'm trying to be efficient about it.

A. Yeah, I understand. So let me look at the -- if -- if I can, my experience with these types of records is that they're not always fully descriptive but let me look at it right now and see what I've got. And if there's anything that I can see gapping. Of course, I might need my glasses. Yeah. Let me grab these. Thank you. These are good. All right. As it relates to the progression of my career, it's accurate, right? I was hired -- give me this back, because if I'm going to have to talk about this -- I was hired in

1 June of '86, right? It shows that -- it actually
2 doesn't show when I leave, right?

3 BY MR. RAUSCHER:

4 **Q. Right.**

5 A. Doesn't show when I exit the, or -- oh yeah,
6 8 January. So change date would be 8 January 2014. So
7 that -- that identifies that. I'm not sure what the
8 bounce around on some of these dates are, otherwise.
9 But my -- my ranks for the most part, these are
10 accurate. Right. So I made Detective '90, Sergeant
11 '96, Lieutenant '99, Commander in 2002, ADS -- yeah. At
12 the bottom there in 2004. General Counsel showing
13 March of 2008, so that's the change date there. Deputy
14 Superintendent, February of '11, and then Chief in
15 August of '11. And then I think from there, they're
16 kind of -- and you know, the unit as of the last one
17 isn't -- yeah, they've got a bunch of different names
18 for it, but the last row there, Bureau of
19 Organizational Development, is the actual unit. So I
20 mean, it's generally correct.

21 **Q. Okay.**

22 A. So if there's further detail --

23 **Q. So can you point me to the change -- the 2014**
24 **change date you were talking about? I think I missed,**
25 **glossing over it.**

1 A. It would be in the -- it's in the change date
2 column. So it's -- so if you got Kirby, Debra K. on
3 the last page, and then I -- there's a date there of
4 '08 Jan 2014. It's not clearly defined there. Like I
5 said, these -- these documents are --

6 Q. Oh, I see.

7 A. -- what they are.

8 Q. I got it.

9 A. So --

10 Q. So it was the -- you were assigned to that
11 organizational development unit at the end of your --
12 the last couple years of your career; is that right?

13 A. Correct.

14 Q. Got it. So this is -- overall, this document
15 is complete with respect to your roles; is that fair?

16 A. I would say that it's accurate as to my
17 titles. I don't know that it's fully correct to my
18 roles. I -- I -- I'd have to look at each of these
19 dates to figure out what they mean. So I -- I -- I
20 can't really answer that right now.

21 Q. Okay. All right. Well, at least we got the
22 -- it's got the titles right?

23 A. Yes.

24 Q. Is my use of the word complete throwing you
25 off or giving you pause? Yeah. Is that what it --

1 **sorry, I just want to --**

2 A. I'm sorry. Yes. Yes. I mean, complete is a
3 relative term.

4 **Q. Okay.**

5 A. I'm not trying to be difficult, but trying to
6 answer as fully as I can.

7 **Q. No. And neither am I on this point, but I**
8 **just want to -- I'm trying to just not spend the whole**
9 **day making you tells us about your different titles.**

10 A. Uh-huh.

11 **Q. Do you have any estimate as to how many**
12 **people you arrested in your career as a Chicago Police**
13 **Department Officer?**

14 A. No.

15 **Q. You think it's more than 100?**

16 A. I -- I really can't recall. The arrests that
17 I made on the department would've happened early in my
18 career, from '86 through '94 and -- or yeah, through
19 '94. So I honestly -- I honestly can't answer that
20 question with any sense of accuracy.

21 **Q. Okay. But you did arrest people from --**
22 **during that '86 to '94 time period, right?**

23 A. Yes, I did.

24 **Q. What area or areas were you assigned to, or**
25 **what districts and what areas were you assigned to as a**

patrol officer?

A. As a patrol officer, I worked in the Fifth District, which is on the far Southeast Side. The location is at 727 East Ellis, which is essentially what is the Bishop Ford Expressway on 11th Street. And then I've also worked in the Eighth District, which at that time was at 63rd and St. Louis.

Q. Were you ever a tactical team officer?

A. No, I was not.

Q. What types of crimes did you investigate as a detective?

A. Most of my time when I was assigned to Area 2, I was a property crimes detective. However, I worked midnights for a period of years, that's the overnight shift. So we would receive various crime assignments as a result of that shift.

Q. Were any of your -- how many times were you promoted as a CPD employee?

A. So to specific ranks, based on this report, six times.

Q. Were any of those promotions merit based?
I'm using -- let me clear -- like I -- when I say merit based, I'm not asking if you believe you deserved them. I'm asking, as I understand, CPD has, like, test-based promotions, and merit is a separate system.

1 A. Yeah, yeah, yeah. So up until the rank of
2 commander, those are the tested positions. And at
3 every one of those, I tested and passed the test for
4 promotion.

5 Q. And which were the -- so then once you get to
6 commander, there's no longer a test --

7 A. So I -- correct.

8 Q. So which -- specifically which promotions
9 were test based, and which were some other way?

10 A. Detective, sergeant and lieutenant were
11 tests. Commander, assistant deputy superintendent, the
12 same title as for general counsel and deputy
13 superintendent, which was then transferred to chief,
14 were superintendent selection.

15 Q. So when you were general counsel, was your --
16 were you assistant deputy superintendent still?

17 A. Correct. Correct.

18 Q. When did you go to law school?

19 A. I went -- 1990.

20 Q. 1990? Where did you go?

21 A. John Marshall Law School.

22 Q. And did you do that while you were working
23 for
24 CPD?

25 A. I did.

1 Q. Did you work as a lawyer anywhere other than
2 CPD?

3 A. While I was at CPD, no.

4 Q. Okay. What about after?

5 A. I served as general counselor for Hillard
6 Heintze for a period of time.

7 Q. I'm sorry, for where?

8 A. Hillard Heintze, the precursor to the current
9 company. Jensen Hughes purchased Hillard Heintze.

10 Q. Got it. But you're currently -- your role at
11 Jensen Hughes is not a lawyer -- is not a law -- legal
12 job, right?

13 A. Correct.

14 Q. Can you tell me what years you were in the
15 internal affairs division, or bureau, I should say?

16 A. When I was there it was the internal affairs
17 division, and I was assigned there in July of '04,
18 according to this, right? So that's when I started
19 there, and I left there in March of '08.

20 Q. Did you ask to be placed in internal affairs?

21 A. No, I did not.

22 Q. Do you know how you ended up in internal
23 affairs?

24 A. No, I do not.

25 Q. Was that -- was your job in internal affairs

1 a promotion from your previous job as a commander?

2 A. Yes, it was.

3 Q. Did you ask to leave internal affairs?

4 MR. NOLAND: I -- not sure I caught that. Can
5 you repeat it?

6 BY MR. RAUSCHER:

7 Q. All right. Did you ask to leave internal
8 affairs?

9 A. Did I have to, or did I ask?

10 MR. NOLAND: Ask, ask.

11 A. Oh.

12 BY MR. RAUSCHER:

13 Q. No, did you ask to leave?

14 A. No, I did not ask. Yeah. No, I did not ask
15 to leave internal affairs -- internal affairs.

16 Q. Then maybe you've answered the other question
17 that you thought I asked, but did you have to leave
18 internal affairs?

19 A. I was asked to be the general counsel for
20 Superintendent Weis. I accepted that request.

21 Q. As Superintendent Weis' General Counsel, did
22 you deal with issues coming from internal affairs?

23 A. Occasionally.

24 Q. And just generally, what types of internal
25 affairs related issues did you deal with as general

counsel?

A. The superintendent had authority before the police board to put forward recommendations for certain types of discipline. So the unit that I commanded as general counsel reviewed those for sufficiency. If there were lawsuit settlements coming out of issues, you know, that, you know, police officer misconduct, whether or not those issues could and should be resolved, you know, working with the policy unit coordination with city council -- or city council, the city council -- not counsel, relative to matters that would be of concern for them. So generally, but not directly, in terms of IA management.

Q. And taking a step back in roles in time, can you tell me what your job was as commander?

Q. I was assigned as commander of the vice control unit. So -- do you want to know what vice was, or what I did?

A. Let's say both.

Q. Vice control handles prostitution, gambling, licensing, for the City of Chicago. There were certain licenses that required investigations at that time, particularly liquor licenses, late-hour licenses, those types of -- and for whatever reason, we also had tobacco licenses. And so, we had a team of

1 investigators that would go out and do the background
2 checks to determine sufficiency of the application, et
3 cetera. As commander, I managed what were essentially,
4 you know, three groups, right? The prostitution group,
5 the gambling group, and the licensing group. I had two
6 to three lieutenants, I don't recall fully. They
7 managed teams of individuals. When I was the
8 commander, there was a lot of community focus, in terms
9 of what were the operations that we took on and how we
10 worked those operations.

11 Q. Did you have any supervisory role over drugs
12 or guns? Drugs or gun crimes?

13 A. While at vice?

14 Q. Yes.

15 A. From time to time, I was placed as the, you
16 know, for lack of a better term, the acting chief, when
17 the chief went off, you know, on vacation or whatever.
18 So during various points in time, you could argue that
19 I had command over major gun crimes. I -- I would
20 argue that any super -- or any supervisor in the
21 Chicago Police Department has responsibility for
22 supervision over that. The number of guns that are
23 recovered, the way that they are involved in various
24 crimes. But I was never a commander of narcotics. I
25 was never commander of any sort of gun task force.

1 Q. Separate from your time in the internal
2 affairs division, did you interact with Ronald Watts or
3 anyone on his team, to your knowledge?

4 A. I don't recall interacting with Watts or any
5 members of his team. I may have, but I don't recall
6 it.

7 Q. Can you tell us generally, what does IAD,
8 internal affairs division do?

9 MR. NOLAND: Object to the form of the
10 question, but go ahead.

11 A. IA is tasked with, basically, investigating
12 complaints of misconduct, and is seen as the
13 administrative arm of police investigations. IA had
14 both an investigative role and an administrative role
15 relative to not only the management of complaints, but
16 also their investigation, their adjudication, and their
17 forwarding in terms of recommendations to the
18 superintendent, generally.

19 BY MR. RAUSCHER:

20 Q. What -- when you were the head of you --
21 well, let me ask you this: Were you the head of the IAD
22 for a period of time?

23 A. Yes, I was.

24 Q. Were you the head of IAD for that whole four
25 year or so period you identified earlier?

1 A. Yes, I was.

2 Q. Were the responsibility - were IAD's general
3 responsibilities that you just described the same ones
4 that IAD had while you were the head of IAD?

5 A. When you - again, this isn't word of general,
6 but what I outlined was essentially what IAD was
7 responsible for, yes.

8 Q. And to your knowledge, from 1999 to 2012, did
9 IAD's responsibilities change in any significant way?

10 MR. NOLAND: Object to the form, but go ahead.

11 A. There were changes in how complaints were
12 managed, but IA's responsibilities essentially remained
13 the same.

14 BY MR. RAUSCHER:

15 Q. What were the changes in how complaints were
16 managed?

17 A. That's a very broad question, I will try to
18 answer it to the extent that I can. There were changes
19 in the civilian oversight model within the Chicago
20 Police Department, and frankly, the City of Chicago,
21 because from, I believe, essentially around the same
22 time that I came into IAD, maybe starting in 2005, the
23 City of Chicago drafted legislation, which created a
24 fully independent civilian review of the Chicago Police
25 Department. That group was known as IPRA, independent

1 police review authority, I believe. At some point, in
2 that time frame that you're identifying, COPA, civilian
3 office of police accountability, I believe is their
4 term, came into play. I'm not sure of the dates of
5 that, but in that time frame, there was a transition
6 from IPRA to COPA.

7 **Q. And how did that - how did the creation of**
8 **IPRA affect IAD, if at all?**

9 A. So OPS was part of the Chicago Police
10 Department. It was an independent civilian unit, but
11 there was a shared, for lack of a better term, command
12 structure, right? OPS reported to and through the
13 superintendent. IPRA became its own city agency. And
14 so the protocols, the policies, the practices, had to
15 adjust as a result, and so giving effect and authority
16 to civilian investigative review was the most
17 significant change.

18 **Q. And how did that change affect IAD?**

19 MR. NOLAND: Objection. Asked and answered,
20 but go ahead.

21 A. Counsel, I'm not really sure what you're
22 trying to ask me, but what it did for IAD is that it
23 created an equal civilian partner from which the
24 assignment of complaints had to be adjusted for. It
25 also created a lack of transparency relative to ongoing

1 investigations. And so, what IPRA was investigating
2 was not known to IA, but for, if there was some initial
3 intake that was, you know, shared and understood. So
4 what it did for IA is it created a, for lack of a
5 better term, a wall around our knowledge, our
6 visibility and our awareness of the investigations
7 being conducted within those areas that IPRA had
8 authority.

9 BY MR. RAUSCHER:

10 **Q. And so, that wall did not exist when OPS was**
11 **the -- I guess partnered at IA; is that right?**

12 A. No, I can't answer that. One, I wasn't there
13 when OPS was there. And two, I don't know what the
14 protocols were for OPS.

15 **Q. Were you there for any period of time when**
16 **OPS existed? Were you -- I'm sorry. Let me rephrase.**
17 **Were you at IAD for any period of time when OPS**
18 **existed?**

19 A. I was there at the transition period. As I
20 recall, my focus and work upon being appointed was
21 working to integrate IPRA. Now, you know, I don't have
22 the time frame in front of me, but it was a transition
23 period. There had been a commitment to establishing
24 IPRA. So was OPS still there, maybe, but my work and
25 my direct engagement was around ensuring the integrity,

1 you know, the independence of IPRA.

2 **Q. You don't recall working with OPS as the head**
3 **of IAD?**

4 A. I -- I'm sure they were there for a period of
5 time. I mean, I know that I had conversations with
6 certain individuals at OPS, but in terms of -- I think
7 you're mischaracterizing what that relationship was, is
8 that IPRA -- or OPRA -- OPS was independent. And so, I
9 didn't have direct management of OPS, even as head of
10 IA, but there were systems, things in place at the time
11 I came there. So you know, based on the transition
12 period, you know, I'm sure I worked with people. To
13 what extent and how, I'm not sure.

14 **Q. When you say -- I'm sorry, go ahead. When**
15 **you say OPS was independent, you mean it's independent**
16 **of internal affairs, not of the superintendent or the**
17 **police department, right?**

18 MR. NOLAND: Object to the form. You can
19 answer.

20 A. Yeah. OPS was like any other unit. I didn't
21 have command over that unit, I had command over IAD.

22 BY MR. RAUSCHER:

23 **Q. You said that the IPRA, the creation of IPRA,**
24 **created a lack of transparency because IA didn't know**
25 **what IPRA was investigating; is that right?**

1 A. I did say that, and not necessarily a lack of
2 transparency from investigative perspective, but just
3 frankly, from a case management perspective.

4 **Q. Was that a negative effect of creating IPRA,**
5 **in your opinion?**

6 A. It had challenges for IA investigations, but
7 whether it was negative, you know, it -- it was what it
8 was.

9 **Q. What types of challenges did the creation of**
10 **IPRA create for IA investigations?**

11 A. Generally administrative, right? You know,
12 were we investigating something they were
13 investigating, the concerns over duplication of, you
14 know, investigations or outcomes. But those for the
15 most part were resolved. Other than that, I mean,
16 given -- it created no bigger difference than any other
17 city agency that was engaged. So it just was what it
18 was.

19 **Q. How were the issues about the transparency,**
20 **or knowing what IPRA was investigating, resolved?**

21 MR. NOLAND: Object to the form.

22 A. I want to be clear about what I think you're
23 asking and perhaps what I'm answering. And so that's
24 the -- the question that I have, is that with OPS,
25 department had one database in terms of, you know,

1 complaint behavior, but the establishment of IPRA,
2 there was a different database that was controlled by
3 IPRA. And so, I don't know that you can fully resolve
4 any potential deconfliction, but we worked with Ilana
5 at that time, and I forget who her key leaders were,
6 Ilana Rosenzweig. But we worked to resolve protocols
7 to ensure that they were receiving appropriate
8 notifications, that their authority was identified and
9 recognized. And that to the extent possible while
10 supporting, you know, what were discreet missions, that
11 we were able to at least ensure that we were aligned in
12 terms of jurisdiction, and frankly process.

13 BY MR. RAUSCHER:

14 **Q. Did the -- when IPRA was created, did the**
15 **types of cases that internal affairs investigated**
16 **change at all?**

17 A. I don't recall specifically. I know that OPS
18 always retained jurisdiction over excessive force
19 complaints. I believe that there was an expansion in
20 jurisdiction that gave them bias as well, but I don't
21 recall 100 percent. I'd have to look at the ordinance.

22 **Q. When you were at the head of --**

23 A. There may have been --

24 **Q. I'm sorry. Go ahead. I thought you were**
25 **done.**

1 A. There may have been others, but I'd have to
2 look at the ordinance and see what the specific change,
3 but there were some changes.

4 Q. When you were the head of IAD, could you --
5 was there any way for IAD to know what complaints IPRA
6 was investigating against any particular officer?

7 A. Your -- your question is very broad, and --
8 and perhaps unreal without recognition, is that there
9 is -- there continues to be, at least to my
10 understanding, a shared intake system. That intake
11 system is controlled by what I believe is now COPA,
12 right? It was OPS, then it was IPRA, and then it was
13 COPA. IPRA as the initial point of contact would
14 retain complaints that may or may not be visible to IA.
15 I can't answer that, but I believe that there were
16 complaints that we did not have visibility into.

17 Q. Meaning you wouldn't even know they existed,
18 or you wouldn't know once they were assigned what was
19 happening with them?

20 A. Yes.

21 Q. Which one? Yes, to the second? I'm going to
22 -- nobody objected, but it was a compound question.
23 Which were you saying yes to?

24 A. Both of your questions.

25 Q. Okay. So there were certain complaints you

1 wouldn't know existed at IPRA, and then there were
2 certain complaints that you would know that someone
3 made the complaint, but you wouldn't know what happened
4 with them, right?

5 A. Correct.

6 Q. What -- first, how do you know that that's
7 the case, that there were certain complaints you
8 wouldn't know about and certain complaints that you
9 wouldn't know what happened to them?

10 A. So let's break that down in the first place.
11 If IPRA retained complaints without giving them to IA,
12 I wouldn't know what those complaints were. There's
13 not a shared numbering system, they control the intake
14 system. As it relates to progress, IPRA -- IPRA was an
15 independent agency conducting their own investigations
16 with no obligation and frankly, no -- no need to share
17 their investigative process with IA. Now, is that for
18 all complaints? Obviously not. But as a general
19 approach, IPRA could retain their complaints. We
20 could, you know, they could continue with their
21 investigation. Now, generally, my recollection, once
22 IPRA accepted a complaint and assigned it for
23 investigation, that information, I believe, was entered
24 into our system at that time. But I can't 100 percent
25 guarantee that, but I do know that they had

1 confidential investigations that we did not have access
2 to.

3 **Q. Did -- can you tell me what you mean by a**
4 **shared intake system with OPS -- with IPRA and IAD?**

5 A. So Chicago Police Department continues to be
6 one of, I think, the only, if not few, law enforcement
7 agencies that has a completely open and transparent
8 intake system. Anybody can pick up a phone, e-mail, I
9 think they can text now, right, relative to a
10 complaint. That complaint has always been registered
11 since establishment of OPS, I think in the '80s. With
12 that arm, whatever it was, from OPS, to IPRA, to COPA.
13 So they do intake for all complaints against Chicago
14 Police officers. That is what starts the investigation
15 process, so that's what I mean.

16 **Q. And then, did IPRA and IAD have access to the**
17 **intake system?**

18 A. I'm not quite sure what you're asking. I can
19 tell you that IPRA controlled the intake system. They
20 ran the staff. They -- they had the intake. Those
21 complaints that weren't retained by IPRA were then sent
22 over to IA for review and assignment. I honestly can't
23 tell you how we accessed the system independently. I
24 had people that did that.

25 **Q. So do -- when you say shared though, do you**

1 mean shared as in someone in IA could go log into the
2 intake system and see all the complaints? Or do you
3 mean shared as in there is one system, IPRA ran it, and
4 then IPRA assigned out complaint -- CRs either to IPRA
5 or IAD?

6 MR. NOLAND: Objection. You're
7 mischaracterizing now and taking it too far in what
8 the specific question was on intake. So I mean, if
9 you're talking about database in general, like, I
10 think we're -- there's some confusion here.

11 BY MR. RAUSCHER:

12 Q. All right. I don't mean to mischaracterize.
13 So can you tell me just, I guess, tell me your
14 understanding of what happens with a complaint when it
15 comes in? So what -- let me brief -- let me back up a
16 step. This is about when you were at the head of IAD.
17 Let's walk through what happened with a complaint when
18 it came in the door, to when it got assigned either to
19 IPRA or IAD.

20 A. Even your question, I think mischaracterizes
21 what the process is, and understand that I'm talking
22 about a process that, you know -- 14 years ago. So
23 there were two distinct lines of responsibility
24 relative to jurisdiction over misconduct. Generally,
25 for the most part, complaints were registered through

1 the intake system that IPRA ran. They intake the
2 complaint. They categorize it. If it's a category
3 that is under the jurisdiction of IPRA, they retain
4 that complaint. If it is not under the jurisdiction of
5 IPRA, they forward -- you know, every day there was,
6 like, a paper delivery of intake complaints. You know,
7 These are the complaints that came in last night. A
8 member of my staff would go through those and then
9 further categorize those, in terms of what they were
10 and where or how they would ultimately be assigned. As
11 to who had visibility to what and when, I can't answer
12 that. I also can tell you that over the time that I
13 was there, we further automated the system. So you
14 know, all I can do is talk to the process generally.

15 **Q. And then complaints that -- what were other**
16 **ways that complaints could get registered, other than**
17 **starting with IPRA?**

18 A. People could walk into a district. People
19 could send a letter. Lawyers could send letters.
20 Regardless of how those, you know, other complaints
21 came in, if it wasn't a direct phone call to IPRA, the
22 investigation always started with the issuance of a CR
23 number.

24 **Q. And who issued CR numbers?**

25 A. I couldn't answer that. I -- I'm thinking it

1 was an automated numbering system that was tied with
2 the intake.

3 **Q. Was it -- was that under IPRA's**
4 **responsibility or IAD's, or you're not sure? Or**
5 **someone else?**

6 MR. NOLAND: Objection. Foundation and
7 incomplete hypothetical.

8 A. I don't know. I believe that was -- it was
9 an automatically generated number at the time that the
10 complaint was registered. I don't know how else to
11 answer that.

12 BY MR. RAUSCHER:

13 **Q. When you were the head of IAD, what were the**
14 **general categories of complaints that IAD had**
15 **jurisdiction over?**

16 MR. NOLAND: Objection, overly broad. Go
17 ahead.

18 A. You know, I think we had something like 16
19 categories, right? Generally speaking, IPRA, to my
20 recollection, retained jurisdiction over all excessive
21 force, domestic violence, maybe, like, racial bias
22 investigations. Everything else would fall to the
23 department to investigate as a matter of misconduct. I
24 could be wrong on 16 categories, but that's my
25 recollection.

1 BY MR. RAUSCHER:

2 Q. So you -- on the domestic violence, you're
3 saying that IPRA retained jurisdiction, you believe,
4 over domestic violence allegations against CPD members?

5 A. I mean, these are all allegations of
6 misconduct against CPD officers, so yes.

7 Q. Do you recall changing any of IAD's policies
8 or operating procedures while you were the head of IAD?

9 A. Counsel, that's a very broad question, but
10 yes, I made changes at IAD while I was there.

11 Q. What changes do you remember making at IAD?

12 A. I can't possibly state every change I've made
13 in four years here today, otherwise we'd be here a lot
14 longer. Generally, I improved administration of cases,
15 making sure that investigations were progressed in a
16 more timely manner. I improved the coordination, in
17 terms of intake, and frankly, access to systems between
18 IA and IPRA. I brought in, for the superintendent,
19 sergeants to take over investigations, as opposed to
20 what was, at that time, police agents. Improved
21 resourcing for confidential, again, with the support of
22 the superintendent. I -- you know, structure, in terms
23 of reporting, visibility and transparency to command
24 staff about complaints. We were a very active
25 organization while I was there, so there were a lot of

1 things that happened, but I couldn't possibly tell you
2 everything that I did at -- you know, at this time.

3 **Q. How did you help to move cases along faster**
4 **when you were the head of IAD?**

5 A. So when I got to IAD at first, there were
6 cases that were opened longer than what was a
7 reasonable time period, and so we started to address
8 those cases, things that were no longer -- but then,
9 you know, the collective bargaining, looking at how
10 cases were assigned, and holding investigators to
11 account in terms of what was the progress of those
12 investigations. You know, what is the evidence? Where
13 are you? We instituted, you know, tracking and
14 mandatory letters to complainants, as well as -- at the
15 time of receipt, as well as at the time of closing. And
16 so you know, basic -- you know, for lack of a better
17 term, basic managerial oversight of investigative
18 progression.

19 **Q. Did you put a time limit on how long**
20 **investigations can be open for?**

21 MR. NOLAND: Objection. Incomplete
22 hypothetical. You may answer.

23 A. No.

24 BY MR. RAUSCHER:

25 **Q. When you say some cases had been open for too**

1 long when you started, what do you mean by that?

2 A. There were cases that hadn't been touched in
3 years that were identified as open, and so if there was
4 an investigative action or an investigative outcome to
5 that case, you know, I tasked the investigator with
6 looking at it and determining whether or not there
7 would be investigative action. If not, determine
8 whether or not it should be closed.

9 Q. Did you institute any changes to make sure
10 that investigations would be active -- would -- that
11 complaints would be actively investigated?

12 A. I think you're mischaracterizing what I'm
13 saying. That for those -- I mean, we're talking about,
14 you know, personnel complaints. Somebody wasn't -- you
15 know, I'm trying to think about some issue that,
16 frankly, you know, coming out of an investigation of
17 misconduct internal, that there wasn't anything being
18 done on that matter. Was it a set date and time? I
19 don't think that you can do that for investigations,
20 but where there hasn't been any action taken on a low-
21 level complaint for a number of years, those were the
22 ones that I focused on initially.

23 Q. And then at some point, did you turn your
24 attention to more, you know, bigger complaints, not
25 just the low-level stuff?

1 MR. NOLAND: Objection. You're
2 mischaracterizing that she was not paying -- that
3 is just -- yeah. Objection. Mischaracterizes the
4 testimony. Go ahead.

5 A. Yeah. So I would say that, for any
6 investigation, what we saw happen in IAD while I was
7 there was that there was a focus on what was good
8 investigative practice, the idea of driving evidence,
9 looking for leads, and resolving that investigation in
10 a timely manner. Clearly a complaint that somebody was
11 rude to a sergeant is slightly different than, you
12 know, what were some of the criminal charges I faced
13 while head of IAD. But each of those were important in
14 their way, and so how we managed and how we progressed
15 those investigations was based upon, you know, making
16 sure that we did the jobs that we were supposed to do.

17 BY MR. RAUSCHER:

18 Q. Would it be all right if we take, like, a
19 five-minute break?

20 MR. NOLAND: Sounds good.

21 THE REPORTER: Okay.

22 MR. NOLAND: When do you want to come back?

23 THE REPORTER: We are off the record. The
24 time is 10:48.

25 (OFF THE RECORD)

1 THE REPORTER: We are back on the record for
2 the deposition of Debra Kirby being conducted by
3 video conference. My name is Sydney Little. Today
4 is October 13, 2022, and the time is 10:57.

5 BY MR. RAUSCHER:

6 Q. Was there anything you wanted to change at
7 IAD that you weren't able to change?

8 A. I can't answer that question. It's -- you
9 know, I've been out of IAD for 14 years, so I'm -- I
10 can't answer that, as a matter of -- of record.

11 Q. Do you remember ever feeling hamstrung by the
12 FOP contract?

13 MR. NOLAND: Object to the form, "hamstrung,"
14 but go ahead.

15 A. The FOP contract, from a perspective of
16 administrative investigations is, you know, no
17 different than the statutes, right? It's -- it -- it's
18 the rules of engagement. So you know, certain
19 protections, clearly, in a world, you know, you wanted
20 to have it your way all the way, but the contract was
21 the contract, and that's what we worked with.

22 BY MR. RAUSCHER:

23 Q. Were there any protections in the contract
24 that you didn't like as the head of IAD?

25 MR. NOLAND: Object to the form, "didn't

1 like." You may answer.

2 A. Not as I sit here today. I mean, I'm --
3 clearly there were probably issues, but I don't recall
4 specifically, as I sit here today.

5 BY MR. RAUSCHER:

6 Q. Do you think that CPD had a good disciplinary
7 system when you were the head of IAD?

8 A. Yes.

9 Q. Did you say yes?

10 A. Yes.

11 Q. Were there different divisions within IAD, or
12 different units?

13 A. Yes, there were.

14 Q. How do you describe those units or sections
15 or divisions? What's the proper term?

16 A. I -- I don't know what the proper term is,
17 but as I recall it, I had the administrative unit,
18 adjudication unit, special investigations, general
19 investigations, and confidential investigations. Oh,
20 and the record section.

21 Q. What was the last one?

22 A. Record section.

23 Q. Record section. And then was the second one
24 - - I'm sorry, I didn't catch the second one, either.
25 It was --

1 A. Adjudication.

2 Q. Adjudication. What were each of those --
3 just briefly, what were each of those sections
4 responsible for?

5 A. The administrative section was part of the
6 daily review and intake and distribution of CRs
7 received. They also supported various things around
8 coordination with the districts around, you know,
9 administrative actions. They were also my support
10 staff. The adjudication unit, I think, was called the
11 department advocate. That was -- you know, that was
12 the head of that group at the time, but basically, they
13 were responsible for reviewing the sufficiency of the
14 investigations and their adherence to the collective
15 bargaining requirements, and they also acted to ensure
16 that discipline was aligned within general parameters,
17 you know, due process, et cetera. Special
18 investigations was generally tasked with
19 investigations, those lieutenants are higher.
20 Sometimes, you know, for lack of a better term,
21 sensitive investigations. They probably had other
22 specific assignments, but I don't recall those right
23 now. General was exactly what it's identified, the
24 general intake, in terms of investigations. And
25 honestly, they could investigate anything from

1 relatively low misconduct to more serious offenses. It
2 just depended upon how the investigation evolved or
3 where it was taken in. They did have a primary role in
4 terms of the limits of powers of officers and also on
5 what were our DUI testing and engagement procedures.
6 And then, the confidential investigation section was
7 generally tasked with criminal investigations of police
8 officers engaged in misconduct, and other, you know,
9 what I would say long-term investigative matters,
10 generally.

11 **Q. And what about records?**

12 A. Oh, sorry. Records was, frankly, where the
13 records of investigations were retained. That was
14 staffed by a sergeant when I was there, and I think
15 there were three professional staff assigned. But
16 basically, they maintained the record system, complete
17 list of the files, and they also made sure that people
18 who were seeking to access files had the authority to
19 do so under the department policies. I smiled because
20 I used to have to give my driver's license to Phyllis
21 (phonetic) to get a file.

22 **Q. Was IAD subordinate to outside agencies such**
23 **as the FBI or Cook County State's Attorney's office?**

24 MR. NOLAND: Object to the form. Go ahead.

25 A. The IAD reported to the Superintendent of

1 Police of the Chicago Police Department.

2 THE REPORTER: I'm sorry. Can you repeat
3 that?

4 THE WITNESS: The IAD reported to the
5 Superintendent of Police of the Chicago Police
6 Department, so I'm not sure what you mean by
7 subordinate.

8 BY MR. RAUSCHER:

9 Q. Well, did I -- were there -- did IAD have to
10 defer to outside agencies for internal disciplinary
11 recommendations?

12 MR. NOLAND: Objection. Form. Foundation.
13 Incomplete hypothetical. You may answer.

14 A. Disciplinary recommendations were
15 administrative function under the collective bargaining
16 agreement, so the IAD didn't consult with outside
17 agencies relative to that, no.

18 BY MR. RAUSCHER:

19 Q. When you say confidential was in charge of
20 criminal investigations at IAD, can you tell me what
21 you meant by that?

22 A. If investigations were deemed to have a
23 criminal nature -- and -- and there was a little bit of
24 variation in that. Again, none of this is 100 percent,
25 given the size and the way that cases across the

1 department engaged. If an officer was arrested for a
2 criminal charge by what was then the detective
3 division, they would take that forward as a matter of
4 crime, investigate it, you know, whatever charges would
5 outcome. And then the general section normally would
6 respond and deal with relief of powers or a drug test
7 as required. Confidential was really looking at some
8 of the longer-term corrupt, where additional
9 investigative assets, for lack of a better term, would
10 be needed to develop the evidence to prove or disprove
11 the allegation. Generally, those allegations were
12 somewhat criminal in nature, but we could quibble about
13 whether or not any allegation of police misconduct is
14 criminal in nature. But for these ones, they were
15 those that required, you know, more investigative
16 assets.

17 **Q. Would it be, like, more serious criminal**
18 **allegations, or more obviously criminal, if they were**
19 **true; is that fair?**

20 **A.** I -- I would say that they would be those
21 types of allegations that would require additional
22 investigative assets to determine whether or not the
23 allegation is true. I think when you put a
24 characterization of seriousness, you know, there were
25 criminal sexual assaults investigated by the detective

1 division against police officers that were then
2 subsequently charged. Those were not investigated by
3 confidential. And under that circumstance as well, we
4 had other allegations of criminal sexual assaults that
5 were investigated by special investigations. But
6 generally, what confidential brought to bear was the
7 additional investigative assets to conduct long-term
8 investigation, observation to prove or disprove
9 allegation.

10 **Q. What addition --**

11 A. And generally the --

12 **Q. I'm sorry, I thought you were done.**

13 A. No, I am done. Go ahead.

14 **Q. What additional investigative assets did the**
15 **confidential section have that others did not?**

16 A. We had covert vehicles. We improved that
17 fleet while I was the head of IAD, and we developed a
18 process by where we were switching those out every
19 period of time, so that they weren't being identified.
20 Members of confidential also had unique police ID and
21 stars so that they would be able to move through the
22 department. We had the capacity for overhears which we
23 built while I was there in terms of head of IAD. So we
24 had people who were trained in terms of investigations,
25 with good investigative backgrounds that were brought

1 into confidential, that then allowed them to really
2 approach these from a criminal investigative aspect. It
3 was the ability to work remote from, for lack of a
4 better term, the structure of the CPD that allowed them
5 to conduct investigations that were of a sensitive
6 nature with the goal of bringing those to resolution.

7 **Q. At the end of a confidential investigation,**
8 **is it IAD's job to recommend whether criminal charges**
9 **should be filed?**

10 MR. NOLAND: Objection. Incomplete
11 hypothetical. Go ahead.

12 A. IAD was comprised primarily of sworn police
13 officers, so for every investigation conducted, there
14 was always a predicate question about whether or not
15 there was criminal conduct. Where criminal conduct was
16 identified, the state's attorney, or whomever, would be
17 engaged and I -- you know, and determine whether or not
18 there was sufficient evidence to charge a police
19 officer. So it wasn't just confidential. All sections
20 of IAD had the authority and, frankly, the power to
21 seek criminal charges on police officer misconduct,
22 where it was criminal.

23 BY MR. RAUSCHER:

24 **Q. And if IAD confidential section or otherwise**
25 **determined that something wrong happened, but maybe**

1 didn't warrant criminal charges, were there other
2 actions that IAD could take?

3 A. I'm sorry. I don't understand the question.

4 Q. What are the potential outcomes of an IAD
5 investigation?

6 A. So generally, role of discipline
7 investigations, state IA investigations, is predicated
8 upon a violation of a rule or regulation of the Chicago
9 Police Department. Let's take the criminal out of
10 that, but if it was a failure to wear a hat, the fact
11 that you were rude to somebody, it was IAD's
12 responsibility to investigate that allegation, make a
13 determination, make a recommendation for discipline if
14 warranted, and forward that to the superintendent for
15 approval or not.

16 Q. Would taking bribes be a violation of a CPD
17 rule or regulation?

18 A. Yes.

19 Q. And if IAD identified an officer who took
20 bribes, would it have the authority to then recommend
21 discipline to the superintendent?

22 MR. NOLAND: Object to the form. Go ahead.

23 A. It would, but that would not be what IAD
24 would do. IAD would seek to charge criminal on that
25 officer and bring them to justice within the court

1 system.

2 BY MR. RAUSCHER:

3 **Q. And what if IAD couldn't get someone to bring**
4 **those charges? Then what?**

5 MR. NOLAND: Object to the form. Incomplete
6 hypothetical. Go ahead.

7 A. Well, I would have to question why, right?
8 Were those charges not accurate? Were they not
9 sufficient in law? But if there was a declination to
10 prosecute -- remember the IAD does not prosecute. If
11 there was a declination to prosecute, then IAD would
12 have to look at what it had and determine whether or
13 not it could go forward with that evidence, and
14 therefore make a recommendation to the superintendent.

15 BY MR. RAUSCHER:

16 **Q. So regardless of whether there's a criminal**
17 **charge by an outside agency, IA -- IAD still had the**
18 **responsibility to look at its own evidence and decide**
19 **whether discipline should be imposed, right?**

20 MR. NOLAND: Form. Foundation. That's an
21 incomplete hypothetical. You may answer.

22 A. I think you're mischaracterizing what IAD is
23 and what its role was, that there are two functions,
24 right? There's the administrative contract, adherence,
25 rules and regulations. And then as a law enforcement

1 agency, it's whether or not there's criminal conduct
2 that can and should be brought to the prosecutors for
3 prosecution. So to say one or the other, I don't think
4 recognizes the realm of what that work was within IAD.

5 BY MR. RAUSCHER:

6 **Q. So if you -- if an officer takes a bribe,**
7 **would IAD simultaneously recommend criminal charges and**
8 **also recommend discipline?**

9 MR. NOLAND: Object to the form. Incomplete
10 hypothetical. You can answer.

11 A. That's not the way it progresses. That -- if
12 there is an allegation -- taking a bribe is a crime. If
13 there's an allegation of a crime, the law enforcement
14 agency, IAD would investigate that to determine whether
15 or not criminal charges could be brought to bear. If
16 they felt that there was sufficient evidence to do so,
17 IAD would present it to the appropriate prosecutor and
18 either get approval or not. If there was non-approval,
19 declination to charge, then IAD would go back, look at
20 what they had, and determine whether or not there was
21 sufficient evidence to move forward with the
22 administrative, at which point it would.

23 BY MR. RAUSCHER:

24 **Q. Who was the most corrupt police officer that**
25 **IAD investigated when you were the head of IAD?**

1 MR. NOLAND: Object to the form of the
2 question.

3 A. I don't know how familiar you are, but we had
4 several federal investigations going while I was in
5 IAD. How do you want to measure degrees of corruption?
6 So we had --

7 BY MR. RAUSCHER:

8 Q. Well, you tell me. You were the head of the
9 agency looking at corrupt police officers, right?

10 MR. NOLAND: Scott, this is a ridiculous
11 question. Are you saying is Watts more corrupt
12 than SOS, more corrupt than Broderick Jones? What
13 -- like, what are you asking, Scott?

14 MR. RAUSCHER: I'm asking --

15 MR. NOLAND: I mean, like are -- do you have
16 some hierarchy of corruption charge?

17 MR. RAUSCHER: I'm asking if the head of IAD
18 can tell me who she believes was the most corrupt
19 police officer she investigated, and then she can
20 define out how she wants to. I think it's a fair
21 question.

22 MR. NOLAND: Well, it's just not, but
23 obviously I can't direct her not to answer.
24 Otherwise, I would, because it's just silly, but go
25 ahead. Those are the rules of engagement here.

1 A. I think you mischaracterize what, at least
2 for me, my role was at in terms of IAD, that each
3 individual feels that their complaint has merit. To
4 what extent an officer's behavior is more or less
5 corrupt isn't really the outcome. I think that the
6 idea of who we've been able to prosecute, who we
7 brought to trial, frankly, who we're able to terminate.
8 And so to say, what degree of corruption is -- you
9 know, put somebody ahead, I -- I don't look at things
10 that way. And frankly, I don't have recollection of
11 anybody as, you know, this was the most corrupt.

12 BY MR. RAUSCHER:

13 **Q. What corrupt police officers do you remember**
14 **investigating at IAD?**

15 A. So how are you defining corrupt?

16 **Q. Well, how do you define corrupt, for a police**
17 **officer?**

18 MR. NOLAND: Object to the form.

19 A. You know, we had several police officers that
20 wound up being federally charged. I honestly don't
21 remember all the names of the police officers that, you
22 know, were shaking people down for money in the 22nd
23 District. I had officers that were engaged with
24 protection for gang dealers, or drug dealers on the --
25 in the Sixth District. We had the SOS case. I had

1 this case. You know, I -- I'm not going to debate
2 degrees of corruption. What they did was a violation
3 of the rules and the policies of the department. They
4 took actions that were not consistent with their badge,
5 and the internal affairs division investigated them and
6 brought them forward for prosecution.

7 BY MR. RAUSCHER:

8 **Q. Would you say that when internal affairs**
9 **brings a police officer forward for corruption, it is**
10 **making a determination that they are acting corruptly -**
11 **- that they've acted corruptly?**

12 MR. NOLAND: Objection. Form. Allegation.

13 Incomplete hypothetical. You can answer.

14 A. I think you're mischaracterizing what
15 actually occurs. During the pendency of the
16 investigation there's an allegation, and that is
17 investigated, and it's reviewed, and there's a
18 determination of whether or not an individual engaged
19 in misconduct. Sometimes that misconduct is criminal
20 conduct, sometimes it's administrative. And then
21 there's a review of what that specific violation is,
22 and then that's when it's evaluated within the
23 adjudication unit to determine what would be an
24 appropriate penalty. And then that's presented to the
25 superintendent for his review and approval, or hers,

1 but so far it's been his.

2 BY MR. RAUSCHER:

3 Q. So are you not willing to say that, when IAD
4 recommends a police officer be criminally charged, it
5 was making a determination that the officer acted
6 corruptly?

7 MR. NOLAND: Object to the form.

8 Argumentative. Asked and answered. Incomplete
9 hypothetical. You can answer.

10 A. When you say corrupt, I have a tendency to
11 question what is the foundation for that investigation?
12 But I can tell you that the officers acted criminally,
13 and that's the recommendation that we're making. Are
14 they in violation of police conduct, and does that make
15 them corrupt? If that's the definition that you're
16 seeking, then yes. But the idea of whether or not
17 somebody's going to be criminally charged or
18 administratively charged is independent, I think, of
19 the "corruption." Corruption is a charge, but did they
20 act contrary to the rules and regulations of the
21 department? That's what, you know -- and I could say
22 yes for anybody that we recommended sustain discipline
23 or brought forward for prosecution. We believe that
24 that person violated the rules and regulations, which
25 include criminal law.

1 BY MR. RAUSCHER:

2 Q. When you mentioned officers shaking down
3 people for money in the Second District, were you
4 talking -- who -- which officers were you talking
5 about?

6 A. I think I said Sixth District. Do you want
7 to read that back? Did I say Second district?

8 Q. I might have misheard. Did you mean --
9 either way, did you mean Sixth District?

10 MR. NOLAND: She said Sixth District.

11 MR. RAUSCHER: She said -- okay.

12 THE WITNESS: Yeah. I -- I -- if I said
13 Second, I meant -- I meant Sixth.

14 MR. RAUSCHER: I misheard.

15 THE WITNESS: You can read it back to me, and
16 I'll try to clarify what I said?

17 MR. NOLAND: I think he's just -- are you just
18 asking her who -- what Sixth District officers you
19 were talking about? Is that the question?

20 BY MR. RAUSCHER:

21 Q. Yeah. That -- yes. I thought it was Second,
22 but if it's Sixth, which -- do you remember which Sixth
23 District officers?

24 A. Yeah. On that one, I do. It's Broderick
25 Jones and Corey Flagg, and they might have actually

1 been Third District, as well.

2 **Q. And what do you remember about that -- the**
3 **investigation into their behavior?**

4 MR. NOLAND: Objection. Form. Overly broad.
5 Go ahead.

6 A. I -- I don't have full recollection of what
7 they actually did. What I do know is that we
8 investigated them and we brought them to trial. I
9 couldn't even recall the charges that we brought
10 against them, but that case stands out as one of the
11 earlier cases that we engaged amongst all the other
12 ones that we were doing while I was there.

13 BY MR. RAUSCHER:

14 **Q. And tell me about the SOS case, just high --**
15 **you know, high-level, what was that about? What was**
16 **the result?**

17 A. Very generally, SOS was some police officers
18 assign -- assigned to that unit, special operations
19 section, that were engaged in criminal conduct, mainly
20 with theft of money from people that they believed
21 would not be heard or believed in terms of complaints.
22 They engaged in a range of behaviors that I frankly
23 cannot list at this time, but that was a long-term
24 investigation as well. That resulted in arrest and
25 conviction.

1 **Q. Do you remember how long the SOS**
2 **investigation lasted for?**

3 A. I believe that that investigation started in
4 the first few months that I got into IAD, and it
5 continued on for a matter of years. I'm not 100
6 percent when it concluded. I'm not even sure if it
7 concluded while I was there, but I believe it did.

8 **Q. What other major investigations into**
9 **potential criminal activity by police officers do you**
10 **remember while you were the head of IAD, if any?**

11 MR. NOLAND: So I will object based on form,
12 overly broad, but also to the extent it might
13 disclose things that are confidential, and that --
14 you know, that you wouldn't be able to disclose,
15 which I --

16 A. How are you defining major? Things that
17 resulted in prosecution?

18 BY MR. RAUSCHER:

19 **Q. Well, I could take out the word major, but I**
20 **was thinking -- I would say this was a major**
21 **investigation. So sure, let's say things that resulted**
22 **in prosecution.**

23 A. Yeah. And you know, obviously we're here to
24 discuss the Watts case, so if I reviewed what I said, I
25 might have referenced this in terms of those earlier

1 investigations that I was talking about. There were a
2 number while I was there, I was there for four years.
3 We prosecuted a significant number of police officers.
4 Again, you know, what's major and how does that relate?
5 Not everything that we did was, you know, headlines.

6 Not everything took out, you know, an entire,
7 you know, team as it did with SOS. But we covered a
8 lot of ground: criminal sexual assaults. I had DUIs, I
9 had shakedown cases, I had theft of money, we had
10 violation of civil rights. We had -- you know, so
11 there were a range of investigations that went while I
12 was there. And honestly, except for some of the ones
13 that we've talked about today, I don't know if any of
14 those would be classified as major, and I'm -- I'm not
15 trying to be obstructive, it's just we've prosecuted
16 more police officers, put more police officers before
17 the police board for termination, and frankly probably
18 had more disciplinary outcomes while I was there at IAD
19 that, for my ability to determine what was major and
20 what wasn't, I -- I don't stand strong with that right
21 now.

22 **Q. What were the general steps in a IAD**
23 **confidential investigation?**

24 MR. NOLAND: Object to the form.

25 BY MR. RAUSCHER:

1 **Q. So the complaint -- the investigation gets**
2 **opened at IAD, and then what happens?**

3 A. For confidential?

4 **Q. Yeah. For confidential.**

5 A. Same as any other. You know, you do your
6 initial assessment of what the complaint is. You know,
7 what is your initial evidence? What's your initial
8 take? You know, the idea of -- and I'm not going
9 through the administrative process, I mean, if you want
10 me to do that -- but as an investigator who gets
11 assigned, they're basically doing what any criminal
12 investigator in the Chicago Police Department would do,
13 that they're looking at what is the evidence, and what
14 do I have here? What makes it different for
15 confidential is that they are looking specifically at
16 police officers. And so then, you know, that adds a
17 little bit of layer to that, in terms of how and where
18 and when you approach. And, you know, we sit in an
19 environment now that is post George Floyd and has truly
20 changed the perspective of policing. But at the time
21 that I was there in confidential, it was really about,
22 do I have a case and, you know, am I able to get this
23 criminal, or is it going to wind up being an
24 administrative case, or is it not going to be a case?
25 So do I have a case is one, and then what's the

1 evidence? So do I have a case is one. And then what's
2 the evidence? But I couldn't tell you the day-to-day
3 what the investigators did, but that's the general
4 approach.

5 **Q. And what do you think is different about the**
6 **world as it relates to investigation -- police**
7 **investigate -- internal investigations post-George**
8 **Floyd, than it was when you were the head of IAD?**

9 MR. NOLAND: Objection to form, foundation. Go
10 ahead.

11 A. I don't think the investigation changes. I
12 think the ability to prosecute police officers has been
13 opened significantly as a result.

14 BY MR. RAUSCHER:

15 **Q. It's easier to get a conviction, is that what**
16 **you're saying?**

17 A. Well, I think it's easier to get a charge,
18 and likely a conviction, right?

19 **Q. It was -- when you were the head of IAD,**
20 **though, there were -- one potential outcome of an**
21 **investigation would be criminal charges, and then a**
22 **separate potential outcome would be administrative**
23 **charges, right?**

24 A. Correct. Two paths.

25 **Q. And then there could also -- they can both**

1 could happen in the same investigation, also?

2 A. Yes.

3 Q. Was the Watts investigation a -- done by the
4 confidential section?

5 MR. NOLAND: Object to the form. Go ahead.

6 A. So there are various aspects of the
7 misconduct allegations against Watts that I believe
8 some were investigated by IPRA, COPA, some were
9 investigated by CIS. But the federal investigation was
10 conducted by the confidential section.

11 BY MR. RAUSCHER:

12 Q. Do you know how many years the Watts
13 investigation lasted at IAD?

14 MR. NOLAND: Are you talking about the Watts
15 criminal investigation, is that --

16 MR. KOSOKO: Yeah. I'm also going to make an
17 objection as to form and foundation. Which
18 investigations are we talking about?

19 BY MR. RAUSCHER:

20 Q. All right. So the -- was there one Watts
21 related criminal investigation at IAD?

22 A. So I think that your question misstates,
23 really, what is the nature of this case. There were
24 complaints that were investigated by the Chicago Police
25 Department. Those complaints were investigated in

1 various places at various times. When we speak to the
2 investigation that ultimately resulted in the
3 conviction of Watts, there were likely -- and mind you,
4 I was there for part of the time, but there were likely
5 a range of complaints that were part of that
6 investigation, but I can't speak clearly to what each
7 of those were.

8 **Q. How long was IAD investigating Ronald Watts**
9 **and Kallatt Mohammed?**

10 MR. KOSOKO: I'm going to renew my objection
11 again.

12 MR. NOLAND: Objection to form, foundation.

13 A. So -- so IAD's jurisdiction as it relates
14 within the administrative investigative process is
15 based upon complaints. So when you say how long, you
16 know, depending upon the first year that Watts or
17 Mohammed got a complaint, all right, and then what
18 happened with each of those complaints? When you're
19 talking about the criminal investigation that was led
20 jointly with -- with the FBI, my understanding is that
21 that investigation initiated when IAD first brought it
22 to the FBI, and essentially completed sometime in, I
23 think, 2011, 2012. I'm not sure, I wasn't there, but
24 it was an active investigation while I was at IAD.

25 BY MR. RAUSCHER:

1 **Q. Do you have any independent recollection of**
2 **being a part of the criminal investigation into Watts**
3 **and Mohammed?**

4 A. What do you mean by part of?

5 **Q. Being involved in any way. Sitting at --**
6 **going to meetings, talking to your -- to subordinates,**
7 **anything like that.**

8 A. Yeah. As the head of IAD, I would -- yeah, I
9 would be engaged with my team from time-to-time in
10 terms of the progress and, you know, attending some
11 meetings, yes.

12 **Q. What do you specifically remember about being**
13 **in meetings or engaging with your team about an**
14 **investigation into Watts or Mohammed?**

15 MR. NOLAND: Objection to form. Overly broad.
16 But go ahead.

17 A. So as you've identified, this was an
18 investigation that went almost for the duration of my
19 time at IA, so in terms of specifics, you know, I -- I
20 -- I can't really answer that. What I can tell you is
21 my generic recall 14 years after leaving IA, in terms
22 of what IA did and how they did it. As a matter of
23 normal practice, a confidential lieutenant would be the
24 day-to-day point of contact and the person that would
25 engage and direct the investigation. My role was more

1 or less, you know, update as to changes, a couple
2 meetings that I do recall based on my review of the
3 notes that I attended. Did I attend more meetings? I'm
4 sure I did. Did I have conversations with the
5 superintendent? I'm sure I did. But in terms of
6 specific recall, as I sit here right now, I can't tell
7 you with great detail when and how and what was done on
8 my end.

9 BY MR. RAUSCHER:

10 Q. Do you have a -- if you can answer this
11 question, do you have an independent recollection of an
12 investigation into Watts or Mohammed that is separate
13 from this litigation? So meaning, you know, if this
14 litigation didn't exist, do you have -- do you remember
15 them from your time at IAD?

16 MR. NOLAND: Object to the form.

17 BY MR. RAUSCHER:

18 Q. Yeah. I could probably cut out about half of
19 that question. I'm going to try it again, and just
20 say, do you have an independent recollection of an
21 investigation into Watts or Mohammed while you were at
22 IAD?

23 A. So I don't know what you mean by independent,
24 but when I was reviewing, I believe, Exhibit 1, there
25 was reference to the fight between Watts and Piwnicki.

1 Would that be independent of the federal investigation?
2 It was because it went through as a -- a standalone
3 disciplinary -- disciplinary matter.

4 MR. NOLAND: I don't think that was what he
5 was asking you. He asked -- I'm sorry, Scott, I
6 don't

7 --

8 THE WITNESS: I don't know what he's asking
9 either, so that's --

10 MR. RAUSCHER: I'm trying to ask --

11 MR. NOLAND: I see how you use the word
12 "independent". I see where she went with -- but
13 anyway, go ahead. I -- go ahead.

14 BY MR. RAUSCHER:

15 Q. No. So I -- and I was -- I will get to that
16 one, also, but what I'm just trying to remember is, you
17 know, you've obviously looked at paperwork and that
18 you've said that refreshed your recollection about
19 certain events. What I'm trying to say is, do you have
20 a separate memory, apart from looking at paper, of
21 Watts or Mohammed?

22 A. Not that I can recall, no.

23 MR. NOLAND: I'm going to object to the form
24 of that --

25 A. Yeah. I -- I really -- counsel, I don't know

1 what you're trying to ask me. What I can tell you is
2 that for me, where I sit here right now, that
3 investigation, there weren't offshoots of that
4 investigation, to my recollection. I -- I -- I
5 honestly don't understand your question.

6 BY MR. RAUSCHER:

7 Q. I'm just trying to ask if you remember there
8 being an investigation, if that's a thing you would've
9 remembered, had there not been a bunch of paperwork
10 that you've just reviewed?

11 A. If I recall that there was an investigation
12 into Watts or Mohammed? Yes, I do.

13 Q. Okay. Is there anything that you, you know,
14 having looked at paperwork now, is there anything that
15 you think IAD should have done differently with the
16 investigation into Watts or Mohammed?

17 A. Based on what I'm looking at, large level,
18 IAD did what they were supposed to do. I can say --
19 and you know, the team that was working on this was
20 aces. You know, we brought the initial complaint to the
21 FBI, we brought a secondary complaint to the FBI, we
22 were working with the state's attorneys. Joe Barnes
23 was on this, and, you know, from what I've read through
24 this, and I don't have person firsthand knowledge, but,
25 you know, Al Boehmer finished it. So I think that IAD

1 did a good job.

2 **Q. From what you've seen or what you remember,**
3 **did other agencies not do a good job? Did someone drop**
4 **the ball?**

5 MR. NOLAND: Objection to form, foundation. Go
6 ahead.

7 A. I -- I can't speak to that because I don't
8 have full information in terms of what were the
9 investigative issues, requirements, evidentiary
10 barriers. I know what IAD did, and they were focused
11 on getting this to some level of criminal charging.

12 BY MR. RAUSCHER:

13 **Q. And why was IAD focused on getting this to**
14 **some level of criminal charging?**

15 A. Because that is the most effective way to end
16 police officers from engaging in misconduct, criminal
17 conduct, and, you know, we had to dance around corrupt.
18 That, you know, administrative action is often seen as
19 a lesser outcome and, frankly, doesn't have as much
20 guarantee of an effective outcome. But because of the
21 nature of the conduct that was being alleged, criminal
22 prosecution is generally the best way to address that
23 type of conduct. And frankly, also helps to show that
24 the department doesn't tolerate those types of actions
25 from police officers.

1 **Q. When you say administrative action has a less**
2 **guarantee of a successful outcome, what do you mean by**
3 **that?**

4 A. Well, I mean, the -- the actions alleged here
5 were criminal in nature. We weren't talking about
6 somebody being rude or discourteous. Under an
7 administrative umbrella, if -- if say Watts or Mohammed
8 were not prosecuted, IAD would be looking at what would
9 be the administrative approach? And under those
10 circumstances, based on what I know about, you know, at
11 least what progressed with the investigation with me,
12 we would be looking at separation, right? We would
13 make a recommendation of termination. Whether or not
14 the police board would agree with termination is, you
15 know, not clear at this time, right? But is separation
16 significant in terms of penalty for the type of conduct
17 that Watts and Mohammed, you know, engaged, and that's
18 what the investigation showed? Also, whether or not
19 we'd be able to get to a termination charge. But in
20 terms of, for lack of a better term, hierarchy,
21 significant criminal penalty is generally the way that,
22 and was the way, that IAD would look for in terms of,
23 well, you know, were egregious crimes or criminal
24 actions of a significant nature.

25 MR. KOSOKO: Scott, can I have like five

1 minute -- a five minute break, please?

2 MR. NOLAND: Yeah, of course.

3 MR. KOSOKO: Thanks.

4 THE REPORTER: All right. We are off the
5 record. The time is 11:38.

6 (OFF THE RECORD)

7 THE REPORTER: We are back on the record for
8 the deposition of Debra Kirby being conducted by
9 video conference. My name is Sydney Little. Today
10 is October 13, 2022, and the time is 11:47.

11 BY MR. RAUSCHER:

12 **Q. In your experience, was it harder to have**
13 **administrative actions stick than it was to convict**
14 **someone, all things being equal?**

15 MR. KOSOKO: Objection to the form of the
16 question.

17 MR. NOLAND: Objection to form. Go ahead.

18 A. There were different processes.
19 Administrative investigations, as you know, have a
20 lower burden of proof. But in terms of the
21 investigation, you know, it's still evidence driven.
22 There's still processes that have to occur. But
23 because it is an administrative investigation, you
24 know, that is something that travels internal to the
25 organization.

1 BY MR. RAUSCHER:

2 Q. But is it -- well, let me ask a different
3 question, then. Is -- if you have the same evidence
4 and it's -- if you have evidence that you think
5 supports a criminal conviction, in your experience, was
6 it easier to get that criminal conviction than it was
7 to get someone fired from CPD?

8 MR. NOLAND: I'm going to object. Form,
9 foundation, incomplete hypothetical. You can
10 answer.

11 A. Yeah. Counsel, I think the way that you're
12 identifying it doesn't reflect what the process or the
13 reality was. If a police officer is engaged what's
14 identified through investigation as criminal conduct,
15 then the initial and preferred option was to seek
16 criminal prosecution. That's for a variety of reasons,
17 right? Is that criminal penalty carries more weight.
18 Frankly, represents what Chicago Police Department's
19 about, investigating crimes and bringing those to
20 charges. But it also presents a sense of transparency
21 in terms of what the department saw, and what the
22 department saw to investigate. At the time that I was
23 at IAD, it was often seen that administrative
24 investigations were seen as a way to bypass, you know,
25 criminal charges, which is something that we are always

1 concerned about. But this idea that we've got a
2 criminal investigation going and so I can, you know,
3 for lack of a better term, just take that
4 administrative, did it happen? Generally only if there
5 was a refusal to prosecute, but for, you know,
6 concurrent pendant cases -- so I can't, you know, it's
7 not easier. The process is the same, but they're
8 distinct.

9 BY MR. RAUSCHER:

10 **Q. When you say administrative investigation**
11 **were seen as a way to bypass criminal -- what does that**
12 **-- what do you mean by that?**

13 A. So I mean --

14 MR. NOLAND: I'm not certain that that was her
15 exact quote, but form. So go ahead.

16 A. So the department always has the authority,
17 right, to bring administrative investigation based on
18 violation of rules and regulations. If I had a police
19 officer that committed a murder and I had the evidence,
20 I had the gun, I had it on video, you know, I had -- I
21 had a case, but I chose to bring, or the superintendent
22 chose to bring that officer to administrative charges
23 rather than criminal, I don't think that that reflects
24 what the goal or the intent of holding officers to
25 account is meant. So terminating that officer or

1 giving that officer 30 days as an outcome of that
2 murder isn't an appropriate penalty, because we are law
3 enforcement officers. An officer was engaged in what
4 was identified as criminal conduct. We always sought
5 criminal charges.

6 BY MR. RAUSCHER:

7 **Q. Was there a perception that at some time**
8 **before you were the head of IAD that IAD would**
9 **sometimes bring admin actions, even though criminal**
10 **charges would've been warranted?**

11 A. Not that I'm aware of, but that was always a
12 concern, in terms of certain pockets of conversation,
13 right? How -- how challenging is an administrative
14 charge versus a criminal charge? Sitting in jail, a
15 little bit different than taking two weeks off without
16 pay.

17 **Q. And when you say how challenging is an**
18 **administrative charge, what do you mean? Challenging**
19 **for who? Or -- and challenging in what way?**

20 A. Well, for the person engaged in misconduct.
21 Going to jail is a significant penalty for a police
22 officer, for anybody, right? Being convicted of a
23 crime versus being suspended for a period of time, or
24 even losing your job.

25 **Q. Did you -- did IAD recommend termination for**

1 any officers that you recall during your time as the
2 head of IAD?

3 A. Yes, IAD recommended termination.

4 Q. Do you know if those officers were, in fact,
5 terminated?

6 A. Some were, some weren't.

7 Q. What -- which ones do you remember who were
8 not terminated, even though IAD recommended that they
9 be terminated?

10 A. I don't have any recollection of names. I
11 know that, generically, every case that went for
12 termination didn't result in a termination.

13 Q. Was that frustrating for you as the head of
14 IAD?

15 MR. NOLAND: Objection to foundation. Form.
16 Go ahead.

17 A. Frustration is not the -- the word. As the
18 head of IAD, I always look to see why a case didn't
19 result in termination and make sure that it wasn't a
20 result of our practice.

21 BY MR. RAUSCHER:

22 Q. Do you remember ever conducting that analysis
23 and determining that the person wasn't terminated
24 because of a problem with IAD's investigation?

25 A. No.

1 Q. And in those cases, then when you did that
2 analysis and you determined that IAD had done
3 everything right and recommended termination, and the
4 person still wasn't terminated, were you frustrated
5 with the outcome?

6 MR. NOLAND: Objection to form, foundation. Go
7 ahead.

8 A. I'm not frustrated with the outcome. I mean,
9 it's the process. Everybody's entitled to process. No
10 different than when I arrest a criminal and they're not
11 charged, you know, it's a not guilty. What it is.

12 BY MR. RAUSCHER:

13 Q. And did you have any feelings whatsoever, one
14 way or the other, when you recommended termination, and
15 it didn't happen?

16 MR. NOLAND: Objection to form, foundation. Go
17 ahead.

18 A. Counsel, I think you need to understand that
19 I was not personally invested in, you know, bringing
20 retribution. I'm a law enforcement officer. I'm an
21 attorney. I follow the rules, the law -- the law. I
22 know what my role is, it's to build that case. And if
23 I build the case in the way that I need to, what comes,
24 comes. I think feeling frustration mischaracterizes --

25 BY MR. RAUSCHER:

1 **Q. Did you think it was good for CPD when IAD**
2 **conducted an investigation, did everything right,**
3 **recommend a termination, and the officer wasn't**
4 **terminated?**

5 MR. NOLAND: Objection to form, foundation. Go
6 ahead.

7 A. What I need to repeat is that when we put a
8 case forward for termination, we believe we had
9 sufficient evidence, facts, and proof to do so. The
10 determination of the people subsequently to review it
11 is their determination. I can't answer to feeling
12 whether it was good, but it was my job to make sure
13 that our cases were solid.

14 BY MR. RAUSCHER:

15 **Q. And I understand, but I'm trying to ask a**
16 **different question, which is: If you had any opinion**
17 **whatsoever, whether the outcome of not firing a person**
18 **who was recommended for termination by IAD was good or**
19 **bad for CPD?**

20 MR. NOLAND: Objection to form, foundation.
21 You can answer.

22 A. And Counsel, what I'm trying to say is I did
23 not look at it as good or bad. I looked at it as part
24 of the process. The decision of parties downline and
25 how those cases were presented were not my issue. My

1 issue was to make sure that I put cases forward that
2 were solid, and I did.

3 BY MR. RAUSCHER:

4 **Q. Do you think that CPD is sending a message to**
5 **officers that it's okay to engage in misconduct if when**
6 **IAD sends a solid case to the police board, the person**
7 **isn't terminated?**

8 MR. NOLAND: Objection to form, foundation,
9 incomplete hypothetical. You can answer.

10 A. If a case got to the police board for a
11 decision on termination, the signature of the
12 superintendent identifies that that type of conduct is
13 not tolerable within the Chicago Police Department and
14 that he's seeking to remove an individual from the
15 police department. I feel that that sends an
16 appropriate message. What those decisions and factors
17 are subsequently, I can't answer and, frankly, aren't
18 necessarily owned by the CPD.

19 BY MR. RAUSCHER:

20 **Q. Are they owned by the City of Chicago?**

21 MR. NOLAND: Objection to form, foundation.
22 You can answer.

23 A. If a police officer that was recommended for
24 termination is not terminated, then yeah, I mean, the
25 outcome is that they return to work.

1 BY MR. RAUSCHER:

2 Q. Do you recall any instances where IAD
3 recommended an officer be terminated and that was
4 rejected within CPD?

5 A. I don't recall at this time. I -- I don't
6 know.

7 Q. Do you think if that happened, it sends a
8 message to officers that it's okay to engage in
9 misconduct?

10 MR. NOLAND: Objection to form, foundation. Go
11 ahead.

12 A. I -- I don't know what you're talking about
13 in terms of message. At that time and place, the
14 recommendation is of the superintendent, so it's --
15 it's the superintendent's decision as to whether or not
16 that conduct engages. So if IAD goes to the
17 superintendent and says, I think this is a termination
18 case, and the superintendent doesn't feel so, that's
19 his decision, authority, and responsibility. I don't
20 think it sends any type of message, positive or
21 negative.

22 BY MR. RAUSCHER:

23 Q. What's different about that example, than a
24 criminal conviction sending a message that police
25 officers can't engage in criminal conduct?

1 MR. NOLAND: Object to form.

2 A. I don't understand your question.

3 BY MR. RAUSCHER:

4 Q. All right. So you -- I think you said that
5 one of the reasons you'd like to pursue criminal
6 charges for IAD is because it tells other police
7 officers you can't engage in criminal conduct; is that
8 right?

9 A. I don't know if I used the term like, but
10 yeah, we -- we would present criminal charges because
11 it sends a message.

12 Q. And the message is don't commit crimes when
13 you're a police officer?

14 A. Correct.

15 Q. Why do you say it doesn't send a message at
16 all if IAD recommends an officer be fired and the
17 superintendent says no?

18 MR. NOLAND: Objection to form, foundation,
19 incomplete hypothetical. You can answer.

20 A. Right. So one, at all, that -- I think
21 that's a mischaracterization. A criminal prosecution
22 is a matter of public record. And as you've seen, as
23 we've known, and even with this case, right, it was
24 heavily followed by the media, and so the challenges
25 around that. When you talk about administrative

1 investigation, there are a range of factors that come
2 to play in that. The fact that IAD makes a
3 recommendation on discipline, the chain of command can
4 and does and has altered what those recommendations
5 are, including the superintendent determining somebody
6 shouldn't be terminated. Now that is necessarily quite
7 a closed process, and that determination comes from the
8 weight and the authority of the superintendent. So I
9 don't think it sends a negative message. I think it
10 sends a message that the process works, that IAD is
11 there to investigate and put together a case. And that
12 based on the knowledge and whatever other
13 responsibilities the superintendent has, that that
14 person is determining that termination is not an
15 appropriate recommendation.

16 BY MR. RAUSCHER:

17 Q. Do you know Ben Baker or Clarissa Glenn?

18 A. I don't know them, no.

19 Q. Do you think -- do you know if you've ever
20 met either of them?

21 A. I can't recall. I may have, but I don't
22 remember.

23 Q. Do you have any independent recollection of
24 investigating -- let me strike that. Do you have any
25 independent recollection of any CRs that they filed?

1 A. Counsel, I -- I -- I don't understand your
2 question, because you continue to use this term
3 independent, and I'm not sure what that question or
4 what that focus on independent means.

5 **Q. When I say -- when I was saying independent**
6 **in that question, what I meant was separate from**
7 **looking at documents, do you have any memory of CRs**
8 **from Ben Baker or Clarissa Glenn?**

9 A. I have a general recall of those names being
10 associated with we're referencing as the Watts
11 investigation. I have some other generalized knowledge
12 that I believe Clarissa was his girlfriend, and that
13 Ben Baker was one of the original complainants at the
14 initiation of the Watts investigation, but I may be
15 wrong about that. But I do recall those two names
16 being associated with this investigation, and, you
17 know, I had conversations about -- that involved those
18 names over time, but I can't give you specifics to
19 that.

20 **Q. Do you have any memory of whether they were**
21 **deemed to be credible witnesses by IAD?**

22 A. Well, when you talk about credible witnesses,
23 they were credible complainants based on the fact that
24 they were brought forward into the IA investigation and
25 that their information was used to inform the

1 investigation.

2 **Q. Do you recall seeing -- do you recall**
3 **listening to any recordings made by federal**
4 **investigators as part of the Watts investigation?**

5 A. No, I didn't -- I didn't listen to any
6 recordings to my recollection. I don't recall it.

7 **Q. And then if -- slightly different question,**
8 **but do you recall listening to any recordings made by**
9 **CPD, or really anybody relating to the Watts**
10 **investigation?**

11 A. I don't have independent recall. Normally I
12 would not listen to those types of recordings. I don't
13 recall.

14 **Q. Do you know what type of access IAD had to**
15 **information that the federal authorities gathered as**
16 **part of the joint investigation?**

17 A. Specific to this investigation? No, but
18 generally, the federal investigation stands separate
19 and apart from any joint investigation.

20 **Q. What do you mean by that?**

21 A. Federal systems are federal, and so for this
22 investigation and while I was at IAD, we set up that
23 public corruption task force. And so, we had officers
24 deputized and assigned to work with the FBI on this
25 matter and others, but it was not an open ShareFile

1 system. There was access to some records, but I
2 couldn't tell you to what records specifically and
3 when.

4 **Q. So as you said here today, you're not sure**
5 **which federal records IAD had access to or when they**
6 **had access to those records, just for the Watts**
7 **investigation specifically?**

8 A. So counsel, you're overly broad in the
9 question. Is that -- what I can tell you is that the
10 government would release certain information to us. If
11 my -- the officers were present, they had that
12 information. But within the conduct of the federal
13 investigation process, they didn't release records to
14 us while the investigation was ongoing.

15 **Q. What was wrong with my question when you said**
16 **it was overly broad? I think I'm saying the same thing**
17 **you are, but I'm not sure I'm understanding that.**

18 A. You're putting qualifiers in the questions
19 that I'm -- I'm trying to answer. But, you know,
20 there's a period of time here, and my ability to be,
21 you know, responsive really is challenging based on
22 ever or overall, you know, so, you know, I -- I -- I'm
23 trying to be helpful here. I'm just trying to
24 understand what the question is.

25 **Q. My --**

1 A. So I will be more specific when I have a
2 concern.

3 Q. Oh yeah, yeah. Please keep telling me when
4 you think I'm -- when it's confusing or you're not sure
5 what I'm asking. What I was -- what I -- all I'm
6 trying to ask right now is, as you sit here today at
7 this deposition, you're not able to identify any
8 specific evidence or information that the federal
9 government shared or didn't share with -- no. Let me
10 ask -- you know what? I'm not going to ask it that
11 way. As you sit here today, are you able to identify
12 any information that the federal government didn't
13 share with IAD?

14 A. Did not share?

15 Q. Yes.

16 MR. NOLAND: Object to the form, but go ahead.

17 A. I -- I don't know how I'd be able to identify
18 what the federal government did not share. So your --
19 BY MR. RAUSCHER:

20 Q. You --

21 A. -- your question -- so -- so -- so these --
22 so this is the challenge you're asking me, do I know
23 what the federal government did not share? And how am
24 I supposed to answer that? I can't. But I can tell
25 you that I don't have knowledge of what the federal

1 government did not share.

2 **Q. Okay. Do you know whether the federal**
3 **government didn't share certain information? Not --**
4 **I'm not asking for the specifics, but do you know that**
5 **the fed -- that there was information that the federal**
6 **government did not share with the city?**

7 MR. NOLAND: Object to form. Go ahead.

8 A. So this investigation wrapped up after I was
9 out of IAD, but I can say that, generally, the federal
10 government does not share any of its investigative
11 information until its prosecution is complete, and then
12 it reviews subsequently as to what it will share, and
13 then only shares a portion of that, generally. I would
14 assume that that happened in the Watts case.

15 BY MR. RAUSCHER:

16 **Q. And that's true even when you're doing a**
17 **joint investigation with the federal government and**
18 **IAD?**

19 MR. NOLAND: And I'm going to object to the
20 extent it incorporates her prior answers, because
21 she answered this in part already, so asked and
22 answered.

23 THE WITNESS: Yeah. I mean --

24 MR. NOLAND: Go ahead.

25 A. -- yeah, my experience while I was at IAD is

1 similar, is that any investigation held by the federal
2 government comes at the conclusion of the
3 investigation, and only under certain procedures and
4 practices that, you know, they follow.

5 BY MR. RAUSCHER:

6 **Q. Have you looked at any documents produced by**
7 **the FBI in this investigation? I'm sorry, in this --**
8 **let me rephrase. Have you looked at any documents that**
9 **the FBI has produced in this litigation?**

10 A. I don't believe I have. I'm not sure.

11 **Q. And so, is it fair to say that you haven't**
12 **tried to compare what the FBI has produced to what you**
13 **knew at the time when you were the head of IAD?**

14 A. Counsel, the only way I'd be able to prove
15 what I knew at the time as the head of IAD is to look
16 at what -- now, you mischaracterize again. So this is
17 the issue. The FBI generates and writes its own
18 documents. The IAD generates and writes its own
19 documents. So what the FBI is sharing, I can't confirm
20 one way or the other. It's their investigative
21 process, what they know to do. Can I say that we --
22 the way that that worked at the time is that -- yeah,
23 see so now I'm down a hole. No, I can't -- I can't
24 confirm one way or the other.

25 **Q. Well, you can keep going. Tell me when you**

1 said the way it worked at the time, what you mean by
2 that?

3 A. No, I -- I can't keep going because I'm --
4 I'm not answering your questions. But what I can tell
5 you is the FBI investigation is the FBI investigation,
6 it's not the IA investigation. And I know for a fact
7 that when the FBI turns stuff over, it's normally
8 redacted. They have a numbering system that does not
9 include all of the documents they have. So I'm
10 assuming nothing changed with Watts.

11 Q. Okay. Can you take a look at Exhibit 1,
12 interrogatory responses? Do you remember -- well, let
13 me actually -- before we look at specific things on
14 here, do you remember learning at some point that
15 Kallatt Mohammed had been caught taking bribes?

16 A. Yes.

17 Q. When do you recall learning that? Were you
18 still at IAD?

19 A. Yeah, it was towards the -- the end of my
20 tour in IAD.

21 Q. And what did you do with the information --

22 A. (Inaudible.)

23 Q. Huh? Yeah, so we can look at page 21 --

24 A. What did I do with it?

25 Q. -- if you want. Well, let's -- before you do

1 that, look at page 21.

2 A. Okay.

3 Q. You see entries from 2007 and January 2008,
4 talking about bribes? Or early 2008, I should say?

5 A. Right. These are bribes that were accepted
6 from a CI working for the FBI.

7 Q. And CPD was told of those bribes at the time,
8 right?

9 A. Yes. I -- I'm not sure where or how they
10 were informed, but they did have knowledge. Yes. We
11 had knowledge.

12 Q. Yeah. They meaning -- you were included in
13 that, right?

14 A. Yeah. Yeah. I -- I just said we. I
15 corrected. I was CPD at that time. Yes.

16 Q. Okay. So what did you do with this
17 information?

18 MR. NOLAND: Objection. Form. You may
19 answer.

20 A. What did I do? I didn't do anything specific
21 with the information. It's part of the FBI
22 investigation. CI working for the FBI, that was the
23 setup in terms of how they wanted to approach and see
24 whether or not, you know, Mohammed would take money,
25 seems like he did on several times. The investigation

1 continues at that point. That's one aspect of the
2 investigation.

3 BY MR. RAUSCHER:

4 **Q. Did it set off alarm bells for you that a CPD**
5 **officer took at least four bribes and remained on the**
6 **street?**

7 MR. NOLAND: Objection. Form. Foundation.
8 Argumentative. Confusing. Go ahead.

9 A. I wouldn't say that they were alarm bells.
10 These individuals were under investigation taking money
11 from drug dealers. This is consistent with that
12 investigation. This was a level of evidentiary proof
13 that was put forth, maintained, and obtained by the FBI
14 as part of its investigation. So it is concerning that
15 a police officer engages in criminal conduct. But for
16 this particular officer, that's why this investigative
17 strategy was employed.

18 BY MR. RAUSCHER:

19 **Q. How many years after this evidence came --**
20 **was gathered showing conclusively that Mohammed took**
21 **bribes, did you think it was reasonable to leave him as**
22 **an active police officer?**

23 MR. NOLAND: Objection. Form. Foundation.
24 Argumentative. Incomplete hypothetical. You can
25 answer.

1 A. So you put several things there, right?
2 Years? What is the measure of time? I can't
3 rationally answer that. What I can say, that this
4 information was specific and driven as a result of the
5 FBI investigation, and that if the department had taken
6 action in response to that at that time, we would have
7 prevented conclusion to that investigation that
8 resulted in the prosecution of both officers. But you
9 know, it all depends upon where the evidence is and,
10 frankly, what are the charges going forward.

11 BY MR. RAUSCHER:

12 **Q. Did you want to get Mohammed off the street**
13 **when you found out that he was taking bribes, or were**
14 **you comfortable just letting the FBI take the lead for**
15 **however long it took?**

16 MS. DOI: Objection. Form.

17 MR. NOLAND: I guess you're giving your
18 closing argument now, Scott. So object to the
19 form. Argumentative. Go ahead.

20 A. So counsel, you keep putting feelings into
21 what I do, and I don't know why, but I will tell you
22 that we were working with the FBI to try to bring two
23 police officers to federal charges. What my comfort
24 level is, is, you know, ideally, I work in a world
25 where none of this happens, but this was the nature of

1 what we were doing. This was a federally driven
2 investigation, we were supporting it, and the goal was
3 to have sufficient evidence to prosecute these police
4 officers. And that's what this process was.

5 BY MR. RAUSCHER:

6 Q. So is it your position, as the head of IAD,
7 that after Mohammed was caught taking these bribes
8 referenced in the City's Interrogatory Response, there
9 was not sufficient evidence to recommend criminal
10 charges?

11 MR. NOLAND: So objection. Mischaracterizes.
12 Argumentative. Go ahead.

13 A. So as I have stated, this is a federal
14 investigation. Our participation in this investigation
15 was as a result of federal deputization given to the
16 team. We had none of this independent of the criminal
17 investigation, and our ability to take that information
18 somewhere independent of the criminal investigation was
19 precluded, as it was explained to us by the AUSA and
20 the federal authority. And I'm not talking specific to
21 this, but to our participation on these task forces
22 with the FBI.

23 BY MR. RAUSCHER:

24 Q. So you -- the CPD was forbidden to bring an
25 administrative action against Mohammed in 2007 or 2008?

1 MR. NOLAND: Object to form. Mischaracterizes.
2 Go ahead.

3 A. The FBI can't forbid the Chicago Police
4 Department to do an administrative investigation, those
5 are internal. However, to bring forward an
6 administrative case, I still need evidence. Credible
7 as I believe I am, some people don't think so. And so,
8 the ability to take this information from a federal
9 investigation and put it into an administrative
10 investigation was not an option available to the
11 department.

12 BY MR. RAUSCHER:

13 Q. Where did you -- where does it -- is it
14 memorialized anywhere that CPD was not allowed to take
15 the evidence gathered in this joint investigation and
16 use it for an administrative action?

17 MR. NOLAND: So objection. Form. Foundation.
18 She knows all the documents produced in this case.
19 Incomplete hypothetical. I think it's an unfair
20 question, but go ahead.

21 A. As we read this chart again, I don't know
22 what's specifically held, because I'm looking at this,
23 this is an FBI driven initiative. My ability to take
24 federal information away from what was the federal
25 protection of that investigation and drop it into an

1 administrative investigation without the substantive
2 facts evidence available, it's not forbidden. It's
3 just not something that could be done.

4 BY MR. RAUSCHER:

5 **Q. What does that mean it's not forbidden, but**
6 **it's not something that could be done?**

7 MR. NOLAND: Object to form. Go ahead.

8 A. You still have to have evidence and proof to
9 bring forward an administrative investigation. So our
10 working with the FBI strict guidance, direction, that
11 the information developed as a result of that joint
12 investigation was federal. The practice that we've had
13 with the federal authorities subsequent where we've
14 been joint on investigations, is that they will share
15 certain information, usually not all, that we would
16 then be able to use to take forward into an
17 administrative investigation. But if I were to run
18 with this information, open up a police board -- or not
19 police board complaint, but administrative action, then
20 I would be not only disclosing the information that I
21 was sworn to protect as a result of my deputization
22 with the FBI, but I'd also be giving information to the
23 targeted officer that it was FBI money that he took.

24 BY MR. RAUSCHER:

25 **Q. Has there ever been a time where you, as the**

1 **head of IAD, thought the FBI was taking too long?**

2 A. No. I mean, as the head of IAD, I'd always
3 like the FBI work according to my schedule, but I can't
4 direct that, it's what their evidence brings forward.
5 It's their process. It's necessarily a -- a slower
6 process than the local process.

7 **Q. And I understand that you couldn't make the**
8 **FBI move at whatever pace. I'm not asking you if you**
9 **could direct them to move faster, I'm asking if you**
10 **have ever had an instance where you looked at an**
11 **investigation and thought they should have moved**
12 **faster?**

13 A. And I'm answering the same way. I would like
14 to see the FBI move faster on certain cases, it's just
15 not an option that I have.

16 **Q. Would you like to see -- would you have liked**
17 **to see the FBI move faster on this case?**

18 A. I think what happened with this case was, you
19 know, their process in terms of what evidence is, but I
20 can't speak to that. I mean, their process took what
21 it did, and whether it was faster or slower, you know?
22 But ideally, yeah, we'd always like to see timely
23 resolution. It's just -- it's what the investigation
24 brings forward. For whatever reason, the federal
25 authorities thought they couldn't bring that forward.

1 **Q. How do you know they thought they couldn't**
2 **bring it forward as opposed to they didn't bring it**
3 **forward?**

4 MR. NOLAND: Object to form.

5 A. So this entire investigation was primarily
6 focused on Watts and Mohammed and their shakedown of
7 drug dealers. Watts was the primary target. By this
8 point, it's identified that Watts is, frankly, for lack
9 of a better term, the alpha, right? And Mohammed's
10 working with Watts. At this point, they had Mohammed,
11 right? You know, they had four buys. Whether or not
12 they had Watts, I don't know. It's not on the
13 timeline. I don't know what the investigative
14 information was. But whether or not part of an
15 investigative strategy to flip Mohammed -- I don't
16 know. But I would argue that the feds had a strategy
17 at this point. They didn't seek to bring in one as
18 opposed to both.

19 BY MR. RAUSCHER:

20 MR. RAUSCHER: Let's mark as Exhibit 3, just a
21 packet, but we're not going to go through all of
22 them. But the PDF is City BG 23832 through 24000.

23 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

24 BY MR. RAUSCHER:

25 MR. NOLAND: Can you describe what it is,

1 Scott? It might help me find it.

2 MR. RAUSCHER: Yeah. It's the -- it's some of
3 the documents referenced in the interrogatory
4 response. It starts with a cover page that says
5 "Watts" in handwriting. It's got the handwritten
6 notes, some partial memos.

7 MR. NOLAND: If it's really long, I don't
8 think we printed it.

9 MR. KOSOKO: What's the Bates on that again,
10 Scott?

11 MR. RAUSCHER: 23832 to 24000. It's a 142-
12 page -- we're not going to go through all of it,
13 but it's -- that's what's in that PDF.

14 MR. NOLAND: Oh, yeah. Sorry to interrupt. We
15 did not print that one out.

16 MR. RAUSCHER: Okay.

17 MR. NOLAND: You may have to show that one.

18 MR. RAUSCHER: That's fine. I can do that.

19 BY MR. RAUSCHER:

20 Q. Just want to get to the right page. Do you
21 see a PDF on your screen?

22 A. Yes.

23 Q. This is one of the -- this page, City BG
24 23858, is one of the documents referenced on page 21 of
25 that interrogatory response we were just looking at,

1 about some of the bribe payments.

2 A. Okay.

3 Q. Have you seen --

4 MR. NOLAND: I think that --

5 MR. RAUSCHER: -- do you remember if you've --
6 oh, go ahead.

7 MR. NOLAND: I'm sorry, Scott.

8 MR. RAUSCHER: It's all right.

9 MR. NOLAND: I think I have to -- that one was
10 marked confidential, so we'll have to mark --

11 MR. RAUSCHER: Okay.

12 MR. NOLAND: -- I think this portion of the
13 transcript will have to be confidential.

14 BY MR. RAUSCHER:

15 Q. Do you know if you --

16 MR. NOLAND: (Inaudible) any of the details.

17 MR. RAUSCHER: Understood.

18 BY MR. RAUSCHER:

19 Q. Do you know if you've seen this?

20 THE REPORTER: So this portion -- this is
21 confidential? I'm sorry.

22 MR. NOLAND: Yes.

23 THE REPORTER: Okay. Thank you.

24 (CONFIDENTIAL PORTION REDACTED)

25 MR. NOLAND: Give me one second. I thought

1 that might be printed. If it was, I can't find it.
2 So you're going to have to -- looks like you're
3 going to have to share it.

4 MR. RAUSCHER: Okay.

5 BY MR. RAUSCHER:

6 Q. Do you see that page shared on screen with
7 you?

8 A. I do.

9 Q. Do you --

10 MR. NOLAND: What was the Bates again, Scott?

11 MR. RAUSCHER: Sure, that -- the range of the
12 whole -- so we're on -- this specific one is PL
13 Joint 007582, and it's page 20 of the PDF. The
14 Bates is 770 -- sorry. PL Joint 007563 to 007620.
15 This first page says "Internal Affairs Division
16 Standard Operating Procedures" and its dated --

17 MR. NOLAND: Yeah, I got it. Okay.

18 MR. RAUSCHER: What exhibit?

19 MR. NOLAND: Yeah. We got -- I got it
20 printed, Scott. What exhibit is it?

21 MR. RAUSCHER: Okay. Exhibit 7. And then --

22 THE WITNESS: This is different than the one -
23 -

24 MR. NOLAND: There's a bunch.

25 THE WITNESS: Okay.

MR. NOLAND: She's just looking at different Bates numbers, so she was -- yeah, there's like four different Bates numbers on there.

BY MR. RAUSCHER:

Q. Yeah. This has been produced in twice in this case alone, so I know it can look a little confusing. I'm on page -- I don't know which one you want me to give you. I'll just use the actual page number on it. It's 13. If you look in the middle, it's titled "Investigations."

A. Okay.

Q. And if you could just look through those few pages and then -- well, even just, actually, you could start with just the conduct of investigation section.

A. You want beyond page 13?

Q. Maybe the first full paragraph on the next page.

A. Okay.

Q. Was this -- well, what is this page that you just read? Do you recognize it?

A. It's a page of the IA SOP dated 1997 --

Q. And does the --

A. -- titled "investigations."

Q. Does the conduct of an -- the way that it's describing how investigations should be conducted on

1 page 13 to 14 that you just looked at, was that still
2 in -- was that still operative when you were the head
3 of IAD?

4 A. Aspects of it, yes.

5 Q. What aspects were no longer operative?

6 A. As you read conduct of investigations, not
7 every investigation would use surveillance or use court
8 approved recording devices. The issues around contact
9 with the victim, those are consistent, others go to the
10 process. So aspects of it, yes.

11 Q. Are there any specific things that jump out
12 to you that you weren't expecting your investigators to
13 do anymore by the time you were the head of IAD?

14 A. No --

15 MR. NOLAND: Object to the form.

16 A. No.

17 BY MR. RAUSCHER:

18 Q. So you still would've expected an
19 investigator to go canvas the area and talked to
20 witnesses when investigating a CR?

21 A. Yeah, as appropriate. That's why I pointed
22 that out, is that aspects of that continue to apply,
23 and there's other things that apply. And we don't have
24 physical evidence here, but that's a component as well.

25 Q. Yeah. Physical evidence is somewhere else.

1 It's a couple pages down on page 15. I didn't mean to
2 suggest that was the complete SOP for all of IAD, I was
3 just asking about the conduct of investigation. Do you
4 -- did you expect officers or investigators to go talk
5 to the victim?

6 A. Yes. They talked to the complainant.

7 Q. That -- right. Complainant. Canvassing the
8 area still applied when you were the head of IAD?

9 A. Yes. As I stated, when applicable, yes.

10 Q. Would you still expect that these steps would
11 be carried out during the joint investigation with
12 federal investigators?

13 MR. NOLAND: Objection. Incomplete
14 hypothetical. Form. Go ahead.

15 A. I'm not sure what you're asking. Are you
16 stating that -- no, I'm not sure what you're asking.
17 Could you please state what you're asking?

18 BY MR. RAUSCHER:

19 Q. So we talked about how complaints against
20 Watts that related to the federal investigation were
21 subsumed by that investigation. Would you still expect
22 that, as part of the investigation, someone would be
23 going out and canvassing the area, talking to
24 witnesses, talking to the complainant?

25 MR. NOLAND: Objection. Form. Foundation.

1 Incomplete hypothetical. Go ahead.

2 A. So as a matter of practice with the federal
3 investigation, this component of investigation
4 occurred. Any time a complaint was transferred into
5 what was then an ongoing investigation, contact with
6 the complainant occurred, getting a sense of
7 understanding of what happened, getting more
8 information relative to the complaint and how it fits
9 into the larger investigation. As it goes to the first
10 ABCD, some of that may occur, some of it may not,
11 depending upon the needs of the investigation.

12 BY MR. RAUSCHER:

13 **Q. Would you expect that interviewing and taking**
14 **statements from witnesses would occur?**

15 A. Generally, yes.

16 MR. RAUSCHER: All right. Let's make --
17 Exhibit 8 is going to be City BG 012903 to 012927,
18 and it's CR 309282. Dan, do you have that one, or
19 should I bring it up?

20 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

21 MR. NOLAND: Yeah, no, I got it. Gave it to
22 her.

23 MS. WEST: What's the CR number again, Scott,
24 please?

25 MR. RAUSCHER: I have 309282.

1 MS. WEST: Thank you.

2 THE WITNESS: Am I reading the entire packet?

3 BY MR. RAUSCHER:

4 Q. I can -- I have some questions so you don't
5 have to, but you can always tell me if you need time to
6 look at something. Are you ready for questions, or did
7 you want more time to get up to speed on what's in
8 front of you?

9 A. Well, I've gotten the front end of it, so
10 we'll see what else is needed. You can go ahead.

11 Q. So just the first question is, do you
12 remember if you -- do you know if you've seen this CR
13 before, this CR file before?

14 A. I don't have independent recollection, but my
15 signature is in this.

16 Q. Which page are you looking at for your
17 signature?

18 A. That numbered -- it's 12917.

19 Q. That's a memo you wrote with your signature;
20 is that right?

21 A. Correct.

22 Q. Do you -- looking at that memo on 12917, do
23 you know what it's about?

24 A. Yes. It's taking these earlier closed CRs
25 and reopening them and assigning them to confidential.

Q. Why were they reopened?

A. Because the investigators looked to the complaint history of Watts, identified that these were perhaps related, and sought to have them reopened and assigned as part of the federal investigation.

Q. How do you know that it was reopened because investigators looked at the complaint histories and thought they might be related?

A. Because in somewhere in here -- and if we're going to go into that level of details then I'm going to take longer to review it. But I've got a request from Paul Farrell, who was working as part of that task force, and I thought I saw something here from Chester --

Q. I think it's maybe 12912 to 913, perhaps.

A. Correct. But there's also -- yeah, there's also -- yeah, 1914.

Q. Right.

A. So it was standard process for CIS. These investigations went forward, assigned as they would've normally have been. They were in the district. When we start looking at this more broadly, we start bringing them back, some of those old, closed ones, or the CIS does. Speaking colloquially. And so, now we're reopening closed investigations to, you know,

1 place them within the larger --

2 Q. The Paul Farrell memo that you're looking at
3 on City BG 12912, that's from a couple years after you
4 left IAD, right?

5 A. Yeah. The date is after I left.

6 Q. Was he working on the task force while you
7 were at -- while you were in IAD still?

8 A. He -- he was assigned to the FBI, I don't
9 know if he was -- yeah, he was part of the task force.
10 I -- he -- yeah, he was over there.

11 Q. He was over there when you were at IAD?

12 A. Yes, he was.

13 Q. Okay. And does something about his memo
14 refresh your recollection that the CRs were reopened
15 because they were determined to be related to the --
16 actually, no. I'm sorry. You said that the --

17 A. I -- I need --

18 Q. No. Go ahead.

19 A. -- I -- I need to read these if you're going
20 to ask me for that type of detail. So give me a minute
21 to read it again, please.

22 Q. Okay.

23 A. Okay. All right. Go ahead with your
24 questions now.

25 Q. So I think a little bit ago you said that the

1 CR was reopened because someone looked at the criminal
2 histories and determined that they might be related; is
3 that right?

4 A. So -- so let's regroup here. As you've
5 identified, and I made an error and assumption here, is
6 that there are different dates on these memos, and I'm
7 taking apart this exhibit so that we can talk about
8 those dates. I have a letter under 917 that's dated 5
9 September, 2006. They asked for reopening of 309282,
10 which is also on 903 and, yeah, 903, right? So that
11 initial -- that initial complaint, and these are not
12 criminal histories. The initial complaint came in in 3
13 November 2005. It was investigated by the district and
14 the district closed it, consistent with the report that
15 is contained on 903, 904, I'm not sure of 905, so let's
16 talk about this first one. So on 5 September, 2006,
17 slightly less than a year later, I reopened that and I
18 assigned it to Unit 121. There is no clear record here
19 as to why that occurred, but sitting where I sit now
20 and, you know, presumably where I sit at that time with
21 more information fresh, this was identified to be
22 potentially related to that investigation and is now
23 being reassigned to Unit 121.

24 Q. And is unit --

25 A. Want to talk about the other ones?

1 Q. Well, just tell me really, before that,
2 what's Unit 121?

3 A. That's a confidential section.

4 Q. Yeah. Let's talk about the other ones then,
5 the other letters.

6 A. So as you identified, those other letters
7 come in after I've left IAD, and seem to be doing
8 something similar in terms of process. But I have no
9 independent knowledge, nor have I seen those in the
10 past.

11 Q. Did Juan Rivera take over for you at IAD?

12 A. Juan Rivera became chief at some point. I
13 don't know if it was directly after me. I don't think
14 so, but I don't know.

15 Q. Okay. Can you take a look at the two pages
16 right after the -- your memo? So 12918 to 12919, it's
17 a handwritten letter.

18 A. Okay.

19 Q. And just let me know when you've had a chance
20 to read it?

21 A. Okay.

22 Q. You see it -- have you seen this letter
23 before?

24 A. So there's a lot of documents packaged
25 together here. I don't know if this letter was the

1 reason that I sent the memo on 5 September, 2006, but I
2 have no independent recollection of this letter that's
3 not dated.

4 Q. Okay. Do you see in this letter, second to
5 last full paragraph on 12918, where Clarissa Glenn says
6 she got a follow-up call, "But because of more threats
7 I received from the officers, which later on December
8 9, 2005, led to my arrest a few weeks after my
9 complaint was made"; do you see that?

10 A. Yes, I do.

11 Q. Do you know what steps, if any, IAD took to
12 investigate whether Clarissa Glenn's December 2005
13 arrest was false?

14 A. I don't know independently, no.

15 Q. And if you look down to 12920, it looks to me
16 like there's -- that someone at IAD pulled a -- the --
17 some information from the CLEAR system about it. She
18 wrote December 9th, but I think it's December 11th,
19 that's the date on the form; do you see that?

20 A. Oh, you're referring to the arrest date?
21 Yeah, I see the form.

22 Q. What's the reason that IAD would typically
23 pull this type of arrest data in -- with respect to a
24 CR?

25 MR. NOLAND: Foundation, but go ahead. Form.

1 A. As I read this document, and I have no
2 specific recollection of this specific letter. At the
3 time that this may have come in, so the run date here
4 is 8 December 2005, or 8-30-2006, which is the bottom,
5 that means that likely this came in at that period of
6 time, right? So 5 September, 2006. So this letter is
7 contemporaneous to some level with this reassignment to
8 CIS to investigate. Within this complaint, which is
9 what this letter is, she's identified that she was
10 falsely arrested. So this is run for the assignment as
11 it goes to CIS for investigation.

12 BY MR. RAUSCHER:

13 **Q. And do you know, as you sit here today, what**
14 **steps, if any, were taken to investigate that December**
15 **2005 arrest?**

16 A. No, I don't have any memory on that.

17 **Q. Do you think that the Chicago Police**
18 **Department had a code of silence while you worked**
19 **there?**

20 A. No, I do not.

21 **Q. Have you ever talked to other CPD employees,**
22 **or former employees, about whether there's a code of**
23 **silence at the City of Chicago?**

24 A. No.

25 **Q. Did you overlap with Lori Lightfoot when she**

1 was at OPS?

2 A. I am not 100 percent sure. I believe that
3 she was still there for a period of time, but I'm not
4 sure that I interacted with her directly.

5 Q. You don't recall working with her?

6 A. You know, I'd seen her within the department,
7 but I'm -- I don't recall specifically working with
8 her.

9 Q. Have you ever talked to her about the Watts
10 cases?

11 A. I have no recollection of doing so, no.

12 Q. Do you know any of the plaintiffs in the
13 Watts cases?

14 A. I -- I can't claim whether or not I'm -- I
15 know any of the individuals in the case.

16 MR. RAUSCHER: Can we take maybe five minutes?
17 I may not have all that much more left. I just
18 want to look at my notes real quick.

19 THE REPORTER: All right. We are off the
20 record.

21 MR. NOLAND: Yeah.

22 THE REPORTER: The time is 3:39.

23 (OFF THE RECORD)

24 THE REPORTER: We are back on the record for
25 the deposition of Debra Kirby being conducted by

1 video conference. My name is Sydney Little. Today
2 is October 13, 2022. The time is 3:49 p.m.

3 BY MR. RAUSCHER:

4 **Q. Did the Chicago Police Department have an**
5 **official policy of deferring to the federal government**
6 **in joint investigations?**

7 MR. NOLAND: Object to the form. Go ahead.

8 A. You identify this as deferring, I look at it
9 as more of a matter of legal requirement, for our team,
10 I can't speak to the department. For our team, we're
11 deputized to work on that task force. And as part of
12 that, we were under the direction and guidance of the
13 AUSA, or USA, as it stands.

14 BY MR. RAUSCHER:

15 **Q. What is the legal authority you're talking**
16 **about that required you to work under the AUSA?**

17 A. It's the way that they manage their
18 investigations. They're done through the grand jury
19 process, what I, you know, refer to as 6 Cs. Probably
20 not technically correct, in terms of statutory
21 language. But as part of our working on those task
22 force, we are advised that all investigative materials
23 and actions were under the direction of the AUSA and
24 were not subject to disclosure.

25 **Q. Was there an official Chicago policy of not**

1 bringing administrative charges until the feds
2 concluded a joint investigation?

3 MR. NOLAND: Objection. Form. Foundation.
4 Incomplete hypothetical. Go ahead.

5 A. At -- so what you're looking at are charges
6 versus investigation. And so, the way that I'm looking
7 at this is that administrative charges could follow the
8 investigation conducted under federal jurisdiction,
9 provided that that information is shared. Regardless
10 of where the case is brought, you still have to have
11 evidence to bring it. And so, it really is about what
12 was the jurisdiction of the investigation in the first
13 place and whether or not that translates to
14 administration charges.

15 BY MR. RAUSCHER:

16 Q. Well, I'm --

17 A. Administrative charges.

18 Q. -- I'm asking if there is an official City of
19 Chicago policy in not bringing administrative charges
20 until the feds were done with an investigation when
21 there was a joint investigation?

22 MR. KOSOKO: I'm going to object to the form
23 of the question, to the extent that it could cause
24 the witness to make legal conclusions, implicating
25 Giglio and the other case. But there are legal

1 reasons for things to flow the way they flow.

2 MR. NOLAND: Yeah, I'll just object, asked and
3 answered. I think you're arguing with witness now,
4 because you've asked it three times, and she's
5 answered it. And she has answered it, I think.
6 But I'm not going to instruct her not to answer, so
7 go ahead again.

8 MR. KOSOKO: I'm sorry. And that was Garrity.
9 I'm sorry. Giglio and Garrity. Thank you.

10 A. Administrative charges are the outcome of an
11 administrative investigation, which there's evidence to
12 support those charges. Criminal investigation --
13 criminal investigation, which there's a criminal
14 conclusion in which the department moves forward. There
15 is no -- nothing in writing at the Chicago Police
16 Department, to my knowledge, that says you will not
17 take cases forward.

18 BY MR. RAUSCHER:

19 Q. Meaning, there's nothing in writing, to your
20 knowledge, that says, we will not take an
21 administrative case forward just because there's a
22 criminal case proceeding also?

23 MR. NOLAND: Same objection. Go ahead.

24 A. You're restating my statement, so I can't
25 agree to that. But what I can say is that there is not

1 a written policy prohibiting the filing of
2 administrative charges.

3 BY MR. RAUSCHER:

4 **Q. In what context?**

5 MR. NOLAND: So like, we've been -- what time
6 is it? 4:00? 3:53, and you're saying let's start
7 over? So I don't -- if -- I'm going to object.
8 Asked and answered in like, multiple different
9 ways. Incorporate all of her prior answers,
10 probably a half hour worth of discussion on this
11 very topic. And so, for you to try to get an
12 answer -- question and answer that apparently, you
13 know -- yeah. And I've said enough. Objection.
14 Form. Foundation. Asked and answered. Go ahead.

15 A. Administrative charges require an
16 administrative investigation in which there is evidence
17 to bring those forward. Nothing in writing prohibits
18 the CPD from conducting administrative investigations.

19 BY MR. RAUSCHER:

20 **Q. Do you know Shannon Spalding?**

21 A. I know the name. I don't know Shannon.

22 **Q. Do you know if she was part of the Watts**
23 **investigation?**

24 A. I'm sorry. The first part of your question
25 was, do I know...

1 **Q. Do you know if she was part of the Watts**
2 **investigation?**

3 A. She was part of the investigation at some
4 point, yes.

5 **Q. Do you know what her role was as part of the**
6 **investigation?**

7 A. I'm not 100 percent clear what her role was
8 with the FBI prior to her being assigned to work with
9 the internal affairs division. But at some point, she
10 did begin to work with the internal affairs and the FBI
11 on the Watts investigation.

12 **Q. Do you know if she'd faced retaliation as a**
13 **result of being a whistleblower against Watts?**

14 A. I know there were allegations as such. I am
15 not aware of whether or not she faced those -- those
16 challenges.

17 **Q. Do you know Daniel Echeverria? Or do you**
18 **know who that is?**

19 A. I know who that is.

20 **Q. And was he also part of the Watts**
21 **investigation?**

22 A. Yes.

23 **Q. Do you know if he faced --**

24 A. Same circumstance. Same --

25 **Q. -- do you know if he faced retaliation for**

1 **being a whistleblower?**

2 A. I know that he, too, filed -- I believe he
3 filed charges, I'm not 100 percent certain, but I have
4 no personal knowledge of what that was.

5 **Q. Do you know Jerome Finnigan? I think you**
6 **mentioned his name earlier.**

7 A. Yes, I do know who Jerome Finnigan is. I
8 don't know him.

9 **Q. Do you recall having any interactions with**
10 **Jerome Finnigan?**

11 A. Nothing direct with Jerome, to my
12 recollection.

13 **Q. Do you know what a pattern analysis is?**

14 A. I understand the concept of pattern analysis,
15 yes.

16 **Q. Do the IAD conduct pattern analysis ever?**

17 MR. NOLAND: Object to the form. And asked
18 and answered. Go ahead.

19 A. The discussion that we've had earlier around
20 knowledge of complaint histories, you know, that's the
21 one that we just talked about recently when we moved
22 the Clarissa letter over to confidential, those are all
23 aspects of pattern investigation. You mentioned Jerome
24 Finnigan. I think that's probably one of the more
25 identified areas in which the department engaged in a

1 level of pattern investigation as part of the federal
2 investigation.

3 MR. RAUSCHER: Well, I'm going to do -- make
4 one more Exhibit, number 9, PL Joint 007851 to
5 7853. It's Overall Summary of Primary Accused
6 Officer. It's -- bunch of redactions, Dan, if
7 you're looking for it.

8 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

9 MR. NOLAND: Can you describe generally what
10 it is again?

11 MR. RAUSCHER: Yeah. It says, "Overall
12 Summary of Primary Accused Officer," and then it
13 goes through, you know, certain different days of
14 CRs. Largely redacted.

15 MR. NOLAND: I must not have -- I'm not seeing
16 it, so you can give me the -- one more try. Can
17 you give me the Bates number?

18 MR. RAUSCHER: Yeah, it's --

19 MR. NOLAND: First page?

20 MR. RAUSCHER: -- well, it's one of the ones
21 with multiple ones. It's PL Joint 007851 to 7853.

22 MR. NOLAND: I am not finding a print-out, so
23 I can't --

24 MR. RAUSCHER: Okay. Okay.

25 MR. NOLAND: -- sorry about that.

1 MR. RAUSCHER: No, it's all right. All right.

2 MR. NOLAND: Oh, I got it. I got it. Never
3 mind. Hold on. Hold on. Overall Summary. Okay.

4 MR. RAUSCHER: Just let me know when you've
5 had a chance to look at this.

6 MR. NOLAND: Hey, Scott, what exhibit is --
7 what number are you on? 9. 9. Never mind.

8 MR. RAUSCHER: 9. I -- oh, I was on mute, but
9 yeah, 9.

10 THE WITNESS: Okay.

11 BY MR. RAUSCHER:

12 Q. Do you recognize this document?

13 A. I do not. I don't recognize the document
14 itself.

15 Q. Do you -- recognize -- if not the specific
16 document, do you recognize the form of the document?
17 The type of document that this is?

18 A. What do you mean by --

19 Q. Meaning like, I don't mean necessarily, do
20 you remember if you've seen the specific one, but have
21 you seen this type of document before?

22 A. I -- I -- I don't have any recall of seeing
23 such a document.

24 Q. Okay. Do you know what it is?

25 A. I know what it says. I'm not sure what it

1 is. But I -- yeah, I'm sure -- I -- I know what it
2 says. I'm not sure what --

3 **Q. Was there an early intervention system while**
4 **you were at IAD to try to identify officers who might**
5 **be potential problems?**

6 A. There was an EIS at the Chicago Police
7 Department that was run by the personnel department.

8 **Q. Did you ever have any role in overseeing the**
9 **EIS?**

10 A. No. EIS is independent of discipline.

11 **Q. In the -- I'm sorry if I've already asked you**
12 **this before, but did you have any role in the CPD's**
13 **response when Watts and Mohammed were criminally**
14 **charged?**

15 MR. NOLAND: Object to the form.

16 A. What do you mean by role?

17 BY MR. RAUSCHER:

18 **Q. Well, were you part of CPD's response to**
19 **that?**

20 A. I don't understand what you mean by response.

21 **Q. Were you involved, in any way, in any**
22 **discussions at CPD about -- in any official capacity,**
23 **about what -- about the charges against Watts and**
24 **Mohammed?**

25 A. No.

1 Q. And were you involved in any discussions at
2 CPD about what should happen to them as police officers
3 once they're charged?

4 A. I'm trying to put this within context. Are
5 you talking about their arrests at a certain date, and
6 then what would happen at the CPD?

7 Q. Right. So I know you were not at IAD anymore
8 when they were arrested, right?

9 A. Correct.

10 Q. But you were still at CPD?

11 A. I was.

12 Q. Were you -- and then, what I'm trying to -- I
13 guess what I'm trying to ask is, were you involved in
14 any discussions -- well, let me ask it more broadly.
15 Were you involved in any discussions whatsoever that
16 you remember at CPD about Watts or Mohammed being
17 arrested?

18 A. Over the four years that I was at IAD, maybe.
19 Right. Are we going to arrest Watts? What will we do
20 with it? But if you're --

21 MR. NOLAND: I think he's talking about after
22 they were they were --

23 BY MR. RAUSCHER:

24 Q. I'm talking about after.

25 MR. NOLAND: -- after they were arrested.

1 A. At that time, I was in charge of NATO G8 and
2 preparing the city for what was anticipated to be a
3 significant event. I had no discussion, role, or
4 frankly, decision relative to what was going to happen
5 with Watts and Mohammed.

6 BY MR. RAUSCHER:

7 **Q. And while you were at IAD, so before they**
8 **were arrested, do you remember conversations where you**
9 **said, I think Watts or Mohammed should be arrested?**

10 A. I don't have any independent recollection of
11 that.

12 **Q. Do you remember anyone working for you**
13 **saying, I think Watts or Mohammed should be arrested?**

14 A. I don't recall having that conversation, no.

15 **Q. Do you remember -- did you, or do you**
16 **remember if anyone else at IAD ever said, I think Watts**
17 **or Mohammed should be taken off the street?**

18 MR. NOLAND: Objection. Form.

19 A. I don't recall having that conversation. The
20 investigation was still ongoing while I was at IAD.

21 BY MR. RAUSCHER:

22 **Q. I know we've talked about certain members of**
23 **Watts' team or people Watts supervised, their names**
24 **coming up in connection with the investigation. Do you**
25 **remember anyone -- any other names that we haven't**

1 **discussed today coming up in the investigation?**

2 A. I -- I can't answer that question. I'm not
3 sure what names are associated and what are not.

4 **Q. You mean you don't know which officers Watts**
5 **supervised, or something else?**

6 MR. NOLAND: Object to the form. Go ahead.

7 A. It's 14, 15 years later. I can't remember
8 what officers were named and what officers were not. We
9 talked about four today, so I can say that I have
10 recollection of that. I don't have recollection of the
11 entire team.

12 BY MR. RAUSCHER:

13 MR. RAUSCHER: Okay. I don't --

14 A. Or any --

15 MR. RAUSCHER: -- I don't have any other
16 questions.

17 MR. KOSOKO: No questions on behalf of Watts.
18 Thank you for your time, Ms. Kirby.

19 MS. DOI: No questions of behalf of Mohammed.

20 MS. WEST: Ms. Kirby, I just have --

21 MS. MCGRATH: No questions on --

22 MS. WEST: I'm sorry. Go ahead, Megan.

23 MS. MCGRATH: Well, I'm going to have no
24 questions on behalf of Cadman or Spaargaren. Thank
25 you.

1 MR. NOLAND: Mr. Flaxman has -- Flaxman, do
2 you have any questions?

3 MR. FLAXMAN: I have some questions, if I may.

4 CROSS-EXAMINATION

5 BY MR. FLAXMAN:

6 Q. Good afternoon. Am I correct that from 2004
7 to 2008 --

8 MR. NOLAND: Hold on. Hold on. Hold on. Just
9 -- if you could just introduce yourself, it --

10 MR. FLAXMAN: Oh.

11 MR. NOLAND: I'll do it. Mr. Flaxman
12 represents -- Mr. Rauscher represents a number of
13 the plaintiffs in these cases, and Mr. Flaxman
14 represents a number of other plaintiffs in these.
15 Sorry about that, Ken. Go ahead.

16 BY MR. FLAXMAN:

17 Q. Thank you. Am I correct that from 2004 to
18 2008, you were the head of internal affairs at the
19 Chicago Police Department; is that right?

20 MR. NOLAND: Objection. Asked and answered.
21 Form. Go ahead.

22 A. Generally correct.

23 BY MR. FLAXMAN:

24 Q. And was there an ongoing investigation into
25 wrongdoing -- alleged wrongdoing by Sergeant Watts and

1 other officers in the Second District at the Ida B.
2 Wells Housing Project during that time?

3 A. As of September 2004, yes.

4 Q. Was any effort made to reassign Sergeant
5 Watts from his position at the Second District, working
6 on the street in the Ida B. Wells Housing Project?

7 A. While I was at IAD, no.

8 Q. Would reassigning Mr. Watts, or then Sergeant
9 Watts, from the Ida B. Wells street position require
10 the filing of any charges?

11 A. Depends upon how and where the officer was
12 moved, but moving him would definitely have shut down
13 the federal investigation that was ongoing.

14 Q. And was the reason why -- well, let me go
15 back. Could -- did the superintendent have the power
16 to strip Sergeant Watts or take away Sergeant Watts'
17 police powers between 2004 and 2008?

18 MR. KOSOKO: Object to the form of the
19 question. Incomplete hypothetical.

20 MR. NOLAND: Joined.

21 A. There's standards for relief of powers.
22 Whether the superintendent made a determination to do
23 so, it definitely would've shut down the federal
24 investigation had he done so.

25 BY MR. FLAXMAN:

1 **Q. That wasn't my question, ma'am. My question**
2 **was: Did the superintendent have that power?**

3 MR. KOSOKO: Renew my objection.

4 MR. NOLAND: Okay. Hold on. Don't be telling
5 her what -- that was your question, Mr. Flaxman.
6 And don't instruct the witness that it was an
7 incorrect answer. That's inappropriate.

8 MR. FLAXMAN: If you'd like to make an
9 objection, you should make an objection. Please
10 don't argue with me.

11 BY MR. FLAXMAN:

12 **Q. Ma'am --**

13 MR. NOLAND: Don't -- stop -

14 BY MR. FLAXMAN:

15 **Q. -- if you could answer my original --**

16 MR. NOLAND: -- stop -- hold on. Hold on.
17 Flaxman -- Mr. Flaxman, do not instruct my witness
18 that one of her answers is incorrect or that she
19 didn't answer it. Go ahead.

20 MR. FLAXMAN: Mr. Noland --

21 THE WITNESS: I --

22 MR. FLAXMAN: -- the record will reflect that
23 the witness did not answer the question. I am
24 politely requesting that she answer the question.

25 BY MR. FLAXMAN:

1 **Q. Could you answer the question, ma'am?**

2 MR. KOSOKO: I renew my objection.

3 MR. NOLAND: Mr. Flaxman, that's the second
4 time you falsely asserted that. Go ahead. If you
5 want to ask it again, go ahead.

6 BY MR. FLAXMAN:

7 **Q. Did the --**

8 A. I am not sure --

9 **Q. Let me re-ask the question.**

10 A. -- okay, ask the question.

11 **Q. Let me re-ask the question so that the record**
12 **is clear, and we could acknowledge a standing objection**
13 **to the question. Did the superintendent have the**
14 **power, between 2004 and 2008, to take away then**
15 **Sergeant Watts' police powers?**

16 MR. NOLAND: Objection. Form. Foundation.

17 Incomplete hypothetical. Go ahead.

18 A. I can't respond to that, because I'm not sure
19 what were the constraints around the relief of powers
20 by the superintendent at that time.

21 BY MR. FLAXMAN:

22 **Q. Well --**

23 A. So could he have? Perhaps, but I don't know
24 what the requirements were for the relief of powers at
25 this time. I don't recall.

1 Q. Were -- did you become aware of the rules and
2 regulations regarding the release of powers of a
3 Chicago Police Officer when you served as general
4 counsel to the superintendent?

5 A. I can't answer that question. What I'm
6 telling you is that I know that the superintendent has
7 the authority to relieve powers. I'm not sure about
8 what those underlying restrictions are at any point in
9 time from 2004 to my time as general counsel. Whether
10 he could have, I can't answer.

11 Q. Did the superintendent ever take away the
12 police powers of Sergeant Watts until -- before
13 Sergeant Watts was arrested in 20 -- 2012, I believe,
14 or 2011?

15 A. I can answer that he did not relieve powers
16 while I was at IAD.

17 Q. Is it correct that --

18 A. I know that for certain.

19 Q. I'm sorry. Is it correct then that the City
20 of Chicago allowed Sergeant Watts to work on the street
21 in the Second District in the Ida B. Wells Project from
22 2004 until 2012?

23 MR. NOLAND: Objection. Form. Foundation.
24 Argumentative. Go ahead.

25 A. I can confirm that's where he worked while I

1 was the head of IAD. I'm not sure where he was working
2 when he was ultimately arrested.

3 BY MR. FLAXMAN:

4 **Q. Okay. Do you know how many people Sergeant**
5 **Watts framed from 2004 to 2008 --**

6 MR. KOSOKO: Objection. Argumentative.
7 Assumes a bunch of facts not in evidence.

8 MR. FLAXMAN: Hey, I think I'd like to finish
9 the question, sir. May I do that?

10 MR. KOSOKO: I thought you were finished, Mr.
11 Flaxman. Go ahead.

12 MR. FLAXMAN: I was not. Thank you.

13 BY MR. FLAXMAN:

14 **Q. Ma'am, could you tell us, if you know, during**
15 **the time you were the head of IAD, how many people**
16 **Sergeant Watts framed at the Ida B. Wells Housing**
17 **Project?**

18 MR. KOSOKO: Okay. So are you finished Mr.
19 Flaxman?

20 MR. FLAXMAN: Yes.

21 MR. KOSOKO: Okay. I'm going to object. The
22 question is -- to the form of the question. It's
23 argumentative. It assumes several facts not in
24 evidence.

25 BY MR. FLAXMAN:

Q. Could you answer the question, please?

A. So that's an investigative conclusion. The investigation remained open and active while I was at IAD from 2004 until 2008. I am not aware of what was the final determination as to those actions.

Q. Did the investigation remain open and active because the City of Chicago and its police department did not want to interfere with the ongoing federal investigation?

MR. NOLAND: Objection. Form. Foundation. Asked and answered probably 15 times earlier today.

MR. FLAXMAN: I don't --

MR. NOLAND: But you can answer it again.

MR. FLAXMAN: -- I didn't -- I don't think I answer -- I asked it, but thank you.

MR. NOLAND: Your co-counsel -- look, I -- go ahead, Deb. You can answer it again.

A. I -- I'm sorry. Can you repeat the first part of the question that you asked, or repeat the entire question?

MR. FLAXMAN: Is it feasible to read that back, or are we not able to do that?

THE REPORTER: Yeah, we can. One moment.

MR. FLAXMAN: Thank you.

(REPORTER PLAYS BACK REQUESTED QUESTION)

1 MR. KOSOKO: Just a moment, Ms. Kirby. I'd
2 lodge an objection as to form and foundation. Form
3 of the question. Which investigation are we
4 talking about?

5 MR. NOLAND: Go ahead and answer.

6 A. Okay. This is a joint investigation
7 initially brought by IAD, re-surfaced by IAD. Our goal
8 -- our focus was to bring these officers to criminal
9 indictment. So your question misstates what the action
10 was, but we did continue the investigation into Ronald
11 Watts and Mohammed while I was the head of IAD.

12 BY MR. FLAXMAN:

13 **Q. When you used the phrase, "our focus," did**
14 **you mean the focus of the police department of the City**
15 **of Chicago?**

16 MR. NOLAND: Objection. Asked and answered.
17 Go ahead.

18 A. I -- I'm sorry. When you're referencing,
19 "our focus," it was related to my most recent
20 statement?

21 BY MR. FLAXMAN:

22 **Q. That's correct.**

23 A. All right. So the focus of the internal
24 affairs department, as part of the Chicago Police
25 Department, was investigating these officers for

1 allegations of shaking down dope dealers. And that
2 investigation continued while I was the head of
3 internal affairs.

4 **Q. Okay. Well, why did you stop working for the**
5 **Republic of Ireland?**

6 A. When?

7 **Q. Why?**

8 A. It was a contract employment. Contract was
9 over.

10 **Q. When you worked for Superintendent Weis, did**
11 **you ever hear the phrase, "ghetto lottery?"**

12 A. When I worked for Superintendent Weis? No.

13 **Q. Okay.**

14 A. At least, I have no independent recollection
15 of that.

16 **Q. Do you recall a letter that Superintendent**
17 **Weis wrote to the press about the superint (phonetic)**
18 **of the ghetto, referring to something called -- that he**
19 **called a ghetto lottery?**

20 A. I don't recall. I don't have independent
21 recollection of that letter.

22 **Q. Were you involved in Superintendent Weis**
23 **issuing a letter, announcing that the City of Chicago**
24 **would no longer settle police misconduct cases?**

25 MR. NOLAND: So I guess, I'm going to object.

1 If that, Ms. Kirby, like, draws on legal advice, if
2 there was -- if there's recollection on any of that
3 and if it would call into any legal advice that
4 you'd be providing, then I would caution you to --
5 you know, to consider that with respect to not
6 waiving attorney- client privilege.

7 A. Right. There was testimony by the
8 superintendent. And -- and you're referencing letters
9 and documents that I don't have before me, so I can't
10 answer to those. What I can answer is that
11 Superintendent Weis felt that the city should more
12 aggressively defend police officers in civil litigation
13 matters, and that was what I believe you're
14 referencing.

15 BY MR. FLAXMAN:

16 Q. As you sit here today, do you share those
17 sentiments?

18 MR. NOLAND: So I -- again, same
19 consideration. You know, he's asking about your
20 role as general counsel to the superintendent. So
21 if, you know, if things would -- if you -- if this
22 relates to legal advice or would touch upon it at
23 all, then I would caution you not to answer that,
24 because that's privileged communication. But
25 otherwise, if there's some other way you can answer

1 it or, you know, have an opinion. Go ahead.

2 MR. KOSOKO: And on behalf of Watts, I just
3 want to make an objection that it's -- may
4 implicate a lay witness's opinion. Thank you.

5 A. My understanding of your question is you're
6 asking whether or not police officers should have
7 defense in civil litigation. I think the system speaks
8 to the fact that due process transparency and, you
9 know, rigorous examination of the facts is appropriate
10 for everybody.

11 BY MR. FLAXMAN:

12 Q. When you worked as a patrol officer, did you
13 work inside or on the street?

14 A. I was a street officer most of the time.

15 Q. Thank you. And you talked about getting
16 promoted. Where did you rank on the sergeant's test
17 when you were promoted?

18 MR. NOLAND: Objection. Relevance.

19 Harassment. Go ahead.

20 A. Okay. Oh, that was so long ago. I think
21 actually on that one, I -- I missed the first class, so
22 I ranked for the second class. I couldn't tell you
23 what my number was.

24 BY MR. FLAXMAN:

25 Q. Do you remember what your number was when you

1 got promoted to lieutenant?

2 A. Yes. That, I do, because I believe I was in
3 the top ten, or at least the top 15.

4 MR. FLAXMAN: Okay. Thank you. I have
5 nothing further.

6 CROSS-EXAMINATION

7 BY MS. WEST:

8 Q. Ms. Kirby, I just have, likely, one question
9 for you. My name is Allyson West. I represent
10 individual defendant police officers in the coordinated
11 proceedings. Ms. Kirby, while you were the head of
12 internal affairs from 2004 to 2008, did anyone ever
13 provide you with evidence to corroborate allegations of
14 wrongdoing by any police officer on Sergeant Watts's
15 team, other than Kallatt Mohammed?

16 A. During that time frame, there were -- there
17 were no evidentiary conclusions, but Watts and Mohammed
18 were the focus of that investigation, and that's what
19 was ultimately decided by the FBI in terms of that, as
20 well.

21 MS. WEST: Thank you, Ms. Kirby. That's all I
22 have.

23 MR. RAUSCHER: I don't have any follow-ups.

24 THE REPORTER: All right. And how do you want
25 to handle signature?

1 MR. RAUSCHER: We'll reserve.

2 THE REPORTER: I'm sorry. We'll reserve, you
3 said?

4 MR. RAUSCHER: Reserve.

5 THE REPORTER: Okay. All right. And before
6 we go off the record, I'm going to get some orders.
7 Scott, how would you like your copy?

8 MR. RAUSCHER: We don't need it just yet.

9 THE REPORTER: Okay. Did you want a copy of
10 the video?

11 MR. RAUSCHER: No, I don't think we need that
12 either right now.

13 THE REPORTER: Okay. Kathryn, how would you
14 like yours?

15 MS. DOI: I think we're going to hold off at
16 this time.

17 THE REPORTER: Sounds good. Megan, how about
18 you?

19 MS. MCGRATH: We're going to hold off at this
20 time, too. Thanks.

21 THE REPORTER: Yep. Dan?

22 MR. NOLAND: If nobody's ordering, then we
23 will not order. If somebody orders, please let me
24 know, right away.

25 THE REPORTER: Got you. And --

1 MR. NOLAND: Thank you very much everybody.
2 See you.

3 THE REPORTER: -- Ken, how about you?

4 MR. FLAXMAN: I concur with everyone else.

5 THE REPORTER: Same? Sorry, I have to go
6 through. Allyson?

7 MS. WEST: Same, not ordering right now.

8 THE REPORTER: Same. And Ahmed?

9 MR. KOSOKO: Not ordering. Thank you so much.

10 THE REPORTER: All right. Let me get us off
11 the record. And if everyone could hold on.

12 (DEPOSITION CONCLUDED AT 4:21 P.M. (CT))
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1 CERTIFICATE OF REPORTER

2 STATE OF ILLINOIS

3
4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Title page hereof by me after first
7 being duly sworn to testify the truth, the whole truth,
8 and nothing but the truth; and that the said matter was
9 recorded by me and then reduced to typewritten form
10 under my direction, and constitutes a true record of the
11 transcript as taken, all to the best of my skills and
12 ability. I certify that I am not a relative or employee
13 of either counsel, and that I am in no way interested
14 financially, directly or indirectly, in this action.

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SYDNEY LITTLE,

COURT REPORTER / NOTARY

COMMISSION EXPIRES ON: 03/18/2026

SUBMITTED ON: 05/26/2023

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EXHIBIT 120

Ronald Watts - February 25, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION

In re: WATTS COORDINATED	)	Master Docket Case No.
PRETRIAL PROCEEDINGS.	)	19-cv-01717
	)	

DEPOSITION OF RONALD WATTS

VIDEOTAPED

Phoenix, Arizona
February 25, 2022

By: Jody L. Lenschow, RMR, CRR
Certified Court Reporter
Certification No. 50192

Ronald Watts - February 25, 2022

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1 VIDEO TAPED DEPOSITION OF RONALD WATTS
2 was taken on February 25, 2022, commencing at 9:11 a.m.,
3 at the offices of Coash & Coash, Inc., 1802 N. 7th
4 Street, Phoenix, Arizona, before Jody L. Lenschow, RMR,
5 CRR, Certified Reporter No. 50192 for the State of
6 Arizona.

* * *

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21 mkm@ilesq.com

22
23 ALSO PRESENT: Mr. Christopher Parkinson,
24 Videographer;

25 Mr. Andy Thayer (Via Zoom)

09:11:25 1 THE VIDEOGRAPHER: We are on the record.
09:11:26 2 The time on the video monitor is 9:11 a.m. Here begins
09:11:31 3 Volume 1, Media No. 1 in the deposition of Ronald Watts
09:11:35 4 in the matter of In Re Watts Coordinated Pretrial
09:11:40 5 Proceedings in the United States District Court for the
09:11:43 6 Northern District of Illinois, Eastern Division, Case
09:11:46 7 No. 19-CV-01717.

09:11:52 8 Today's date is February 25th, 2022. Our
09:11:56 9 court reporter is Jody Lenschow. My name is Christopher
09:11:59 10 Parkinson, certified legal videographer. We both
09:12:02 11 represent Coash & Coash. This video deposition is
09:12:05 12 taking place at Coash & Coash, located at 1802 North
09:12:11 13 Seventh Street, Phoenix, Arizona, 85006.

09:12:15 14 Counsel, please identify yourselves and
09:12:17 15 state whom you represent.

09:12:18 16 MR. RAUSCHER: Scott Rauscher,
09:12:20 17 representing the plaintiffs who are represented by
09:12:23 18 Loevy & Loevy in the Watts Coordinated Proceedings.

09:12:26 19 MR. TEPFER: And Josh Tepfer, T-E-P-F-E-R,
09:12:29 20 representing the Loevy plaintiffs.

09:12:30 21 MR. KOSOKO: Ahmed, A-H-M-E-D, Kosoko,
09:12:34 22 K-O-S-O-K-O, on behalf of Ronald Watts.

09:12:43 23 MR. RAUSCHER: Do we have the zoom people
09:12:47 24 introduce yourselves?

09:12:49 25 THE COURT REPORTER: Sure.

Ronald Watts - February 25, 2022

7

09:12:50 1 Could the people on Zoom kind of take your
09:12:51 2 turn to introduce yourselves?

09:12:51 3 MR. RAUSCHER: Sorry, I could have done
09:12:51 4 that too.

09:12:52 5 Can you all hear us on Zoom?

09:12:59 6 THE COURT REPORTER: We can't hear
09:13:04 7 anything. Hang on.

09:13:05 8 Do you want to go off the record?

09:13:05 9 THE VIDEOGRAPHER: Should we go off the
09:13:06 10 record?

09:13:07 11 THE COURT REPORTER: Yeah.

09:13:08 12 THE VIDEOGRAPHER: We are off the record.
09:13:09 13 The time on the video monitor is 9:12 a.m.

09:13:49 14 (A recess was taken.)

09:14:09 15 THE VIDEOGRAPHER: We are on the record.
09:14:12 16 The time on the video monitor is 9:13 a.m.

09:14:16 17 Counsel on Zoom, please identify
09:14:17 18 yourselves and state whom you represent.

09:14:21 19 MR. PALLES: Eric Palles for Kallatt
09:14:23 20 Mohammed.

09:14:25 21 MS. KLEINHAUS: Theresa Kleinhaus for the
09:14:27 22 Loevy plaintiffs.

09:14:29 23 MR. JOEL FLAXMAN: Joel Flaxman for the
09:14:31 24 Flaxman plaintiffs.

09:14:35 25 MR. MICHALIK: Paul Michalik for Defendant

09:14:37 1 City of Chicago and supervisory officials.

09:14:40 2 MS. WEST: Allyson West on behalf of
09:14:43 3 individual defendant officers.

09:14:46 4 MR. LEINENWEBER: Tom Leinenweber and
09:14:47 5 Megan McGrath on behalf of Defendants Cadman and
09:14:50 6 Spaargaren.

09:15:02 7 THE VIDEOGRAPHER: Would the court
09:15:03 8 reporter please swear in the witness.

9

10 RONALD WATTS,
11 called as a witness herein, having been first duly sworn
12 by the Certified Court Reporter to speak the truth and
13 nothing but the truth, was examined and testified as
09:15:11 14 follows:

09:15:11 15

09:15:11 16 EXAMINATION

09:15:11 17 BY MR. RAUSCHER:

09:15:12 18 Q. Can you say and spell your name, please?

09:15:13 19 A. My name is Ronald Watts, W-A-T-T-S, no middle
09:15:18 20 name.

09:15:18 21 Q. Are you on any medication?

09:15:23 22 A. Yes.

09:15:24 23 Q. Are you on any medication that could affect
09:15:26 24 your memory?

09:15:29 25 A. No. I'm on one pill a day for high blood

09:15:34 1 pressure.

09:15:34 2 Q. Okay. Do you have any memory issues?

09:15:41 3 A. It all depends on what year you're talking
09:15:42 4 about.

09:15:43 5 Q. Do you have any conditions that affect your
09:15:45 6 memory?

09:15:46 7 A. No.

09:15:49 8 Q. How old are you?

09:15:50 9 A. 58.

09:15:51 10 Q. And what's your date of birth?

09:15:53 11 A. July 2nd, 1963.

09:16:01 12 Q. Is there anything that would affect your
09:16:03 13 ability to testify truthfully today?

09:16:05 14 A. No.

09:16:05 15 Q. You haven't consumed any drugs today?

09:16:07 16 A. No.

09:16:08 17 Q. No alcohol?

09:16:08 18 A. No.

09:16:12 19 Q. If you don't understand one of my questions
09:16:14 20 today, will you please let me know?

09:16:15 21 A. Yes.

09:16:15 22 Q. And if you don't understand it -- I'm sorry.
09:16:18 23 If you don't tell me that you have not understood a
09:16:20 24 question, I'm going to assume you understood, okay?

09:16:22 25 A. Yes.

Ronald Watts - February 25, 2022

10

09:16:22 1 Q. Is that fair?

09:16:23 2 A. That's fair.

09:16:24 3 Q. What did you do to prepare for today's
09:16:26 4 deposition?

09:16:26 5 A. What did I do to prepare? I took a nice long
09:16:29 6 shower. I spoke to my attorney. I ate a little
09:16:33 7 breakfast. That's about it.

09:16:35 8 Q. Did you do any preparation before today?

09:16:38 9 A. I spoke to my attorney. I've been in contact
09:16:41 10 with my attorney.

09:16:42 11 Q. And is your attorney Mr. Kosoko?

09:16:45 12 A. Yes.

09:16:45 13 Q. Did you review any documents to prepare for
09:16:47 14 today's deposition?

09:16:48 15 A. No, I have not reviewed any documents.

09:16:52 16 Q. I don't want to get into your substantive
09:16:55 17 discussions with Mr. Kosoko, but how long did you talk
09:16:58 18 to him for?

09:17:01 19 A. It's been years.

09:17:03 20 Q. So -- that's fair.

09:17:06 21 How long did you talk to him for today to help
09:17:08 22 prepare you for your deposition?

09:17:09 23 A. Today, to help me? Well, we met in the parking
09:17:12 24 lot, roughly about 20 minutes or so.

09:17:15 25 Q. And then how long -- when's the time before

Ronald Watts - February 25, 2022

11

09:17:19 1 that that you spoke with him to prepare for your
09:17:22 2 deposition?

09:17:22 3 A. Yesterday, only yesterday, his date.

09:17:25 4 Q. And how long did you talk yesterday to prepare
09:17:26 5 for today's deposition?

09:17:28 6 A. Roughly about an hour all together. It was off
09:17:32 7 and on, but roughly about an hour all together.

09:17:34 8 Q. Were there -- did you have other conversations
09:17:38 9 separate from yesterday and today to prepare for today's
09:17:40 10 deposition?

09:17:40 11 A. Yes.

09:17:41 12 Q. And how many conversations in total did you
09:17:44 13 have with Mr. Kosoko to prepare for today's
09:17:46 14 deposition?

09:17:47 15 A. Several.

09:17:48 16 Q. Do you remember about how long you talked to
09:17:51 17 prepare for the deposition?

09:17:53 18 A. No.

09:17:54 19 Q. And during those calls you didn't review any
09:17:57 20 documents?

09:17:59 21 MR. KOSOKO: Object to the attorney-client
09:18:00 22 privilege.

09:18:02 23 MR. RAUSCHER: Are you instructing him not
09:18:03 24 to answer that question?

09:18:04 25 MR. KOSOKO: Yeah.

09:18:05 1 BY MR. RAUSCHER:

09:18:05 2 Q. Are you going to follow your attorney's advice
09:18:07 3 and not tell me --

09:18:07 4 A. Yes.

09:18:09 5 Q. -- whether you reviewed documents?

09:18:10 6 A. I'm going to follow my attorney's advice.

09:18:16 7 Q. I skipped over some instructions. As you know,
09:18:20 8 there's a court reporter here, and she has to write down
09:18:22 9 everything we say, so just try to do your best to let me
09:18:25 10 finish my questions before you answer, and I'll do the
09:18:27 11 same when you're answering, okay?

09:18:29 12 A. Yes.

09:18:34 13 Q. Where did you grow up?

09:18:37 14 MR. KOSOKO: Object to form of the
09:18:38 15 question, ambiguous.

09:18:43 16 You can answer, Sarge.

09:18:45 17 THE WITNESS: Well, I was born in Chicago.
09:18:48 18 And you say grow up. I spent a little time in
09:18:51 19 Mississippi and in Chicago.

09:18:57 20 BY MR. RAUSCHER:

09:18:57 21 Q. How long did you spend in Mississippi?

09:19:00 22 A. Oh, about nine good years.

09:19:04 23 Q. I'm sorry, I didn't catch that.

09:19:05 24 A. Nine years.

09:19:07 25 Q. About nine years?

09:19:09 1 A. Yeah.

09:19:09 2 Q. About what age were you when you lived in
09:19:11 3 Mississippi?

09:19:11 4 A. I was young, before 20.

09:19:16 5 Q. Like your teenage years?

09:19:19 6 A. No. Adolescent years, probably. Yeah.

09:19:25 7 Q. So from -- were you born in Chicago? You were
09:19:29 8 born in Chicago, you said, right?

09:19:30 9 A. Yes.

09:19:30 10 Q. And then did you live in Chicago until you
09:19:32 11 moved to Mississippi?

09:19:34 12 A. Yes.

09:19:35 13 Q. About how old were you when you moved to
09:19:37 14 Mississippi?

09:19:41 15 A. I really don't recall. I was young.

09:19:44 16 Q. Nine, ten, eleven, something like that?

09:19:46 17 A. I was younger than those years.

09:19:49 18 Q. Okay. Do you know about how old you were when
09:19:50 19 you moved back from Mississippi to Chicago?

09:19:53 20 A. About that age, nine or ten.

09:19:57 21 Q. So is -- your younger years were spent in
09:20:00 22 Mississippi; is that right?

09:20:01 23 A. Yes. Uh-huh.

09:20:03 24 Q. Moved back to Chicago around age nine, ten,
09:20:07 25 eleven, something like that?

09:20:07 1 A. Yes.

09:20:08 2 Q. Do you remember the year?

09:20:09 3 A. No.

09:20:11 4 Q. And then were you in Chicago straight through
09:20:14 5 basically your career?

09:20:17 6 A. Yes.

09:20:19 7 Q. What neighborhood in Chicago did you move to
09:20:21 8 when you came back from Mississippi?

09:20:23 9 A. I lived on the West Side of Chicago.

09:20:26 10 Q. Whereabouts on the West Side?

09:20:27 11 A. Austin, in the Austin community.

09:20:33 12 Q. How long did you live in the Austin community?

09:20:40 13 A. Till roughly around 1980, I believe is when we
09:20:49 14 moved.

09:20:50 15 Q. Until you were about 17?

09:20:53 16 A. About 17, yeah. I graduated high school and
09:20:56 17 moved, and we moved out of that community.

09:20:59 18 Q. Where did you move after you left Austin?

09:21:01 19 A. We moved to the South Side of Chicago, 706 East
09:21:09 20 39th Street.

09:21:09 21 Q. When you say we, who were you living with at
09:21:11 22 the time?

09:21:11 23 A. My family; mother, brothers, sisters.

09:21:21 24 Q. You said that was after you graduated high
09:21:24 25 school?

09:21:24 1 A. Yes.

09:21:27 2 Q. What kind of -- was it a house at 706 East
09:21:31 3 39th Street?

09:21:31 4 A. No. It was the Darrow Home housing projects.

09:21:44 5 Q. Were you living in CHA housing in the Austin
09:21:47 6 community also?

09:21:48 7 A. No.

09:21:50 8 Q. Were you living in a house or apartment or
09:21:52 9 something different in Austin?

09:21:53 10 A. Townhomes.

09:21:56 11 Q. Okay. Multiple different townhomes?

09:21:57 12 A. Yeah. Excuse me?

09:21:58 13 Q. Oh, I'm saying were there multiple different
09:22:01 14 townhomes you lived in?

09:22:02 15 A. Yes.

09:22:14 16 Q. How long did you live in the Darrow Home
09:22:15 17 housing project?

09:22:18 18 A. Until about 1983.

09:22:22 19 Q. About three years?

09:22:23 20 A. Three years or so, yes.

09:22:33 21 Q. Were the Darrow Home housing projects close to
09:22:36 22 Ida B. Wells?

09:22:37 23 A. Yes.

09:22:37 24 Q. How close were they to Ida B. Wells?

09:22:40 25 A. A few blocks.

09:22:44 1 Q. Did you know people who lived in Ida B. Wells
09:22:47 2 when you were living in the Darrow Home housing project?

09:22:49 3 A. Yes.

09:22:50 4 Q. Do you still keep in touch with anyone who you
09:23:11 5 knew at Ida B. Wells during the time you lived at the
09:23:15 6 Darrow Home housing projects?

09:23:16 7 A. No.

09:23:29 8 Q. Were you ever involved in the drug trade before
09:23:32 9 you were a police officer?

09:23:32 10 A. No.

09:23:34 11 Q. Never sold drugs?

09:23:35 12 A. No.

09:23:36 13 Q. Did you associate with people who sold drugs?

09:23:39 14 MR. KOSOKO: Object to the form of the
09:23:40 15 question, ambiguous.

09:23:43 16 You can answer, Sarge.

09:23:46 17 THE WITNESS: I don't know what those
09:23:46 18 people did. I can't say what they did. So no.

09:23:52 19 BY MR. RAUSCHER:

09:23:52 20 Q. What people are you talking about?

09:23:53 21 A. The people who you said I associated with.

09:23:56 22 Q. I just asked if you associated with people who
09:23:58 23 sold drugs?

09:23:58 24 A. And I answered no.

09:24:01 25 Q. But you're saying no because you don't know if

09:24:03 1 the people you associated with sold drugs; is that
09:24:03 2 right?

09:24:05 3 A. Correct.

09:24:10 4 Q. Were you ever in a gang?

09:24:11 5 A. No.

09:24:20 6 Q. Did you have friends who were in gangs?

09:24:22 7 MR. KOSOKO: Object to the form of the
09:24:27 8 question, ambiguous.

09:24:27 9 THE WITNESS: No friends that ever told me
09:24:28 10 they were in a gang, no. No.

09:24:32 11 THE VIDEOGRAPHER: Counsel, sorry to
09:24:33 12 interrupt. Is your microphone on?

09:24:36 13 MR. KOSOKO: Yeah, it should be.

09:24:39 14 Oh, it fell off. Could you hear me okay,
09:24:43 15 though?

09:24:43 16 THE VIDEOGRAPHER: I could hear you, but I
09:24:44 17 just wanted to make sure.

09:24:46 18 MR. KOSOKO: All right, let me make sure
09:24:47 19 it's on.

09:24:54 20 BY MR. RAUSCHER:

09:24:54 21 Q. Did you have friends who lived in Ida B. Wells
09:24:56 22 when you were living in the Darrow Homes?

09:24:59 23 A. Yes.

09:25:01 24 MR. KOSOKO: Sorry. Give me just a
09:25:02 25 second.

09:25:03 1 MR. RAUSCHER: Yeah, sure.

09:25:09 2 MR. KOSOKO: You know what, let me put it
09:25:09 3 right here. Okay. Can you hear it even though my tie's
09:25:11 4 there?

09:25:12 5 All right.

09:25:12 6 BY MR. RAUSCHER:

09:25:12 7 Q. Did any of your friends at Ida B. Wells still
09:25:14 8 live there when you were a police officer working in
09:25:16 9 Ida B. Wells?

09:25:17 10 A. No.

09:25:33 11 Q. Where did you go after 1983?

09:25:36 12 A. I went to -- wow. Fort Dixon, New Jersey. I
09:25:43 13 joined the military.

09:25:44 14 Q. What branch of the military were you?

09:25:46 15 A. Army.

09:25:51 16 Q. How long were you in the Army for?

09:25:53 17 A. About ten years; three active, seven reserve.

09:26:02 18 Q. What did you do in the Army?

09:26:04 19 A. I was a 64 Charlie, which is a heavy equipment
09:26:08 20 operator.

09:26:16 21 Q. What rank did you have in the Army or what
09:26:18 22 ranks?

09:26:18 23 A. I was an E-4 specialist.

09:26:29 24 Q. Honorably discharged?

09:26:30 25 A. Yes.

09:26:38 1 Q. Were you ever disciplined in the Army?

09:26:41 2 MR. KOSOKO: Object to the form of the
09:26:44 3 question, ambiguous.

09:26:44 4 THE WITNESS: Yes.

09:26:45 5 BY MR. RAUSCHER:

09:26:45 6 Q. And can you tell me about times you were
09:26:47 7 disciplined in the Army?

09:26:52 8 A. I don't recall the exact circumstances, but so
09:26:58 9 once I was -- stayed out too late and didn't make it to
09:27:03 10 roll call, that type of thing.

09:27:04 11 Q. Just minor things like that?

09:27:05 12 A. Yeah. Yeah, just minor things. Never...

09:27:18 13 Q. That takes you to about 1993?

09:27:21 14 A. Yes.

09:27:22 15 Q. And what did you do -- what was the next thing
09:27:24 16 you did after the Army?

09:27:25 17 A. After the Army I returned home in about 1986,
09:27:33 18 and from there I was employed at a pharmaceutical
09:27:40 19 company, MPI Pharmaceutical. I worked there till
09:27:47 20 about 1994, when I was hired by the Chicago Police
09:27:59 21 Department.

09:27:59 22 Q. What -- did you have another job when you were
09:28:01 23 in the reserves?

09:28:01 24 MR. KOSOKO: Object to the form of the
09:28:03 25 question.

09:28:03 1 BY MR. RAUSCHER:

09:28:03 2 Q. Was that your full-time job?

09:28:06 3 MR. KOSOKO: Object to the form of the
09:28:09 4 question.

09:28:09 5 THE WITNESS: When you say my full-time
09:28:11 6 job, do you mean did I -- were I employed anywhere else?

09:28:14 7 BY MR. RAUSCHER:

09:28:14 8 Q. Yeah.

09:28:14 9 A. Yeah, MPI Pharmacy.

09:28:17 10 Q. That's where you worked while you were a
09:28:18 11 reserve?

09:28:19 12 A. Yes.

09:28:19 13 Q. Okay. Got it.

09:28:28 14 And can you tell me where you were living
09:28:29 15 during that time?

09:28:33 16 A. I was living -- I just remember I think
09:28:40 17 1709 West on -- off Ashland somewhere during that time.

09:28:47 18 From there I moved to 8827 South East End.
09:28:55 19 East End. East.

09:28:57 20 Q. South East End?

09:28:58 21 A. Yes, E-A-S-T, E-N-D.

09:29:05 22 Q. Anywhere else?

09:29:11 23 A. From there I -- 8019 South Sangamon.

09:29:20 24 Q. Is that where you lived when you were a police
09:29:21 25 officer?

09:29:21 1 A. Yes.

09:29:22 2 Q. And did you live at 8019 South Sangamon the
09:29:25 3 whole time you were a police officer?

09:29:27 4 A. No. For a short -- at the beginning I was
09:29:30 5 living at 8827 South East End.

09:29:34 6 Q. And once you moved to 8019 South Sangamon, you
09:29:37 7 were there through your career as a CPD officer?

09:29:40 8 A. Yes.

09:29:52 9 Q. Do you have a college degree?

09:29:53 10 A. Yes.

09:29:54 11 Q. Where is your degree from?

09:29:55 12 A. Calumet College St. Joseph in Whiting, Indiana.

09:30:01 13 Q. What's your degree in?

09:30:02 14 A. I have a Bachelor's degree in law enforcement
09:30:05 15 management and a Master's degree in public safety
09:30:09 16 administration.

09:30:09 17 Q. Was that a degree you earned while you were a
09:30:13 18 Chicago police officer?

09:30:14 19 A. Yes.

09:30:14 20 Q. When did you get your Master's?

09:30:16 21 A. Roughly around -- I think around 2005, maybe, I
09:30:22 22 think.

09:30:22 23 Q. Was the -- was your education, your college
09:30:24 24 education and your Master's, beneficial for your career
09:30:26 25 as a police officer?

09:30:30 1 A. I would say so, yes.

09:30:31 2 Q. How was it beneficial? How was your education
09:30:33 3 beneficial to your career as a police officer?

09:30:39 4 A. I would say it taught me organizational skills,
09:30:42 5 management skills, skills that you would need to
09:30:49 6 decipher and make judgments.

09:30:57 7 Q. What are some of the management skills that you
09:30:59 8 learned through your career that helped you -- sorry.

09:31:02 9 What are some management skills you learned
09:31:03 10 through your education that helped you as a police
09:31:06 11 officer?

09:31:06 12 A. Time management, organizational skills, people
09:31:20 13 skills, communication skills.

09:31:26 14 Q. What kind of organizational skills did you
09:31:28 15 learn through your education that helped you as a police
09:31:33 16 officer?

09:31:33 17 A. To prioritize.

09:31:39 18 Q. Anything else?

09:31:42 19 A. I'd just say to prioritize and to -- yeah,
09:31:48 20 organize and prioritize.

09:31:50 21 Q. And how did your education help you prioritize
09:31:53 22 things as a police officer?

09:31:55 23 A. To assess and attention to detail, what's
09:32:10 24 important, to pay attention to what's important, the
09:32:13 25 things that are at hand that need attention the most.

09:32:22 1 Q. Is attention to detail important as a police
09:32:26 2 officer?

09:32:26 3 MR. KOSOKO: Object to the form of the
09:32:28 4 question.

09:32:28 5 THE WITNESS: I'd say so, yes.

09:32:28 6 BY MR. RAUSCHER:

09:32:30 7 Q. And before we go on, when I say police officer,
09:32:33 8 I'm not limiting that to patrol officer. I mean any
09:32:36 9 rank you had. Is that how you're answering the
09:32:38 10 question?

09:32:39 11 A. Yes.

09:32:42 12 Q. Okay. Why is attention to detail important as
09:32:44 13 a police officer?

09:32:46 14 A. Safety reasons.

09:32:49 15 Q. Can you explain?

09:32:52 16 A. You're sent into situations that you have no
09:32:55 17 knowledge of till you arrive on the scene. You're sent
09:33:00 18 into places where you're not aware of the people.
09:33:03 19 You're sent into situations that you probably have never
09:33:07 20 been to that location before, so you have to pay
09:33:12 21 attention for safety reasons.

09:33:24 22 Q. Where did you graduate from high school?

09:33:26 23 A. I went to Westinghouse Area Vocational High
09:33:32 24 School on the West Side.

09:33:37 25 Q. You graduated in 1980?

09:33:39 1 A. No.

09:33:40 2 Q. Oh.

09:33:40 3 A. I graduated in 1981.

09:33:42 4 Q. '81.

09:33:44 5 A. Yeah. Warriors.

09:33:46 6 Q. Did you play sports there?

09:33:47 7 A. No.

09:34:19 8 MR. RAUSCHER: Let's mark this as
09:34:21 9 [Exhibit 1](#). These are Defendant Ronald Watts' Answers to
09:34:25 10 Plaintiff Shaun James' First Set of Interrogatories to
09:34:28 11 Individual Defendant Ronald Watts.

09:34:28 12 (Deposition [Exhibit 1](#) was marked for
09:34:28 13 identification.)

09:34:34 14 MR. RAUSCHER: I may only have two. I
09:34:35 15 have four of most things. I may only have two of that.
09:34:37 16 I'm going to use it largely to go through background
09:34:41 17 stuff at CPD.

09:34:42 18 MR. KOSOKO: Let me have that.

09:34:43 19 MR. RAUSCHER: You can take a look at
09:34:43 20 mine, if you want to look at my copy first.

09:34:45 21 MR. KOSOKO: Yeah, let me just...

09:35:10 22 MR. RAUSCHER: What's the date on that?
09:35:10 23 And these answers were given March 29th,
09:35:13 24 2019.

09:35:28 25 Do you want me to pull it up for you,

09:35:31 1 Ahmed?

09:35:32 2 MR. KOSOKO: Hang on. Let me see if I can
09:35:36 3 pull it up.

09:35:44 4 Okay.

09:35:45 5 MR. RAUSCHER: Got it?

09:35:46 6 MR. KOSOKO: I have it.

09:35:53 7 BY MR. RAUSCHER:

09:35:54 8 Q. Do you want to take a look through that
09:35:55 9 document, please?

09:35:56 10 A. Sure.

09:35:58 11 Q. And I'm going to have some specific questions.
09:36:00 12 You don't have to look at it all right now.

09:36:02 13 A. Uh-huh.

09:36:15 14 MR. PALLES: Can you identify what that
09:36:16 15 document is for the record?

09:36:17 16 MR. RAUSCHER: Oh, yeah. It's his answers
09:36:20 17 to Shaun James' first set of interrogatories to
09:36:23 18 Individual Defendant Ronald Watts, and these answers
09:36:26 19 were served on March 29, 2019.

09:36:30 20 MR. PALLES: Thanks.

09:36:33 21 MR. RAUSCHER: Sure.

09:36:33 22 MR. KOSOKO: Now, we're not going into the
09:36:34 23 individual cases, right?

09:36:35 24 MR. RAUSCHER: Yeah, yeah. So we're
09:36:36 25 not -- I'm not using this to ask about Shaun James'

09:36:41 1 case.

09:36:41 2 MR. KOSOKO: Okay.

09:37:04 3 BY MR. RAUSCHER:

09:37:04 4 Q. I can direct you, if you want. I'm going to
09:37:06 5 ask you some specific questions --

09:37:08 6 A. Sure.

09:37:08 7 Q. -- about the answer to interrogatory number 3.
09:37:11 8 Before we do that, though, let me just point
09:37:13 9 you to the second to last page of the full document,
09:37:16 10 which is a verification.

09:37:30 11 A. Uh-huh.

09:37:30 12 Q. Do you see that?

09:37:31 13 A. Yes.

09:37:32 14 Q. Is that your signature?

09:37:33 15 A. That is my signature.

09:37:34 16 Q. And did you read these answers and verify that
09:37:37 17 they were true and complete before you signed this?

09:37:40 18 A. To the best of my ability, yes.

09:37:47 19 Q. If you could read the answer to interrogatory
09:37:49 20 number 3, which is on -- so the question starts on
09:37:52 21 Page 3 and the answer is on Page 4, and let me know when
09:37:54 22 you've had a chance to do that.

09:39:37 23 A. Okay.

09:39:39 24 Q. Does the answer in there accurately reflect or
09:39:43 25 describe -- does the answer to interrogatory number 3

09:39:46 1 accurately describe your different roles at CPD?

09:39:49 2 MR. KOSOKO: Object to the form of the
09:39:51 3 question.

09:39:51 4 THE WITNESS: Yes.

09:39:56 5 BY MR. RAUSCHER:

09:39:57 6 Q. How long were you a police officer for?

09:40:00 7 A. 1994 to -- January 18th, 1994 to July 13th,
09:40:14 8 2013, I believe it was.

09:40:19 9 Q. And in July 13, 2013 you retired from CPD?

09:40:22 10 A. Yes.

09:40:24 11 Q. Were you asked to leave or did you voluntarily
09:40:26 12 retire?

09:40:27 13 A. I retired.

09:40:34 14 Q. Before we get more into the Chicago Police
09:40:38 15 Department, did you spend some time in Colorado?

09:40:38 16 A. Yes.

09:40:42 17 MR. KOSOKO: Object to the form of the
09:40:45 18 question.

09:40:45 19 BY MR. RAUSCHER:

09:40:45 20 Q. Did you ever live in Colorado?

09:40:46 21 A. Yes.

09:40:47 22 Q. How long did you live in Colorado for?

09:40:49 23 A. From about 1984 to -- I went to Germany in
09:40:58 24 1985. I was in the military, Fort Carson, Colorado.

09:41:04 25 Q. And were you arrested in Colorado?

09:41:08 1 A. I -- no, I was never arrested in Colorado.

09:41:11 2 Oh, check that. Yes.

09:41:14 3 Q. Can you tell me -- tell me about the arrest --

09:41:16 4 A. Yeah.

09:41:16 5 Q. -- in Colorado.

09:41:17 6 A. Yeah, I was a soldier back then. Yeah, I got
09:41:20 7 into an incident at a 7-Eleven store. You're correct.
09:41:23 8 I remember that now.

09:41:24 9 Q. What was the incident at the 7-Eleven store
09:41:27 10 that led to your arrest?

09:41:28 11 A. I had an altercation with a -- with a guy,
09:41:32 12 don't remember, and the police arrived and it escalated,
09:41:36 13 and I ended up being charged, I think with battery or
09:41:41 14 something. I don't know. It was a misdemeanor charge.

09:41:44 15 Q. Was it physical?

09:41:45 16 A. Oh, yeah.

09:41:46 17 Q. Did you throw a punch?

09:41:47 18 A. No, never threw a punch.

09:41:50 19 Q. Did the other person throw a punch?

09:41:51 20 A. No, not that I recall.

09:41:53 21 Q. Pushing?

09:41:56 22 A. Yes, pushing.

09:41:58 23 Q. What were the -- how was the -- how was that
09:42:00 24 case resolved?

09:42:06 25 A. I think I did community service or something.

09:42:10 1 It was supposed to be expunged or something from my
09:42:12 2 record. And that was it. I didn't get into any other
09:42:22 3 melees, and I left about maybe eight months later after
09:42:24 4 that incident, I left and I went to Europe.

09:42:29 5 Q. How long were you in Germany for?

09:42:31 6 A. About approximately two years.

09:42:32 7 Q. Was it all with the Army?

09:42:34 8 A. Yes.

09:42:38 9 Q. Were you a law enforcement officer or official
09:42:42 10 with any organization other than the Chicago Police
09:42:49 11 Department?

09:42:49 12 A. If -- I was a security guard, if you --

09:42:53 13 Q. Private security guard?

09:42:55 14 A. Yes.

09:42:55 15 Q. When were you a private security guard?

09:42:58 16 A. During the time I was on the force for
09:43:04 17 Malcolm X College, City College.

09:43:08 18 Q. Were you employed by the city in that role?

09:43:11 19 A. Yes, City College is. Yeah.

09:43:18 20 Q. What years did you work as a security guard for
09:43:24 21 Malcolm X College?

09:43:24 22 A. Approximately, I want to say, maybe about 2000
09:43:30 23 and maybe 2 to 2007. It was roughly five years, I
09:43:35 24 believe.

09:43:35 25 Q. About how many hours a week would you work as a

09:43:38 1 security guard?

09:43:39 2 A. 20, 30 hours a week.

09:43:48 3 Q. Any other police officers work with you as a
09:43:51 4 security guard at Malcolm X?

09:43:52 5 MR. KOSOKO: Object to the form of the
09:43:53 6 question.

09:43:53 7 THE WITNESS: Yes.

09:43:54 8 BY MR. RAUSCHER:

09:43:54 9 Q. Which officers do you remember working with you
09:43:57 10 as a security guard at Malcolm X College?

09:44:01 11 A. Deon Hughes and Cherie Minnifield. Those are
09:44:08 12 the two off the top. There was so many.

09:44:11 13 Q. Were either of those two officers on your
09:44:13 14 tactical team?

09:44:14 15 A. No.

09:44:16 16 Q. Were any of the members of your tactical team
09:44:18 17 security guards at Malcolm X College?

09:44:21 18 MR. KOSOKO: Object to the form of the
09:44:23 19 question, ambiguous.

09:44:23 20 THE WITNESS: Not that I recall.

09:44:24 21 BY MR. RAUSCHER:

09:44:24 22 Q. What did you do as a security guard at
09:44:27 23 Malcolm X College?

09:44:27 24 MR. KOSOKO: Object to the form of the
09:44:29 25 question, ambiguous.

09:44:29 1 THE WITNESS: My duties included checking
09:44:35 2 IDs of people entering the facility, patrolling the
09:44:41 3 facility, securing the annexes of the facility, such as
09:44:49 4 the parking lot, and those type of things.

09:44:58 5 BY MR. RAUSCHER:

09:44:58 6 Q. Did you make arrests while you were a security
09:45:00 7 guard at Malcolm X College?

09:45:01 8 A. Not that I recall, no.

09:45:11 9 Q. What shift or time periods did you work as a
09:45:14 10 security guard?

09:45:16 11 A. I know it was days. Probably -- I don't recall
09:45:22 12 exactly. I know it was days, morning hours, 8:00 to
09:45:27 13 2:00 or 8:00 to 4:00 or something like that.

09:45:29 14 Q. So would you be working on your off days, or
09:45:33 15 were you on a different shift at CPD at the time?

09:45:36 16 A. I think some days I would -- it would be my off
09:45:38 17 days, and some days I would work I guess the evenings.
09:45:45 18 So I was working at -- in CPD I was working from
09:45:48 19 6:00 p.m. to 2:00 a.m., so a lot of times maybe I'd
09:45:52 20 catch a shift before I go in to...

09:46:07 21 Q. I'm sorry if I just missed it, but you said
09:46:09 22 you'd start around 8:00 or so in the morning as a
09:46:11 23 security guard. How late would you go?

09:46:13 24 A. Maybe 2:00. It was sometime four to six hours,
09:46:18 25 I believe. I do not recall.

09:46:19 1 Q. Maybe have just a couple few hours off before
09:46:21 2 you hit the night shift?

09:46:22 3 A. Yeah.

09:46:23 4 MR. KOSOKO: Object to the form of the
09:46:24 5 question.

09:46:24 6 BY MR. RAUSCHER:

09:46:25 7 Q. Is that right?

09:46:26 8 MR. KOSOKO: Object to the form of the
09:46:30 9 question.

09:46:30 10 THE WITNESS: It was 8:00 to 2:00 most
09:46:33 11 days, I believe, four to six hours or something. I
09:46:37 12 don't really recall. I would have to refer to documents
09:46:43 13 or something. I don't recall the exact times it was,
09:46:47 14 but, you know.

09:46:47 15 BY MR. RAUSCHER:

09:46:47 16 Q. Were there a lot of days when you would work
09:46:48 17 from 8:00 to 2:00 at Malcolm X College and then go work
09:46:51 18 from 6:00 to 2:00 in the morning at CPD?

09:46:54 19 MR. KOSOKO: Object to the form of the
09:46:58 20 question.

09:46:58 21 THE WITNESS: A lot. More than two or --
09:47:02 22 I mean when you say a lot, I mean...

09:47:05 23 BY MR. RAUSCHER:

09:47:06 24 Q. How many -- best ballpark estimate, how many
09:47:08 25 days do you think you did that, you worked from 8:00 to

09:47:11 1 2:00 at Malcolm X and then 6:00 p.m. --

09:47:12 2 A. Two to three. Two to three.

09:47:14 3 Q. Two to three ever or two to three a week during
09:47:17 4 that time period?

09:47:17 5 A. Two to three a week.

09:47:18 6 Q. During that five-year 2002 to 2007 time period?

09:47:22 7 A. Yes.

09:47:23 8 Q. How did you stay awake?

09:47:24 9 MR. KOSOKO: Object to the form of the
09:47:26 10 question, argumentative.

09:47:32 11 THE WITNESS: How did I stay awake. I
09:47:38 12 was -- I was strong, took medicine. I saw a doctor. I
09:47:44 13 was physically fit. I exercised at the time, I ate
09:47:47 14 right, took vitamins, you know, that type of stuff. So,
09:47:53 15 yeah, I was pretty strong. I was in my 30s, man, you
09:47:57 16 know.

09:47:57 17 BY MR. RAUSCHER:

09:47:57 18 Q. You were younger.

09:47:58 19 A. Yeah.

09:47:59 20 Q. What, you said you took some --

09:47:59 21 A. Couldn't do that now, but...

09:48:01 22 Q. You took some medicine, you said?

09:48:02 23 A. Yeah.

09:48:02 24 Q. What kind of medicine?

09:48:04 25 A. Vitamins, you know.

09:48:06 1 Q. Anything else?

09:48:07 2 A. No.

09:48:07 3 Q. What kind of vitamins?

09:48:09 4 A. Vitamin D, vitamin -- vitamin D and I think
09:48:15 5 vitamin E, I think it was, for my skin or something. It
09:48:17 6 was vitamins. And I was also on blood pressure
09:48:20 7 medicine. I've been on that for some years.

09:48:24 8 Q. Did you drink a lot of coffee?

09:48:27 9 A. Not a lot. I'm not -- no, I wasn't really a
09:48:30 10 coffee drinker. Drank a lot of tea. I like tea.

09:48:35 11 Q. Did you ever use illegal drugs?

09:48:38 12 A. No.

09:48:38 13 Q. Never in your life?

09:48:39 14 A. Never in --

09:48:39 15 MR. KOSOKO: Object to -- all right.

09:48:40 16 THE WITNESS: -- my life.

09:48:54 17 BY MR. RAUSCHER:

09:48:55 18 Q. Why did you want to be a police officer?

09:49:02 19 A. For several reasons. One being that I could
09:49:08 20 serve the community. I could support my family. At the
09:49:18 21 time, I thought it was a -- it would be a good
09:49:22 22 occupation.

09:49:25 23 Q. Why did you think it would be a good
09:49:28 24 occupation?

09:49:31 25 A. You could serve the community, could help

09:49:34 1 people. Yeah.

09:49:44 2 Q. Did you accomplish your goals of serving the
09:49:46 3 community and helping people through your career as a
09:49:49 4 Chicago police officer?

09:49:50 5 A. Yes.

09:49:50 6 Q. Tell me more about how you accomplished your
09:49:52 7 goals of serving the community and helping people as a
09:49:55 8 CPD officer.

09:49:56 9 A. By showing up, showing up at work, being
09:50:02 10 committed, responding to calls, being a part of the
09:50:11 11 community, getting to know the residents of the
09:50:13 12 community, being reliable, being responsible to the
09:50:22 13 community in which I served at the time.

09:50:45 14 Q. When you look back at your career as a Chicago
09:50:49 15 police officer, are you satisfied?

09:50:54 16 A. There's some things I'm not satisfied with,
09:50:59 17 so...

09:50:59 18 Q. What are you not satisfied with from your time
09:51:02 19 as a Chicago police officer?

09:51:06 20 A. The way it ended.

09:51:10 21 Q. What do you mean by you're not satisfied with
09:51:12 22 the way your career ended?

09:51:14 23 A. I had legal issues.

09:51:21 24 Q. What legal issues did you have related to the
09:51:24 25 end of your career as a Chicago police officer?

09:51:28 1 A. It's documented that I pled guilty to a theft
09:51:35 2 charge.

09:51:39 3 Q. What are you not satisfied with that?

09:51:47 4 A. It was -- any time you're charged with a crime
09:51:50 5 and you're -- you have an obligation to a -- and you're
09:51:56 6 committed to a community, to an occupation, and you have
09:52:01 7 a mishap, it's not something that you should be proud of
09:52:06 8 or -- so that's why I'm -- I would say it didn't end the
09:52:15 9 way I would have wanted it to end. It was a low point
09:52:21 10 in my life.

09:52:23 11 Q. Who is responsible for the way that your career
09:52:26 12 ended?

09:52:26 13 MR. KOSOKO: Object to the form of the
09:52:30 14 question. Also, causes for a legal conclusion.

09:52:34 15 You can answer it, Sarge.

09:52:36 16 THE WITNESS: I take responsibility for my
09:52:39 17 actions. I take responsibility for all the things that
09:52:42 18 have happened in my 58 years, and so I'm responsible
09:52:55 19 and -- yeah, I'm responsible, and I think I stood up to
09:53:01 20 that responsibility the best I could and at that
09:53:04 21 particular time at the end of my career.

09:53:07 22 BY MR. RAUSCHER:

09:53:07 23 Q. Do you think you minimized it in any way?

09:53:10 24 MR. KOSOKO: Object to the form of the
09:53:13 25 question.

09:53:14 1 THE WITNESS: No. I think I -- I stood up
09:53:19 2 to it, faced it, and I'm better today for it.

09:53:25 3 BY MR. RAUSCHER:

09:53:25 4 Q. How are you better today for it?

09:53:27 5 A. I'm a better person. I'm a better father. I'm
09:53:29 6 a better grandfather. I'm a better friend. I'm a
09:53:33 7 better Christian.

09:53:37 8 Q. How did it make you a better person?

09:53:41 9 A. Going through certain situations in your life
09:53:46 10 that you have to overcome, either it can help you to
09:53:50 11 survive or it can lead you to -- down a road of
09:53:54 12 destruction, and I decided to survive and become a
09:53:58 13 better person.

09:54:02 14 Q. Did going through that conviction and spending
09:54:04 15 time in prison make you reassess other things you had
09:54:07 16 done?

09:54:10 17 MR. KOSOKO: Object to the form of the
09:54:12 18 question.

09:54:12 19 You can answer, Sarge.

09:54:15 20 THE WITNESS: You reflect, but I never --
09:54:16 21 I never cheated on a wife that I had. I never did
09:54:25 22 anything that I'm ashamed of that -- outside of that
09:54:29 23 incident. I was a -- I think I was an asset to the
09:54:36 24 community, and I would have, I'm sure, a lot of people
09:54:41 25 that would agree with me I helped, and I'm pretty -- I'm

09:54:53 1 pretty proud of some things that I accomplished while
09:54:55 2 there, and like I said, but for that incident, I'm a --
09:55:04 3 yeah.

09:55:08 4 BY MR. RAUSCHER:

09:55:08 5 Q. If you wouldn't have gotten caught when you
09:55:10 6 did, would you have done it again?

09:55:12 7 MR. KOSOKO: Object to the form of the
09:55:13 8 question.

09:55:13 9 Don't answer that.

09:55:18 10 MR. RAUSCHER: On what grounds?

09:55:19 11 MR. KOSOKO: He's taking the Fifth.

09:55:22 12 MR. RAUSCHER: Okay.

09:55:22 13 BY MR. RAUSCHER:

09:55:22 14 Q. Are you going to take the Fifth on whether you
09:55:24 15 would have committed a similar crime had you not been
09:55:26 16 caught when you were?

09:55:27 17 MR. KOSOKO: Actually, Sarge, answer it.
09:55:29 18 And it causes for a speculative response.
09:55:36 19 Go ahead.

09:55:36 20 THE WITNESS: The incident you're
09:55:38 21 referring to, that I referred to about -- that happened,
09:55:43 22 it was things that happened that were outside of my --
09:55:54 23 outside of my -- there were some things that happened
09:55:57 24 with -- it's just not that I was out doing things. It
09:56:02 25 was a lot of other factors involved.

09:56:05 1 So to answer your question, I don't think
09:56:11 2 I got caught. I think I got caught up, and there's a
09:56:16 3 big difference. I took responsibility because I was
09:56:22 4 responsible for men and women and some things that maybe
09:56:32 5 I didn't pay enough attention to, and it was -- again, I
09:56:36 6 take responsibility for it. So I got caught up and I
09:56:39 7 had to -- and that's what happened. So, again, to
09:56:43 8 answer your question, no.

09:56:48 9 BY MR. RAUSCHER:

09:56:49 10 Q. You would not have done something similar if
09:56:51 11 you wouldn't have been caught when you were?

09:56:53 12 MR. KOSOKO: Object to the form of the
09:56:56 13 question.

09:56:56 14 THE WITNESS: If you repeat your question,
09:56:58 15 I'll answer it again.

09:57:00 16 BY MR. RAUSCHER:

09:57:01 17 Q. So the question I had asked was, if you had not
09:57:03 18 been caught when you were caught, would you have done
09:57:06 19 something similar?

09:57:07 20 MR. KOSOKO: Object to the form of the
09:57:09 21 question, causes for a speculative response.

09:57:10 22 THE WITNESS: No.

09:57:12 23 BY MR. RAUSCHER:

09:57:12 24 Q. When you say you got caught up, not got caught,
09:57:15 25 what do you mean?

09:57:17 1 A. That it was more than just what was said.
09:57:26 2 There was a lot of other issues with people involved,
09:57:31 3 that some things that were said about me that weren't
09:57:38 4 true.

09:57:39 5 And nowadays, when you deal with society and
09:57:44 6 the media, it's hard to overcome a lot of things and
09:57:47 7 you're characterized a certain way. So, again, I had to
09:57:53 8 take responsibility for some things and to protect
09:57:56 9 people that I love, i.e., my children, my brothers and
09:58:02 10 sisters, my family. So maybe I could have done a lot of
09:58:08 11 things better, but I had to cut my losses, so to speak,
09:58:14 12 to protect people.

09:58:15 13 Q. Tell me what you did to protect people and why
09:58:17 14 they needed protecting.

09:58:19 15 A. Because I --

09:58:20 16 MR. KOSOKO: Hang on.

09:58:20 17 Object to the form of the question. It's
09:58:22 18 compound.

09:58:26 19 THE WITNESS: Being a police officer in
09:58:29 20 the area that I was in is a dirty, nasty job, and people
09:58:40 21 will do just about anything to acquire money. And being
09:58:53 22 a police officer, you get to respond to situations where
09:58:58 23 those people have actually hurt people, hurt loved ones
09:59:05 24 of people, and so -- and that was part of my -- in my
09:59:14 25 decision-making and cutting my losses, so to speak.

09:59:21 1 BY MR. RAUSCHER:

09:59:21 2 Q. I don't -- can you explain what you mean by
09:59:22 3 that? What does that have to do with the thing that you
09:59:27 4 got caught for?

09:59:28 5 A. I don't know what --

09:59:29 6 MR. KOSOKO: Object to the form of the
09:59:32 7 question.

09:59:32 8 THE WITNESS: I don't know what it has to
09:59:33 9 do with it; but for me, that was a decision I made
09:59:39 10 because of the situation and the circumstances, and I
09:59:44 11 faced up to it.

09:59:45 12 BY MR. RAUSCHER:

09:59:45 13 Q. You said you got caught up, you didn't get
09:59:48 14 caught, and that there are a lot of things that happened
09:59:50 15 that weren't talked about, right?

09:59:54 16 A. Yes. Okay.

09:59:56 17 Q. And then you said something about being a
09:59:57 18 police officer is a dirty business, people will do
10:00:00 19 anything to get money?

10:00:01 20 A. Yes.

10:00:01 21 Q. And that had something to do with why you pled
10:00:04 22 guilty?

10:00:04 23 A. I did not say that. That's what you --

10:00:06 24 Q. Okay. Then I mis -- I didn't understand.

10:00:08 25 A. Okay. All right.

10:00:09 1 Q. That's what I'm trying to -- I'm not trying to
10:00:11 2 mischaracterize it. I'm trying to understand your
10:00:13 3 answer.

10:00:13 4 A. You asked why, and I told you why, because I
10:00:18 5 was protecting my family, and I didn't want to subject
10:00:22 6 my children, grandchildren, people I love to the
10:00:29 7 nastiness of the media, being that I was a Chicago
10:00:37 8 police officer and my face and everything was flashed
10:00:42 9 across the TV for -- I think even to this date. So
10:00:50 10 there have been times that for me, you know, it was --
10:00:54 11 it was a decision I made for my life.

10:00:57 12 Q. Are you talking about the decision to plead
10:00:59 13 guilty as opposed to go to trial, or are you talking
10:01:01 14 about the decision to take the money?

10:01:03 15 A. I'm talking --

10:01:04 16 MR. KOSOKO: Object to the form of the
10:01:06 17 question.

10:01:06 18 THE WITNESS: Yeah.

10:01:06 19 MR. KOSOKO: That's a compound question.

10:01:07 20 BY MR. RAUSCHER:

10:01:07 21 Q. It is a compound question. I'll try to
10:01:09 22 rephrase.

10:01:10 23 What decision are you talking about when you
10:01:12 24 say you made a decision to protect your family from the
10:01:14 25 media?

10:01:21 1 A. To be every day, you know, Sergeant Watts on
10:01:26 2 the TV and people that know me, people that know my
10:01:28 3 children, people that know my family, just those type of
10:01:33 4 things. I didn't want to subject them to that.

10:01:34 5 Q. But what's the decision you made that would
10:01:36 6 help prevent that from happening or that you thought
10:01:39 7 would help prevent that from happening?

10:01:41 8 A. To move on.

10:01:42 9 Q. Does that mean the decision to plead guilty?

10:01:44 10 A. That was part of it, yes, to move on.

10:01:46 11 Q. What other --

10:01:47 12 A. To move on.

10:01:48 13 Q. I'm sorry.

10:01:49 14 A. You interrupted my answer.

10:01:51 15 Q. I said I'm sorry.

10:01:51 16 A. Yeah.

10:01:52 17 Q. I didn't mean to cut you off.

10:01:53 18 A. To move on. That was part of it, but to move
10:01:56 19 on and to just be done with policing, I guess.

10:02:11 20 Q. I want to get back to the part that where you
10:02:13 21 said you got caught up, you didn't get caught, and that
10:02:16 22 was different.

10:02:16 23 A. Uh-huh.

10:02:16 24 Q. What do you mean when you say that or what
10:02:18 25 specifically are you talking about when you say I got

10:02:20 1 caught up, I didn't get caught?

10:02:26 2 A. On the police department and my role as a
10:02:29 3 supervisor, as a tactical sergeant, you do
10:02:34 4 investigations, you do reverse stings, you do all those
10:02:38 5 type of things; and so in the midst of that there were
10:02:44 6 some things that maybe I should -- I could have done
10:02:47 7 better documentation-wise. I could have monitored
10:02:52 8 certain events better. So when that didn't happen,
10:02:59 9 certain other things happened that appeared one way. So
10:03:04 10 that's what I meant by that. I mean -- yeah.

10:03:11 11 Q. How much money were you convicted of taking?

10:03:17 12 MR. KOSOKO: Object to the form of the
10:03:20 13 question, causes for a legal conclusion.

10:03:22 14 THE WITNESS: The amount of money that
10:03:24 15 they said was involved was \$5,200.

10:03:30 16 MR. KOSOKO: All right. Let me take a
10:03:31 17 break.

10:03:33 18 THE VIDEOGRAPHER: We are off the record.
10:03:34 19 The time on the video monitor is 10:03 a.m.

10:03:38 20 (A recess was taken.)

10:07:02 21 THE VIDEOGRAPHER: We are on the record.
10:07:03 22 The time on the video monitor is 10:06 a.m.

10:07:09 23 BY MR. RAUSCHER:

10:07:09 24 Q. You were convicted of stealing \$5,200, correct?

10:07:14 25 A. Yes. It's public record. I pled guilty.

10:07:17 1 Q. Did you steal \$5,200?

10:07:19 2 A. It's public record.

10:07:21 3 Q. That's not an answer.

10:07:25 4 All right, let me -- you know what, that wasn't
10:07:27 5 a question, so I'm going to ask you a question again.

10:07:29 6 Did you steal \$5,200?

10:07:30 7 MR. KOSOKO: Object to the form of the
10:07:32 8 question, causes for a legal conclusion. You can
10:07:37 9 answer, Sarge.

10:07:37 10 THE WITNESS: It's public record. I pled
10:07:39 11 guilty to that charge.

10:07:40 12 BY MR. RAUSCHER:

10:07:41 13 Q. But I'm asking you a different question. Did
10:07:43 14 you steal \$5,200?

10:07:45 15 A. My answer is I pled guilty to a charge of theft
10:07:56 16 of government proceeds, whether -- I didn't steal
10:08:03 17 \$5,200, no.

10:08:05 18 Q. Did you steal any money?

10:08:07 19 MR. KOSOKO: Object to the form of the
10:08:12 20 question.

10:08:12 21 THE WITNESS: It's public record what I
10:08:15 22 pled guilty to.

10:08:16 23 BY MR. RAUSCHER:

10:08:17 24 Q. So I want you to try to put the guilty plea out
10:08:20 25 of your mind for a second, okay?

10:08:21 1 A. I can't put it out of my mind.

10:08:23 2 Q. Fair enough. I want you to not answer these
10:08:25 3 questions by referencing the guilty plea because I'm not
10:08:29 4 asking about the guilty plea right now. Is that fair?
10:08:32 5 Do you understand that?

10:08:32 6 A. I understand what you're saying.

10:08:34 7 Q. Okay. Did you steal any amount of money?

10:08:42 8 A. It's public record that I was involved in a
10:08:48 9 situation where some proceeds were taken. Outside of
10:08:54 10 that, the outcome of that is that I pled guilty to theft
10:09:01 11 of funds.

10:09:03 12 Q. I'm going to move to strike that answer as
10:09:05 13 nonresponsive, and I'm going to try to ask you again,
10:09:09 14 and if you can't answer it, I want you to just tell me
10:09:12 15 why you can't answer it, okay.

10:09:14 16 Did you steal any amount of money in connection
10:09:15 17 with the case where you eventually pled guilty to
10:09:19 18 stealing \$5,200?

10:09:20 19 MR. KOSOKO: Objection, asked and
10:09:23 20 answered.

10:09:28 21 THE WITNESS: I was -- I pled guilty to
10:09:33 22 theft of government funds. I never took money from
10:09:38 23 anyone.

10:09:43 24 BY MR. RAUSCHER:

10:09:43 25 Q. So the answer to my question was, no, you

10:09:45 1 didn't steal any money?

10:09:47 2 MR. KOSOKO: Object to the form of the
10:09:47 3 question, leading.

10:09:50 4 THE WITNESS: I pled guilty to theft of
10:09:53 5 government funds. I never took money from anyone.

10:10:03 6 BY MR. RAUSCHER:

10:10:04 7 Q. Well, just tell me, what did happen?

10:10:08 8 A. It's in the documents.

10:10:11 9 Q. I'm not -- I can read the documents. You can
10:10:13 10 read the documents.

10:10:13 11 A. Uh-huh.

10:10:14 12 Q. Other lawyers can read the documents. But
10:10:16 13 we're here for a deposition. I ask questions. You
10:10:18 14 answer the questions. If your lawyer thinks something's
10:10:21 15 inappropriate, he'll object, as he's done sometimes, or
10:10:25 16 if thinks there's something wrong, he'll object. Other
10:10:28 17 than that, you've got to answer my questions. Please
10:10:28 18 tell me --

10:10:29 19 A. I'm answering your question --

10:10:29 20 Q. Okay.

10:10:30 21 A. -- to the best of my ability. You asked the
10:10:32 22 question. I'm answering it.

10:10:33 23 Q. All right. Please tell me what happened with
10:10:34 24 the underlying event. You're saying you didn't take
10:10:36 25 money. You pled guilty. So just tell me what happened.

10:10:38 1 MR. KOSOKO: Okay, objection, form and
10:10:40 2 foundation. What event are you talking about?

10:10:40 3 BY MR. RAUSCHER:

10:10:43 4 Q. Which event did you plead guilty to?

10:10:45 5 A. Theft of government funds.

10:10:46 6 Q. Tell me what happened in connection with the
10:10:48 7 events that led to your guilty plea for theft of
10:10:51 8 government funds.

10:10:52 9 MR. KOSOKO: Object to the form,
10:10:55 10 foundation.

10:10:55 11 THE WITNESS: There was an event that
10:10:56 12 occurred. Several parties were a part of that event,
10:11:03 13 including myself, and the outcome of that event is that
10:11:07 14 I pled guilty to theft of government funds.

10:11:16 15 BY MR. RAUSCHER:

10:11:16 16 Q. What was the event?

10:11:19 17 MR. KOSOKO: Object to the form of the
10:11:19 18 question.

10:11:22 19 And, Sarge...

10:11:40 20 THE WITNESS: My attorney has advised me
10:11:42 21 to assert my Fifth Amendment right of the U.S.
10:11:45 22 Constitution due to the possibility that answering
10:11:47 23 this question may cause me to be criminally indicted by
10:11:50 24 the U.S. Attorney and/or the Cook County State's
10:11:53 25 Attorney.

10:11:53 1 BY MR. RAUSCHER:

10:11:54 2 Q. Why do you think answering that question
10:11:55 3 truthfully would potentially lead to your indictment?

10:11:58 4 MR. KOSOKO: Objection, attorney-client
10:11:59 5 privilege.

10:12:00 6 Do not answer that question.

10:12:01 7 BY MR. RAUSCHER:

10:12:01 8 Q. Are you going to follow your attorney's advice
10:12:03 9 and not answer that question?

10:12:04 10 A. My attorney --

10:12:04 11 MR. KOSOKO: No, no, no, you're not taking
10:12:06 12 Five. Just don't answer the question.

10:12:07 13 BY MR. RAUSCHER:

10:12:07 14 Q. I'm just asking if you're taking his advice and
10:12:09 15 refusing to answer on privilege grounds?

10:12:11 16 A. I'm taking my attorney's advice, yes.

10:12:14 17 Q. Can you answer the question of why you think it
10:12:17 18 might lead to your indictment without referencing
10:12:21 19 attorney advice?

10:12:25 20 A. I'm not --

10:12:26 21 MR. KOSOKO: Object to the form of the
10:12:29 22 question. It's an ambiguous question, causes for a
10:12:36 23 speculative response, and still borders on waiving
10:12:39 24 privilege.

10:12:39 25 Don't answer the question.

10:12:41 1 BY MR. RAUSCHER:

10:12:41 2 Q. Are you going to follow your attorney's advice
10:12:43 3 and not answer that question?

10:12:44 4 A. I'm going to follow the advice of my attorney
10:12:46 5 and not answer.

10:12:48 6 Q. You said there were several parties to the
10:12:51 7 event. Which parties were involved? Which parties were
10:12:54 8 you referring to who were involved in that event that
10:12:56 9 led to your conviction?

10:12:58 10 A. All the parties that were involved; the law
10:13:03 11 enforcement parties, the judge, the prosecutors, all the
10:13:10 12 parties that were involved.

10:13:15 13 Q. Which parties were involved in the actual
10:13:17 14 event?

10:13:19 15 MR. KOSOKO: Object to the form of the
10:13:22 16 question, ambiguous.

10:13:22 17 BY MR. RAUSCHER:

10:13:22 18 Q. So I'm talking about the theft of the
10:13:24 19 government funds. Which parties were involved?

10:13:26 20 MR. KOSOKO: Object to the form of the
10:13:31 21 question.

10:13:31 22 THE WITNESS: Several FBI agents, Officer
10:13:42 23 Kallatt Mohammed, and a guy that I know -- a street guy
10:13:49 24 that I know as -- oh, wow. Forgot this guy's name, but
10:13:56 25 a street guy.

10:14:02 1 BY MR. RAUSCHER:

10:14:02 2 Q. Did you know at the time -- well, I'm sorry,
10:14:06 3 you said several. Were you also involved?

10:14:11 4 A. Yes, I was there. Yes.

10:14:13 5 Q. And how were you involved?

10:14:15 6 MR. KOSOKO: Object to the form of the
10:14:21 7 question.

10:14:21 8 THE WITNESS: I was there.

10:14:22 9 BY MR. RAUSCHER:

10:14:23 10 Q. What was your involvement beyond just being
10:14:24 11 there?

10:14:29 12 MR. TEPFER: Sorry.

10:14:32 13 MR. KOSOKO: Object to the form of the
10:14:32 14 question.

10:14:36 15 And, also, Sarge...

10:14:46 16 THE WITNESS: My attorney has advised me
10:14:47 17 to assert my Fifth Amendment right of the U.S.
10:14:51 18 Constitution due to the possibility that answering this
10:14:53 19 question may cause me to be criminally indicted by the
10:14:56 20 U.S. Attorney and/or Cook County State's Attorney.

10:14:59 21 BY MR. RAUSCHER:

10:14:59 22 Q. What was Kallatt Mohammed's involvement in that
10:15:03 23 event?

10:15:04 24 A. It's documented. He had several roles, I
10:15:10 25 guess. I don't know, you know.

10:15:11 1 Q. Do you have any personal knowledge at all of
10:15:14 2 what Kallatt Mohammed's involvement was in the event?

10:15:18 3 A. I've already given the statements. I don't
10:15:22 4 recall what it was. Again, it's been several years. I
10:15:30 5 don't know the details of what Kallatt did, no.

10:15:34 6 Q. When you say you've given statements, what
10:15:36 7 statements have you given about that event?

10:15:43 8 A. When I pled guilty.

10:15:45 9 Q. What did you say when you pled guilty?

10:15:50 10 A. I don't recall.

10:15:52 11 Q. Are you sure you gave any statement when you
10:15:54 12 pled guilty?

10:15:55 13 MR. KOSOKO: Objection to the form of the
10:15:57 14 question, argumentative. If you want to refresh his
10:16:00 15 recollection, go ahead.

10:16:00 16 BY MR. RAUSCHER:

10:16:01 17 Q. Well, let me try to clarify. When you say you
10:16:03 18 gave a statement when you pled guilty, do you mean you
10:16:06 19 think you stood up in court and described your conduct,
10:16:08 20 or are you talking about some other time?

10:16:09 21 A. No, that's what I'm talking about.

10:16:11 22 Q. All right.

10:16:13 23 A. Thanks for clarifying.

10:16:16 24 Q. Other than that, do you think you've ever given
10:16:18 25 a statement about your role in the event that led to

10:16:21 1 your conviction?

10:16:21 2 MR. KOSOKO: Object to the form of the
10:16:24 3 question, ambiguous, form and foundation.

10:16:29 4 THE WITNESS: I've not said anything
10:16:31 5 outside of court or to my attorney, so, no, I don't
10:16:37 6 think I gave a statement.

10:16:37 7 BY MR. RAUSCHER:

10:16:38 8 Q. As we sit here today, is it your testimony that
10:16:40 9 you have no recollection of what Kallatt Mohammed's role
10:16:44 10 in the event that led to your conviction was?

10:16:46 11 A. I'd have to refer to documents. I just know
10:16:52 12 Kallatt was there as -- and that's about it. I'd have
10:16:57 13 to --

10:17:00 14 Q. You said there were some things about this
10:17:02 15 event that were outside of your reach?

10:17:06 16 MR. KOSOKO: Objection, misquotes the
10:17:07 17 testimony.

10:17:07 18 BY MR. RAUSCHER:

10:17:08 19 Q. Did you not say that?

10:17:09 20 A. I don't think I said that. I said that it was
10:17:11 21 outside of my control.

10:17:12 22 Q. Okay. What were the things that were outside
10:17:13 23 of your control?

10:17:17 24 A. I guess the spin, the media spin, the way I was
10:17:22 25 characterized, the things that were -- that I was

10:17:28 1 accused of doing. So it was -- those are some of the
10:17:34 2 things.

10:17:36 3 Q. Do you know which FBI agents were involved?

10:17:40 4 A. I couldn't -- no. I'd have to refer to
10:17:43 5 documents. I don't know them.

10:17:44 6 Q. At the time when you took the money, did you
10:17:47 7 know FBI agents were involved?

10:17:49 8 MR. KOSOKO: Object to the form of the
10:17:52 9 question.

10:17:52 10 THE WITNESS: I didn't take any money,
10:17:55 11 again. I don't know who all was involved, so, no, I
10:18:02 12 didn't know who were involved, was involved.

10:18:04 13 BY MR. RAUSCHER:

10:18:04 14 Q. Did Kallatt Mohammed take any money?

10:18:07 15 MR. KOSOKO: Object to the form of the
10:18:08 16 question.

10:18:08 17 BY MR. RAUSCHER:

10:18:08 18 Q. I'm just talking about this event. I'm not
10:18:11 19 talking about ever, in case that wasn't clear.

10:18:14 20 Did Kallatt Mohammed take any money in
10:18:18 21 connection with the event that led to your conviction?

10:18:20 22 MR. KOSOKO: Object to the form of the
10:18:23 23 question, ambiguous question.

10:18:23 24 THE WITNESS: I think he -- it's in the
10:18:26 25 record. He said what he did. I can't say what he did

10:18:31 1 because I wasn't there when he did it, so for me to say,
10:18:33 2 I would be speculating.

10:18:36 3 BY MR. RAUSCHER:

10:18:36 4 Q. Do you know what happened to the \$5,200?

10:18:41 5 A. No.

10:18:43 6 Q. Did you ever have control over any of the
10:18:45 7 \$5,200?

10:18:47 8 MR. KOSOKO: Object to the form of the
10:18:47 9 question.

10:18:49 10 And, Sarge, actually...

10:18:52 11 THE WITNESS: Yes.

10:18:53 12 BY MR. RAUSCHER:

10:18:53 13 Q. Was your answer yes, or are you taking the
10:18:56 14 Fifth?

10:18:56 15 A. I was speaking to my attorney.

10:18:58 16 My attorney has advised me to assert my Fifth
10:19:01 17 Amendment right of the U.S. Constitution due to the
10:19:03 18 possibility that answering this question may cause me to
10:19:06 19 be criminally indicted by the U.S. Attorney and/or the
10:19:10 20 Cook County State's Attorney.

10:19:12 21 Q. What did you do with the portion of the \$5,200
10:19:15 22 that you had control of?

10:19:16 23 MR. KOSOKO: Objection, assumes facts not
10:19:18 24 in evidence.

10:19:20 25 And don't answer it.

10:19:22 1 THE WITNESS: My attorney has advised me
10:19:23 2 to assert my Fifth Amendment right of the U.S.
10:19:27 3 Constitution due to the possibility that answering this
10:19:28 4 question may cause me to be criminally indicted by the
10:19:31 5 U.S. Attorney and/or the Cook County State's Attorney.

10:19:34 6 BY MR. RAUSCHER:

10:19:34 7 Q. Did you plead guilty to something, to a crime
10:19:37 8 you didn't commit?

10:19:38 9 MR. KOSOKO: Object to the form of the
10:19:41 10 question, causes for a legal conclusion.

10:19:44 11 THE WITNESS: I pled guilty at the time
10:19:46 12 because I thought that was the best alternative for me
10:19:53 13 at that particular time. Yes, that's my answer.

10:20:00 14 BY MR. RAUSCHER:

10:20:00 15 Q. I'm not asking why you pled guilty. I'm just
10:20:03 16 asking did you plead guilty to a crime that you didn't
10:20:05 17 commit?

10:20:06 18 MR. KOSOKO: Objection, causes for a legal
10:20:08 19 conclusion.

10:20:13 20 THE WITNESS: I pled guilty to theft of
10:20:18 21 government funds as -- yeah, that's my answer.

10:20:24 22 BY MR. RAUSCHER:

10:20:24 23 Q. It's a yes-or-no question. Did you plead
10:20:27 24 guilty to a crime you didn't commit?

10:20:29 25 MR. KOSOKO: Objection to the form of the

10:20:30 1 question, causes for a legal conclusion.

10:20:35 2 Sarge, don't answer it.

10:20:44 3 THE WITNESS: My attorney has advised me
10:20:46 4 to assert my Fifth Amendment right of the U.S.

10:20:49 5 Constitution due the possibility that answering this
10:20:50 6 question may cause me to be criminally indicted by the
10:20:53 7 U.S. Attorney and/or the Cook County State's Attorney.

10:21:02 8 BY MR. RAUSCHER:

10:21:02 9 Q. Were you wrongfully convicted of theft of
10:21:05 10 government funds?

10:21:05 11 MR. KOSOKO: Object to the form of the
10:21:07 12 question, causes for a legal conclusion.

10:21:11 13 THE WITNESS: If you ask me, yes.

10:21:11 14 BY MR. RAUSCHER:

10:21:13 15 Q. Okay. Why were you wrongfully convicted?
10:21:15 16 What's your basis for making that statement?

10:21:17 17 A. A lot of things that happened that I had no
10:21:21 18 involvement in, and, again, things were made to look one
10:21:31 19 way or to be one way, and it was best for me at the
10:21:39 20 time.

10:21:39 21 Q. What things happened that you had no
10:21:41 22 involvement in?

10:21:43 23 MR. KOSOKO: Object to the form of the
10:21:51 24 question.

10:21:51 25 THE WITNESS: My attorney has advised me

10:21:53 1 to assert my Fifth Amendment right of the U.S.
10:21:56 2 Constitution due the possibility that answering this
10:21:57 3 question may cause me to be criminally indicted by the
10:22:00 4 U.S. Attorney and/or the Cook County State's Attorney.

10:22:05 5 BY MR. RAUSCHER:

10:22:06 6 Q. What things were made to look one way that
10:22:08 7 wasn't an accurate way?

10:22:09 8 MR. KOSOKO: Objection, asked and
10:22:19 9 answered.

10:22:24 10 THE WITNESS: My attorney has advised me
10:22:26 11 to assert my Fifth Amendment right of the U.S.
10:22:27 12 Constitution due the possibility that answering this
10:22:29 13 question may cause me to be criminally indicted by the
10:22:31 14 U.S. Attorney and/or Cook County State's Attorney.

10:22:37 15 BY MR. RAUSCHER:

10:22:37 16 Q. Were you ordered to repay any of the money in
10:22:40 17 connection with your guilty plea?

10:22:43 18 A. Yes.

10:22:43 19 Q. How much money did you end up repaying to the
10:22:48 20 federal government?

10:22:48 21 A. To this date, I have no knowledge.

10:22:50 22 Q. Do you know if you've paid any money back?

10:22:52 23 A. Yes.

10:22:53 24 Q. How were the payments made?

10:22:56 25 A. While incarcerated they were -- payments were

10:22:59 1 made, and then after I -- I was released, I made some
10:23:06 2 payments.

10:23:12 3 Q. You mentioned reverse stings earlier. What's a
10:23:16 4 reverse sting?

10:23:22 5 A. When -- in a high crime area such as the Ida B.
10:23:27 6 Wells, where I was the tactical sergeant, it was an open
10:23:30 7 air drug market, where on a daily basis people from all
10:23:34 8 over would come down to purchase narcotics.

10:23:39 9 In an effort to curtail some of that activity,
10:23:43 10 we would go down and do a reverse sting, meaning that
10:23:48 11 myself, along with other tactical officers, would secure
10:23:53 12 ourselves in those locations. We would look the part of
10:23:58 13 people that were out to either purchase narcotics or
10:24:02 14 sell narcotics, and when suspected -- suspects come up
10:24:11 15 to purchase narcotics, they were taken into custody.
10:24:15 16 Basically, that's what a reverse sting is.

10:24:18 17 Q. Was the event that led to your conviction, was
10:24:21 18 that a reverse sting?

10:24:26 19 A. I wasn't involved with it, so I can't say what
10:24:29 20 it was.

10:24:30 21 Q. You weren't involved in the underlying event
10:24:32 22 that led to your conviction?

10:24:33 23 A. I wasn't --

10:24:34 24 MR. KOSOKO: Object to the form of the
10:24:36 25 question, ambiguous.

10:24:38 1 THE WITNESS: I wasn't involved with the
10:24:41 2 reverse sting, so when they -- when a reverse sting is
10:24:46 3 done, you coordinate with all those that are going to be
10:24:50 4 involved.

10:24:52 5 BY MR. RAUSCHER:

10:24:53 6 Q. All right. I wasn't -- I didn't mean to ask it
10:24:55 7 like the FBI was running a reverse sting. What I meant
10:24:58 8 was, were you doing a reverse sting? Was that event a
10:25:01 9 law enforcement event, you were doing a reverse sting?

10:25:05 10 MR. KOSOKO: Object to the form of the
10:25:12 11 question.

10:25:12 12 THE WITNESS: It was --

10:25:12 13 MR. KOSOKO: Ambiguous question.

10:25:14 14 You can answer it, Sarge.

10:25:15 15 THE WITNESS: It was part of an ongoing
10:25:16 16 investigation.

10:25:17 17 BY MR. RAUSCHER:

10:25:17 18 Q. By you?

10:25:19 19 A. By me and others, yes.

10:25:20 20 Q. What was the ongoing investigation that you
10:25:22 21 were doing that the event that led to your conviction
10:25:25 22 was a part of?

10:25:28 23 A. To obtain better knowledge of those that were
10:25:32 24 in the area involved in illegal activity.

10:25:38 25 Q. And how were you going about doing that

10:25:42 1 investigation?

10:25:44 2 A. Communicating with the different people in the
10:25:47 3 area. Basically, that's it, communicating with
10:25:55 4 different people in the area that had knowledge of the
10:25:58 5 activity.

10:25:59 6 Q. What area were you investigating?

10:26:02 7 A. The area that I -- the Second District, Ida B.
10:26:07 8 Wells housing development.

10:26:08 9 Q. In the 2011 time period?

10:26:11 10 A. Excuse me?

10:26:12 11 Q. In the 2011 time period?

10:26:17 12 A. In the 2011 --

10:26:19 13 Q. -- time period --

10:26:20 14 A. -- time period?

10:26:21 15 Q. -- you were looking at Ida B. Wells?

10:26:23 16 MR. KOSOKO: Objection to the form of the
10:26:25 17 question, misquotes his testimony. He said the area.

10:26:27 18 BY MR. RAUSCHER:

10:26:27 19 Q. You're saying the area where Ida B. Wells --
10:26:30 20 well, do you know when Ida B. Wells was taken down?

10:26:34 21 A. To my knowledge, that was the last place that
10:26:37 22 was taken down. But when I -- when I say the area, the
10:26:40 23 Ida B. Wells is included in the area of the Second
10:26:44 24 District, in which I was --

10:26:45 25 Q. I see.

10:26:46 1 A. Yeah.

10:26:48 2 Q. Did the investigation that you were just
10:26:50 3 referencing have a name?

10:26:52 4 A. No.

10:26:54 5 Q. Was it one investigation or lots of
10:26:56 6 investigations?

10:26:58 7 MR. KOSOKO: Object to the form of the
10:26:59 8 question, ambiguous.

10:27:04 9 THE WITNESS: There were several
10:27:05 10 investigations with -- and when I say investigation, we
10:27:12 11 received knowledge from people in the area. Maybe it
10:27:15 12 was a call that came in that I was assigned to look
10:27:23 13 into. It was different ongoing investigations as far as
10:27:30 14 narcotics being sold at certain locations that we had
10:27:33 15 received information on it. So there was always ongoing
10:27:37 16 investigations. That's what I mean by that.

10:27:40 17 BY MR. RAUSCHER:

10:27:41 18 Q. So I wasn't trying to ask just for your general
10:27:44 19 responsibilities --

10:27:45 20 A. Okay.

10:27:46 21 Q. -- at the time.

10:27:47 22 I was trying to ask was the event, that
10:27:50 23 specific event that led to your conviction, was that a
10:27:52 24 reverse sting, and I think you said it was part of an
10:27:55 25 investigation?

10:27:58 1 A. Yes.

10:27:59 2 Q. It was part of an investigation?

10:28:00 3 A. Yes.

10:28:01 4 Q. All right. What investigation was it a part
10:28:03 5 of?

10:28:04 6 A. To receive knowledge of ongoing illegal
10:28:09 7 activities in the Second District.

10:28:12 8 Q. And how was -- or what knowledge were you
10:28:17 9 hoping to gain from that investigation?

10:28:23 10 A. Some of the players, and when I say some of the
10:28:26 11 players, who was involved, when, when certain activities
10:28:33 12 were going to happen, those type things.

10:28:36 13 Q. All right. Take us through step by step what
10:28:38 14 was supposed to happen as part of your investigation.

10:28:40 15 MR. KOSOKO: Object to the form of the
10:28:42 16 question, ambiguous.

10:28:54 17 Just...

10:28:59 18 THE WITNESS: My attorney has advised me
10:29:01 19 to assert my Fifth Amendment right of the U.S.

10:29:04 20 Constitution due to the possibility that answering this
10:29:05 21 question may cause me to be criminally indicted by the
10:29:09 22 U.S. Attorney and/or the Cook County State's Attorney.

10:29:19 23 BY MR. RAUSCHER:

10:29:19 24 Q. You said earlier, also, you mentioned something
10:29:22 25 about things were going on that maybe should have been

10:29:25 1 documented better. Do you remember saying that?

10:29:28 2 A. Yes.

10:29:29 3 Q. What were you referring to that should have
10:29:31 4 been documented better?

10:29:33 5 A. Maybe I should have been more attentive to
10:29:38 6 going behind, checking people to make sure that they had
10:29:42 7 actually did the job of inventorying items that was
10:29:49 8 recovered, that were recovered.

10:29:53 9 Q. What makes you think that?

10:29:57 10 MR. KOSOKO: Object to the form of the
10:30:09 11 question, ambiguous.

10:30:09 12 Are you able -- do you know what he's
10:30:10 13 asking you?

10:30:12 14 THE WITNESS: From my -- he said what
10:30:14 15 makes me think that. What makes me think that is
10:30:17 16 because there were proceeds that apparently weren't
10:30:22 17 inventoried, and it ended up with me being charged with
10:30:29 18 theft of government proceeds.

10:30:32 19 BY MR. RAUSCHER:

10:30:32 20 Q. Did you think it was someone else's job to
10:30:34 21 inventory the proceedings?

10:30:35 22 A. Yes.

10:30:36 23 Q. Whose job was it to inventory the proceeds?

10:30:39 24 A. Whoever recovered the proceeds.

10:30:41 25 Q. Do you know who recovered the proceeds?

10:30:44 1 A. From the -- later on I found out that there
10:30:48 2 were some proceeds that were recovered, yes.

10:30:52 3 Q. But do you know who recovered the proceeds?

10:30:55 4 A. Allegedly, Mohammed, Kallatt Mohammed recovered
10:30:59 5 those proceeds.

10:31:05 6 Q. How would you have made sure Kallatt Mohammed
10:31:09 7 was inventorying something you didn't know that he
10:31:11 8 recovered?

10:31:12 9 MR. KOSOKO: Object to the form of the
10:31:22 10 question.

10:31:22 11 THE WITNESS: I would -- I could go on the
10:31:23 12 system and see if something was inventoried. I could
10:31:27 13 put in his PC number and see if he inventoried
10:31:30 14 something. I never did that.

10:31:31 15 BY MR. RAUSCHER:

10:31:31 16 Q. How would you have known to check if he
10:31:33 17 inventoried something if you didn't know he recovered
10:31:35 18 anything?

10:31:35 19 A. You asked if -- how could I have done that
10:31:42 20 better, and that's what I said, that I could have been
10:31:46 21 more diligent in checking behind people and making sure
10:31:49 22 that they inventoried or did whatever they were supposed
10:31:52 23 to do, because at the end of the day I was the
10:31:56 24 supervisor.

10:31:57 25 Q. So did you plead guilty because Kallatt

10:32:01 1 Mohammed stole \$5,200?

10:32:02 2 MR. KOSOKO: Object to the form of the
10:32:04 3 question.

10:32:09 4 THE WITNESS: My attorney has advised me
10:32:11 5 to assert my Fifth Amendment right of the U.S.
10:32:14 6 Constitution due to the possibility that answering this
10:32:15 7 question may cause me to be criminally indicted by the
10:32:18 8 U.S. Attorney and/or the Cook County State's Attorney.

10:32:38 9 BY MR. RAUSCHER:

10:32:39 10 Q. What was your specific role in the
10:32:42 11 investigation, as you've called it, that event that led
10:32:46 12 to your underlying -- to your conviction? What was your
10:32:49 13 role in the investigation?

10:32:54 14 MR. KOSOKO: Object to the form of the
10:32:57 15 question, ambiguous.

10:32:58 16 THE WITNESS: My attorney has advised me
10:33:00 17 to assert my Fifth Amendment right of the U.S.
10:33:02 18 Constitution due to the possibility that answering this
10:33:04 19 question may cause me to be criminally indicted by the
10:33:08 20 U.S. Attorney and/or the Cook County State's Attorney.

10:33:14 21 BY MR. RAUSCHER:

10:33:14 22 Q. Does the name Chewbacca sound familiar to you?

10:33:18 23 A. No.

10:33:20 24 Q. Chewy?

10:33:20 25 A. Chewy sounds familiar.

10:33:22 1 Q. Who is Chewy?

10:33:24 2 A. The other person that was involved in the
10:33:30 3 event. That's what we called him.

10:33:32 4 Q. And you're -- that was -- you said there was a
10:33:34 5 street guy involved. Is that --

10:33:36 6 A. Yeah that's --

10:33:37 7 Q. That's Chewy?

10:33:39 8 A. Yeah, that's what I --

10:33:39 9 Q. When you called him a street guy, what did you
10:33:41 10 mean by that?

10:33:42 11 A. From my knowledge of him at the time, he lived
10:33:45 12 on the street. So that's why I called him a street guy.

10:33:51 13 Q. All right. So Chewy was involved, Kallatt
10:33:56 14 Mohammed was involved, and you were involved, right?

10:34:00 15 A. Yes.

10:34:01 16 Q. All right. What was Chewy's involvement?

10:34:05 17 A. I really -- I don't know his involvement. I
10:34:10 18 mean he -- through documents I found out later he was an
10:34:17 19 informant. So his involvement, I guess he was the bag
10:34:25 20 man or he transported things for the narcotics dealer in
10:34:31 21 the -- dealers in the area.

10:34:34 22 Q. You learned that later through documents?

10:34:37 23 A. We knew -- we had -- when I say we, in our --
10:34:41 24 I'll say that the team had knowledge that on previous
10:34:47 25 occasions Chewy had transported things in the

10:34:53 1 neighborhood for the narcotics dealers.

10:34:56 2 Q. What things had Chewy transported through the
10:34:59 3 neighborhood for narcotics dealers?

10:35:00 4 A. He was supposed to be bringing the narcotics
10:35:03 5 into the area.

10:35:04 6 Q. And what about money, was he bringing money?

10:35:07 7 A. We weren't too -- he said he was. So, yes, I'm
10:35:13 8 going to say yes. Money and narcotics, yes.

10:35:16 9 Q. You said team members had that knowledge.
10:35:18 10 Which team members had the knowledge that you've just
10:35:20 11 talked about?

10:35:21 12 A. Well, all of the team members, my tactical
10:35:29 13 team. We had had previous interactions with Chewy. So
10:35:35 14 we knew he was involved. We didn't know how deeply he
10:35:42 15 was involved. We just knew of him in the area. He was
10:35:45 16 one of the people, the street people, that they hired to
10:35:49 17 do certain things down in the area.

10:35:51 18 Q. How did the whole thing come about, this whole
10:35:54 19 event that led to your conviction? Were you following
10:35:57 20 Chewy, were you all looking at him? Did he contact
10:36:00 21 someone on your team? Did he contact you? What
10:36:03 22 happened?

10:36:03 23 MR. KOSOKO: Object to the form of the
10:36:03 24 question.

10:36:11 25 And...

10:36:11 1 THE WITNESS: My attorney has advised me
10:36:13 2 to assert my Fifth Amendment right of the U.S.
10:36:16 3 Constitution due to the possibility that answering this
10:36:18 4 question may cause me to be criminally indicted by the
10:36:20 5 U.S. Attorney and/or the Cook County State's Attorney.
10:36:29 6 BY MR. RAUSCHER:

10:36:30 7 Q. Did you take the money because --

10:36:31 8 MR. KOSOKO: Hang on.

10:36:32 9 MR. RAUSCHER: Oh, I'm sorry.

10:36:33 10 MR. KOSOKO: I'd like to speak to my
10:36:34 11 client for a second.

10:36:36 12 THE VIDEOGRAPHER: Counsel, would you like
10:36:37 13 to go off the record?

10:36:38 14 MR. KOSOKO: Yes, please.

10:36:39 15 THE VIDEOGRAPHER: We are off the record.
10:36:40 16 Time on the video monitor is 10:36 a.m. This ends
10:36:45 17 Media 1.

10:36:47 18 (A recess was taken.)

10:48:44 19 (Deposition [Exhibit 2](#) was marked for
10:49:10 20 identification.)

10:49:53 21 THE VIDEOGRAPHER: We are on the record.
10:49:54 22 The time on the video monitor is 10:49 a.m. This begins
10:49:59 23 Media 2.

10:50:00 24 BY MR. RAUSCHER:

10:50:00 25 Q. I'm going to show you a document marked as

10:50:03 1 [Exhibit 2](#) in a second, but just one quick question
10:50:05 2 before we move to that.

10:50:06 3 Did you have a specific uniform or outfit you
10:50:10 4 would wear when you were doing reverse stings?

10:50:11 5 A. No, not an outfit, no. It was just regular
10:50:14 6 civilian clothes.

10:50:15 7 Q. Were they different kind of civilian clothes
10:50:17 8 than you wore on days or times when you were not doing
10:50:20 9 reverse stings?

10:50:23 10 A. Just regular civilian clothes, I mean. It
10:50:26 11 wasn't a uniform or anything, no.

10:50:29 12 Q. Not an official uniform, but did you have even
10:50:31 13 like something you would consider a uniform for reverse
10:50:35 14 stings?

10:50:35 15 A. Whatever the clothing were out that season,
10:50:40 16 that year, time of year, you dressed to fit in to the
10:50:45 17 neighborhood or -- you know, I mean.

10:50:49 18 Q. Did you wear starter jackets during reverse
10:50:51 19 stings?

10:50:51 20 A. I never had a starter jacket.

10:50:53 21 Q. Never had one?

10:50:54 22 A. No. They were too expensive.

10:50:55 23 Q. Do you know if other team members had starter
10:50:58 24 jackets?

10:50:58 25 A. I don't recall if they did.

10:50:59 1 Q. All right, if you could take a look at what's
10:51:00 2 been marked as [Exhibit 2](#)?

10:51:02 3 MR. RAUSCHER: And for everyone on Zoom,
10:51:04 4 this is PL JOINT 001295 through PL JOINT 001308, some
10:51:12 5 documents from the criminal case.

10:51:12 6 BY MR. RAUSCHER:

10:51:21 7 Q. The first page is a complaint and then there's
10:51:23 8 an affidavit behind it. The affidavit is ten pages
10:51:28 9 long, and I'd like you to read through it, if you would.

10:51:30 10 A. Uh-huh.

10:51:39 11 MR. JOEL FLAXMAN: Scott, can you give us
10:51:41 12 the last page of that again, please?

10:51:42 13 MR. RAUSCHER: Yeah, runs through 1308,
10:51:45 14 which is the end of the forfeiture allegation.

10:51:51 15 MR. JOEL FLAXMAN: I didn't hear you.
10:51:52 16 Sounds like you got really quiet after I spoke. Do it
10:51:56 17 again. Maybe I'll hear you.

10:51:56 18 MR. RAUSCHER: 1308, end of the forfeiture
10:51:58 19 allegation. Is that better?

10:52:01 20 MR. JOEL FLAXMAN: Yes. Thank you.

11:05:54 21 THE WITNESS: You said ten, right?

11:05:55 22 BY MR. RAUSCHER:

11:05:56 23 Q. Yeah, that whole --

11:05:56 24 A. Yes.

11:05:58 25 Q. You just read --

11:05:57 1 A. Yeah. Uh-huh.

11:05:58 2 Q. Page 1 was the criminal complaint and then
11:06:01 3 there was a 10-page affidavit --

11:06:03 4 A. Yes.

11:06:03 5 Q. -- of probably cause behind it.

11:06:05 6 A. Uh-huh.

11:06:05 7 Q. Have you had a chance to read that?

11:06:07 8 A. Yes.

11:06:07 9 Q. And that describes an event that occurred
11:06:10 10 November 21, 2011, right?

11:06:11 11 A. Correct.

11:06:11 12 Q. And that's the event that we've been referring
11:06:14 13 to this morning when we were talking about the event
11:06:16 14 that led to your conviction?

11:06:17 15 A. Correct.

11:06:19 16 Q. Having read the probable cause affidavit, are
11:06:23 17 there parts that are incorrect?

11:06:26 18 A. I would just refer to the document. If this is
11:06:29 19 what I pled to, I'd say it's accurate.

11:06:31 20 Q. So everything in this probable cause statement
11:06:33 21 is accurate?

11:06:34 22 A. It's what's in the document. It's what I pled
11:06:36 23 to. I'd say it's accurate, yes.

11:06:41 24 Q. Well, can we -- I know it's what you pled to
11:06:45 25 and that it is what's in the document, but I just want

11:06:47 1 to make sure that the record's clear. You're agreeing
11:06:50 2 that the paragraphs in this probable cause statement are
11:06:52 3 accurate?

11:06:53 4 MR. KOSOKO: Objection, asked and
11:06:53 5 answered. He said it's accurate, twice now.

11:06:59 6 BY MR. RAUSCHER:

11:06:59 7 Q. The probable cause statement is accurate?

11:07:01 8 A. For the third time, yes. It's what I pled to.

11:07:12 9 Q. All right. Are there any parts of the probable
11:07:14 10 cause statement that you don't have personal knowledge
11:07:17 11 of?

11:07:19 12 MR. KOSOKO: Object to the form of the
11:07:26 13 question.

11:07:26 14 Are you able to answer that?

11:07:31 15 THE WITNESS: Yeah, several. I wasn't
11:07:32 16 there for a lot of the things that were described there,
11:07:35 17 so yeah.

11:07:37 18 BY MR. RAUSCHER:

11:07:37 19 Q. All right. And how do you know they're
11:07:38 20 accurate if you weren't there for them?

11:07:39 21 A. It's what I pled to, so I'm going to say it's
11:07:42 22 accurate.

11:07:48 23 Q. Take a look at Paragraphs 22 and 23. They're
11:07:54 24 on Page 9, which is PL JOINT 001304.

11:08:05 25 A. 22, you said?

11:08:05 1 Q. 22 and 23.

11:08:06 2 A. Okay. Uh-huh.

11:08:07 3 Q. Have you had a chance to look at those?

11:08:09 4 A. Yes.

11:08:11 5 Q. Tell me what they describe. Tell me what those
11:08:13 6 paragraphs describe.

11:08:15 7 MR. KOSOKO: Object to the form of the
11:08:15 8 question, ambiguous.

11:08:22 9 THE WITNESS: Describes what the FBI agent
11:08:28 10 observed, I guess, and heard.

11:08:33 11 BY MR. RAUSCHER:

11:08:33 12 Q. Do you know if CS5 here is Chewy?

11:08:37 13 A. I'd say yes. Later on we found out.

11:08:40 14 Q. Did you give Chewy hundreds of dollars on
11:08:45 15 November 10th, two -- I'm sorry. Did you give Chewy
11:08:48 16 hundreds of dollars on November 21st, 2011?

11:08:51 17 A. Again, what's in the documents here I agreed
11:08:57 18 to, I pled to.

11:08:58 19 Q. So, yes, you gave him the money?

11:09:00 20 A. Yes. It's in the document.

11:09:02 21 Q. Where did you get the money that you gave to
11:09:03 22 Chewy on November 21st, 2011?

11:09:07 23 A. It's in the document.

11:09:09 24 Q. Where did you get the money that you gave to
11:09:11 25 Chewy on November 21st, 2011?

11:09:14 1 A. It's in the document.

11:09:15 2 Q. Where in the document?

11:09:18 3 A. What the agent observed, said he observed,
11:09:24 4 that's where he got it.

11:09:26 5 Q. Tell me where in the document it says where you
11:09:28 6 got the money that you gave to Chewy.

11:09:31 7 A. I thought it said I was at a Walgreens or
11:09:34 8 something. You're saying where I was --

11:09:38 9 Q. You said -- I said where did you get the money
11:09:39 10 that you gave to Chewy. Where did that money come from?
11:09:42 11 Did you understand that question?

11:09:43 12 A. Oh, okay. Where did the money come from?
11:09:47 13 What's in the documents I agree with.

11:09:50 14 Q. Okay. So I just want you to point me to the
11:09:52 15 exact spot so there's no confusion.

11:09:54 16 A. Uh-huh.

11:09:54 17 Q. Point me to the spot in this document that says
11:09:56 18 the source of the money that you gave to Chewy on
11:10:02 19 November 21st, 2011.

11:10:05 20 A. I agree with what I pled to in this document.

11:10:16 21 Q. If the source of the money isn't spelled out in
11:10:19 22 the document, I just want you to tell me what it is. If
11:10:21 23 it is spelled out, I want you to tell me where, so that
11:10:24 24 we have a clear answer.

11:10:25 25 A. I'm referring to the document.

11:10:28 1 Q. So it's a ten-page document, right?

11:10:30 2 A. Correct.

11:10:30 3 Q. Where in the ten pages are you referring to
11:10:33 4 when you say the document tells where the source of the
11:10:36 5 money was that you gave to Chewy?

11:10:42 6 A. I go back to the document to where it says I
11:10:48 7 gave him a specific amount of money. I pled to that.
11:10:54 8 That's what my answer is.

11:10:56 9 Q. Right. But I want to know was it your money?
11:10:59 10 Was it money that you took from the bag? Did you go to
11:11:02 11 the cash station? Was it CPD money? Whose money was
11:11:05 12 it?

11:11:05 13 MR. KOSOKO: Objection to the form of the
11:11:09 14 question, vague, ambiguous, causes for a legal
11:11:15 15 conclusion.

11:11:19 16 THE WITNESS: I stated in the document I
11:11:20 17 pled to this, and this is what I agreed to. That's my
11:11:28 18 answer.

11:11:28 19 BY MR. RAUSCHER:

11:11:28 20 Q. That's not an answer to the question, though.
11:11:31 21 You gave Chewy \$400, right?

11:11:35 22 A. No.

11:11:35 23 Q. Okay. How much money did you give Chewy?

11:11:38 24 A. I'm not aware I gave him \$400. It's all --
11:11:45 25 it's all in the documents. It happened over like ten

11:11:48 1 years ago. You want me to go back ten years, and if you
11:11:53 2 provide -- like you provided me with these documents,
11:11:56 3 and if this is what I recall, that's my answer.

11:12:00 4 Q. You agree you gave him hundreds of dollars,
11:12:02 5 even if it wasn't maybe 400, right?

11:12:06 6 A. I agree to what's in the documents.

11:12:08 7 Q. Well, what's in the document for how much money
11:12:10 8 you gave him?

11:12:12 9 A. I believe it says -- it really doesn't say how
11:12:16 10 much money I gave him. It says five large.

11:12:20 11 Q. It says, "Watts then said 'There's five large
11:12:23 12 brother.'" "

11:12:23 13 A. Right.

11:12:23 14 Q. That's in Paragraph 22, right?

11:12:25 15 A. Yes.

11:12:25 16 Q. And then the next paragraph says Chewy, CS5,
11:12:29 17 provided agents with \$400, which, according to him, is
11:12:32 18 what he got from you.

11:12:33 19 A. According to him, right.

11:12:35 20 Q. I'm asking you did you give him money that day?

11:12:39 21 A. I gave him five large.

11:12:40 22 Q. You gave him \$5,000?

11:12:42 23 A. If that's what five large --

11:12:44 24 Q. \$500 or \$5,000?

11:12:46 25 A. If that's what five large means, then --

11:12:49 1 Q. Well, what does five large mean to you; \$500?

11:12:51 2 A. No, five large. Ain't no one on the street --
11:12:53 3 no one on the streets gives a street guy \$500, \$5,000.

11:13:00 4 So that particular day I probably gave him \$5
11:13:06 5 or \$50. I don't know.

11:13:06 6 Q. Okay.

11:13:07 7 A. But I know I would never give a street person
11:13:13 8 for information \$500 or \$5,000 or \$5,200.

11:13:22 9 Q. All right. So you gave him maybe five or \$50?

11:13:25 10 A. Maybe.

11:13:25 11 Q. What would five large have meant to you at the
11:13:28 12 time; \$5?

11:13:29 13 A. For a street person, yes. That's a lot of
11:13:32 14 money for a street person who's in the -- as you can
11:13:36 15 refer to the document, he was a homeless guy living on
11:13:39 16 the street.

11:13:45 17 Q. Do you agree with the description of how the
11:13:48 18 whole event unfolded?

11:13:50 19 MR. KOSOKO: Object to the form of the
11:13:55 20 question, ambiguous. What do you mean by the whole
11:13:56 21 event? You mean start to finish?

11:13:59 22 BY MR. RAUSCHER:

11:13:59 23 Q. Did you understand the question, or do you need
11:14:01 24 me to clarify?

11:14:03 25 MR. KOSOKO: Do you understand what he's

11:14:03 1 asking you? Are you talking about -- are you still
11:14:05 2 talking about just Paragraph 22?

11:14:06 3 BY MR. RAUSCHER:

11:14:08 4 Q. No, I'm talking about the whole event that's
11:14:10 5 described in this complaint.

11:14:11 6 A. This is what I pled to. Yes, I agree with
11:14:13 7 this.

11:14:18 8 Q. Did you ever talk to Kallatt Mohammed about the
11:14:21 9 event?

11:14:22 10 MR. KOSOKO: Objection to -- objection to
11:14:26 11 the form of the question, vague, ambiguous; also, on
11:14:28 12 foundational grounds.

11:14:42 13 THE WITNESS: Kallatt stopped talking to
11:14:46 14 me after he was arrested and after I was arrested, so
11:14:50 15 no.

11:14:53 16 BY MR. RAUSCHER:

11:14:53 17 Q. Did you ever see a bag with \$5,200 on it --

11:14:56 18 A. No.

11:14:56 19 Q. -- in it on November 21st, 2011?

11:14:59 20 A. No.

11:15:04 21 Q. And you never took any money November 21st,
11:15:04 22 2011?

11:15:04 23 MR. KOSOKO: Object to the --

11:15:07 24 THE WITNESS: No.

11:15:07 25 MR. KOSOKO: Object to the form of the

11:15:09 1 question. He's previously asserted his Fifth Amendment
11:15:12 2 right, and you just asked again; but if we're going to
11:15:15 3 do that, that's fine.

11:15:20 4 Now, I do want to -- I do want to point
11:15:23 5 out the standing order. We weren't tendered any
11:15:26 6 documents seven days before. We'll keep going. I'm
11:15:29 7 fine with that. But if we're going to circle back and
11:15:31 8 like try to like circumvent his assertion of privileges
11:15:33 9 of questions he's already -- then, you know.

11:15:36 10 MR. RAUSCHER: I'm not trying to
11:15:37 11 circumvent anything. He's gone back and forth. And we
11:15:39 12 had many conversations about the standing order, so I
11:15:41 13 don't think it's unfair. I told you the topics I was
11:15:43 14 going to talk about. I'm not trying to, you know,
11:15:46 15 surprise anyone. I don't think that's beneficial for
11:15:48 16 anyone.

11:15:48 17 MR. KOSOKO: All right.

11:15:49 18 MR. RAUSCHER: I think I was pretty clear
11:15:50 19 that we were going to cover this area.

11:15:51 20 MR. KOSOKO: Okay.

11:16:05 21 BY MR. RAUSCHER:

11:16:05 22 Q. Have you ever seen Kallatt Mohammed's
11:16:09 23 statements to the FBI about the November 21, 2011
11:16:13 24 incident?

11:16:21 25 MR. KOSOKO: I'm going to instruct him not

11:16:23 1 to answer based on attorney-client privilege. But if
11:16:27 2 you're asking him the FBI documents, then that's fine,
11:16:31 3 but...

11:16:33 4 MR. RAUSCHER: All right. I'll just --
11:16:34 5 I'm not trying to --

11:16:36 6 MR. KOSOKO: Okay.

11:16:36 7 BY MR. RAUSCHER:

11:16:36 8 Q. I'm going to just show you a document. I'm
11:16:38 9 going to mark it as [Exhibit 3](#).

11:16:40 10 A. Okay. Yeah, great. Thank you.

11:16:46 11 Q. This is FBI 267 through 276, and this one is
11:16:50 12 subject to the Privacy Act Order.

11:16:50 13 (Deposition [Exhibit 3](#) was marked for
11:16:52 14 identification.)

11:16:52 15 MR. KOSOKO: Okay. Thanks.

11:16:58 16 MR. RAUSCHER: Sure.

11:16:58 17 BY MR. RAUSCHER:

11:16:59 18 Q. This is [Exhibit 3](#).

11:17:08 19 Have you seen this document before?

11:17:11 20 A. Not that I recall, no.

11:17:13 21 Q. Do you recall seeing -- you don't recall seeing
11:17:15 22 it during the criminal proceedings?

11:17:17 23 A. I don't remember. It was 12 years or 10 years
11:17:21 24 ago, so I don't remember. I don't know. You're showing
11:17:23 25 it to me now.

11:17:30 1 Q. Can you take a look -- I mean you can read the
11:17:32 2 whole thing, if you like, but I want to point you.
11:17:35 3 Parts of it talk about the November 21st, 2011 incident,
11:17:40 4 and there's a specific question I have toward Page 6 to
11:17:43 5 7.

11:17:50 6 A. You said Page 6 and 7?

11:17:52 7 Q. Yeah. The last paragraph, basically the last
11:17:55 8 paragraph on -- it's FBI 272, if you look at the bottom.

11:17:59 9 A. Yeah, uh-huh.

11:18:00 10 MR. KOSOKO: You want him to read Page 6
11:18:02 11 and 7?

11:18:03 12 MR. RAUSCHER: Yeah.

11:18:03 13 MR. KOSOKO: Okay. Go ahead.

11:18:04 14 BY MR. RAUSCHER:

11:18:05 15 Q. Start at the bottom of Page 6 through 7.

11:18:07 16 A. Okay.

11:18:07 17 Q. Or, really, through the middle of 7.

11:18:10 18 MR. KOSOKO: You want him to start where
11:18:11 19 it starts Mohammed?

11:18:13 20 MR. RAUSCHER: Yeah. Yeah.

11:18:13 21 MR. KOSOKO: That first paragraph that
11:18:16 22 starts Mohammed?

11:18:16 23 MR. RAUSCHER: Yeah.

11:18:17 24 MR. KOSOKO: Okay.

11:18:17 25 THE WITNESS: Okay.

11:21:34 1 Okay.

11:21:35 2 BY MR. RAUSCHER:

11:21:35 3 Q. So you see the part on FBI 273, which is the
11:21:39 4 top of Page 7?

11:21:40 5 A. Yes.

11:21:41 6 Q. It says, "Mohammed recalled that when Watts
11:21:44 7 searched the bag, he searched with one hand and pulled
11:21:46 8 out a wad of money."

11:21:48 9 Do you see that?

11:21:48 10 A. Yes, I read that.

11:21:49 11 Q. And that's describing the bag recovered
11:21:52 12 November 21st, 2011, right?

11:21:54 13 A. That's the date there.

11:21:56 14 MR. KOSOKO: Object to the form of the
11:21:58 15 question.

11:21:58 16 BY MR. RAUSCHER:

11:21:58 17 Q. Did you search the bag and take out a wad of
11:22:02 18 money?

11:22:02 19 A. No.

11:22:04 20 Q. So he was giving false information to the FBI,
11:22:09 21 Kallatt Mohammed?

11:22:12 22 A. What I just read here is incorrect, yes. So, I
11:22:17 23 don't know.

11:22:17 24 Q. That's probably not something someone can
11:22:20 25 misinterpret, is it?

11:22:22 1 MR. KOSOKO: Object to the form of the
11:22:23 2 question.

11:22:23 3 BY MR. RAUSCHER:

11:22:24 4 Q. Well, whether you reached into the bag and took
11:22:25 5 out money would be pretty clear, wouldn't it, if you did
11:22:28 6 that in front of someone?

11:22:31 7 A. It didn't happen.

11:22:33 8 Q. So would you think he's intentionally giving
11:22:36 9 the FBI false information?

11:22:40 10 A. I can't speak for why he gave them that
11:22:42 11 information, but it didn't happen, and I stated that.

11:22:45 12 Q. Did anything happen that could have been
11:22:47 13 mistaken for you reaching into the bag and taking out
11:22:49 14 money?

11:22:50 15 MR. KOSOKO: Object to the form of the
11:22:52 16 question.

11:22:52 17 THE WITNESS: No.

11:22:55 18 BY MR. RAUSCHER:

11:22:55 19 Q. Did you ever have possession of the bag on
11:22:57 20 November 21st, 2011?

11:22:59 21 A. No.

11:23:12 22 Q. Did you used to buy Lotto Pick 3 tickets?

11:23:16 23 A. I never played Pick 3.

11:23:16 24 Q. All right.

11:23:18 25 A. Pick 4.

11:23:18 1 Q. Pick 4. Did you spend \$400 a day on Pick 4
11:23:24 2 tickets?

11:23:24 3 A. No way.

11:23:24 4 Q. Did you --

11:23:28 5 A. I've got to laugh because that's absurd. \$400
11:23:31 6 a day on lottery tickets. No.

11:23:34 7 Q. Did you talk about Lotto at work?

11:23:37 8 A. We talked about -- yeah, at work, and on some
11:23:45 9 occasions maybe we had a -- where guys would --
11:23:49 10 everybody would put in and it was a thing. It was not
11:23:52 11 just the team. It was the station, when the pot got
11:23:57 12 big, yeah. So we talked about the lottery, yes.

11:23:59 13 Q. Did you buy tickets at 43rd and Cottage Grove?

11:24:03 14 A. Yes.

11:24:03 15 Q. Do you -- do you have any -- any reason you can
11:24:08 16 think of why Mohammed would have said that you spend
11:24:10 17 \$400 per day on Lotto tickets?

11:24:12 18 A. I don't know why he would say that, no. I
11:24:14 19 don't know why he would say that.

11:24:15 20 Q. Did you play Pick 4 every day?

11:24:17 21 A. Not every day, no.

11:24:19 22 Q. Most days?

11:24:21 23 A. Some days, yes.

11:24:24 24 Q. How much money do you think you spent every
11:24:25 25 week on Lotto tickets?

11:24:28 1 A. I don't recall when I stopped playing the
11:24:32 2 lottery. Probably about 2011. Yeah. And I play
11:24:41 3 occasionally. 400 a day, never.

11:24:43 4 Q. Did you have a gambling problem?

11:24:45 5 A. No.

11:24:45 6 Q. Never?

11:24:46 7 A. Never.

11:24:46 8 Q. Do you still gamble at all?

11:24:50 9 A. Occasionally I will go to the casino with maybe
11:24:53 10 a friend or two, but I'm not a gambler, no. For
11:24:59 11 entertainment.

11:25:04 12 Q. Can you take a look at Page 9 while we're here,
11:25:06 13 which is FBI 275?

11:25:09 14 A. Uh-huh.

11:25:11 15 Q. Look at the second full paragraph for me.

11:26:05 16 A. Okay.

11:26:07 17 Q. Do you see there Mohammed says that you
11:26:09 18 admitted stealing money from another search?

11:26:11 19 A. Yes.

11:26:13 20 Q. And that was at Van Vliissingen Street?

11:26:16 21 A. Yes.

11:26:17 22 Q. And did that happen; did you steal money there?

11:26:19 23 A. No.

11:26:19 24 Q. Do you know what incident this is referring to?

11:26:21 25 A. I know -- I know of a -- of an incident, yes, a

11:26:27 1 search warrant that happened. I've been asked this, so
11:26:30 2 I know about that, yes.

11:26:31 3 Q. And who asked you that?

11:26:33 4 MR. KOSOKO: Objection.

11:26:34 5 MR. RAUSCHER: All right, I'm not trying
11:26:34 6 to --

11:26:34 7 MR. KOSOKO: Yeah.

11:26:34 8 BY MR. RAUSCHER:

11:26:34 9 Q. If you meant your attorney now, then that's
11:26:38 10 not...

11:26:38 11 Have you talked about that with anyone other
11:26:41 12 than your current attorney?

11:26:42 13 A. The FBI questioned me about it.

11:26:44 14 Q. And what did you tell the FBI about that
11:26:46 15 incident?

11:26:46 16 A. That it never happened. I was never in contact
11:26:49 17 with any proceeds from -- that were recovered at
11:26:58 18 Van Vlissingen. Never happened. There was a -- there
11:27:01 19 was a procedure that the recovering officer, whoever --
11:27:05 20 I don't remember who recovered what, but they were to
11:27:10 21 hold on to whatever they recovered, transport it into
11:27:13 22 the station, and inventory it.

11:27:16 23 At the time, the proceeds, if it was -- the
11:27:20 24 procedure at the time, I recall, had just changed and it
11:27:25 25 was if you recover money, we weren't even to count it.

11:27:28 1 It was to stay in that form and we were to call asset
11:27:33 2 forfeiture and they were to come and count or whatever,
11:27:36 3 and that's the procedure that was followed. I never
11:27:41 4 came in contact with anything that was recovered at that
11:27:45 5 address.

11:27:47 6 Q. And when you say you never came in contact with
11:27:49 7 it, do you mean even at the scene?

11:27:50 8 A. It was never in my possession is what I mean.

11:27:52 9 Q. At the scene?

11:27:53 10 A. Yes.

11:27:53 11 Q. Okay. Not at the scene and not after?

11:27:55 12 A. It was never in my possession, no.

11:27:59 13 Q. Do you know if any -- if other officers
11:28:02 14 recovered money at the scene of that search?

11:28:04 15 A. Yes, money was recovered.

11:28:06 16 Q. And do you know what happened to the missing
11:28:08 17 money?

11:28:09 18 MR. KOSOKO: Objection to the form of the
11:28:10 19 question, assumes facts not in evidence.

11:28:13 20 THE WITNESS: It was never in my
11:28:14 21 possession.

11:28:17 22 BY MR. RAUSCHER:

11:28:18 23 Q. I understand that part of the answer.

11:28:19 24 A. So, no, I don't know what happened to it.

11:28:28 25 Q. Okay. Do you know someone who went by the

11:28:30 1 nickname Jelly Roll?

11:28:34 2 A. No.

11:28:35 3 Q. Did you ever hear --

11:28:36 4 A. I can't --

11:28:36 5 Q. I'm sorry. Go ahead.

11:28:37 6 A. I can't recall someone Jelly Roll. Probably
11:28:42 7 was a nickname from somebody down in the Wells, but I
11:28:47 8 don't know them, no.

11:28:49 9 Q. Are you saying probably because it looks like
11:28:50 10 I'm reading it from somewhere, or does it sound
11:28:53 11 familiar?

11:28:53 12 A. No, I'm saying probably because there was so
11:28:55 13 many nicknames, you know, I mean from the neighborhood.
11:28:57 14 So Jelly Roll could have been one. But you said did I
11:29:02 15 know someone. No.

11:29:09 16 Q. Did you ever give drugs to people in Ida B.
11:29:12 17 Wells?

11:29:12 18 A. No.

11:29:16 19 Q. You know that you have been accused of doing
11:29:18 20 that, right, people have said you did that?

11:29:23 21 A. Yes. Drug dealers have stated that I did that,
11:29:23 22 yes.

11:29:46 23 Q. Can you read the -- since we're on this
11:29:49 24 document anyway, start at the bottom of the first page,
11:29:51 25 which is FBI 267, and then read through the first couple

11:30:00 1 paragraphs, few paragraphs on the next page, FBI 268.

11:30:04 2 A. Starting with that last --

11:30:06 3 Q. Yeah, starting "Mohammed stated that no one
11:30:09 4 threatened."

11:30:12 5 Oh, I'm sorry. I was on Page 9. Starting with
11:30:16 6 "Mohammed stated that people in the housing project
11:30:18 7 said."

11:30:18 8 A. Okay.

11:32:37 9 MR. KOSOKO: How far do you want him to
11:32:38 10 go?

11:32:39 11 MR. RAUSCHER: Just really through that --

11:32:40 12 THE WITNESS: This whole page number 2?

11:32:43 13 BY MR. RAUSCHER:

11:32:43 14 Q. Oh, you can stop for now with the first full
11:32:45 15 paragraph, where it starts --

11:32:47 16 A. Oh, okay.

11:32:48 17 Q. It's okay. We'll do the rest in a little bit
11:32:50 18 anyway.

11:32:50 19 A. Sure.

11:32:51 20 Q. So you read those couple paragraphs?

11:32:53 21 A. Uh-huh.

11:32:53 22 Q. The first full paragraph that starts on FBI 268
11:32:56 23 with "When Mohammed and Smith would stop drug dealers,"
11:33:00 24 you read that paragraph, right?

11:33:01 25 A. Yes.

11:33:01 1 Q. And you see in about the middle of that
11:33:03 2 paragraph it says, "Mohammed and his tactical team would
11:33:06 3 search for the drugs and once they were found, Watts
11:33:08 4 would pay Jelly Roll with two bags of heroin or crack
11:33:13 5 cocaine."

11:33:14 6 Do you see that?

11:33:14 7 A. Yes.

11:33:15 8 Q. So it wasn't just drug dealers who accused you
11:33:17 9 of giving people drugs, right?

11:33:19 10 MR. KOSOKO: Objection to the form of the
11:33:22 11 question.

11:33:23 12 THE WITNESS: This is a statement from
11:33:25 13 Mohammed, so I guess he is accusing me of doing it.

11:33:29 14 BY MR. RAUSCHER:

11:33:29 15 Q. Is he falsely accusing you of giving drugs to a
11:33:32 16 drug dealer?

11:33:33 17 A. Yes.

11:33:34 18 Q. It didn't happen?

11:33:35 19 A. Never happened. Don't know Jelly Roll. I just
11:33:39 20 told you that.

11:33:40 21 Q. Well, you don't know whether you knew a Jelly
11:33:42 22 Roll when you were at CPD?

11:33:46 23 A. I don't know anyone named Jelly Roll.

11:33:51 24 Q. Do you know someone named Eric Brown?

11:33:52 25 A. No.

11:33:53 1 Q. Doesn't sound familiar?

11:33:55 2 A. No, not at all.

11:33:58 3 Q. Do you know Arthur Kirksey, Art?

11:34:03 4 A. Art, yes.

11:34:05 5 Q. You ever take money from Art in payoffs?

11:34:08 6 A. No.

11:34:10 7 Q. Did you ever -- did Art ever give you money?

11:34:12 8 A. No.

11:34:13 9 Q. Did Art ever give Mohammed money that got to
11:34:17 10 you?

11:34:17 11 A. I don't know what he gave Mohammed, but
11:34:20 12 Mohammed never gave me money from anyone.

11:34:29 13 Q. Do you have any idea why Mohammed was telling
11:34:31 14 the FBI all sorts of things that weren't true about you?

11:34:39 15 A. I could --

11:34:40 16 MR. KOSOKO: Objection to the form of the
11:34:41 17 question, causes for a speculative response.

11:34:43 18 But go ahead and answer, Sarge.

11:34:44 19 THE WITNESS: Yeah, because he
11:34:47 20 supposedly -- I found out later he was recorded taking
11:34:50 21 money from someone who was related to Arthur Kirksey, so
11:34:59 22 he was recorded taking money. So, yeah, maybe that's
11:35:02 23 why.

11:35:02 24 BY MR. RAUSCHER:

11:35:03 25 Q. Maybe trying to deflect blame onto you?

11:35:07 1 A. Absolutely. That's what I'm reading here,
11:35:09 2 yeah, and what you're asking me, yes, absolutely.

11:35:16 3 Q. You can put that aside, for now at least.

11:35:33 4 A. Uh-huh. Sure.

11:35:36 5 Q. Were you ever in a motorcycle club?

11:35:38 6 A. Never.

11:35:39 7 Q. Did you ever have a motorcycle?

11:35:40 8 A. I had a motorcycle.

11:35:41 9 Q. When did you have a -- do you still have a
11:35:43 10 motorcycle?

11:35:43 11 A. No.

11:35:44 12 Q. When did you have a motorcycle?

11:35:45 13 A. Oh, wow. I think it was 2009. I probably rode
11:35:52 14 it maybe twice.

11:35:53 15 Q. Did you ride it while you were at work ever or
11:35:56 16 while you were working?

11:35:57 17 A. Never.

11:35:57 18 Q. Did you ride it around or near or in Ida B.
11:36:00 19 Wells?

11:36:00 20 A. Never.

11:36:10 21 Q. We started going through an interrogatory
11:36:13 22 response that had described the Shaun James ones
11:36:16 23 earlier, the first exhibit that described your time at
11:36:20 24 CPS.

11:36:21 25 A. Uh-huh. CPD.

11:36:21 1 MR. KOSOKO: CPD?

11:36:23 2 BY MR. RAUSCHER:

11:36:23 3 Q. Geez. Yes. Thank you.

11:36:24 4 A. That was children and family services. Chicago
11:36:27 5 Public Schools.

11:36:27 6 Q. Chicago Public Schools, yeah.

11:36:33 7 What are the different titles you held at CPD?

11:36:39 8 A. I was a police officer, I was a sergeant of
11:36:44 9 police, and I was a union rep for the Sergeants
11:36:50 10 Association.

11:36:52 11 Q. How long were you a sergeant for?

11:36:55 12 A. I became a sergeant in 2000.

11:36:59 13 Q. What was the process like to become a sergeant
11:37:01 14 for you?

11:37:03 15 A. For me?

11:37:03 16 Q. Yeah.

11:37:04 17 A. It was -- it was -- for me the process was it
11:37:11 18 was an exciting process. You had to test. You had to
11:37:14 19 take a test. You had to -- it was a waiting game, I
11:37:22 20 guess. That's all. I'd say it was an exciting process.

11:37:29 21 Q. So was it a merit or a testing promotion?

11:37:32 22 A. Testing promotion. From my understanding, it
11:37:36 23 still is that way today.

11:37:40 24 Q. And how long after you passed the test did you
11:37:43 25 become sergeant?

11:37:50 1 A. I don't recall when we actually took the
11:37:53 2 promotional exam for sergeant, but maybe it was maybe a
11:37:58 3 year or two years before, so '90 -- what would that be?
11:38:04 4 '98, I guess. I'll tell you it's not like you test
11:38:07 5 today and promoted next week, not with the city.

11:38:14 6 Q. All right. What was your first job as
11:38:16 7 sergeant; where were you assigned?

11:38:18 8 A. I was assigned on the West Side in the 15th
11:38:21 9 District, the Austin District.

11:38:24 10 Q. And where were you assigned -- what was your
11:38:26 11 job in the Austin District as sergeant?

11:38:29 12 A. I was 1510. I was a patrol sergeant.

11:38:34 13 Q. How long were you a patrol sergeant in Austin?

11:38:39 14 A. The full year I was there. I was there
11:38:42 15 approximately a year, yeah, so patrol sergeant.

11:38:45 16 Q. And then when -- where did you go after 15th?

11:38:49 17 A. I went to Public Housing South.

11:38:54 18 Q. You were the sergeant there?

11:38:55 19 A. Yes.

11:38:56 20 Q. Were you on a tactical team?

11:38:58 21 A. Not in the beginning, no.

11:39:01 22 Q. What year was it when you went over to Public
11:39:04 23 Housing South as sergeant?

11:39:04 24 A. Maybe 2001.

11:39:07 25 Q. And then how long was it before you were on a

11:39:09 1 tactical team or were the sergeant for a tactical team?

11:39:14 2 A. Maybe -- I don't -- I don't recall. I would be
11:39:17 3 guessing. I don't recall.

11:39:24 4 Q. What were your responsibility as sergeant of
11:39:28 5 Public Housing South prior to being on a tactical team?

11:39:35 6 A. I was a patrol sergeant for the public housing
11:39:43 7 section, so basically to supervise maybe, if I recall
11:39:51 8 correctly, six to eight units in the housing
11:39:55 9 development, section of the housing development that we
11:39:58 10 were assigned to, to patrol.

11:40:00 11 Q. What -- was it more than one or just one
11:40:03 12 housing development that you were assigned to patrol?

11:40:06 13 A. It was -- at the time it was -- it was Darrow
11:40:12 14 Homes, Ida B. Wells. I was at -- yeah.

11:40:19 15 Q. So you were over -- you basically supervised
11:40:22 16 six to eight units patrolling Darrow Homes and Ida B.
11:40:26 17 Wells --

11:40:26 18 A. Yeah.

11:40:26 19 Q. -- as the sergeant in Public Housing South?

11:40:28 20 A. Yes.

11:40:29 21 Q. Okay. And did Ida B. Wells have extensions
11:40:32 22 also?

11:40:32 23 A. That is the extension.

11:40:33 24 Q. The Darrow Homes?

11:40:35 25 A. No. The Ida B. Wells is the extension.

11:40:38 1 Q. Is the extension of?

11:40:41 2 A. Of the Darrow Home housing development.

11:40:44 3 Q. I got it. There's not a separate part of
11:40:46 4 Ida B. Wells that you would call the extensions?

11:40:48 5 A. No.

11:40:50 6 Q. Okay.

11:40:50 7 A. It's the Darrow Homes and then it's the Ida B.
11:40:55 8 Wells Homes.

11:40:57 9 Q. Okay.

11:40:57 10 A. So...

11:40:57 11 Q. So all of Ida -- when you're talking about
11:40:59 12 Ida B. Wells, you're talking about the whole area of
11:41:01 13 Ida B. Wells?

11:41:01 14 A. I'm talking about the whole area. They did --
11:41:05 15 I guess the buildings they did call the extensions. It
11:41:08 16 was low-rises. But for me it was Ida B. Wells Homes, it
11:41:12 17 was Darrow, it was the Darrow Homes.

11:41:14 18 Q. All right. Yeah, high-rises, the row houses,
11:41:16 19 all of that's Ida B. Wells?

11:41:17 20 A. All that's Ida B. Wells, correct.

11:41:22 21 Q. All right. At some point, did you become a
11:41:24 22 sergeant over the tactical team?

11:41:25 23 A. Yes.

11:41:26 24 Q. And was that still Public Housing South?

11:41:27 25 A. Yes.

11:41:29 1 Q. And what area were you covering as the tactical
11:41:34 2 team commander in Public -- I'm sorry, sergeant in
11:41:37 3 Public Housing South?

11:41:38 4 A. I just moved from the patrol sergeant there,
11:41:42 5 which Public Housing South at the time was located at
11:41:46 6 38th and Cottage Grove. So I just became the tactical
11:41:51 7 sergeant there.

11:41:58 8 Q. Did you work for the Chicago Housing Authority
11:42:01 9 at some point?

11:42:04 10 A. Yes, at some point.

11:42:06 11 Q. When did you work for Chicago Housing
11:42:10 12 Authority?

11:42:10 13 A. It was later on, maybe 2008 or '9. Yeah.

11:42:19 14 Q. Was that on top of your obligation, like on top
11:42:24 15 of your job as a Chicago police officer, or separate?

11:42:28 16 A. It was separate.

11:42:31 17 Q. Well, were you still working for the Chicago
11:42:35 18 Police Department when you worked for CHA?

11:42:36 19 A. Yes.

11:42:36 20 Q. Okay. What did you do for CHA?

11:42:38 21 A. We did security.

11:42:41 22 Q. Who is we?

11:42:48 23 A. It was Kallatt Mohammed, Lamonica Lewis. She
11:42:57 24 had got a little security contract through Public
11:42:59 25 Housing and hired some guys, including myself, to work.

11:42:59 1 Q. And --

11:43:04 2 A. So --

11:43:05 3 Q. I'm sorry. Go ahead.

11:43:05 4 A. It wasn't my contract. It was actually her
11:43:09 5 contract, so...

11:43:10 6 Q. Was her nickname Coco?

11:43:12 7 A. Yes.

11:43:13 8 Q. Would the team members call her Coco?

11:43:17 9 A. No. We called her Lamonica.

11:43:23 10 Q. Okay. When you were doing security for the CHA
11:43:26 11 through Lamonica Lewis' contract, was that at Ida B.
11:43:31 12 Wells also?

11:43:32 13 A. Yes.

11:43:33 14 No, correction, it wasn't at the Ida B. Wells.
11:43:35 15 It was still at the Darrow Homes. It was after they had
11:43:38 16 built the new -- the new buildings at the Darrow Homes
11:43:43 17 location.

11:43:45 18 Q. Okay. So let's go back to when you -- you
11:43:47 19 started as the tactical sergeant in Public Housing
11:43:51 20 South. What were your responsibilities as the tactical
11:43:54 21 team sergeant?

11:43:55 22 A. The tactical team sergeant would respond to the
11:44:01 23 most violent crimes in the area and respond directly to
11:44:08 24 problems that were reported to the district. Maybe it
11:44:13 25 was something, an assignment that was given to the

11:44:16 1 lieutenant that should be paid attention to by the -- by
11:44:21 2 a specific tactical team, in which the lieutenant would
11:44:24 3 assign it to the tac sergeant, and the tac sergeant
11:44:27 4 would take his team down there and see if they could
11:44:29 5 eradicate the problem.

11:44:32 6 Q. Were you doing drug investigations?

11:44:34 7 A. Yes.

11:44:35 8 Q. And what about -- what other types of
11:44:37 9 investigations would you be doing as the tactical team
11:44:40 10 in Public Housing South?

11:44:42 11 A. The tactical team in Public Housing South would
11:44:46 12 investigate any crime that had -- violent crime that had
11:44:51 13 occurred, shootings, burglaries, rapes, murders, to gain
11:45:00 14 information to relay to detectives that were
11:45:06 15 investigating a specific crime in the area.

11:45:09 16 Q. So when you were doing -- if you worked on a
11:45:12 17 murder investigation, would that be at the direction of
11:45:14 18 detectives?

11:45:15 19 A. No.

11:45:15 20 Q. You would have your own -- you would be doing
11:45:18 21 it yourself?

11:45:18 22 A. We wouldn't be doing it ourself, but we would
11:45:21 23 be given the information, maybe a homicide that happened
11:45:25 24 in the area and these were the people that they were
11:45:28 25 looking for, that had knowledge of what happened. So

11:45:33 1 the tactical team would probably be given that
11:45:36 2 assignment to locate those specific people and to have
11:45:40 3 them go to the station to see the detective that was
11:45:45 4 investigating that crime.

11:45:46 5 Q. So you wouldn't -- so for murders you
11:45:50 6 wouldn't -- it's not that your team would go out and
11:45:52 7 investigate a murder; it would be if you had -- if the
11:45:55 8 detectives had information they wanted to track down,
11:45:57 9 you might go help do that; is that right?

11:45:58 10 A. That is correct. The detectives would
11:46:01 11 investigate homicides, correct.

11:46:04 12 Q. What about some of the other crimes that you
11:46:06 13 mentioned, shootings, rapes, would that also be
11:46:08 14 detectives or would that be your team?

11:46:10 15 A. That would also be detectives. The only way we
11:46:14 16 would be involved, if it happened while we were there on
11:46:18 17 duty or something of that nature, and we would actually
11:46:22 18 right there start seeking people that were involved or
11:46:30 19 doing the same thing. The detective would say, hey,
11:46:34 20 Sarge can you -- your guys go and locate this person.
11:46:37 21 So, basically, we would assist the detective. But we
11:46:41 22 didn't investigate, you know, homicide and rapes and
11:46:47 23 stuff like that.

11:46:48 24 Q. What about drugs, did you investigate drugs?

11:46:51 25 A. Yes, we did.

11:46:52 1 Q. Was that the primary thing that the tactical
11:46:56 2 team in Public Housing South investigated?

11:46:59 3 A. Not the primary. There was three things;
11:47:05 4 gangs, guns and drugs.

11:47:12 5 Q. And at some point, was Public Housing South
11:47:15 6 disbanded?

11:47:15 7 A. Yes.

11:47:16 8 Q. And then what -- what, did it turn into
11:47:19 9 something else?

11:47:20 10 MR. KOSOKO: Object to the form of the
11:47:22 11 question.

11:47:22 12 BY MR. RAUSCHER:

11:47:22 13 Q. What did you do when Public Housing South was
11:47:25 14 disbanded?

11:47:25 15 A. I became the Second District tactical sergeant.

11:47:28 16 Q. Was there anything different about your job
11:47:31 17 location or responsibility or people-wise once you
11:47:34 18 became the Second District tactical team sergeant?

11:47:37 19 A. I think, if I recall correctly, some people
11:47:39 20 might have changed, but I was still assigned to that
11:47:42 21 specific area.

11:47:46 22 Q. Darrow and Ida B. Wells? Darrow Homes and
11:47:49 23 Ida B. Wells?

11:47:49 24 A. Yes, correct, uh-huh.

11:47:50 25 Q. What people do you remember being on your team

11:47:52 1 when it was Public Housing South?

11:48:01 2 A. Wow. I had Calvin Ridgell and Gerome Summers.
11:48:08 3 Wow. Matt Cadman and Mickey, Michael Spaargaren, Al
11:48:16 4 Jones and Kenny Fullman, and I think it was Kallatt
11:48:25 5 Mohammed and Darrel Edwards. There was probably another
11:48:34 6 guy. I can't recall. Those are the ones I remember
11:48:38 7 initially when I got the team.

11:48:41 8 Q. Did the team exist before you got there or was
11:48:43 9 it a new team?

11:48:44 10 A. No, it existed before I got there.

11:48:47 11 Q. Do you know who the sergeant was who you took
11:48:48 12 over from?

11:48:49 13 A. I don't recall who that sergeant was.

11:48:51 14 Q. Who were your supervisors when you were in
11:48:54 15 Public Housing South?

11:48:55 16 A. When I was in Public Housing South, my
11:48:59 17 first-line supervisor was Sergeant -- I mean, not
11:49:01 18 Sergeant, Lieutenant Spratt.

11:49:04 19 Q. Did you have a good relationship with
11:49:07 20 Lieutenant Spratt?

11:49:07 21 A. I'd say I had a good working relationship with
11:49:10 22 him, yes.

11:49:10 23 Q. What about the other people you mentioned; did
11:49:12 24 you have a good relationship with all your team members?

11:49:14 25 A. I'd say I did, yeah.

11:49:22 1 Q. Did you have a temper?

11:49:25 2 MR. KOSOKO: Object to the form of the
11:49:28 3 question, ambiguous.

11:49:29 4 You can answer, Sarge.

11:49:31 5 THE WITNESS: No. I think I was pretty
11:49:34 6 mild-mannered. Working in the housing development, I
11:49:42 7 didn't -- you had to be aggressive. So if -- I didn't
11:49:45 8 have a temper where I got angry and lashed out at
11:49:48 9 people, no, but I was a -- I was pretty aggressive,
11:49:48 10 yeah.

11:49:48 11 BY MR. RAUSCHER:

11:49:52 12 Q. How were you aggressive?

11:49:55 13 A. I was aggressive in my duties, responding to,
11:50:04 14 again, the area. Due to my knowledge of the area, it
11:50:09 15 was crime-infested, drug-infested, so you had to be
11:50:14 16 aware of your surroundings. You couldn't go down there,
11:50:20 17 you know, I'll put it meek, so to speak, so...

11:50:24 18 Q. Did you ever bully Kallatt Mohammed?

11:50:29 19 A. No, I -- no, sir.

11:50:30 20 Q. Why is that question funny?

11:50:32 21 A. Because you're asking a grown man have you ever
11:50:35 22 bullied another grown man, and that's -- that's funny to
11:50:41 23 me.

11:50:41 24 Q. Why is that funny? Why?

11:50:44 25 A. Because to ask another grown man did he bully

11:50:50 1 another grown man, that's funny to me. And when a --
11:50:53 2 if -- unless he, you know, injured that man, then it
11:50:57 3 wouldn't be funny. But to say -- but when you use the
11:51:01 4 term bully, because from my experience, I don't know
11:51:04 5 about you, when you say bully, it usually stems from,
11:51:07 6 you know, like grade school or something and, you know,
11:51:11 7 kids bullying kids. That's not funny. But once you
11:51:16 8 become an adult, you should know how to respond to
11:51:18 9 certain situations. So to say I bullied someone, it's
11:51:22 10 actually funny, yes, a grown man.

11:51:25 11 Q. Did you do things to him that were nice?

11:51:29 12 MR. KOSOKO: Object to the form of the
11:51:31 13 question, vague.

11:51:37 14 THE WITNESS: No. No. I thought I was a
11:51:38 15 really -- I thought I was a friend to Kallatt. I helped
11:51:43 16 Kallatt with several personal matters involving his
11:51:49 17 children, involving his parents, his mom. On the
11:51:58 18 passing of his mom I was one of the officers that took
11:52:01 19 the lead to collect funds from people in the station to
11:52:07 20 help his family out. When his dad died, I was the guy
11:52:12 21 that went around, hey, Kallat's dad died. So I knew his
11:52:16 22 family. I knew his brothers, sisters.

11:52:20 23 So I thought I was a friend to him. So
11:52:23 24 that -- and that was another reason it was kind of
11:52:26 25 funny. I thought I knew Kallatt. I don't think -- I

11:52:31 1 met people that grew up with Kallatt. Kallatt wasn't
11:52:34 2 the type of man that you -- not only man, but he wasn't
11:52:37 3 the type of kid that you could bully from the people
11:52:40 4 that I met that knew him growing up, so...

11:52:43 5 BY MR. RAUSCHER:

11:52:43 6 Q. Did you treat him with respect?

11:52:47 7 A. Yes. I treated every officer that I worked
11:52:51 8 with or around me, I treated everyone with proper
11:52:55 9 respect. I think most people that knew me, whether they
11:53:05 10 were my peers, subordinates, or ranking members in the
11:53:11 11 department that knew me that I was assigned to
11:53:15 12 definitely would tell you I was very respectful. So I'd
11:53:19 13 say I was.

11:53:21 14 Q. You said -- I think you said the name Kenny
11:53:24 15 Fullman? Was there a Kenny Young; is that who you were
11:53:30 16 thinking of?

11:53:30 17 A. Yeah, that's who I'm thinking of. Kenny
11:53:33 18 Fullman is another guy, baseball player, who he's a
11:53:37 19 police officer, but he's a baseball player. Yeah,
11:53:39 20 you're right.

11:53:39 21 Q. Kenny Fullman was not on your team --

11:53:41 22 A. No, never.

11:53:41 23 Q. -- right?

11:53:42 24 A. Never, never. It was Kenny Young. You're
11:53:45 25 correct. Thank you.

11:53:48 1 Q. All right. So we did -- you know, you listed
11:53:52 2 some people who were on the team in Public Housing
11:53:55 3 South. Who do you remember being on the team when it
11:53:58 4 transitioned to Second District?

11:54:04 5 MR. KOSOKO: Object to the form of the
11:54:06 6 question. I know what you're asking, bu --

11:54:07 7 MR. RAUSCHER: I'll try to rephrase it.

11:54:09 8 MR. KOSOKO: -- it misquotes his prior
11:54:10 9 testimony.

11:54:11 10 BY MR. RAUSCHER:

11:54:11 11 Q. I think you said that there were some new
11:54:13 12 people, you believed, who came over when it switched to
11:54:15 13 being the Second District from Public Housing South?

11:54:17 14 A. Yeah.

11:54:17 15 Q. Who do you remember being new?

11:54:24 16 A. When I got to the Second District, I think --
11:54:31 17 no, I think -- I think Bolton and Gonzalez probably were
11:54:34 18 on my team. They were -- well, we were like 4512 or
11:54:40 19 something, and I think they did go to -- I was the
11:54:43 20 only -- I was thinking eight-person tac team, but I
11:54:47 21 think I was the only Public Housing South tac team that
11:54:53 22 had ten members. So Bolton and Gonzalez might have been
11:54:59 23 a part of that 4512. Like I said, it's been -- you
11:55:02 24 know, it's been 12 years, and for me to try to remember
11:55:06 25 everybody, I'd have to look at some documents or

11:55:09 1 something.

11:55:11 2 Q. What was the unit -- what was the unit in
11:55:14 3 Second District, what was the number?

11:55:16 4 A. 260 -- we were 264.

11:55:20 5 Q. 4512 in Public Housing South?

11:55:22 6 A. In 4512 was -- yeah.

11:55:25 7 Q. The responsibilities were the same for the team
11:55:27 8 when it became Second District?

11:55:30 9 A. Yes and no, because now we were not only
11:55:34 10 responsible for public housing, we were the Second
11:55:38 11 District, so -- and being the Second District tactical
11:55:42 12 sergeant, we were also responsible for events that
11:55:45 13 happened in the Second District at large.

11:55:50 14 Q. You said that your -- I think gangs, guns and
11:55:56 15 drugs were the three main responsibilities for the
11:55:58 16 tactical team?

11:55:58 17 A. Yes.

11:55:59 18 Q. Was that true from public housing until you
11:56:01 19 left?

11:56:02 20 A. That was true, yeah, throughout the department.
11:56:09 21 Let me backtrack just a little. On the
11:56:12 22 transition of public housing, so we were like reassigned
11:56:18 23 to do more community things, the tactical team. We
11:56:24 24 would have to show up at CAPs meetings, community
11:56:28 25 alternative policing. We would have to show up at board

11:56:33 1 meetings because they were tearing down the projects and
11:56:37 2 was moving the people. That was about -- yeah, so it
11:56:41 3 was -- we still concentrated, though, the tactical team
11:56:45 4 still concentrated on the most violent things that would
11:56:49 5 happen in the area. That was the -- and the patrol
11:56:53 6 officers were patrolling the areas to respond to the
11:56:57 7 call-ins.

11:57:00 8 Q. When you said the tactical team concentrated on
11:57:02 9 the most violent things that happened in the area, can
11:57:04 10 you elaborate?

11:57:08 11 A. Yes. When you say -- when I say the most
11:57:12 12 violent things, like if there's a shooting, the tac team
11:57:18 13 would respond to that because the tac team, they're not
11:57:21 14 just responsible for that beat. They're not a beat
11:57:25 15 unit. A beat unit just responds to those calls on the
11:57:28 16 beat; but a tactical team and a tactical sergeant, they
11:57:33 17 have the freedom, you can say, to go throughout the
11:57:36 18 district.

11:57:36 19 So if a violent offense happened on a different
11:57:42 20 beat, that beat guy, he wouldn't go to someone else's
11:57:47 21 beat. They would give the information maybe to the tac
11:57:51 22 team, and the tac team could go and check out certain
11:57:55 23 things.

11:57:57 24 Q. What sort of things would the tac team go check
11:58:00 25 out?

11:58:00 1 A. People maybe looking for people that were
11:58:02 2 involved to, again, to give that information to maybe
11:58:05 3 the detective that was investigating, to locate people.
11:58:17 4 Tac teams would do search warrants in the area, so...

11:58:24 5 Q. Would that tac team be in a position to go get
11:58:28 6 search warrants at times? When you say do search
11:58:31 7 warrants, would that start from --

11:58:32 8 A. Yeah, that's what I'm talking about.

11:58:33 9 Q. You would go get the search warrant and then
11:58:35 10 you execute it?

11:58:36 11 A. Yes.

11:58:37 12 Q. What were the circumstances generally when you
11:58:38 13 would need a search warrant versus when you wouldn't
11:58:40 14 need a search warrant to go search an apartment or a
11:58:43 15 house?

11:58:43 16 MR. KOSOKO: Object to the form of the
11:58:45 17 question.

11:58:45 18 THE WITNESS: Yeah, I didn't understand.

11:58:46 19 BY MR. RAUSCHER:

11:58:46 20 Q. All right. Well, sometimes you go and you may
11:58:49 21 be looking for drugs and you're going to go in someone's
11:58:51 22 apartment without a search warrant, right?

11:58:53 23 A. Never.

11:58:53 24 Q. Never happened?

11:58:54 25 A. Never. You don't violate somebody's rights.

11:58:57 1 You don't just enter somebody's apartment. That's their
11:59:03 2 abode.

11:59:04 3 Q. All right. So you've never entered someone's
11:59:06 4 apartment looking for drugs unless you had a search
11:59:08 5 warrant?

11:59:08 6 A. Unless they invited me. There's been times
11:59:10 7 when there -- when mothers in the projects gave me a
11:59:15 8 call and, hey, Sarge, my son is doing and I'm going to
11:59:21 9 let you go in his room. That happens, yes. Yeah.

11:59:24 10 Q. Mothers who were worried about their kids' drug
11:59:27 11 use?

11:59:27 12 A. Absolutely, or mothers that was concerned that
11:59:30 13 the gang members had their kids holding certain things
11:59:35 14 for them, guns, drugs, you name it. And so, yeah, they
11:59:38 15 would allow us to come in. And then there was those
11:59:41 16 incidents where we did receive information where we had
11:59:43 17 to get a search warrant, once we compiled enough
11:59:46 18 information.

11:59:48 19 Q. Do you remember the names of any of the people
11:59:50 20 who called you and said I think my kid is holding drugs
11:59:53 21 or has a drug problem, can you come get him?

11:59:56 22 A. Not off the top of my head, no.

11:59:59 23 Q. Who were the -- do you remember any of the
12:00:02 24 bigger drug dealers from your time in Public Housing
12:00:02 25 South?

12:00:07 1 MR. KOSOKO: Object to the form of the
12:00:07 2 question.

12:00:09 3 THE WITNESS: I didn't look at it as like
12:00:11 4 the bigger drug dealer. I don't know what you -- I
12:00:14 5 don't know how you -- you know, you're phrasing it,
12:00:18 6 bigger drug dealers. What is that?

12:00:20 7 Q. Were there -- do you remember any drug dealers
12:00:22 8 from your time at Public Housing South?

12:00:23 9 A. I remember some, yes.

12:00:24 10 Q. Who are the drug dealers you remember from your
12:00:27 11 time at Public Housing South?

12:00:29 12 A. I remember Wilbur Smith. I know Ben Baker,
12:00:43 13 Willie Getty. Those were like, at the time -- I guess
12:00:48 14 that's what you meant when you said a bigger drug.
12:00:50 15 Those were the guys that supposedly were calling the
12:00:53 16 shots.

12:00:57 17 But in areas like that, just because this guy
12:01:01 18 is a drug dealer, that doesn't mean he's calling the
12:01:07 19 shots. He's just a drug dealer, and he's probably
12:01:11 20 answering to somebody else. So just because his name is
12:01:19 21 on it, he's just a front man for, you know, maybe the
12:01:25 22 gang can sell.

12:01:25 23 Q. You said Wilbur Smith. Is there a Wilbur
12:01:29 24 Moore?

12:01:29 25 A. Yeah, yeah.

12:01:30 1 Q. Is there also Wilbur Smith or is that who
12:01:34 2 you're thinking of?

12:01:34 3 A. I think it was Wilbur Moore. Like I said,
12:01:36 4 it's -- man, it's been 10 years, 12 years, and I think
12:01:39 5 he's been probably dead 10 years, so...

12:01:40 6 Q. Did he have a nickname?

12:01:41 7 A. Big Shorty they called him.

12:01:43 8 Q. That's who you're talking, Wilbur Moore.

12:01:45 9 A. Yeah. See, you know.

12:01:48 10 Q. Well, I've got to make sure. Could be Wilbur
12:01:51 11 Smith.

12:01:51 12 A. I mean...

12:01:53 13 Q. Any other names you remember from Public
12:01:56 14 Housing South, people who were selling drugs?

12:02:00 15 A. I mean you mentioned earlier, and I know he was
12:02:02 16 involved in drugs, Arthur Kirksey. Yeah, Art. Like I
12:02:11 17 said, most of those guys, if I heard their names, I
12:02:14 18 could say who was involved. I couldn't -- I know them,
12:02:17 19 but I would have to hear their names. I haven't been --

12:02:21 20 Q. Yeah, and there are documents that have names.

12:02:21 21 A. Yeah.

12:02:23 22 Q. And we'll go through documents.

12:02:24 23 A. Okay. That's fine. Yeah.

12:02:25 24 Q. I just want to know for now who you remembered.
12:02:28 25 And Ben Baker is a plaintiff, as I'm sure you

12:02:31 1 know.

12:02:31 2 A. Exactly.

12:02:32 3 Q. So we're not going to cover his case. We have
12:02:34 4 an agreement we're not covering specific cases today.
12:02:37 5 So we're not going to go through details on that one
12:02:39 6 today.

12:02:39 7 A. Okay.

12:02:43 8 Q. Do you remember names of drug dealers from when
12:02:47 9 it turned into the Second District, or were you just
12:02:50 10 doing it all together?

12:02:51 11 A. I thought those were. It didn't --

12:02:54 12 Q. Okay. I didn't know about the timing. That's
12:02:56 13 what I was -- if there was a difference between Public
12:02:58 14 Housing South and Second District or if you just gave me
12:03:00 15 a list of four people you remembered overall.

12:03:06 16 A. At the time -- well, to answer your question,
12:03:09 17 no, like I don't remember the drug dealers' names like
12:03:11 18 on 59th and State or -- and I'm sure if I refer to
12:03:16 19 documents, I would. I had a lot more knowledge of the
12:03:24 20 housing developments by me being the tactical sergeant
12:03:29 21 for public housing, so I was more familiar.

12:03:31 22 Q. How did you get the knowledge that you had as a
12:03:34 23 sergeant about drug dealing? And let's just be
12:03:38 24 specific. Let's say Ida B. Wells.

12:03:42 25 A. Again, I lived there, so, you know,

12:03:46 1 observation. You know, you live in the community, you
12:03:51 2 get to know how some things operate. People who don't
12:03:57 3 want that in their community, they call you and give you
12:04:00 4 information. You read reports of things that have
12:04:06 5 happened, not just yesterday, but maybe last year, and
12:04:09 6 crimes that happened in the area, certain people who are
12:04:12 7 involved and it's drug-related. So you get to -- you
12:04:16 8 know, you get to know. Just showing up for work every
12:04:20 9 day doing your job, you get to know.

12:04:22 10 Q. When you say you lived there, what time period
12:04:24 11 were you talking about?

12:04:25 12 MR. KOSOKO: Objection, asked and
12:04:33 13 answered.

12:04:33 14 THE WITNESS: What, 1980 to 1983 or
12:04:37 15 something like that, before I went to the military.

12:04:40 16 BY MR. RAUSCHER:

12:04:40 17 Q. But that -- but living around Ida B. Wells in
12:04:44 18 1983 gave you some knowledge about what was going on
12:04:47 19 when you were a police officer?

12:04:51 20 A. Well, yeah, because it's the gangs and the
12:04:54 21 drugs. Gangs basically control the drugs and, you know,
12:04:57 22 they're in the community. They had drug dealing. You
12:05:02 23 know, it's not a -- it's just it is what it is. It's
12:05:04 24 drug dealing. It don't -- maybe the people change over
12:05:10 25 time because of, you know, deaths, jail or whatever, but

12:05:14 1 drug dealing, you know, in that community, open air drug
12:05:20 2 market is basically what it was.

12:05:21 3 Q. Let me make -- tell me if I'm understanding
12:05:24 4 this correctly. You're saying -- I think what you're
12:05:26 5 saying is from living in Ida B. Wells you got a general
12:05:29 6 understanding of drug sales and gangs there, but not
12:05:32 7 necessarily that you knew specific people who were
12:05:35 8 selling drugs while you worked as a sergeant there
12:05:37 9 because you lived there?

12:05:38 10 A. Right. Exactly. And just living in the city
12:05:41 11 of Chicago. Remember, I grew up on the West Side.
12:05:47 12 Yeah. So, yeah, just...

12:05:54 13 Q. Did you have confidential sources when you were
12:05:55 14 a sergeant in the Second District or Public Housing
12:05:59 15 South?

12:05:59 16 MR. KOSOKO: Object to the form of the
12:06:00 17 question. Also, causes for a legal determination.

12:06:04 18 THE WITNESS: I had people that gave me
12:06:07 19 information, yes.

12:06:07 20 BY MR. RAUSCHER:

12:06:08 21 Q. How did you go about finding people to give you
12:06:12 22 information?

12:06:16 23 A. A lot of times it's not you find them. Again,
12:06:21 24 it's those mothers that call. It's the community, some
12:06:26 25 community activists. It's people that are just fed up

12:06:30 1 with the open air drug market and people taking over
12:06:33 2 their community. And they couldn't openly, you know,
12:06:36 3 let people know that they were communicating with the
12:06:38 4 police. You build -- you build trust after time. They
12:06:40 5 see you down there. They see you making the arrest.
12:06:43 6 They see you just not driving by and not caring about
12:06:47 7 the community in which you serve.

12:06:49 8 So they -- a lot of times they'll say you have
12:06:54 9 a card or what. And at the time we did have cards.
12:06:56 10 You'd give them your card, and a lot of times we got the
12:06:59 11 call and we got the information, so...

12:07:01 12 Q. Would your card have your cell phone on it at
12:07:04 13 the time?

12:07:04 14 A. Absolutely, yes.

12:07:04 15 Q. Was that a police department issued cell phone?

12:07:06 16 A. No. No, not -- no. We never -- the police
12:07:10 17 department never issued us phones.

12:07:12 18 Q. So would you talk to sources on your cell
12:07:14 19 phone?

12:07:14 20 A. Yes.

12:07:18 21 Q. Did you text with sources, or was that too
12:07:21 22 early for that?

12:07:22 23 A. I think it was too early for that, and I
12:07:24 24 wouldn't -- I don't think I text a text with anybody.
12:07:24 25 It --

12:07:24 1 Q. Go ahead.

12:07:31 2 A. I don't think we ever text. I don't know.

12:07:35 3 Q. You mentioned, I think, some types of sources
12:07:38 4 so far, concerned mothers or citizens and community
12:07:42 5 activists; but that's not the only -- those were not
12:07:44 6 your only types of sources, right?

12:07:45 7 A. No, you had -- you had drug dealers that would
12:07:48 8 call and tell on other drug dealers to get them out of
12:07:53 9 the -- you know, out of the way, you know.

12:07:54 10 Q. Guys like Chewy also, right?

12:07:59 11 A. Chewy was a street -- a street guy. If Chewy
12:08:04 12 called, it was because maybe the guys wasn't letting him
12:08:09 13 work and he wanted to -- he wanted some money or
12:08:13 14 something, you know. He had a drug habit. He was a
12:08:17 15 street guy, and, you know, say you have -- sometimes you
12:08:22 16 buy him, you know, a meal, drop it off to him, and he'd
12:08:28 17 sit there and eat and say what he had to say.

12:08:31 18 Q. What kind of things would he tell you?

12:08:35 19 A. Who was -- who was selling drugs, who was going
12:08:40 20 to be on duty that day, so to speak.

12:08:47 21 And when you said -- when you said Chewy, I may
12:08:55 22 have talked to Chewy a few times about the Wells. It
12:09:02 23 wasn't like -- Chewy wasn't my CI, to get that out
12:09:08 24 there. He wasn't my CI. Chewy was anybody's CI that he
12:09:14 25 could get five bucks from, you know. And a lot of times

12:09:18 1 you had to really vet the information you got from
12:09:26 2 Chewy, so -- he was the dumpster guy. That's what
12:09:31 3 they -- he was known, because they would throw the dope
12:09:36 4 down the garbage chute when the police came, and he was
12:09:41 5 the dumpster guy. He would go down the chute and bring
12:09:45 6 up everybody's dope.

12:09:48 7 Q. Were there other street guys like Chewy that
12:09:51 8 you used as sources?

12:09:55 9 A. I had other sources, yes.

12:09:57 10 Q. Do you remember any of their names?

12:10:01 11 A. No, not off the top of my head. I mean, like I
12:10:05 12 said, I'm far removed from that, so...

12:10:07 13 Q. When drug dealers would call you to tell on
12:10:12 14 other drug dealers, would you act on that information?

12:10:13 15 A. Yes, absolutely.

12:10:15 16 Q. Who do you remember making those calls?

12:10:23 17 A. No one in particular. And when I said drug
12:10:25 18 dealers, you know, a lot of times I knew maybe it was
12:10:31 19 their girl or it was somebody related to them; but when
12:10:35 20 I say drug dealers, it was that particular -- I knew
12:10:38 21 from being in the area it was that particular guy that
12:10:41 22 put, maybe, this person up to the call and said someone
12:10:45 23 else was selling dope to get that person out of the way.
12:10:49 24 And like I said, you had to just -- you had to -- you
12:10:52 25 had to vet a lot of the information that was coming in.

12:10:56 1 Q. How would you vet the information that -- so
12:10:59 2 let's say specifically a drug dealer calls and says
12:11:02 3 someone else is selling drugs. How do you vet that
12:11:04 4 information?

12:11:04 5 A. Well, first of all, you have to go down to the
12:11:06 6 area and observe, and then you, you know, you ask
12:11:10 7 around, certain people, you know. You know, it all
12:11:14 8 depends on how you ask, who you ask, and you get, you
12:11:18 9 know -- you get part of the truth over here, part of the
12:11:20 10 truth over there, and a whole lot of lying.

12:11:24 11 Q. Were there people who you always thought were
12:11:27 12 drug dealers, but you never could prove it?

12:11:33 13 MR. KOSOKO: Object to the form of the
12:11:37 14 question. It's an ambiguous question. It causes for a
12:11:42 15 speculative response and, also, it's a legal
12:11:46 16 determination.

12:11:48 17 THE WITNESS: Being the police in an open
12:11:50 18 air drug market, right, everyone's a suspect, because in
12:11:58 19 the community, until you vet and see who's actually not
12:12:01 20 participating in that activity. So could I prove
12:12:09 21 everybody that was involved in the drug trade down
12:12:10 22 there? No. It's impossible.

12:12:17 23 BY MR. RAUSCHER:

12:12:17 24 Q. Did you have any registered CIs?

12:12:19 25 A. No.

12:12:25 1 Q. Did you pay any CIs other than Chewy?

12:12:34 2 A. When you say pay, a lot of times, in my
12:12:43 3 experience and the way I did things, there would be guys
12:12:46 4 that were hungry or wanted to get out of the
12:12:51 5 neighborhood. Hey, I need five bucks, man. I just want
12:12:56 6 to get on the train, or whatever.

12:13:01 7 So I never had funds, departmental funds, that
12:13:08 8 were given to me to pay resources, no; but it was that,
12:13:14 9 you know, you'd help a guy out. You know, again, you're
12:13:20 10 in the neighborhood. You know the people. You know
12:13:22 11 when guys -- you know, you hear the stories, how, you
12:13:25 12 know, they jumped on this guy because they believed he
12:13:27 13 stole or whatever. So it's like, you know, a guy come
12:13:31 14 to you. You know he's giving you most of the truth. I
12:13:35 15 mean not going to give you the truth. You have to
12:13:37 16 decipher.

12:13:38 17 Q. So you would pay people for information, but
12:13:40 18 relatively small amounts?

12:13:42 19 MR. KOSOKO: Object to the form of the
12:13:46 20 question.

12:13:46 21 THE WITNESS: Again, I said -- when you
12:13:48 22 say pay, if you say buying a guy a meal, then that's
12:13:53 23 pay, okay. But I never gave anybody pay, like the FBI
12:14:01 24 did in that report, where they said they gave this guy
12:14:04 25 \$3,200, a street guy? Yeah, he'd say anything.

12:14:07 1 BY MR. RAUSCHER:

12:14:07 2 Q. You never paid any amount of cash to a CI?

12:14:11 3 MR. KOSOKO: Object to the form of the
12:14:14 4 question.

12:14:14 5 Go ahead.

12:14:16 6 THE WITNESS: Again, I'd give a guy five
12:14:18 7 bucks if he said he wanted to get out of the area. I'm
12:14:21 8 not giving nobody -- again, because I didn't have
12:14:24 9 department funds that I was operating with. So I'm not
12:14:28 10 going to go in my pocket and give a guy, you know, 35,
12:14:34 11 40 bucks, that type of thing, or a hundred bucks, no, or
12:14:38 12 400 bucks, no. It's not going to happen.

12:14:45 13 And it's totally -- and being a tac
12:14:48 14 sergeant, you learn the operation down there. Those
12:14:52 15 guys, it's an open air drug market where these guys,
12:14:58 16 like Chewy, they -- the drug market, and it was known,
12:15:05 17 it starts at 7:00 in the morning and ends at 7:00 in the
12:15:08 18 evening. So 7:00 a.m. to 7:00 p.m. When those guys
12:15:12 19 show up, they give them, the so-called big guys that you
12:15:16 20 mentioned, they paid -- they paid them in the form that
12:15:20 21 they paid them. They give them what's called a wake-up,
12:15:23 22 which is one dope and a street value of \$10. Then they
12:15:28 23 work till about 1:00. They give them what they call a
12:15:34 24 midday, another dope, which is street value of \$10.
12:15:38 25 Then at about 7:00, at the end of the evening, they give

12:15:43 1 them a take-home, they called it, which is another dope
12:15:48 2 worth a value of \$10, plus \$10. So they're out there
12:15:51 3 for 12 hours for roughly \$30 worth of narcotics and \$10.

12:16:02 4 And this guy says -- and Chewy was there
12:16:06 5 like religious, like a job. That's why he knew what --
12:16:10 6 so he comes along and FBI pays him \$3,200 within a short
12:16:16 7 period. And me, as a tac sergeant, going to give this
12:16:21 8 guy 500 bucks, 400 bucks? And I know, and I know
12:16:24 9 because Chewy wasn't the only one. It's the streets.
12:16:30 10 People know, you know, they talk.

12:16:33 11 Guys were being violated if they didn't
12:16:36 12 show up and stand out there all day for that, you know.
12:16:43 13 A lot of them would call because the guys would have
12:16:46 14 them out there all day. They would call us and put in
12:16:49 15 an anonymous call or something just so we would come in
12:16:53 16 the area and then they would have an opportunity to
12:16:55 17 leave. It was that type of, you know, thing going on in
12:16:59 18 that area. So, yeah, I had a lot of knowledge about the
12:17:08 19 way things worked down in the Wells because I showed up
12:17:10 20 for work every day and I was a tac sergeant. I did my
12:17:15 21 homework, so to speak.

12:17:16 22 BY MR. RAUSCHER:

12:17:16 23 Q. Did you ever put a case on Chewy?

12:17:18 24 A. Never.

12:17:19 25 Q. Never framed him?

12:17:20 1 A. Never.

12:17:20 2 Q. Never threatened to frame him?

12:17:22 3 A. Never.

12:17:23 4 Q. Do you know that was an allegation against you?

12:17:27 5 A. I did. I believe it was somewhere in the

12:17:29 6 report. But to actually -- you said put a case on

12:17:33 7 somebody. So if -- I don't think we ever arrested

12:17:38 8 Chewy. Probably with a reverse sting Chewy probably got

12:17:41 9 a -- what, a -- what did we call it at the time?

12:17:48 10 Trespass. Yeah. Because we knew he didn't live down

12:17:51 11 there and that he was down there involved in the

12:17:53 12 narcotic trade.

12:17:53 13 But as far as a case, he never got -- not that

12:17:57 14 I recall, that any of my team. Now, if it's somewhere

12:18:01 15 that one of those guys arrested Chewy on a dope case,

12:18:05 16 then I'd have to refer to those documents, but...

12:18:07 17 Q. But you can say with certainty that you never

12:18:09 18 were involved in framing Chewy?

12:18:10 19 A. Never, with certainty.

12:18:16 20 MR. RAUSCHER: I'm going to mark another

12:18:17 21 exhibit. This is going to be [Exhibit 4](#). This is the

12:18:19 22 affidavit of Michael Spaargaren.

12:18:19 23 THE WITNESS: Uh-huh.

12:18:30 24 MR. RAUSCHER: We can take a break, yeah.

12:18:31 25 Let's go off for five, if that's okay, before we do

12:18:33 1 this.

12:18:33 2 MR. KOSOKO: Are you good?

12:18:34 3 THE WITNESS: I'm good. I can --

12:18:35 4 MR. KOSOKO: You can keep going through?

12:18:35 5 THE WITNESS: Yeah.

12:18:37 6 MR. KOSOKO: All right. Let's take a
12:18:38 7 five-minute break.

12:18:39 8 MR. RAUSCHER: Oh, yeah, if you guys want
12:18:39 9 to take a longer, that's fine too.

12:18:39 10 MR. KOSOKO: No, no. I mean it's --

12:18:39 11 THE WITNESS: I'm fine.

12:18:43 12 MR. RAUSCHER: We'll go off and then --
12:18:45 13 yeah. Sorry. We'll go off and figure it out.

12:18:45 14 THE VIDEOGRAPHER: We are off the record.
12:18:46 15 The time on the video monitor is 12:18 p.m.

12:18:49 16 (A recess was taken.)

12:31:04 17 (Deposition [Exhibit 4](#) was marked for
12:32:00 18 identification.)

12:32:00 19 THE VIDEOGRAPHER: We are on the record.
12:32:06 20 The time on the video monitor is 12:31 p.m.

12:32:12 21 BY MR. RAUSCHER:

12:32:12 22 Q. We're not going to -- sorry, we're not quite
12:32:14 23 there yet.

12:32:14 24 Do you have any siblings or relatives who
12:32:16 25 worked for the Chicago Police Department?

12:32:19 1 A. No.

12:32:20 2 Q. Are you related to Steven Watts, Steve Watts?

12:32:23 3 A. I have no siblings, no relatives that work for
12:32:27 4 the Chicago Police Department.

12:32:27 5 Q. Do you know who Steve Watts is?

12:32:28 6 A. Absolutely. I worked with him.

12:32:28 7 Q. Okay.

12:32:31 8 A. It just so happened we have the same last name.

12:32:31 9 Q. All right.

12:32:34 10 A. Like the Johnsons.

12:32:37 11 Q. He was -- what was his nickname?

12:32:40 12 A. Man, I ain't calling no grown man Big Bully
12:32:44 13 Steve.

12:32:44 14 Q. All right. I just want to make sure that's the
12:32:46 15 person we're talking about and you are not related to
12:32:48 16 him, and now I think we're done with that topic.

12:32:50 17 A. Yeah. That's some more of that hood stuff.

12:32:53 18 Q. Did you have any nicknames?

12:32:54 19 A. No. I was always Sergeant Watts.

12:32:58 20 Q. Is that what the team member would call you,
12:33:02 21 Sergeant Watts?

12:33:02 22 A. Everybody at the -- occasionally some -- you
12:33:05 23 know, I gained a little weight at one time. They used
12:33:07 24 to call me Big Sarge, you know. But as far as a
12:33:09 25 nickname, no.

12:33:11 1 Q. Would they call you by first name, or was it
12:33:13 2 more formal?

12:33:14 3 A. It was, absolutely, Sergeant Watts.

12:33:19 4 Q. Do you keep in touch with anyone from the old
12:33:22 5 tac team?

12:33:24 6 A. No. No.

12:33:32 7 Q. Earlier you mentioned that you think there were
12:33:34 8 probably a lot of people who respect the work that you
12:33:36 9 did over the years at CPD. Did you have anyone specific
12:33:39 10 in mind?

12:33:41 11 A. Several. There was -- working in the Wells
12:33:49 12 and, again, the open air drug market, and the drugs led
12:33:53 13 to other crimes, street crimes. Everything went up when
12:33:57 14 there was an open air drug market. I had -- I told you
12:34:00 15 we had our cards, and I would get -- I would get calls
12:34:04 16 from Aldermen. At the time, Dorothy Tillman would call
12:34:11 17 me. I would get calls from -- at the time it was
12:34:17 18 Preckwinkle's office. If it wasn't her, it was her
12:34:20 19 office. The current -- I think she's still the Alderman
12:34:23 20 down there. She was a ballplayer at one time. I forgot
12:34:28 21 her name, but the, you know --

12:34:32 22 And they would specifically ask for 264 team at
12:34:35 23 the time, which was my tac team, because if I was
12:34:40 24 assigned something, me and my team, we would address it.
12:34:43 25 Not always getting, you know, the outcome that was

12:34:47 1 expected, but we would at least address it. And, again,
12:34:53 2 I go back to the aggressive things. When you're
12:34:55 3 aggressive, people, they know it. They don't want you
12:35:00 4 down there.

12:35:06 5 Q. All right. Now we can take a look at
12:35:08 6 [Exhibit 4](#).

12:35:09 7 MR. RAUSCHER: Again, for people on Zoom,
12:35:10 8 this is the affidavit of Michael Spaargaren dated
12:35:15 9 January 27, 2015. It's PL JOINT I think it's 050478 to
12:35:23 10 481.

12:35:23 11 BY MR. RAUSCHER:

12:35:27 12 Q. Let me know when you've had a chance to read
12:35:29 13 this.

12:35:29 14 A. Excuse me?

12:35:29 15 Q. Well, actually, before you read it, did you
12:35:31 16 have a good relationship with Officer Spaargaren?

12:35:35 17 A. Yeah. When he was on my team, yeah. As a
12:35:41 18 matter of fact, when he -- he moved. When he moved, we
12:35:44 19 all went to his house for barbecues, all that good
12:35:49 20 stuff. The cabin, the same. That was his part of it.
12:35:53 21 So yeah.

12:35:54 22 Q. Do you know if Spaargaren made any accusations
12:35:56 23 about you?

12:35:57 24 A. Yes, I know what he -- some of the things he
12:36:00 25 said, yeah.

12:36:05 1 Spaargaren became a little salty with me
12:36:08 2 because Spaargaren, he opened a business. I'm just
12:36:11 3 going to be straight up. He opened a business and he
12:36:13 4 wanted to spend his time. He wanted me to allow him to
12:36:16 5 do other things than be in the Wells working, and
12:36:21 6 that's -- and I was the Sarge for the Wells and if you
12:36:25 7 want to -- you know, I liked the guy. I thought he
12:36:27 8 liked me. And I told him straight up you want to
12:36:31 9 operate your business, you can't be on this team.
12:36:34 10 That's when it started. He became an inspector or
12:36:39 11 something for like houses or something. He opened his
12:36:41 12 own business and he wanted to do that on duty. And
12:36:46 13 that's when it broke bad.

12:36:50 14 Q. Have you read this affidavit before?

12:36:51 15 A. No, not from Spaargaren.

12:36:55 16 Q. Go ahead and read it, and let me know when
12:36:56 17 you're done and then I have some questions for you.

12:41:42 18 A. Okay. Thank you.

12:41:48 19 Q. Is there anything in this affidavit that is not
12:41:58 20 true?

12:41:58 21 A. This affidavit is not true.

12:42:01 22 Q. So nothing in it is true?

12:42:03 23 A. Maybe Spaargaren's name and when he left for --
12:42:07 24 took a leave of absence. Those things I can -- I
12:42:11 25 remember vaguely.

12:42:14 1 The whole conversation about -- in this
12:42:18 2 affidavit about going to Lieutenant Spratt, I don't know
12:42:24 3 if he ever went to Lieutenant Spratt. Lieutenant Spratt
12:42:27 4 never came to me about this. Then it goes on to --
12:42:31 5 about an incident, about an incident, and this same
12:42:35 6 thing about we did this big bust and how conveniently I
12:42:39 7 sent everybody home except me and Mohammed. How
12:42:42 8 convenient. It was Mohammed. Wow. That's totally not
12:42:48 9 true.

12:42:49 10 Q. What do you mean when you're saying how
12:42:51 11 convenient it was Mohammed?

12:42:52 12 A. Because now this is after I was in -- Mohammed
12:42:58 13 and I has been sent to prison.

12:43:03 14 Q. After the two of you pled guilty to --

12:43:05 15 A. Yeah.

12:43:06 16 Q. -- committing a crime together of stealing
12:43:09 17 money?

12:43:09 18 A. Yeah. Yeah.

12:43:10 19 This is not -- this didn't -- if you -- I don't
12:43:11 20 know. If something's out there that Mickey Spaargaren,
12:43:15 21 where he went to IAD at any time about me or anybody,
12:43:20 22 other team member, the lieutenant taking money, you
12:43:24 23 know, I would refer to that. But I've never had an
12:43:27 24 incident with Spaargaren other than the incident I told
12:43:33 25 you where he wanted to -- and we really didn't have an

12:43:37 1 incident. It was he was using so much time and I went
12:43:40 2 to him. Hey, man, you know, straight up, you can't, you
12:43:46 3 know, work your business and be on the tac team. We
12:43:48 4 need people here. He was taking a lot of time off. And
12:43:54 5 he did take some time off, off the job.

12:43:56 6 He -- I bought my home, 8019 South Sangamon.
12:44:03 7 Mickey Spaargaren did the home inspection for me. I
12:44:06 8 bought a piece of property in the city. Mickey
12:44:09 9 Spaargaren did the home inspection for me. It's not
12:44:14 10 like a guy that, you know...

12:44:16 11 Q. What year was that when you did -- what year or
12:44:18 12 years did he do the home inspections for you?

12:44:20 13 A. I bought the home in 1998. I bought the
12:44:28 14 property in 2007. I don't even think he was on my team
12:44:35 15 then. I think I called him because I knew that's what
12:44:38 16 he did, you know.

12:44:42 17 So this whole thing, you know, and I said
12:44:46 18 convenient because it sounds like he's trying to make it
12:44:49 19 fit with something, you know, whatever that is, because
12:44:54 20 it leads on to Shannon Spalding. Shannon Spalding, who
12:45:01 21 he had a relationship with. His wife -- they were in an
12:45:08 22 extramarital relationship with Shannon Spalding.

12:45:12 23 Q. Tell me about the relationship with --

12:45:14 24 A. Shannon Spalding and Mickey Spaargaren, yeah.

12:45:16 25 Q. What kind of relationship?

12:45:18 1 A. It had -- well, a sexual relationship. He had
12:45:21 2 problems with his wife after that, who I knew very -- I
12:45:25 3 knew well. I told you I went to his house. And after
12:45:27 4 that, that was part of the reason, and it was -- the
12:45:31 5 team knew, people in the -- look, it's no big secret.
12:45:36 6 You know, people -- you know, you work with people every
12:45:38 7 day, you know things.

12:45:40 8 And that was one of the reasons he took a leave
12:45:43 9 of absence. It wasn't just for his business, you know.
12:45:48 10 He was having problems at home because him and Shannon
12:45:53 11 Spalding were, you know, an item, and everybody knew it.
12:45:58 12 I'm not saying nothing that, you know -- if -- you know,
12:46:01 13 I didn't document it because it wasn't my business.
12:46:03 14 They're grown people, you know. It wasn't my business.

12:46:07 15 So it's those type of things. And now all of a
12:46:10 16 sudden, you know -- see, I'm not just making -- you
12:46:15 17 know, saying this against him, untruthfuls. It's what
12:46:21 18 happened. You know, we worked together. We had a good
12:46:23 19 working relationship, and he came to me. You know,
12:46:27 20 there were times when he came to me and he needed to go
12:46:30 21 home. You know, the guy was tired, beat, working his
12:46:33 22 business, you know, so -- and then I remember when he
12:46:40 23 went to the 22nd District. I would see Mickey. You
12:46:44 24 know, we would be on details together or whatever.
12:46:47 25 Didn't ever have a problem with me.

12:46:50 1 So don't know where all this -- yeah. I
12:46:56 2 don't -- you know, 2015, you know, January 2015 he said
12:47:00 3 it.

12:47:02 4 Q. You never threatened him?

12:47:03 5 A. Never.

12:47:05 6 Q. You never told him you were trading up?

12:47:07 7 A. Never. Don't even know what -- I don't even
12:47:11 8 speak that language, trading up. What -- you know.

12:47:12 9 Q. You don't know what that -- that doesn't mean
12:47:14 10 anything to you?

12:47:14 11 A. It don't -- you know what, from reading his
12:47:16 12 affidavit, I know, and the term, the way he used it,
12:47:20 13 yeah, I know what it means. If I told you no, I'd be
12:47:22 14 lying. I know what he -- trading up, that is not even
12:47:26 15 in my lingo, trading up.

12:47:28 16 Q. You're saying you know it because you read the
12:47:30 17 context and you understand it?

12:47:31 18 A. Yeah, exactly.

12:47:32 19 Q. Not because it's something you talked about,
12:47:34 20 did, or heard about back in the day?

12:47:36 21 A. Exactly. Exactly. He says it right here. He
12:47:38 22 basically tells you the meaning of it when he says large
12:47:42 23 contraband and he came to -- and asked me, talking to
12:47:47 24 Lieutenant Spratt about me taking money and then Spratt
12:47:52 25 basically cussed him out. Everybody's, you know, doing

12:47:55 1 him wrong. He know why.

12:47:59 2 Q. Why?

12:48:00 3 A. He wasn't showing up at work. He was on the
12:48:03 4 tac team. We need the bodies. Again, we're the
12:48:06 5 aggressive ones, the tac teams. He was missing too much
12:48:10 6 work.

12:48:11 7 Q. Did you document that?

12:48:12 8 A. No. He was using his time. I mean, you know,
12:48:16 9 I mean if the guy want to use his time.

12:48:17 10 Q. So then what's wrong with it if he had time?

12:48:20 11 A. What's wrong with it? We need the bodies. You
12:48:23 12 know, we all get vacation time and all that, but when
12:48:25 13 you start just using excessive amount of time, you know,
12:48:28 14 it's other guys that have to go on vacation too. So if
12:48:32 15 you're the one that's using excessive amount of time, I
12:48:35 16 can't allow this guy to take some time when he need it,
12:48:38 17 you know. So it's a tac team. It's not a -- you know,
12:48:42 18 there's no I in team.

12:48:46 19 Q. So is it fair to say he became pretty unpopular
12:48:49 20 because he was taking too much time off?

12:48:51 21 A. I'll tell you. Not unpopular. I mean because,
12:48:55 22 again, like you just stated, it's the guy's time. But
12:48:58 23 guys used to say, man, Sarge, you know, I did need to,
12:49:03 24 you know, take some time, but, you know, I don't -- I
12:49:07 25 know if Spaargaren ain't going to be here, you know, I

12:49:09 1 don't want --

12:49:09 2 Q. People used to say that?

12:49:11 3 A. Yeah. I don't want to leave you short, you
12:49:12 4 know.

12:49:12 5 Q. Who used to say that to you?

12:49:14 6 A. Team members.

12:49:14 7 Q. Do you remember which ones?

12:49:15 8 A. No. But that was the, you know, overall, you
12:49:23 9 know, wave of the team. Everybody knew.

12:49:28 10 Q. Did you ever --

12:49:30 11 A. He became unreliable. How about that?

12:49:32 12 Q. You didn't know when he'd show up?

12:49:33 13 A. Right. And then sometimes he showed up and he
12:49:38 14 worked, you know, a few hours and then he'd put in a
12:49:41 15 slip for the rest of the day.

12:49:44 16 Q. Did you ever take drugs that you seized from
12:49:46 17 someone and give them to someone else?

12:49:48 18 A. Never.

12:49:49 19 Q. Never gave drugs to any source, any civilian,
12:49:52 20 anyone?

12:49:53 21 A. Never gave drugs to anyone. Never.

12:49:58 22 Q. Never once held drugs in your hands and handed
12:50:01 23 them to someone else, other than maybe inventorying
12:50:03 24 them?

12:50:03 25 A. Right. I mean and as a sergeant of police, I

12:50:12 1 don't recover narcotics, number one. What I do is make
12:50:16 2 sure narcotics are inventoried properly. So there was
12:50:21 3 never a reason for me to take narcotics from anyone. A
12:50:25 4 lot of times the guys, what they do when we get to the
12:50:29 5 station and after they inventory, yeah, they bring it to
12:50:32 6 me because I have to count to make sure it's accurate.
12:50:35 7 But they've already inventoried it. I'm just verifying
12:50:38 8 their inventory.

12:50:41 9 So if they said it's 38 bags of heroin in their
12:50:48 10 report, I have to make sure it's 38 bags, not 36, not
12:50:53 11 39, not 40, but 38. Because then that way I'm just
12:50:59 12 checking the accuracy of what they're submitting so
12:51:02 13 there won't be any discrepancies in their reports for if
12:51:05 14 it goes to court or whatever. That's my job as their
12:51:10 15 first-line supervisor.

12:51:11 16 Q. And I think some of this will -- we'll probably
12:51:14 17 have to wait until we get to specific cases because
12:51:17 18 we'll have reports in front of us that we don't have
12:51:18 19 right now. But when you're saying you count them
12:51:22 20 against the reports, you'd look -- basically, you're
12:51:25 21 saying you look at an arrest report. It says 38 bags of
12:51:28 22 heroin, and you will count the actual inventory to make
12:51:31 23 sure it's 38 bags?

12:51:32 24 A. I don't look at it.

12:51:33 25 Q. Oh, okay.

12:51:33 1 MR. KOSOKO: Just let me -- I'm going to
12:51:36 2 allow him to answer. I'm just objecting to the form of
12:51:38 3 the question. It's ambiguous and it's misquoting him.

12:51:46 4 Go ahead and explain.

12:51:47 5 BY MR. RAUSCHER:

12:51:47 6 Q. Yeah. Did I misstate what you said?

12:51:49 7 A. I think you did because it's not the arrest
12:51:53 8 report. You said the arrest report. It's not the
12:51:55 9 arrest report.

12:51:56 10 Q. Inventory.

12:51:56 11 A. It's the inventory report.

12:51:58 12 Q. Okay.

12:51:58 13 A. Okay? So the inventory report stands on its
12:52:01 14 own, okay. So just like the arrest report, I'm checking
12:52:06 15 to make sure that it has probable cause. So now when we
12:52:10 16 move to the inventory report, you use that same probable
12:52:13 17 cause that you used on the arrest report and you
12:52:16 18 transfer it to this document, the inventory report,
12:52:18 19 except all you're doing is -- all you're doing is
12:52:24 20 putting in the inventory report the items that you
12:52:26 21 seized.

12:52:28 22 And all I'm doing, you know, I'm in the
12:52:31 23 sergeant's office, and once a guy's done doing what he's
12:52:34 24 doing, hey, Sarge, you know, can you check this
12:52:37 25 inventory? And once he gives it to me, I verify. And

12:52:43 1 once I verify, from that point on it's -- we sign off on
12:52:48 2 it. It's sealed. And then there's a dropbox up front
12:52:53 3 behind the desk. You go and you drop it in the box.

12:52:58 4 So all this me taking all these drugs that they
12:53:01 5 say Watts had, you know, I don't know where all these
12:53:06 6 drugs come from, because I know when you look at
12:53:08 7 inventories on these cases against all those people that
12:53:11 8 made these allegations or whatever, when they got to
12:53:15 9 court or whatever and the officer's report said he
12:53:19 10 recovered 40 bags or whatever, and 40 bags was
12:53:25 11 inventoried. It's not like the officer said it was 40
12:53:30 12 bags and you counted and now it's 36 bags.

12:53:34 13 Q. Well, I know you don't agree that it happened,
12:53:36 14 but I think logically, if you accepted what Spaargaren
12:53:40 15 was saying, that would be somewhere drugs could come
12:53:42 16 from, right, you could have taken them and not
12:53:45 17 inventoried them?

12:53:46 18 MR. KOSOKO: Objection. It misquotes his
12:53:47 19 testimony.

12:53:49 20 THE WITNESS: Logically, okay, logically
12:53:55 21 Spaargaren could have had an ax to grind at the end and
12:53:57 22 logically he could be telling a lie and logically -- let
12:54:03 23 me tell you something. There's no need to do that. It
12:54:06 24 was like the old term shooting fish in a barrel. It's
12:54:09 25 an open air drug market. There's no need for me to try

12:54:12 1 to put cases on anybody. All you had to do -- you know
12:54:15 2 the players. All you had to do was show up for work, do
12:54:20 3 your investigation, respond. It's not rocket science.

12:54:29 4 You know, everybody's looking at this like
12:54:31 5 it's this big operation, Watts is doing this, Watts is
12:54:35 6 doing that. You know how tired I'd have to be that I'm
12:54:39 7 pulling strings here and there to put dope on people,
12:54:42 8 put dope on a drug dealer who probably has four or five
12:54:46 9 other felony drug cases.

12:54:47 10 It doesn't make sense. And I've had to
12:54:49 11 deal with this for the last ten years in the media and
12:54:53 12 all these places, and I didn't say a thing because how
12:54:56 13 do you respond, you know. You can't respond to a lie,
12:55:02 14 but with the truth. Never put any dope. That wasn't
12:55:06 15 the way I operated. One of my lines to my team was we
12:55:11 16 don't put anything on anybody because these are people's
12:55:16 17 sons and daughters, and I have a son and a daughter.

12:55:18 18 BY MR. RAUSCHER:

12:55:19 19 Q. You said that to your team?

12:55:20 20 A. Absolutely.

12:55:20 21 Q. How often did you say that?

12:55:23 22 A. Often.

12:55:25 23 Q. Why did you think to say that?

12:55:28 24 A. Because it was said, it was said around. Look
12:55:31 25 at all the reports from two thousand and -- there was a

12:55:38 1 big incident that happened where a big case with
12:55:44 2 Finnigan, or whatever his name was, and the thing was
12:55:47 3 that police officers was putting dope on people, putting
12:55:50 4 cases on people. And from that point on every arrest
12:55:53 5 you would make, that would be the standard saying, they
12:55:57 6 put dope on me, they put -- everybody, everybody was
12:56:00 7 using that same line because that was what was going
12:56:03 8 around.

12:56:04 9 So me being a supervisor, that's something I
12:56:09 10 think is important just to put it out there to remind
12:56:12 11 people we don't put nothing on nobody.

12:56:18 12 Q. Would you agree you shouldn't have to say that?

12:56:21 13 A. I don't agree. Don't you -- if you're -- if
12:56:24 14 you -- no, I don't agree with that. That's idiotic that
12:56:27 15 you shouldn't have to remind people. People have things
12:56:30 16 going in their life. They're not just thinking about
12:56:33 17 these dope dealers and all this crime every day.
12:56:35 18 They're dealing with real life issues.

12:56:37 19 So, yes, I have to remind them. That's my job,
12:56:40 20 to bring to the forefront to people what's going on and
12:56:43 21 what's being said about police officers in the area in
12:56:46 22 which they police.

12:56:50 23 And then again, me growing up in that area,
12:56:55 24 I -- yeah, I was a little passionate about it when you
12:56:57 25 get the calls from mothers, again, who these drug

12:56:59 1 dealers are holding the elevators, not allowing people
12:57:03 2 to take up their groceries on the elevators. Yeah, it
12:57:06 3 was stuff like that. And I would send my team down
12:57:08 4 there. We know who the players are, if they're down
12:57:11 5 there, you know.

12:57:14 6 Q. And arrest them?

12:57:15 7 A. If they're down there and they're doing -- and
12:57:17 8 they're doing something that's unlawful, lock them up
12:57:21 9 because that's what we're there for, to make the
12:57:23 10 community safe.

12:57:26 11 Q. Did you think if you didn't remind your team
12:57:28 12 not to frame people, that they might do it?

12:57:30 13 A. I never gave that a thought. I just thought as
12:57:33 14 a supervisor, there's information you should share with
12:57:37 15 subordinates because of the atmosphere at the time, that
12:57:40 16 that was the -- that was the saying throughout the
12:57:43 17 community, everybody putting -- police officers putting
12:57:46 18 dope on everybody. It was -- and I wasn't the only one.
12:57:51 19 This was done in roll calls by the watch commanders
12:57:57 20 reminding everybody. It wasn't just Watts saying, you
12:58:00 21 know, don't put dope on people, no, or we don't put dope
12:58:03 22 on nobody.

12:58:05 23 It was so widespread at one time, in the Second
12:58:08 24 District you'd go to roll call, you'd go to stand at
12:58:11 25 roll call and the watch commander would -- hey, it's out

12:58:13 1 there that people are saying the police are framing
12:58:17 2 people, putting dope on them. Guys, be careful about
12:58:20 3 what you're doing. Make sure you have proper probable
12:58:24 4 cause and go over there.

12:58:27 5 So, yes, I think that's pretty reasonable. I
12:58:32 6 don't know. Maybe I'm missing something here when you
12:58:35 7 ask that question, but I think that's pretty reasonable
12:58:37 8 for what we did and what we do, you know.

12:58:44 9 BY MR. RAUSCHER:

12:58:45 10 Q. When's the last time you talked to Mickey
12:58:51 11 Spaargaren?

12:58:51 12 A. Man, I can't tell you. I can't tell you. I
12:58:59 13 don't know when he left the department and where he
12:59:02 14 went. Early 2000s, maybe. I don't know.

12:59:07 15 Q. Did you ever not inventory cannabis that you
12:59:18 16 recovered?

12:59:19 17 A. No. As a tactical sergeant, it wasn't my duty
12:59:27 18 to recover cannabis, any other narcotics, unless it was
12:59:34 19 something that I saw right then and there. Then I would
12:59:38 20 take action.

12:59:39 21 Q. And did that -- did it ever happen where you
12:59:42 22 saw something and you took action, or did you never
12:59:45 23 recover drugs as a sergeant?

12:59:46 24 A. May have been a time or two. I'd have to refer
12:59:49 25 to documents. But no, because I supervised the guys

12:59:54 1 that recovered the narcotics, and those guys -- you
12:59:59 2 know, those guys were -- in my opinion, they were a good
01:00:01 3 team. They were good at what they did, you know.

01:00:04 4 Q. You weren't out there making arrests,
01:00:07 5 recovering drugs?

01:00:08 6 A. No, I wasn't out there making arrests. I was
01:00:11 7 supervising. I would be out with the team sometimes, if
01:00:14 8 I was able to. There was other duties that I would have
01:00:16 9 to do that didn't -- I investigated CR numbers. I
01:00:22 10 completed other reports. Sometimes, again, another
01:00:28 11 sergeant probably would be out on vacation or sick or
01:00:32 12 what have you and I would have two teams. So I wouldn't
01:00:34 13 be able to really focus on my specific area because I'd
01:00:40 14 have to be the sergeant for two teams and, therefore,
01:00:44 15 you know, I have to do inventories not only for my team
01:00:47 16 or approve arrest reports for my team, but for another
01:00:50 17 team also.

01:01:07 18 Q. Did you ever want to get out of the Second
01:01:12 19 District?

01:01:12 20 A. Absolutely.

01:01:12 21 Q. All right. Tell me why you wanted to get out
01:01:14 22 of the Second -- well, just tell me more about that, why
01:01:17 23 you wanted to leave the Second District, when you wanted
01:01:23 24 to leave.

01:01:24 25 A. I don't remember what year it was. I just

01:01:26 1 remember I -- it was a little overwhelming, you know. I
01:01:31 2 was -- it was a little overwhelming and I thought I
01:01:35 3 should -- I thought I should, you know, try to go
01:01:38 4 somewhere else and do something else, you know. I had
01:01:40 5 been doing that for a while. I think it was maybe about
01:01:44 6 '07, '06, '07. I even -- I put in several requests to
01:01:49 7 go to other units, several requests. I didn't try to go
01:01:55 8 to another district, but I always tried to go to a unit
01:01:59 9 or I -- it got to the point I even put in to go to K-9.
01:02:05 10 And a lot of times it was always there's no openings or
01:02:11 11 it was always something. So I tried. Like I say, it
01:02:17 12 was -- I tried for a couple years.

01:02:21 13 Q. Never worked out?

01:02:22 14 A. Never worked out, and -- yeah.

01:02:27 15 Q. How did you make those requests to leave the
01:02:32 16 tactical team?

01:02:32 17 A. We put in what we called a PAR form and --

01:02:35 18 Q. I'm sorry, did you say that there was a --

01:02:37 19 A. A PAR form.

01:02:37 20 Q. PAR form.

01:02:39 21 A. Yeah, P-A-R. It's a PAR form and you put in
01:02:42 22 your request.

01:02:44 23 Q. In what -- how did you submit it? Was it hard
01:02:47 24 copy --

01:02:47 25 A. Yes.

01:02:47 1 Q. -- interoffice mail kind of thing?

01:02:49 2 A. No, it was hard copy. You submit it to the
01:02:54 3 secretary, the district secretary.

01:02:57 4 Q. Do you remember who you submitted your PAR
01:02:59 5 forms to?

01:03:00 6 A. District secretary.

01:03:01 7 Q. I meant the specific -- do you know who that
01:03:03 8 specifically was?

01:03:06 9 A. I don't know if she was actually -- but I just
01:03:09 10 remember her, she was such a nice lady. She was a
01:03:12 11 civilian. Marilyn is her first name. I know I
01:03:15 12 submitted so much paperwork to her. It probably was her
01:03:20 13 because -- yeah.

01:03:21 14 Q. Last name unknown?

01:03:24 15 A. I forgot Marilyn's last name. Yeah, I forgot
01:03:27 16 her last name.

01:03:31 17 Q. Was there anything specific that made you want
01:03:33 18 to leave the tactical team or just what you've said,
01:03:37 19 overwhelming, a lot of --

01:03:39 20 A. It was -- yeah. It was time-consuming, you
01:03:41 21 know, a lot of time, you know, and I had -- you know, it
01:03:44 22 was the Second District, you know. There's much nicer
01:03:48 23 places to work in the city of Chicago than the Second
01:03:52 24 District, you know.

01:03:54 25 Q. Did you ever talk to any of your superiors

01:03:56 1 about wanting to leave the Second District?

01:03:59 2 A. Oh, absolutely.

01:03:59 3 Q. Who did you talk to?

01:04:00 4 A. I talked to the district commander on several
01:04:03 5 occasions, Lynette Helm. I talked to my lieutenant,
01:04:10 6 Lieutenant Mann, and then when we had Moore. He was the
01:04:17 7 last lieutenant I had. I even talked -- I talked to
01:04:21 8 Fred. Fred became deputy chief or something. I talked
01:04:24 9 to Fred. What was Fred's last name? Can't remember.

01:04:31 10 Q. Waller?

01:04:31 11 A. Waller, yeah. You know him better. Yep.

01:04:36 12 Q. He helped me with that one.

01:04:38 13 A. Okay. Yeah, Fred Waller. I talked to Eddie
01:04:44 14 Welch. Actually, Eddie Welch and I went to high school
01:04:47 15 together. I talked to Eddie Welch at one time.

01:04:53 16 So, yeah, there was a lot of effort in trying
01:04:55 17 to leave the Second District at one particular time.

01:04:58 18 Q. Fair to say you wanted to leave pretty badly?

01:05:01 19 A. At that particular time I wanted to leave
01:05:03 20 pretty badly, yeah. I -- you know, it was the Second
01:05:08 21 District, you know, grimy, it was dirty. I mean, you
01:05:15 22 know. Wasn't having any issues. I thought we were
01:05:18 23 doing the best we could with everything that we had, the
01:05:22 24 resources we had. I thought we were doing pretty good,
01:05:24 25 but, you know.

01:05:27 1 Q. What did any of those people, Lynette Helm,
01:05:31 2 Lieutenant Mann, Lieutenant Moore, Fred Waller, Eddie
01:05:35 3 Welch, what did they tell you when you said I want to
01:05:37 4 get out of the Second District?

01:05:38 5 A. They would sign the PAR form. You had to take
01:05:40 6 it to them, you know, your first-line supervisor you had
01:05:43 7 to sign, you know, and it would just go forward after
01:05:45 8 that. I mean it's not their, you know -- they didn't --
01:05:49 9 I didn't think they made that decision.

01:05:50 10 Q. So their only -- the role of all five of those
01:05:55 11 people you mentioned was just to sign the form for you?

01:05:58 12 A. Just to sign the form, and I guess if they
01:06:00 13 received a call or whatever, to say, you know, what
01:06:05 14 kind -- you know, to -- what kind of sergeant is this
01:06:07 15 guy, you know, so...

01:06:11 16 Q. Do you know if any of those people got that
01:06:13 17 kind of call saying what kind of sergeant is this guy?

01:06:16 18 A. I couldn't say at this time. I don't remember
01:06:20 19 having a conversation with anybody about that.

01:06:23 20 Q. Did they have discretion to either sign or not
01:06:25 21 sign the PAR form, or was it just an automatic you got
01:06:29 22 to get a signature and they have to do it?

01:06:30 23 A. No, it's just -- you just get a signature and
01:06:32 24 they go forward. Why -- you know, they -- I guess they
01:06:39 25 could say, no, I'm not signing; but why would they say,

01:06:42 1 no, I'm not signing, because it's not their -- you know,
01:06:45 2 it's not their decision to make on, you know, where I go
01:06:48 3 to. It's the officer's decision. And I think -- I
01:06:53 4 think people in the department know that because they've
01:06:57 5 probably put in PAR forms in their career to go
01:06:59 6 somewhere else. So, yeah.

01:07:01 7 Q. Did you ever get a formal response to any of
01:07:03 8 your PAR form submissions?

01:07:05 9 A. No. Not that I recall, no.

01:07:07 10 Q. It's just you didn't move is what --

01:07:09 11 A. Yeah, I just didn't move. Yeah. I just didn't
01:07:12 12 move.

01:07:15 13 Q. Do you know if that had anything to do with the
01:07:18 14 internal affairs investigation into you?

01:07:21 15 MR. KOSOKO: Object to the form of the
01:07:24 16 question. It assumes --

01:07:24 17 THE VIDEOGRAPHER: Sorry to interrupt
01:07:25 18 counsel. Your microphone.

01:07:27 19 MR. KOSOKO: Did it fall off? It did.

01:07:31 20 Object to the form of the question. It
01:07:34 21 also assumes facts not in evidence.

01:07:42 22 THE WITNESS: Throughout this ordeal I
01:07:44 23 found out later that I had been under investigation by
01:07:46 24 the department basically since I became sergeant, so,
01:07:59 25 you know, and maybe that had something to do with it. I

01:08:02 1 can't say why people did -- why I didn't move, but I
01:08:06 2 know I didn't move and -- yeah.

01:08:06 3 BY MR. RAUSCHER:

01:08:07 4 Q. You never got an explanation for why --

01:08:09 5 A. No, never. Never. Not to this date.

01:08:20 6 Q. Did you have any mentors or people you
01:08:22 7 considered mentors at Chicago Police Department?

01:08:30 8 A. If you say, you know, like not truly mentors;
01:08:34 9 people I went and -- I had people that I sought out
01:08:37 10 their advice on different things and then you watch
01:08:41 11 certain people, how their career is going and, you know,
01:08:45 12 that type of thing, and those are the people that you go
01:08:47 13 to for their advice or whatever.

01:08:49 14 Q. Yeah. I'm sorry.

01:08:50 15 A. But to say, you know, I actually had a mentor,
01:08:55 16 you know, no.

01:08:56 17 Q. I was using it more of the way that you were
01:08:59 18 hearing it at first, so people who you sought out for
01:09:02 19 advice or who you looked up to and kind of looked out
01:09:05 20 for you. Do the people fit into that category?

01:09:07 21 A. Kind of looked out for me, what do you mean?

01:09:09 22 Q. All right, well, maybe that's compound. So
01:09:10 23 there are different -- let's start with the first one.
01:09:13 24 Who are the people who you would seek out for
01:09:14 25 advice?

01:09:20 1 A. I'd say Fred Waller was one. I would talk to
01:09:23 2 Fred. That I would ask -- Lieutenant Mann, you know, a
01:09:32 3 lot of the oldtimers, you know, guys that had been
01:09:36 4 around for a while. Some police officers, you know, not
01:09:44 5 just the bosses, but oldtimers, you know.

01:09:47 6 Q. Which police officers?

01:09:52 7 A. It was -- I think he's dead now. Dumas. His
01:09:56 8 name was Dumas. He was a wagon guy. And Carl Betz,
01:10:00 9 guys like that, oldtimers that had been around, you
01:10:03 10 know.

01:10:03 11 Q. Do you know Ernie Brown?

01:10:05 12 A. Yes, I did.

01:10:06 13 Q. Were you close with him?

01:10:08 14 A. No.

01:10:09 15 Q. Didn't get along?

01:10:10 16 A. We got along.

01:10:11 17 Q. Oh, I see.

01:10:12 18 A. I mean I had mutual respect for him, but I
01:10:15 19 laugh because that was part of this fiasco was Ernie
01:10:17 20 Brown was -- I mean I -- and I'll just be straight up,
01:10:21 21 because it was -- I laugh because I was paying Ernie
01:10:24 22 Brown and all that. Ernie Brown and I, if we saw each
01:10:28 23 other at a party or at work or something. I didn't --
01:10:33 24 you know, I didn't hang with Ernie Brown, you know,
01:10:36 25 nothing of that sort, no.

01:10:38 1 Q. Were you ever in a car with him?

01:10:46 2 A. If I was in a car with Ernie, it must have been
01:10:50 3 like a -- maybe like a Bud Billiken Day parade or
01:10:57 4 something like that. It had to be some event. But just
01:11:00 5 to be in a car with Ernie, no. No, I didn't ride with
01:11:04 6 Ernie or, you know.

01:11:08 7 Q. Did you ever have anyone removed or kick anyone
01:11:12 8 off of the tactical team?

01:11:18 9 A. I didn't have anybody removed. I never went to
01:11:22 10 anybody and said take this person off the tac team.
01:11:25 11 Never. I would go to the officer first and would talk
01:11:30 12 to them and see if this was still the right, you know,
01:11:33 13 fit for them. It was never -- I didn't play it like
01:11:38 14 that where I go behind the officer's back and have them
01:11:41 15 removed, no. We were grown and people did, you know,
01:11:44 16 hard work. That's hard work, you know, and people
01:11:46 17 should be treated fairly.

01:11:47 18 So to answer your question, no, I never had
01:11:52 19 anybody kicked off the team or anything like that. Most
01:11:54 20 of the people that were on my team, except for now when
01:11:58 21 I read stuff like this, I -- I thought we left, you
01:12:03 22 know, on good terms.

01:12:09 23 Q. Which people do you remember having
01:12:11 24 conversations with to say, you know, are you sure this
01:12:14 25 is the right fit, do you still want to be on this team

01:12:16 1 or do you think you should still be on this team, those
01:12:20 2 kind of conversations?

01:12:21 3 A. I remember one time Kenny Young, Kenny Young.
01:12:26 4 He was Al's partner, you know.

01:12:28 5 Q. Al Jones?

01:12:28 6 A. Yeah, he was Al's partner. And Kenny stayed on
01:12:33 7 the team after that for a good while, but then he
01:12:36 8 transferred and went to a unit, so, you know.

01:12:41 9 Q. What was the conversation like with Kenny Young
01:12:43 10 where you talked about whether he should stay on the
01:12:45 11 team?

01:12:45 12 A. It was just that, you know -- you know, it was
01:12:48 13 the rumor mill, you know, that Kenny felt like he
01:12:53 14 didn't, you know, fit into the team or whatever, you
01:12:55 15 know. A lot of times it was after work we -- you know,
01:13:00 16 everybody go to a bar, you know, maybe once in a while
01:13:05 17 everybody. Kenny didn't drink, but sometimes he'd hang
01:13:08 18 with the group, and, you know, a lot of times he did
01:13:12 19 and, you know, he just -- he just said he felt like, you
01:13:15 20 know, he was an outsider. And I assured him at the time
01:13:19 21 he wasn't. It's just we're all different. And like I
01:13:21 22 said, Kenny stayed until he got a better job.

01:13:25 23 Q. So he came to you and said I'm not feeling good
01:13:27 24 about this; it wasn't you went to him and said are you
01:13:30 25 sure you want to be here?

01:13:31 1 A. No, I never went to him. It was things that
01:13:35 2 transpired. You know, he -- you know, you observe guys
01:13:41 3 and find out that they're not feeling good one day and
01:13:45 4 you ask, say what's the problem. Nothing, nothing. And
01:13:46 5 then you hear the rumor mills that, you know, Kenny want
01:13:50 6 off the team, you know, and he go to other sergeants and
01:13:57 7 ask about, you know, their team or whatever. Sergeants
01:14:01 8 talk. Hey, what's the problem with Kenny? Not that I
01:14:04 9 know of, you know. Well, he asked me about the team.
01:14:08 10 Oh. If he wants to, that's on Kenny, you know what I
01:14:12 11 mean. But there was never any animosity or anything
01:14:14 12 like that. He was making a choice for him, you know.

01:14:19 13 Q. Were there any team members who you didn't want
01:14:22 14 on the team?

01:14:26 15 A. That I just didn't want on the team?

01:14:27 16 Q. Yeah.

01:14:28 17 A. No. No. If it was -- if it was someone I just
01:14:31 18 didn't want on the team, I respected everybody's
01:14:35 19 ability, first of all, and if it was someone I just
01:14:37 20 didn't want on the team, there had to be a reason I
01:14:40 21 didn't want them on the team. Had to be I felt, as
01:14:43 22 their supervisor, that they were unsafe, number one, you
01:14:46 23 know, or something they were doing that just -- it put
01:14:50 24 others in an unsafe situation. It had to be something
01:14:55 25 like that. But to just I don't want somebody on the

01:14:58 1 team, that's not my call. Those guys -- just like I was
01:15:02 2 putting in my PAR form to go somewhere else, those guys
01:15:05 3 choose to come on tac teams.

01:15:08 4 Q. And there was no one over the years who you
01:15:10 5 looked at their work and said this person shouldn't be
01:15:13 6 on my team, they're not doing a good job?

01:15:16 7 A. There were times when I felt there were
01:15:24 8 officers that could be doing more, and as their
01:15:27 9 supervisor, I went to them and I expressed that. And
01:15:32 10 during that time, if they remained on the team, it was
01:15:35 11 because they picked it up. So what I was telling them
01:15:38 12 had some validity to it. But as far as someone I just
01:15:42 13 didn't want on my team, absolutely not, unless for the
01:15:47 14 reasons I stated earlier.

01:15:49 15 Q. Who are the people who you went to over the
01:15:51 16 years who weren't doing a good enough job?

01:15:58 17 A. I don't remember offhand, but at times -- I
01:16:02 18 mean I probably went to, you know -- I'll tell you, me
01:16:05 19 being -- I probably went to everybody just to make sure
01:16:07 20 that they were -- you know, once in a while if I saw
01:16:11 21 somebody slacking, they wasn't doing, you know, hey, is
01:16:14 22 there a problem, you know, what's the problem, something
01:16:17 23 like that. But there's nobody that I thought was just
01:16:21 24 a -- you know, just come in every day and didn't make
01:16:23 25 arrests. Everybody did. They did what they could do,

01:16:25 1 and sometimes you make arrests and sometimes you don't.
01:16:31 2 But if you -- if it's two months and you haven't made an
01:16:34 3 arrest and we're in a high crime area like that, I have
01:16:38 4 to question it, what are you doing out there, you know
01:16:43 5 what I mean.

01:16:43 6 Q. Do you remember periods of time going by like
01:16:46 7 that with no arrests from certain officers?

01:16:50 8 A. I'm sure there was. I don't remember who, but
01:16:53 9 I'm pretty sure there was, yes. But I don't remember
01:16:56 10 the particular officer.

01:16:58 11 Q. Earlier you mentioned that you now know Kallatt
01:17:02 12 Mohammed had been caught taking money years before you
01:17:06 13 were arrested, right?

01:17:07 14 A. I don't think I said years before, but I saw --

01:17:09 15 Q. Okay. I thought --

01:17:11 16 A. I saw -- during discovery I did see some tape
01:17:19 17 where he was talking to someone about payments and that
01:17:25 18 type of stuff, and, you know, and in that conversation I
01:17:30 19 was mentioned and not in a good light because they were
01:17:37 20 saying if they're paying him, why is Watts and them
01:17:41 21 still locking people up. And I think the -- and I laugh
01:17:45 22 about it because it was like -- it was stated Watts' fat
01:17:50 23 ass keep coming down here locking folks up. So I was
01:17:56 24 like, yeah, that's what I -- that's what my job is, if
01:18:01 25 you're doing something illegal, yeah.

01:18:04 1 Q. Because you weren't taking any of that money?

01:18:07 2 A. No. What money? When you say any of that
01:18:09 3 money, what are you, I mean, referring to?

01:18:10 4 Q. Any of the money that Mohammed was taking.

01:18:13 5 MR. KOSOKO: Objection, asked and
01:18:16 6 answered.

01:18:16 7 Go ahead.

01:18:17 8 THE WITNESS: No. I wasn't even aware
01:18:21 9 until, again, I saw the video that he was even taking
01:18:27 10 money. It wasn't like he was on duty and, hey, Sarge, I
01:18:35 11 need to go over here and -- no.

01:18:38 12 BY MR. RAUSCHER:

01:18:39 13 Q. What do you think they meant when they say
01:18:41 14 Watts' fat ass is still coming down here arresting
01:18:44 15 people?

01:18:44 16 A. Because I would still have my team in the area,
01:18:47 17 and if you were doing something that was illegal in
01:18:52 18 those buildings, down there selling drugs or robbing
01:18:55 19 people, having guns on you, yes, we were going to do our
01:18:58 20 job.

01:18:59 21 Q. You think when they were saying you were
01:19:02 22 arresting people, they didn't mean you; they meant your
01:19:05 23 team?

01:19:05 24 A. Right. Exactly.

01:19:07 25 Q. If you would've known that Mohammed was taking

01:19:09 1 money, would you have tried to get him off the team?

01:19:10 2 A. I would have took the appropriate action. I'm
01:19:13 3 pretty sure I would have.

01:19:13 4 Q. What's the appropriate action?

01:19:15 5 A. I would have notified the lieutenant, first of
01:19:20 6 all, and any other reports that I needed to submit, I
01:19:25 7 would have did that at that particular time.

01:19:27 8 Q. And then what if they would have kept him, just
01:19:30 9 let him keep working there? Would you have been okay
01:19:33 10 with that, as his supervisor?

01:19:35 11 MR. KOSOKO: Objection to the form of the
01:19:37 12 question, causes for a speculative response.

01:19:39 13 But go ahead, Sarge.

01:19:40 14 THE WITNESS: As a supervisor, I wouldn't
01:19:42 15 have been okay with that because, number one, that puts
01:19:46 16 everybody else at risk. So, no, I wouldn't have been.
01:19:51 17 And I don't think -- I don't think it's good -- me, I
01:19:56 18 don't think it's good practice if we know someone is, a
01:20:01 19 police officer, fireman, anybody is involved in illegal
01:20:06 20 activity, just to leave them there.

01:20:09 21 BY MR. RAUSCHER:

01:20:09 22 Q. Yeah.

01:20:10 23 A. I just don't think that's a good practice.
01:20:14 24 That's why I didn't understand how I could have been --
01:20:16 25 to your question before, how I was putting all these

01:20:22 1 requests to leave and I'm just allowed to, you know,
01:20:28 2 just stay in the Second District and I'm supposed to,
01:20:31 3 you know, be this ruthless individual that's taking --
01:20:36 4 you said taking dope from people and putting dope on
01:20:40 5 people, putting cases on people. Never happened.

01:20:43 6 Q. It would obviously be unacceptable for the
01:20:46 7 police department to leave you in place knowing you were
01:20:48 8 doing those things, putting dope on people, framing
01:20:51 9 people, taking bribe money, right?

01:20:52 10 A. I would --

01:20:52 11 MR. KOSOKO: Objection to the form of the
01:20:53 12 question.

01:20:54 13 Go ahead. I'm sorry.

01:20:55 14 THE WITNESS: In my opinion, yes, that
01:20:59 15 would -- you know, especially -- I'm going to say this.
01:21:03 16 The police department, if they received that
01:21:06 17 information, after an investigation is done and a
01:21:11 18 thorough investigation and the results are the results
01:21:15 19 and it's -- whether it's -- if it's true, there's some
01:21:19 20 validity to it, then I'd say, no, they shouldn't have
01:21:25 21 allowed me or anyone else to remain there.

01:21:28 22 BY MR. RAUSCHER:

01:21:28 23 Q. You're a police -- you were a police officer
01:21:30 24 for a long time?

01:21:31 25 A. I was a --

01:21:32 1 Q. Police officer for a long time?

01:21:34 2 A. I was a police officer, yes, for -- I was a
01:21:39 3 police officer from '94. For 6 years I was a police
01:21:42 4 officer. I was a police supervisor for about 12 years.

01:21:48 5 Q. Almost 15, 20 years as a -- in law enforcement?

01:21:53 6 A. Yes, 18.

01:21:58 7 Q. Kallatt Mohammed was caught pretty red-handed
01:22:01 8 taking bribes, right?

01:22:03 9 A. There's tapes and you can refer to the FBI
01:22:07 10 investigation, and, yes, according to the documents that
01:22:12 11 I viewed at one time.

01:22:13 12 Q. If it was up to you, as a law enforcement
01:22:16 13 official and a sergeant, what would you have done
01:22:18 14 when you found out that Kallatt Mohammed was taking
01:22:21 15 bribes?

01:22:22 16 MR. KOSOKO: Object to the form of the
01:22:23 17 question. It causes Sergeant Watts to speculate.

01:22:27 18 Go ahead and answer, though, Sarge.

01:22:28 19 MR. MICHALIK: This is Michalik. I also
01:22:31 20 object to an incomplete hypothetical.

01:22:37 21 THE WITNESS: So, again, I would have
01:22:41 22 reported it to the lieutenant and filled out any
01:22:48 23 proper documents.

01:22:48 24 MR. JOEL FLAXMAN: I lost the sound. This
01:22:50 25 is Joel Flaxman.

01:22:52 1 MR. MICHALIK: And this is Michalik. I
01:22:53 2 also lost the sound.

01:22:57 3 MR. KOSOKO: Try again, Sarge, and speak
01:22:58 4 up, I guess.

01:22:59 5 MR. JOEL FLAXMAN: It happened before.
01:23:00 6 When one of us spoke on Zoom, then we lose the sound
01:23:04 7 inside the room.

01:23:04 8 MR. KOSOKO: Can you guys hear me right
01:23:05 9 now?

01:23:12 10 Christ.

01:23:12 11 MR. RAUSCHER: Don't make any more
01:23:13 12 objections.

01:23:16 13 MR. KOSOKO: Can you guys hear me?

01:23:21 14 MR. RAUSCHER: I guess they can't hear me.

01:23:21 15 MR. JOEL FLAXMAN: Now you're back, yeah.

01:23:23 16 MR. KOSOKO: Okay. All right. So, Sarge,
01:23:24 17 you have to start that answer from scratch after
01:23:29 18 Mr. Michalik's objection.

01:23:31 19 THE WITNESS: Well, I think the question
01:23:32 20 was if -- what I would have done.

01:23:34 21 MR. MICHALIK: I'm still having trouble
01:23:38 22 hearing.

01:23:38 23 MS. MCGRATH: We can't hear the witness.

01:23:38 24 THE WITNESS: Can you hear me now, ma'am?

01:23:41 25 MR. RAUSCHER: Yeah, let's go off.

01:23:45 1 MS. MCGRATH: Yes.

01:23:45 2 MR. RAUSCHER: Oh, wait. You can hear
01:23:46 3 him?

01:23:46 4 MR. PALLES: Right at the end, it seemed
01:23:48 5 like.

01:23:48 6 MR. RAUSCHER: Great. Let's keep going.

01:23:51 7 THE WITNESS: Can you hear me, ma'am? I
01:23:56 8 think it was -- okay. Thank you.

01:23:59 9 MR. JOEL FLAXMAN: Yes.

01:24:01 10 THE WITNESS: Okay. So, again, I would've
01:24:01 11 went to the lieutenant and prepared the necessary
01:24:06 12 paperwork, and from that point on it would not be my
01:24:13 13 decision. There are duties for each rank and file
01:24:24 14 officer to perform. And so after I had notified my
01:24:31 15 superior, the lieutenant, then I'm sure he would have
01:24:34 16 possibly advised me on what to do next.

01:24:36 17 BY MR. RAUSCHER:

01:24:37 18 Q. And would you have been okay if they would have
01:24:41 19 said, well, it's okay, we're going to let him keep going
01:24:44 20 as a police officer?

01:24:45 21 MR. KOSOKO: Object to the form of the
01:24:47 22 question. It's an incomplete hypothetical. It causes
01:24:52 23 for a speculative response, and it actually is assuming
01:24:58 24 facts that are not in evidence.

01:25:06 25 THE WITNESS: No.

01:25:06 1 BY MR. RAUSCHER:

01:25:06 2 Q. Can you answer?

01:25:07 3 A. Yeah. I wouldn't -- personally, I would not
01:25:10 4 have been okay with it, you know.

01:25:12 5 Q. Why would you not have been okay with leaving
01:25:14 6 an officer in your -- on your tac team who was taking
01:25:18 7 bribes?

01:25:18 8 A. Puts everybody else at risk.

01:25:20 9 Q. Why does it put everyone else at risk?

01:25:24 10 A. Because if someone's taking bribes, then that
01:25:27 11 means -- that means there's someone out there that has
01:25:32 12 information about the police department, the tac team,
01:25:36 13 that we're not aware of, and that causes -- again, it
01:25:42 14 puts people at risk for other allegations.

01:25:52 15 Q. Is it a violation of trust?

01:25:55 16 A. Absolutely.

01:25:58 17 Q. Obviously you're not serving and protecting the
01:26:01 18 community if you're taking bribes, right?

01:26:02 19 A. Absolutely.

01:26:04 20 MR. RAUSCHER: Let's mark -- are we on --
01:26:07 21 we're going to mark another document as [Exhibit 5](#). This
01:26:09 22 is another FBI document subject to the Privacy Act
01:26:13 23 Order. It's FBI 305 to 313.

01:26:27 24 (Deposition [Exhibit 5](#) was marked for
01:26:27 25 identification.)

01:26:43 1 MR. KOSOKO: Thanks.

01:26:43 2 BY MR. RAUSCHER:

01:26:43 3 Q. And this is an interview of -- a transcribed
01:26:46 4 memo, 302, of an interview of Kallatt Mohammed from
01:26:50 5 February 12th, 2012.

01:26:51 6 A. Uh-huh.

01:26:53 7 Q. And I don't need you to read the whole thing,
01:26:55 8 actually. I can direct you to Page -- unless -- you're
01:26:58 9 welcome to, but I'm going to direct you to Page 8 to
01:27:00 10 start.

11 MR. TEPFER: It says the 13th.

12 MR. RAUSCHER: No, there are -- well, it
13 says -- am I wrong?

14 MR. KOSOKO: He was interviewed on the
15 12th. Scott's right.

01:27:20 16 MR. RAUSCHER: It has like three different
01:27:21 17 dates. One is a transcription. I don't know what the
01:27:24 18 13th is.

01:27:24 19 MR. KOSOKO: Okay.

01:27:30 20 MR. TEPFER: What page did you say?

01:27:31 21 BY MR. RAUSCHER:

01:27:32 22 Q. I said Page 8, so FBI 312.

01:27:48 23 You know what, I'm sorry, I should have asked
01:27:50 24 you to start at 311, the page before.

01:27:58 25 A. Page 7?

01:27:59 1 Q. Yeah, Page 311. You can start that paragraph
01:28:03 2 "Mohammed --" the second full paragraph, "Mohammed
01:28:05 3 identified a CPD booking photograph."

01:30:59 4 A. Okay.

01:31:00 5 Q. You see in that Kallatt Mohammed is admitting
01:31:04 6 taking money in 2007 and 2008 on those pages, right?

01:31:08 7 A. Yes.

01:31:09 8 Q. Knowing that, would you say it was a mistake to
01:31:13 9 leave him on the police force as long as --

01:31:15 10 MR. KOSOKO: Object.

01:31:16 11 BY MR. RAUSCHER:

01:31:16 12 Q. -- as long as he stayed on the force?

01:31:18 13 MR. KOSOKO: Are you finished? I'm sorry,
01:31:20 14 I didn't mean to interrupt.

01:31:22 15 I'm going to object to the form of the
01:31:26 16 question. It's an incomplete hypothetical. It's
01:31:28 17 assuming facts not in evidence and it's asking Sergeant
01:31:32 18 Watts to, therefore, speculate.

01:31:35 19 You can go ahead.

01:31:38 20 THE WITNESS: I probably would have done
01:31:39 21 something different if I had this information. This is
01:31:44 22 video, and now you're asking me about something that,
01:31:50 23 number one, I had no knowledge of; and number one, those
01:31:53 24 that did have knowledge of should have at the time maybe
01:31:56 25 have taken appropriate action. I think they did a lot

01:32:03 1 of people a disservice.

01:32:04 2 BY MR. RAUSCHER:

01:32:04 3 Q. By not taking action and getting rid of him?

01:32:06 4 A. Absolutely.

01:32:07 5 Q. You're his supervisor. There's no way you
01:32:10 6 would go to work with a guy knowing he's taking money
01:32:12 7 from drug dealers, right?

01:32:14 8 A. I would have took the appropriate action if I
01:32:17 9 had known that this was happening.

01:32:21 10 Q. You would have done more than just file a
01:32:23 11 report, right; you would have been outraged?

01:32:26 12 A. I would have took the appropriate action, and
01:32:31 13 as a supervisor, I would have been -- as his supervisor,
01:32:36 14 I would have been disappointed in Mohammed, as a lot of
01:32:41 15 people were disappointed in me, to be frank. Not
01:32:47 16 because of, you know, what happened, but in me and what
01:32:57 17 I pled to, so...

01:33:00 18 Q. Not because of what you did; because of what
01:33:02 19 you pled to?

01:33:02 20 A. What I pled to and what I -- and what I was
01:33:05 21 accused of doing.

01:33:08 22 Q. They would have been disappointed if they would
01:33:10 23 have thought you did it, not if they thought you were
01:33:12 24 wrongly accused, right?

01:33:14 25 A. I think -- I think both.

01:33:18 1 Q. You think people would have been disappointed
01:33:20 2 if you were wrongly accused of something?

01:33:23 3 A. Yes, people would be disappointed and outraged,
01:33:26 4 people that care about me. I have people that care
01:33:28 5 about me either way. If I could admit I made a mistake
01:33:34 6 in my life, they would probably, you know, be
01:33:37 7 disappointed, but that wouldn't mean that they wouldn't
01:33:40 8 stop caring about me.

01:33:40 9 But, also, if I was wrongly accused, you
01:33:45 10 know, yeah, they probably would -- they would be
01:33:47 11 disappointed that I was wrongly accused and possibly
01:33:50 12 outraged.

01:33:50 13 Q. Of course. Not dis -- but they wouldn't
01:33:52 14 have been disappointed in you for being wrongly
01:33:55 15 accused?

01:33:56 16 A. Well, it all depends, because it -- you know,
01:34:00 17 they probably thought me being the supervisor, I should
01:34:05 18 have been -- you know, I didn't do my job thoroughly
01:34:10 19 enough. And for me that was something they probably
01:34:14 20 wouldn't expect.

01:34:15 21 Q. Tell me how you didn't do your job as a
01:34:17 22 supervisor relating to that November 2011 incident that
01:34:21 23 led to your arrest.

01:34:29 24 A. I never -- I never checked to see what was
01:34:35 25 actually taken, and for -- and to see if inventories had

01:34:40 1 been submitted. And so there was a lot of things, and
01:34:49 2 when you make mistakes, you have to, you know, admit
01:34:53 3 them. And there's some things that happened that I
01:34:57 4 could have did better, and things turned out the way
01:35:02 5 they did, because a lot of times you don't realize when
01:35:06 6 you're doing -- and I didn't even realize it until I
01:35:09 7 started doing this work. There's a certain rapport you
01:35:13 8 have to have with people. There's a certain way that
01:35:16 9 you have to speak with the different people that are
01:35:18 10 involved in these type.

01:35:19 11 And sometimes you might hear -- and I know a
01:35:23 12 lot of street, you know, a lot of street lingo, so to
01:35:27 13 speak, and a lot of times even if I was recorded saying
01:35:32 14 one thing, it could -- you know, it could be
01:35:35 15 misconstrued because people don't understand that, you
01:35:38 16 know, certain people you can't go down there every
01:35:40 17 morning and say, hey, good morning, everyone, how are
01:35:43 18 you doing today, you know, who's selling narcotics,
01:35:48 19 who's selling drugs. No. It doesn't work like that.
01:35:51 20 There's a lot more to it.

01:35:53 21 There's a lot of people I had to talk to, a lot
01:35:55 22 of -- I received a lot of phone calls, anonymous, some
01:36:00 23 not anonymous, but, you know, some of them I got to and
01:36:03 24 we did, you know, we solved some problems. We solved a
01:36:06 25 lot of problems. We got a lot of people off the street

01:36:09 1 and, you know, for a little while because of the
01:36:11 2 revolving door, you know. You know, it's that way. So
01:36:18 3 I had to -- you know, I was in the situation. I had to
01:36:21 4 make a decision, you know.

01:36:23 5 Q. What do you mean?

01:36:24 6 A. I was in the situation. I had to make a
01:36:26 7 decision. I had to -- I had to, you know -- I looked
01:36:33 8 through all that they had, and I know, from being the
01:36:36 9 police, how things can look. And then when you're the
01:36:40 10 police, when you're the police, especially the sergeant
01:36:44 11 of police now, and you're paraded around and every five
01:36:47 12 minutes you're on TV saying this is what you did, this
01:36:51 13 is what you did, you know, whether it's -- you know,
01:36:55 14 you're fighting an uphill battle almost, you know what
01:36:58 15 I'm saying. I mean that's the way I looked at it at the
01:37:00 16 time. Maybe now, today, if I had a lot more information
01:37:05 17 now, I probably -- who's to say what I would have done.

01:37:08 18 Q. You might have taken it to trial?

01:37:09 19 A. Maybe.

01:37:10 20 Q. What other information do you have now that you
01:37:12 21 didn't have then?

01:37:14 22 MR. KOSOKO: Objection.

01:37:18 23 THE WITNESS: I'm seeing a lot more
01:37:21 24 reports here, these statements from like Spaargaren and
01:37:26 25 people like that, Shannon Spalding. There was some

01:37:30 1 things, you know -- you know, just a lot of things
01:37:33 2 that -- a lot of inconsistent -- me -- okay.

01:37:38 3 I investigated a lot of drug activity on
01:37:41 4 the streets, and anybody that -- any tactical sergeant,
01:37:47 5 any sergeant, or not -- anybody who works in narcotics,
01:37:51 6 that truly works narcotics, they would look at this and
01:37:55 7 say come on. I'm just -- you know, who -- again, I'll
01:38:00 8 go back to like Chewy. Who gives him \$500, you know.
01:38:09 9 Things of that nature. Who, you know -- I just read
01:38:13 10 this report that you gave me. Everything here is a
01:38:17 11 statement like against me, but I was never there. They
01:38:22 12 can't -- nobody ever placed me there. They should have
01:38:24 13 had somebody wear a wire. I would have, I mean just me.
01:38:27 14 Have somebody wear a wire.

01:38:29 15 If Watts is doing all this and he's so
01:38:31 16 involved in this, where is Watts taking money from
01:38:36 17 somebody ever. They got somebody that said Watts did
01:38:42 18 it. There's a lot of street stuff out there, you know.
01:38:47 19 There's a lot of street stuff out there that just is
01:38:50 20 no -- if you want to believe it, then, you know, you can
01:38:52 21 make yourself believe a lot of things, you know.

01:38:56 22 But this, from an investigator, from a law
01:39:00 23 enforcement investigating point, a lot of this is just
01:39:02 24 street talk, was what we called it, and somebody took
01:39:06 25 advantage of street talk because they, you know...

01:39:11 1 BY MR. RAUSCHER:

01:39:12 2 Q. Like which parts? Are the parts where
01:39:13 3 Mohammed's saying I -- Kallatt Mohammed, your colleague,
01:39:17 4 is saying I took money and I gave it to Watts, is that
01:39:19 5 street talk or is that something different?

01:39:21 6 A. That's Mohammed saying that. That's Mohammed.
01:39:24 7 That's Mohammed saying it while they have --

01:39:26 8 Q. Is that -- I'm sorry. Go ahead. No, no, go
01:39:29 9 ahead. I didn't mean to interrupt you.

01:39:30 10 A. Okay. That's Mohammed saying it while they
01:39:33 11 have him on tape, on, as I read it, audio and video. So
01:39:37 12 if they got him on audio and video and he's not -- he's
01:39:40 13 not saying on audio and video Watts sent me here to
01:39:44 14 collect money. No, he's not saying that in there. He's
01:39:48 15 saying it later, that he -- it just so happened he got
01:39:51 16 all the money and he brung it all to Watts, and then
01:39:54 17 Watts gave him \$200. That sounds like somebody that's
01:40:02 18 trying to get out of something or, you know, lessen
01:40:08 19 their culpability on something. And it's just my
01:40:11 20 opinion as an investigator.

01:40:15 21 These people said they had him on audio and
01:40:18 22 video. Me, as a tactical sergeant, if I had somebody
01:40:20 23 like this, to further my investigation, you know, maybe
01:40:25 24 I would have tried to work them or something, you know
01:40:29 25 what I mean. They had him, just like they showed him

01:40:32 1 here. Hey, we got you here. So now we're going to
01:40:35 2 record you and Watts talking about this Kirksey guy
01:40:38 3 giving you all money. You know why they didn't do that?
01:40:44 4 Because it never happened. I know it didn't happen.
01:40:49 5 Didn't work with Mohammed like that. I told you I
01:40:51 6 helped Mohammed with his family issues and things like
01:40:54 7 that.

01:41:01 8 Q. What in here is street talk that's
01:41:03 9 misconstrued?

01:41:05 10 MR. KOSOKO: Object to the form of the
01:41:09 11 question. If you want to point to it, let's point to a
01:41:12 12 paragraph.

01:41:13 13 MR. RAUSCHER: He said there's street talk
01:41:16 14 and it's getting misconstrued, and I asked him what he's
01:41:19 15 talking about.

01:41:19 16 MR. KOSOKO: Objection. You're misquoting
01:41:21 17 his testimony.

01:41:21 18 BY MR. RAUSCHER:

01:41:21 19 Q. Did I misunderstand your testimony? I'm not
01:41:23 20 trying to do that.

01:41:23 21 A. I think you did. And like I said --

01:41:24 22 Q. I want you to tell me why. I don't want to do
01:41:26 23 that, so --

01:41:26 24 A. I think you did, because in a way it's like the
01:41:29 25 communication thing. Like I said, if I had done this

01:41:33 1 investigation, I would have did it different because I
01:41:35 2 would have recognized the street talk from possible
01:41:38 3 facts, you know, like the thing I pointed out about the
01:41:42 4 videotape, you know. Wouldn't it -- I mean wouldn't it
01:41:47 5 be reasonable to further the investigation if you have
01:41:50 6 this guy on tape.

01:41:53 7 Q. Aren't those different points, though?

01:41:55 8 A. Well, to you it might be.

01:41:56 9 Q. Yeah, I'm asking. I guess they are. That's
01:41:58 10 why I'm trying to understand it, so --

01:42:00 11 A. Yeah. But for me, being in law enforcement as
01:42:02 12 an investigator, so -- and investigating narcotic crimes
01:42:07 13 in a certain area. So I don't know how it would appear
01:42:13 14 to you, but maybe I looked at it from a different lens
01:42:16 15 because I have other knowledge. You know, I was working
01:42:22 16 out there, and I know this is...

01:42:26 17 MR. RAUSCHER: Do you need a break?

01:42:31 18 MR. KOSOKO: Did you finish answering?

01:42:32 19 THE WITNESS: Yeah.

01:42:33 20 MR. RAUSCHER: How long?

01:42:33 21 MR. KOSOKO: Just five minutes.

01:42:33 22 MR. RAUSCHER: Okay. We'll go off for
01:42:34 23 five.

01:42:34 24 THE VIDEOGRAPHER: We are off the record.
01:42:35 25 The time on the video monitor is 1:42 p.m. This ends

01:42:39 1 Media 2.

01:42:41 2 (A recess was taken.)

02:13:42 3 THE VIDEOGRAPHER: We are on the record.
02:13:43 4 The time on the video monitor is 2:13 p.m. This begins
02:13:47 5 Media 3.

02:13:57 6 BY MR. RAUSCHER:

02:13:58 7 Q. We had been talking earlier before the break
02:14:00 8 about street lingo, I think you said, street lingo that
02:14:05 9 could be misconstrued?

02:14:06 10 A. Uh-huh.

02:14:06 11 Q. Were you speaking hypothetically or did you
02:14:08 12 have something specific in mind when you talked about
02:14:10 13 that?

02:14:10 14 A. I was just -- just hypothetically over all
02:14:12 15 these people that were interviewed and all the reports
02:14:16 16 and different, you know, walks of life and different
02:14:20 17 areas you go to. In Chicago it means different things.
02:14:24 18 That's it.

02:14:25 19 Q. But as you're sitting here today, you're not
02:14:27 20 aware of anything specific in any of the reports or the
02:14:29 21 investigation into you or Kallatt Mohammed that is
02:14:33 22 street lingo that was misconstrued?

02:14:38 23 MR. KOSOKO: Object to the form of the
02:14:44 24 question, ambiguous.

02:14:44 25 THE WITNESS: When you said the report,

02:14:45 1 which report are you referring to?

02:14:46 2 BY MR. RAUSCHER:

02:14:47 3 Q. Any reports. Any reports or any part of the
02:14:49 4 investigation, was there -- are you aware of anything in
02:14:52 5 there that is street lingo that was misconstrued?

02:14:58 6 MR. KOSOKO: Object to the form again,
02:14:59 7 vague. Street lingo from whom?

02:15:07 8 THE WITNESS: I can't say because I don't
02:15:09 9 know just who you're talking about, whose street lingo,
02:15:13 10 because as I said, I was just saying in general. So
02:15:17 11 anything specific or, you know -- I don't know.

02:15:22 12 BY MR. RAUSCHER:

02:15:22 13 Q. Nothing comes to mind specific for you?

02:15:24 14 A. Nothing comes to mind.

02:15:27 15 Q. Do you know the name Patrick Nooner?

02:15:30 16 A. I know the name Patrick Nooner, yes.

02:15:32 17 Q. What do you know about Patrick Nooner?

02:15:35 18 A. Patrick Nooner was supposed to be someone that
02:15:39 19 was involved in the narcotics trade down there.

02:15:42 20 Q. What do you mean he was supposed to be someone
02:15:44 21 involved in the narcotics trade down there?

02:15:46 22 A. His name came up. I never arrested him. So I
02:15:51 23 wouldn't know if he was actually -- I never saw him. I
02:15:55 24 never even saw an arrest report of anybody else
02:15:58 25 arresting him, so I couldn't -- you know, but his name

02:16:01 1 did come up.

02:16:05 2 Q. Did his name come up like while you were a
02:16:07 3 sergeant?

02:16:08 4 A. Yes.

02:16:09 5 Q. Did you -- were there any investigative
02:16:11 6 techniques you could have used to try to find out if he
02:16:13 7 was involved in the narcotics trade?

02:16:18 8 A. I think I did that. I questioned -- if someone
02:16:23 9 actually came to me giving me information, I would have
02:16:28 10 took the appropriate action to investigate to see if it
02:16:31 11 was actually had, you know, validity to it.

02:16:34 12 Q. What kind of steps would that entail?

02:16:39 13 A. Running his name and seeing had he been
02:16:41 14 arrested or reading reports, talking to other people.
02:16:45 15 If he had been arrested, maybe contacted another officer
02:16:48 16 who made the arrest, just to see, you know, that type --

02:16:52 17 Q. What -- I'm sorry. Go ahead.

02:16:53 18 A. I said that type of stuff.

02:16:54 19 Q. What about getting a wire or trying to get
02:16:56 20 video surveillance or audio surveillance; did you ever
02:16:59 21 do any of that?

02:16:59 22 A. No.

02:17:00 23 Q. Why not?

02:17:05 24 A. In getting a wire you have to have certain
02:17:08 25 circumstances and problem cause and all that, and again,

02:17:12 1 it was -- I never had the -- enough information to say
02:17:18 2 what Patrick Noonan was doing down there.

02:17:25 3 Q. Would you say you were targeting more of the
02:17:28 4 lower level drug dealers at Ida B. Wells?

02:17:33 5 A. When you say targeting, as being a tac
02:17:41 6 sergeant, what I was doing, I was actively and
02:17:42 7 aggressively going after those that were involved in
02:17:46 8 illegal activity in the area that I was responsible for.
02:17:51 9 So if they were there, it's not that they were a target.
02:17:54 10 If they were there and it was something they were doing,
02:17:56 11 I was investigating it, and then we would take
02:17:59 12 appropriate action.

02:18:02 13 Q. Earlier you had mentioned that just because
02:18:04 14 someone wasn't there didn't mean they weren't involved.
02:18:07 15 Like there might be just a guy behind the people who
02:18:09 16 were thought of as the big shots at Ida B. Wells, right?

02:18:13 17 A. Well, yeah. That's -- just because you don't
02:18:15 18 see them doesn't mean they're not involved. That's --
02:18:18 19 you know, they have a whole gang structure. You don't
02:18:21 20 see the -- some gang members, but they're -- you know,
02:18:24 21 they're gang members, but you don't see them. That's --

02:18:27 22 Q. Well, there was -- I'm sorry, go ahead.

02:18:29 23 A. But they're gang members and, you know, they
02:18:31 24 don't -- you don't see them out there, but they're gang
02:18:35 25 members.

02:18:35 1 Q. Was part of your job as a sergeant on the
02:18:38 2 tactical team trying to get to the guys who might have
02:18:41 3 been supplying drugs, but who weren't around?

02:18:43 4 A. If we got enough information, I'm sure we would
02:18:48 5 have, you know, went that route.

02:18:50 6 Q. Did you try to get that type of information?

02:18:52 7 A. Sure, on a lot of occasions for different
02:18:55 8 people.

02:18:56 9 Q. Did it ever work out?

02:18:59 10 A. Not that I recall offhand. I couldn't
02:19:02 11 remember.

02:19:03 12 Q. What would you do to try to get the information
02:19:06 13 or get one of the higher up guys who wasn't around?

02:19:10 14 MR. KOSOKO: Object to the form of the
02:19:13 15 question.

02:19:13 16 THE WITNESS: There's a number of steps
02:19:15 17 you can take. Like I said, you could do reports, talk
02:19:22 18 to -- run him, get his information, talk to narcotics,
02:19:30 19 Chicago Police Department narcotics division, and you
02:19:33 20 can hand it off to them. If it's -- if you have enough
02:19:40 21 information, I'm sure you could contact DEA. There's a
02:19:45 22 number of steps that you could take if you have enough
02:19:47 23 information.

02:19:48 24 BY MR. RAUSCHER:

02:19:49 25 Q. Did you ever contact the DEA or the FBI or ATF

02:19:53 1 when you were a police officer or a sergeant?

02:19:56 2 A. Yes.

02:19:57 3 Q. And tell me about the times you contacted any
02:19:59 4 of those agencies.

02:20:00 5 A. I don't remember the particular times, but
02:20:03 6 there were times when I did contact the ATF and
02:20:08 7 narcotics, DEA, yeah.

02:20:16 8 I remember just offhand -- I don't remember if
02:20:18 9 I contacted them or they contacted me when this whole
02:20:24 10 fentanyl thing came about. We had people in the areas,
02:20:28 11 again, that open air drug market, people was in the area
02:20:31 12 and people were expiring because of the fentanyl-laced
02:20:35 13 drugs in the area and we had the opportunity to recover
02:20:40 14 some narcotics.

02:20:41 15 And I was -- again, the district manager at the
02:20:48 16 time said there was a DEA agent that was going to come
02:20:51 17 by, and whatever narcotics we had recovered, it was like
02:20:55 18 you give them so much for their investigation, and I had
02:21:00 19 to go down to Home and square it with them. That's a
02:21:04 20 particular incident that I remember because I was
02:21:06 21 actually involved in it. So other than that, yeah.

02:21:12 22 Q. Were you ever interviewed by the FBI, DEA or
02:21:15 23 ATF, other than when you were arrested?

02:21:22 24 A. When you say interviewed, I was asked about
02:21:28 25 activities in the area, yeah.

02:21:31 1 Q. How frequently would people from any of those
02:21:34 2 agencies ask you about activities in Ida B. Wells?

02:21:36 3 A. Not that often. Not that often. Chicago
02:21:43 4 Police Department have a narcotics unit that deals
02:21:47 5 probably with more, deals more with the DEA and the ATF,
02:21:53 6 and they would probably contact us first to see what
02:21:56 7 type of information that we had from a street level and
02:21:59 8 start there, so...

02:22:02 9 Q. Do you remember any specific people from ATF or
02:22:05 10 DEA or FBI who contacted you to ask for information?

02:22:08 11 A. No.

02:22:10 12 Q. Did you know Patrick Smith?

02:22:12 13 A. No.

02:22:13 14 Q. FBI agent or former FBI agent?

02:22:15 15 A. Don't know him.

02:22:18 16 Q. Do you know who Roy Bennett is?

02:22:21 17 A. I know Roy Bennett, yes. I know that name.

02:22:24 18 Q. Nickname?

02:22:25 19 A. Shock.

02:22:25 20 Q. How do you know Roy Bennett?

02:22:27 21 A. He was a player at the Wells.

02:22:28 22 Q. What do you mean, player?

02:22:29 23 A. He was a drug dealer in the Wells. That's what
02:22:32 24 we -- again, that lingo I told. That's -- you know, he
02:22:37 25 was involved in the narcotics trade down there.

02:22:40 1 Q. How do you know that Shock was involved in the
02:22:43 2 narcotics trade?

02:22:44 3 A. He was arrested by other units. I don't know
02:22:48 4 if -- I can't recall offhand if my team ever arrested
02:22:51 5 him, but we know he was involved.

02:22:58 6 Q. Do you know Gabriel Bush? Does that name sound
02:23:02 7 familiar?

02:23:04 8 A. No. I would have to have more information. I
02:23:08 9 don't remember a lot of those guys.

02:23:09 10 Q. Johnnie Tolliver?

02:23:11 11 A. I would -- I don't know him right offhand, no.

02:23:14 12 Q. Bernard Brown?

02:23:17 13 A. I don't know him right offhand.

02:23:17 14 MR. KOSOKO: What's the last name?

02:23:17 15 MR. RAUSCHER: Brown.

02:23:21 16 BY MR. RAUSCHER:

02:23:21 17 Q. What about Jamar Lewis?

02:23:24 18 A. I remember Jamar Lewis. I think his nickname
02:23:29 19 was Black, if that's the same Jamar Lewis. I don't
02:23:35 20 know.

02:23:35 21 Q. There's a plaintiff Jamar Lewis, so I'm not
02:23:38 22 going to really get into specifics today on that.

02:23:41 23 A. Uh-huh.

02:23:45 24 Q. Did drug dealers at Ida B. Wells go somewhere
02:23:49 25 else when those houses were taken down? Did they move

02:23:54 1 territories, move to a different housing development?

02:23:59 2 A. I really can't say what the drug dealers did.

02:24:02 3 No one ever contacted me and said, you know, this

02:24:08 4 particular person was there in that area and now they're

02:24:10 5 in this area. So I don't know what they did. You know,

02:24:14 6 a lot of guys, you know, it was come and go. Guys are

02:24:18 7 jailed or whatever, and you don't see them for a while.

02:24:22 8 So I don't know what they did.

02:24:23 9 Q. Is Harold Ickes another name of a housing

02:24:26 10 project?

02:24:28 11 A. Yes.

02:24:29 12 Q. Am I pronouncing that right?

02:24:31 13 A. Yeah. The Ickes, yeah.

02:24:33 14 Q. Yeah. Did you think that people from Ida B.

02:24:35 15 Wells were going to be moving over to Ickes to sell

02:24:38 16 drugs?

02:24:39 17 A. Did I think that?

02:24:40 18 Q. Yeah.

02:24:40 19 A. No, I had no reason to think that they would go

02:24:45 20 to the Ickes because the Ickes were in the 21st District

02:24:50 21 at the time. It's a totally different housing

02:24:53 22 development.

02:24:57 23 Q. You talked a little bit about Wilbur Moore

02:25:00 24 earlier?

02:25:01 25 A. Uh-huh.

02:25:02 1 Q. Did you know he was murdered?

02:25:03 2 A. Yes.

02:25:04 3 Q. Did you have anything to do with his death?

02:25:07 4 A. No.

02:25:09 5 Q. Did you respond to the scene when he was
02:25:11 6 murdered?

02:25:11 7 A. I did.

02:25:12 8 Q. Why did you respond to the scene when he was
02:25:14 9 murdered?

02:25:15 10 A. I received a call that Big Shorty had been
02:25:21 11 shot, and at the time I know he was a big player and
02:25:28 12 to -- I had people that talked to me, and maybe down in
02:25:32 13 that area somebody would see me and give me some
02:25:35 14 information that would be helpful to the detectives.

02:25:47 15 Q. Were any of the people who we just talked about
02:25:49 16 who you knew as drug dealers, were any of them
02:25:53 17 informants for you?

02:25:54 18 A. No.

02:25:54 19 Q. Was Wilbur Moore an informant for you?

02:25:57 20 A. No.

02:25:57 21 Q. Did he ever give you information about other
02:25:59 22 drug dealers?

02:26:00 23 A. Not directly. Again, as I mentioned earlier, I
02:26:04 24 don't know -- I would receive information. I don't know
02:26:07 25 why those people would call. I don't know why some

02:26:10 1 people would call. Others I do, I did have knowledge of
02:26:13 2 why they were calling me; but some people it was
02:26:16 3 surprising to me that they would even be giving
02:26:19 4 information on other drug dealers, so...

02:26:20 5 Q. Did Wilbur Moore ever call you?

02:26:24 6 A. Not -- not that I remember, no. He never
02:26:27 7 called me.

02:26:28 8 Q. Did you ever talk to him?

02:26:29 9 A. Oh, absolutely.

02:26:30 10 Q. What did you talk about?

02:26:34 11 A. Narcotics in the area and why was he always
02:26:40 12 down there and he didn't live down there. Those type of
02:26:44 13 things.

02:26:44 14 Q. So did you arrest him for trespassing?

02:26:48 15 A. I think we may have arrested him. I didn't. I
02:26:51 16 wouldn't have arrested him for trespassing, but he may
02:26:54 17 have been arrested for trespassing. I'd have to refer
02:26:57 18 to the documents.

02:26:57 19 Q. So there's a guy like Wilbur Moore. You know
02:27:01 20 he doesn't live there. You talk to him about drugs.
02:27:03 21 You suspect he's a drug dealer. What reason would there
02:27:06 22 be to not have one of your team members arrest him for
02:27:10 23 trespassing?

02:27:10 24 A. He had family members down there, and people
02:27:11 25 have rights, and he had the right to visit. He had

02:27:15 1 friends down there. When -- you know, I just can't tell
02:27:21 2 somebody to arrest somebody and we have no probable
02:27:23 3 cause.

02:27:24 4 Q. So just the fact that you didn't live at Ida B.
02:27:27 5 Wells wasn't enough to get arrested for trespassing
02:27:29 6 there?

02:27:30 7 A. No.

02:27:30 8 MR. KOSOKO: Object to the form of the
02:27:32 9 question.

02:27:32 10 BY MR. RAUSCHER:

02:27:32 11 Q. Were you saying no --

02:27:33 12 A. No.

02:27:33 13 Q. -- you disagree with me or you're agreeing?

02:27:36 14 A. Just the fact that you didn't live down there
02:27:37 15 wasn't enough for you to get arrested for trespass. If
02:27:42 16 you were -- if you were down there involved in illegal
02:27:45 17 activity that we could prove, that we had probable
02:27:48 18 cause, then that would be enough, yes.

02:27:50 19 Q. So you would need some other illegal
02:27:52 20 activity to arrest someone for trespassing at Ida B.
02:27:55 21 Wells?

02:27:55 22 MR. KOSOKO: Object to the form of the
02:27:56 23 question, causes for a legal conclusion.

02:28:00 24 THE WITNESS: Or they committed some other
02:28:03 25 crime down there, yeah.

02:28:04 1 BY MR. RAUSCHER:

02:28:04 2 Q. So just trespassing alone wouldn't have been
02:28:07 3 enough to arrest someone in Ida B. Wells?

02:28:10 4 A. Oh, absolutely.

02:28:10 5 Q. It would have been?

02:28:12 6 A. Trespassing is an offense. It's a -- you can
02:28:14 7 arrest somebody for trespassing, but they -- you know,
02:28:18 8 if they're down there and they're not legally down there
02:28:21 9 or they're down there involved in illegal activity.
02:28:26 10 It's stated. They have signs posted throughout the
02:28:29 11 housing development.

02:28:30 12 Q. What do those signs say?

02:28:32 13 A. I don't recall verbatim what they said, but
02:28:34 14 it's trespassing signs all -- they were posted on all
02:28:37 15 the buildings, so...

02:28:39 16 Q. So tell me if I'm misstating this. I just want
02:28:43 17 to understand. If someone was down there visiting a
02:28:45 18 friend, that's okay, you wouldn't have them arrested for
02:28:48 19 trespassing?

02:28:50 20 A. If they were -- no, just --

02:28:52 21 MR. KOSOKO: Object to the form of the
02:28:53 22 question. Hang on. Hang on. Object to the form of the
02:28:57 23 question. It's an ambiguous question. It assumes facts
02:28:59 24 not in evidence. It's a legal conclusion, and it's
02:29:02 25 imputing that he directs people to get arrested.

02:29:08 1 THE WITNESS: So, no, it's not enough just
02:29:12 2 to arrest somebody for visiting. If somebody's
02:29:16 3 visiting, no. You have to -- you know, people have
02:29:19 4 family members, friends, you know, girlfriends,
02:29:23 5 whatever, that live in that area, and you have to -- you
02:29:29 6 know, you have to use discretion, like with everything
02:29:31 7 else. You use discretion.

02:29:35 8 BY MR. RAUSCHER:

02:29:35 9 Q. What were some reasons, unless you've already
02:29:38 10 given all of them, that you would have arrested or asked
02:29:40 11 a team member to arrest or had a team member arrest
02:29:42 12 someone for trespassing at Ida B. Wells?

02:29:44 13 MR. KOSOKO: Again, object to the form of
02:29:49 14 the question.

02:29:49 15 THE WITNESS: I did not direct anyone to
02:29:52 16 arrest anyone. Officers, if they have probable cause to
02:29:56 17 arrest someone or if there's probable cause for an
02:30:01 18 arrest, then someone is -- they're not just -- they're
02:30:05 19 not just arrested because I tell somebody arrest that
02:30:08 20 man. That's not the way it works. You have to have
02:30:13 21 probable cause, a legal unlaw -- they have to have done
02:30:18 22 something unlawful for you to arrest them. So, yeah.

02:30:18 23 BY MR. RAUSCHER:

02:30:22 24 Q. What are the things that people could do to get
02:30:25 25 arrested for trespassing at Ida B. Wells when you were

02:30:26 1 the sergeant on the Second District tactical team?

02:30:30 2 MR. KOSOKO: Object to the form of the
02:30:34 3 question, causes for a speculative response and a legal
02:30:37 4 conclusion.

02:30:37 5 BY MR. RAUSCHER:

02:30:38 6 Q. Well, let me -- before you answer, when you
02:30:40 7 were the sergeant on the Second District tactical team,
02:30:42 8 did you have knowledge of why people would be arrested
02:30:44 9 for trespassing?

02:30:45 10 A. Yes.

02:30:45 11 Q. Okay. Tell me what that knowledge is about why
02:30:48 12 people would be arrested for trespassing when you were
02:30:49 13 the Second District tactical sergeant.

02:30:53 14 A. One that I know of, if there was -- if there
02:30:58 15 was an incident of a domestic violence situation and
02:31:01 16 someone was down there and we had knowledge that he
02:31:06 17 wasn't supposed -- I think it's like a -- at the time, I
02:31:09 18 don't know if it's changed, but it was like a 72-hour or
02:31:12 19 something cool off period. And if we had knowledge that
02:31:15 20 he was arrested, then he shouldn't be there for that
02:31:18 21 period of time. So that would be a reason --

02:31:22 22 Q. All right.

02:31:22 23 A. -- you know.

02:31:22 24 Q. Any other reasons?

02:31:23 25 A. That's one. I'm sure there are, but I don't

02:31:27 1 recall right off the top of my head.

02:31:29 2 Q. A little bit ago you said you wouldn't direct
02:31:31 3 people to arrest -- you wouldn't direct team members to
02:31:34 4 arrest people. What if you saw something illegal or you
02:31:37 5 had probable cause? Would you then say, hey, go cuff
02:31:41 6 this person?

02:31:42 7 A. If --

02:31:42 8 MR. KOSOKO: Hang on.

02:31:43 9 Object to the form of the question,
02:31:44 10 incomplete hypothetical, causes for a legal conclusion.
02:31:49 11 Go ahead, Sarge.

02:31:50 12 THE WITNESS: If I observed an offense, it
02:31:54 13 would be my duty to place that subject in custody, and
02:31:59 14 then I would submit the proper arrest form with the
02:32:04 15 probable cause that I observed. It would not behoove me
02:32:11 16 to place someone else in that situation that they might
02:32:14 17 have to testify to something that they had no knowledge
02:32:17 18 of and I had the knowledge of, so no.

02:32:20 19 BY MR. RAUSCHER:

02:32:21 20 Q. So is it fair to say that when -- well, if you
02:32:26 21 would do an -- if you make an arrest because you had
02:32:28 22 probable cause and you're the one with knowledge, who
02:32:31 23 fills out the report?

02:32:32 24 A. I would fill out the report.

02:32:34 25 Q. Is that how it is categorically for the team?

02:32:37 1 MR. KOSOKO: Object to the form of the
02:32:39 2 question, incomplete hypothetical. It's causing
02:32:42 3 Sergeant Watts to make a speculative response.

02:32:49 4 THE WITNESS: I'm sure even if you're a
02:32:52 5 police officer, regular police officer on the beat, and
02:32:55 6 you have a partner, the procedure is it doesn't always
02:33:01 7 have to be the officer if you're a partner that observed
02:33:05 8 the offense. You can relay that information to your
02:33:10 9 partner, and your partner understands that you're giving
02:33:17 10 him the information that you actually observed, creating
02:33:23 11 the probable cause, because, again, he's to document the
02:33:29 12 probable cause, document in the report the things that
02:33:33 13 were relayed to him, the things he observed, and now you
02:33:39 14 have a report that should create probable cause for
02:33:43 15 arrest.

02:33:45 16 BY MR. RAUSCHER:

02:33:45 17 Q. But is there something different with a
02:33:47 18 sergeant where a sergeant can't do that?

02:33:52 19 MR. KOSOKO: Object to the form of the
02:33:54 20 question. It's ambiguous.

02:33:58 21 THE WITNESS: I think I just answered
02:34:00 22 that. It's -- I said you didn't have to be -- it didn't
02:34:06 23 matter if police -- if you're on the police department.
02:34:08 24 It would be the same thing if I was riding with the
02:34:12 25 lieutenant, which happens occasionally, and we came upon

02:34:16 1 a situation and the lieutenant and I are riding together
02:34:23 2 and he sees something and he tells me what's happening.
02:34:26 3 And me, as the police officer, I'm not going to question
02:34:29 4 what he saw. I'm going to do the report and how I got
02:34:32 5 the information, and then once we get the -- if they
02:34:35 6 want to subpoena him to say what he saw, because as a
02:34:39 7 supervisor, that's all I'm doing is when I approve
02:34:44 8 arrest reports and case reports and inventories, I'm
02:34:47 9 just relying on the information that the officer has
02:34:51 10 observed or whatever investigation that brought him to
02:34:54 11 that conclusion. So that's what I'm doing. I'm relying
02:35:00 12 on that information.

02:35:00 13 BY MR. RAUSCHER:

02:35:00 14 Q. Would it be okay if you told another officer,
02:35:02 15 here's the in -- you, as the sergeant, told a police
02:35:06 16 officer, this is what I saw happened; go write the
02:35:13 17 report?

02:35:14 18 A. It would be okay if I gave him the information
02:35:17 19 and he generated the report that this information, in
02:35:21 20 summary, this information was relayed to me by Sergeant
02:35:25 21 Watts that on this particular date and time he observed.
02:35:29 22 Yes, it would be okay.

02:35:30 23 Q. So that if someone's writing a report that is
02:35:34 24 describing an arrest that they don't actually know
02:35:36 25 about, they should say this information came from

02:35:40 1 Officer X, Officer Y, Officer Z?

02:35:43 2 MR. KOSOKO: Object to the form of the
02:35:44 3 question. It's ambiguous. I know what you're getting
02:35:46 4 at.

02:35:46 5 Go ahead, Sarge.

02:35:49 6 THE WITNESS: That's -- I would say it's
02:35:52 7 not often done. Usually you try to stick to the officer
02:35:55 8 that observed the offense to actually generate the
02:36:00 9 report.

02:36:01 10 It's done by the detective. That's the
02:36:04 11 investigation that the detective division does. They
02:36:06 12 don't actually see all the report. They generate all
02:36:09 13 the information that's being provided to them from
02:36:14 14 the patrol officers, from the tac teams, and they put
02:36:17 15 all that information together and they come up with
02:36:20 16 probable cause during their investigation and enough
02:36:24 17 probable cause to possibly make an arrest.

02:36:25 18 BY MR. RAUSCHER:

02:36:26 19 Q. Let's set aside detectives. Let's talk about
02:36:28 20 your team.

02:36:29 21 A. I --

02:36:29 22 Q. Well, because it is different, right?

02:36:31 23 A. It's not different if you're going to do an
02:36:33 24 investigation. It's no different.

02:36:34 25 Q. Well, all right. So if the detective division

02:36:39 1 does a murder investigation, someone might summarize
02:36:42 2 reports in a supplemental report. They might not
02:36:45 3 personally know everything in that report, right; is
02:36:47 4 that what you're saying, an example?

02:36:49 5 A. Yeah. They rely on the reports that were
02:36:52 6 generated.

02:36:52 7 Q. Right. But so -- but often your team would
02:36:57 8 arrest people for trespassing or a drug offense and the
02:36:59 9 report would say offender observed holding drugs,
02:37:04 10 something like that, right?

02:37:08 11 A. If that's what the officer observed, then he
02:37:11 12 would put it in the report, yes.

02:37:12 13 Q. I just meant from your experience, is what I
02:37:15 14 described generally what kind of reports your team was
02:37:19 15 generating? Not murder investigations, but things that
02:37:22 16 they're saying we saw this?

02:37:23 17 A. If they saw it and -- if they saw it and they
02:37:26 18 made an arrest and they saw it and they documented it
02:37:30 19 and they generated a case report, an arrest report and
02:37:33 20 an inventory report, those reports would then come to
02:37:39 21 the sergeant, which if I was the sergeant, it would come
02:37:42 22 to me. And I would go through those reports to make
02:37:44 23 sure that probable cause for the arrest were in those
02:37:48 24 reports, and then I would sign off on it and it would go
02:37:54 25 to the watch commander and the person would be sent to

02:37:58 1 the lockup, and that is that.

02:38:00 2 Q. A lot of times your team made drug arrests,
02:38:04 3 right?

02:38:04 4 MR. KOSOKO: Object to the form of the
02:38:08 5 question.

02:38:08 6 THE WITNESS: We made several drug
02:38:11 7 arrests, yes. Yeah.

02:38:11 8 BY MR. RAUSCHER:

02:38:13 9 Q. Several?

02:38:13 10 A. We made several drug arrests in a high crime,
02:38:16 11 open air drug market, yes, sir, we did.

02:38:19 12 Q. I'm talking about throughout your career
02:38:21 13 generally. Your team -- well, I guess what do you mean
02:38:23 14 when you say several?

02:38:26 15 A. Every day when we went to work, we went down to
02:38:30 16 whether it was Ida B. Wells or out in the Second
02:38:34 17 District. It's just -- we just didn't make narcotics
02:38:38 18 arrests in Ida B. Wells housing development. When we
02:38:42 19 went over to the Second District tactical team, there
02:38:45 20 was other locations where they were selling narcotics.

02:38:51 21 Q. I'm just trying to get a picture of what was
02:38:53 22 happening generally right now. Is it fair to say that
02:38:56 23 your team made many drug arrests over the years?

02:38:58 24 A. Well, yes.

02:38:59 25 Q. And often those were -- the arrest reports

02:39:01 1 would say something like offender was seen carrying
02:39:05 2 drugs or handing off drugs, something like that, right?

02:39:10 3 A. I think what you want me to do is -- I don't
02:39:13 4 know what it would say because I'm not there to observe.
02:39:16 5 I'm not reading the report. If you want me to say have
02:39:20 6 there been incidents where a report like that may have
02:39:24 7 been written, I'm sure it has.

02:39:26 8 Q. And I'm --

02:39:26 9 A. Yeah.

02:39:27 10 Q. And it may be that we just have to do this when
02:39:30 11 we get to individual cases --

02:39:30 12 A. Oh, okay.

02:39:31 13 Q. -- and have reports.

02:39:32 14 A. Yeah, because --

02:39:33 15 Q. But the question that we started with and I'm
02:39:35 16 trying to get back to is, if there is a report that
02:39:39 17 describes an arrest that is based on an observation of
02:39:42 18 alleged illegal activity, should that report, A, be
02:39:46 19 written by the person who observed it, or, if not, say
02:39:50 20 that someone else observed it?

02:39:56 21 A. Yes. There have been incidents where an
02:40:01 22 officer observed a narcotic and things got out of place
02:40:07 23 and the officer had been injured and had to go to the
02:40:11 24 hospital. So you don't wait for him to come back to get
02:40:13 25 the information. You send another officer over to

02:40:16 1 actually write the reports for this injured officer.
02:40:20 2 And in doing so, he does that. Again, like I stated,
02:40:24 3 you would say on this particular -- in summary, on this
02:40:26 4 particular date and time Officer A observed such and
02:40:29 5 such and --

02:40:32 6 MR. KOSOKO: I mean it took a long time,
02:40:33 7 but --

02:40:33 8 BY MR. RAUSCHER:

02:40:34 9 Q. It took a long time, but I think we got there.
02:40:37 10 That's what I was trying to understand.

02:40:38 11 A. I thought I had stated that earlier.

02:40:39 12 Q. It shouldn't be that Officer B should write a
02:40:42 13 report saying this was observed or this person -- or
02:40:45 14 offender did X if Officer B didn't see it, and if
02:40:48 15 Officer B writes that report, he has to say Officer A
02:40:51 16 told me this?

02:40:51 17 A. It should go that way, yeah.

02:41:03 18 Q. All right. So I want to get back to the Wilbur
02:41:05 19 Moore murder. You said you got a call, someone told you
02:41:10 20 he was murdered?

02:41:11 21 A. I think it was probably somebody from the
02:41:13 22 district, one of the officers.

02:41:15 23 Q. Call your cell phone?

02:41:16 24 A. Yeah.

02:41:17 25 Q. Why do you think it was an officer from the

02:41:19 1 Second District?

02:41:20 2 A. Because I remember it was an officer from the
02:41:24 3 Second District, maybe one of the patrol officers or
02:41:26 4 something, and knowing that I was the tac sergeant and
02:41:29 5 knowing that I'm in that area, and it's not like he
02:41:34 6 wasn't known in the area. So, yeah.

02:41:37 7 Q. Did you get any calls, other calls like that
02:41:40 8 when suspected drug dealers were killed?

02:41:42 9 A. Oh, yeah.

02:41:43 10 Q. And were you on duty when Wilbur Moore was
02:41:45 11 murdered?

02:41:46 12 A. No.

02:41:49 13 Q. Why did you go to the scene?

02:41:52 14 A. I was -- my duty hours that day was like, I
02:41:56 15 think, 6:00 to 2:00. Those were our duty hours, and I
02:42:00 16 think I got the call right before I was getting ready to
02:42:02 17 go into duty anyway. That's probably what it was. In
02:42:05 18 the afternoon, maybe, 3 or 4:00 or 5:00 or something. I
02:42:10 19 was getting ready to go into work anyway, so...

02:42:12 20 Q. Did you go by yourself or did you go with
02:42:16 21 someone else or other people?

02:42:18 22 A. I think at the station someone -- another
02:42:21 23 officer might have been there. I don't recall. I just
02:42:23 24 know I did show up on the scene, and it wasn't in my
02:42:26 25 car, so -- I was in a squad car, so I know I stopped at

02:42:30 1 the station.

02:42:30 2 Q. You know you went to the station first --

02:42:32 3 A. I'm pretty sure.

02:42:33 4 Q. -- and you know you were in a squad car?

02:42:35 5 A. I'm pretty sure, yeah.

02:42:37 6 Q. Were you one of the first people to get to the
02:42:38 7 scene?

02:42:38 8 A. No. When I got there, everybody was there by
02:42:40 9 the time I got there. I mean --

02:42:41 10 Q. Other officers?

02:42:43 11 A. Other officers, the Fire Department,
02:42:48 12 detectives, you name it. Everybody was there.

02:42:49 13 Q. Do you know if you smoked a cigar at the scene?

02:42:55 14 A. I smoke with a cigar occasionally. I don't
02:42:57 15 recall if I smoked at the scene. I don't know.

02:43:00 16 Q. Did you smoke cigars on duty from time to time?

02:43:05 17 A. From time to time, yes. That's true, yes.

02:43:09 18 Q. Did other members of your team smoke cigars on
02:43:12 19 duty?

02:43:12 20 A. I'm sure, yes.

02:43:13 21 Q. Which ones that you remember?

02:43:18 22 A. I know Al would have a good cigar every now
02:43:27 23 and, again, Gerome maybe.

02:43:30 24 Q. Gerome Summers?

02:43:31 25 A. Yeah. Mo probably -- Mohammed probably would

02:43:38 1 have a cigar every now and again, yeah.

02:43:42 2 Q. Do you remember if any of your team members
02:43:46 3 were smoking cigars at the scene of Wilbur Moore's
02:43:49 4 murder?

02:43:50 5 A. I don't recall that. I don't remember seeing
02:43:53 6 them at that particular time, at that scene, so I
02:43:57 7 wouldn't know.

02:43:59 8 Q. Did you suspect that Wilbur Moore was an
02:44:01 9 informant against you?

02:44:03 10 MR. KOSOKO: Object to the form of the
02:44:05 11 question.

02:44:05 12 THE WITNESS: I had no clue he was
02:44:10 13 informing against me or anybody, no. So no. No.

02:44:16 14 BY MR. RAUSCHER:

02:44:16 15 Q. What was your reaction when you found out he
02:44:18 16 had been murdered?

02:44:20 17 A. My reaction? Somebody lost their son.
02:44:25 18 Somebody lost their brother. I knew -- I knew his
02:44:29 19 mother. She lived in the projects down there. He had a
02:44:33 20 decent mom, you know. She just had a son that was in
02:44:36 21 illegal activity. My initial reaction was, you know,
02:44:46 22 it's sad for the community when anybody is tragically
02:44:51 23 killed or whatever. You know, it's a life.

02:44:54 24 Q. How did you know his mom?

02:44:57 25 A. From living in the area. She just -- she lived

02:45:04 1 in the Ida B. Wells and I knew it was his mom, and there
02:45:08 2 were occasions where I wasn't even involved. They
02:45:14 3 had -- he had been stopped or whatever, and if I was
02:45:17 4 down there, she would stop and talk to me to vent about
02:45:21 5 them, you know, as she would say, fucking with her son.

02:45:27 6 Q. That who was?

02:45:28 7 A. The police.

02:45:31 8 Q. When you said you knew her from living down
02:45:32 9 there, do you mean from when you lived down there or
02:45:35 10 just because she lived there and you worked there?

02:45:36 11 A. Just because she lived there and I worked
02:45:37 12 there.

02:45:38 13 Q. Not from the time when you lived there?

02:45:40 14 A. Not from '80 to '83, no.

02:45:44 15 Q. What would she tell you about the police
02:45:46 16 fucking with her son?

02:45:47 17 A. I guess because he was all -- he was involved
02:45:52 18 down there and they were stopping him or whatever, you
02:45:55 19 know, the usual things that we get from, you know,
02:45:59 20 people who, you know, loved ones are involved with the
02:46:03 21 police, I guess, and they feel it was unjustifiable.
02:46:06 22 But that's their opinion, and those are the type of
02:46:09 23 things she used to -- if she stopped me, I would talk to
02:46:13 24 her. She was, you know, a member of the community,
02:46:16 25 regardless of what, you know, was going on. I thought

02:46:18 1 it was my obligation to at least hear her out.

02:46:23 2 Q. Did she ever have any points that you thought
02:46:25 3 were valid?

02:46:27 4 A. Excuse me?

02:46:28 5 Q. Did she ever have any valid points when she
02:46:30 6 would say, you know, her son was getting harassed?

02:46:33 7 MR. KOSOKO: Object to the form of the
02:46:37 8 question.

02:46:37 9 THE WITNESS: Not that I did an
02:46:39 10 investigation and found out what she was saying was
02:46:41 11 truthful or not. It was her opinion. That's the way I
02:46:44 12 took it then. It was just her opinion.

02:46:53 13 BY MR. RAUSCHER:

02:46:53 14 Q. Do you remember about how long you were at the
02:46:55 15 scene of the Wilbur Moore?

02:46:57 16 A. No, I don't recall.

02:46:57 17 Q. Did you talk to any officers at the scene other
02:47:01 18 than the tac team members you came with?

02:47:04 19 A. I don't recall.

02:47:05 20 Q. Were you involved in any capacity in the
02:47:07 21 investigation into his death?

02:47:09 22 A. None.

02:47:10 23 Q. Do you know if anyone was ever arrested and
02:47:13 24 prosecuted for his murder?

02:47:15 25 A. Yes.

02:47:16 1 Q. What do you know about that?

02:47:19 2 A. It was a street -- a faction of a street gang
02:47:22 3 called the Hobos. I -- through just the community and
02:47:31 4 newspapers and all that, they -- it was investigated and
02:47:34 5 they were tried and convicted of his murder.

02:47:37 6 Q. You just know -- you know that from public
02:47:39 7 sources?

02:47:40 8 A. Yeah.

02:47:41 9 Q. Not from your work at CPD?

02:47:42 10 A. No.

02:47:42 11 Q. Or from -- well, okay.

02:47:46 12 A. Not from what? Oh.

02:47:47 13 Q. It was going to probably be repetitive, so I
02:47:50 14 stopped.

02:47:50 15 A. Oh.

02:47:59 16 Q. Do you know if any other -- you mentioned
02:48:01 17 Spaargaren and Shannon Spalding had a relationship, like
02:48:04 18 a -- I think you said it was a sexual relationship,
02:48:07 19 right?

02:48:07 20 A. Uh-huh.

02:48:08 21 Q. Do you know if any other team members had
02:48:09 22 relationships?

02:48:12 23 A. Team members? Not that I know of, no. I
02:48:26 24 didn't even have any other females on my team except --
02:48:30 25 except Coco, that I remember.

02:48:35 1 Q. Did you work with Shannon Spalding?

02:48:36 2 A. Yes.

02:48:37 3 Q. What was your relationship like with Shannon
02:48:39 4 Spalding?

02:48:39 5 A. I thought we had a good relationship.

02:48:41 6 Q. Just strictly professional, though?

02:48:43 7 A. Strictly professional.

02:48:44 8 Q. And you thought you got along well?

02:48:45 9 A. I thought so.

02:48:47 10 Q. And you know she has said -- she has made many
02:48:51 11 accusations about your actions, right?

02:48:53 12 A. Yes.

02:48:53 13 Q. All false?

02:48:57 14 A. I'd have to see them all to say they're all
02:49:00 15 false, because by the same token, I've read where she
02:49:05 16 said some very nice things about me also. So I can't
02:49:09 17 just blatantly say all false; but, you know, I'm sure
02:49:12 18 there's some things I wouldn't agree with.

02:49:14 19 Q. What are some of the nice things you've read
02:49:17 20 her say about you?

02:49:18 21 A. I said I heard some of the things she said.
02:49:20 22 She said I was a good officer at one time. She said,
02:49:26 23 you know, I did my job. This is, you know, again, what
02:49:32 24 I, you know -- when she would stop by the tac office, if
02:49:35 25 I was there, she would always stop in and say hi. I

02:49:38 1 mean when she came on the job, I was one of the officers
02:49:40 2 that she rode with so...

02:49:44 3 Q. Did you ever make any threats to her?

02:49:47 4 A. Never.

02:49:49 5 Q. Do you know Daniel Echeverria?

02:49:51 6 A. I know of him. He was on a different team in
02:49:55 7 the 45. I don't know what team he was on, but he was an
02:49:59 8 officer, and I did know of him, but didn't know him that
02:50:02 9 well.

02:50:03 10 Q. How long did you work with Shannon Spalding?

02:50:08 11 A. I can't -- I can't say. She was -- we were
02:50:11 12 both patrol officers, and I think I went to the Second
02:50:15 13 District tac team, and so I can't recall if it was six
02:50:19 14 months, nine months, a year. I don't recall.

02:50:23 15 Q. Did you ever have a personal relationship with
02:50:26 16 anyone who lived at Ida B. Wells while you were working
02:50:29 17 there? I'm not talking about the time when you lived
02:50:31 18 there.

02:50:32 19 MR. KOSOKO: Object to the form of the
02:50:33 20 question.

02:50:33 21 THE WITNESS: No.

02:50:36 22 BY MR. RAUSCHER:

02:50:36 23 Q. Did you ever -- were there people who sold
02:50:39 24 snacks and food and drinks in the buildings or out in
02:50:44 25 the parks by Ida B. Wells?

02:50:45 1 A. Yes.

02:50:46 2 Q. Did you ever buy food or snacks from them?

02:50:48 3 A. Yes.

02:50:48 4 Q. Do you remember any of their names or
02:50:50 5 nicknames?

02:50:54 6 A. No, I can't recall.

02:50:58 7 Q. Is there someone who was called the Candy Lady?

02:51:00 8 A. Everybody that sold stuff down there was called
02:51:02 9 the Candy Lady or the -- you know.

02:51:05 10 Q. No one specific comes to mind for you?

02:51:07 11 A. No one in specific comes to mind.

02:51:18 12 Q. What were your finances like when you worked
02:51:20 13 for the Chicago Police Department?

02:51:22 14 MR. KOSOKO: Object to the form of the
02:51:27 15 question, ambiguous.

02:51:27 16 THE WITNESS: I thought I did well
02:51:28 17 to manage my money, yeah, accordingly. I didn't have
02:51:33 18 a financial background, but I did -- I think I did
02:51:36 19 okay.

02:51:36 20 BY MR. RAUSCHER:

02:51:37 21 Q. Were you in debt?

02:51:37 22 MR. KOSOKO: Object to the form of the
02:51:42 23 question.

02:51:42 24 THE WITNESS: I owned a home, so I'm sure
02:51:43 25 I was in debt.

02:51:44 1 BY MR. RAUSCHER:

02:51:44 2 Q. All right. Other than a mortgage on a home.

02:51:48 3 A. I had a property that I had found out later
02:51:50 4 that I overpaid for. I bought it in 2007. I don't know
02:51:55 5 if you say debt. But I did all right.

02:51:58 6 Q. Did you have trouble paying your bills?

02:52:00 7 A. No, not at all.

02:52:07 8 Q. What's the most money you've gambled at one
02:52:10 9 time?

02:52:13 10 MR. KOSOKO: Object to the form of the
02:52:14 11 question. You mean like one blackjack hand, one --

02:52:21 12 BY MR. RAUSCHER:

02:52:21 13 Q. Can you answer it the way I asked it?

02:52:24 14 A. If you say the most at one particular sitting,
02:52:28 15 maybe -- that I've gambled; not lost or won, just
02:52:33 16 gambled?

02:52:34 17 Q. Yeah.

02:52:34 18 A. Maybe about \$10,000.

02:52:37 19 Q. And it was probably a fair objection, but I was
02:52:39 20 using it meaning like a sitting, not just a specific
02:52:42 21 hand.

02:52:43 22 A. Oh, okay. Yeah, that's what I --

02:52:45 23 Q. Is that what you're talking about?

02:52:46 24 A. Yeah.

02:52:46 25 Q. Like maybe a day at the casino?

02:52:48 1 A. A day at the casino. And I've never lost
02:52:51 2 \$10,000, no, but I've had that amount of money to play
02:52:54 3 with if I chose to.

02:52:58 4 Again, I did okay. I didn't have expensive
02:53:00 5 tastes. I didn't drive a 60 or \$70,000 car. My house
02:53:04 6 wasn't worth \$300,000, and I worked for the Chicago
02:53:09 7 Police Department as a sergeant and I had two part-time
02:53:14 8 jobs. I worked for Peoples Gas. So I did all right,
02:53:14 9 yeah.

02:53:18 10 Q. What did you do at Peoples Gas?

02:53:20 11 A. I was a security guard at Peoples Gas.

02:53:24 12 Q. What years were you working as a security guard
02:53:27 13 at Peoples Gas?

02:53:28 14 A. When I left -- let me see. I think I left
02:53:35 15 Malcolm X College in about 2007. From 2007 till 2013 I
02:53:46 16 was still on the roster picking up a few days or
02:53:49 17 whatever.

02:53:51 18 Q. How many times do you think you've brought
02:53:54 19 \$10,000 to a casino and gambled? Let me rephrase that.

02:53:58 20 How many times do you think you've gambled
02:54:00 21 \$10,000 in one sitting?

02:54:04 22 A. Two or three I, you know, gambled, when you say
02:54:08 23 gambled. Yeah, two or three over my life span, yeah.

02:54:14 24 Q. Do you receive any compensation from the
02:54:17 25 Chicago -- from your work as a Chicago Police

02:54:20 1 Department, any sort of retirement fund or anything like
02:54:25 2 that?

02:54:25 3 A. None whatsoever.

02:54:26 4 Q. Are you expecting to get any pension or
02:54:31 5 retirement payments at any point in your life?

02:54:33 6 A. Not from the Chicago Police Department.

02:54:36 7 Q. Relating to your time as an -- from your time
02:54:38 8 as an officer, whether from the department or from a
02:54:42 9 pension board or from anyone else.

02:54:44 10 A. No, not from a pension board, not from the
02:54:46 11 department, no.

02:54:48 12 Q. You might have retirement from somewhere
02:54:50 13 else --

02:54:50 14 A. Correct.

02:54:50 15 Q. -- is that what you're alluding to?

02:54:52 16 A. Yes.

02:54:52 17 Q. Okay. Are you currently employed?

02:54:55 18 A. Yeah.

02:54:56 19 Q. What's your -- what do you do for a living?

02:54:58 20 A. I'm a factory worker.

02:54:59 21 Q. Where do you work?

02:55:00 22 A. I work in a factory. I work -- who?

02:55:03 23 Q. What factory do you work at?

02:55:05 24 A. Who do I work for?

02:55:05 25 Q. Yeah.

02:55:06 1 A. I work for Amazon.

02:55:06 2 Q. Okay. How long have you worked for Amazon?

02:55:08 3 A. A year.

02:55:08 4 Q. What did you do before -- what was your last
02:55:11 5 job before that?

02:55:11 6 A. My last job before that I was a counselor at a
02:55:16 7 school.

02:55:17 8 Q. Like a guidance counselor?

02:55:18 9 A. Yep, a guidance counselor. I worked at a
02:55:21 10 high school for about one year, yeah, when I came to
02:55:26 11 Arizona.

02:55:26 12 Q. What about -- was there anything before that,
02:55:29 13 since you got out of prison?

02:55:33 14 A. Since I got out of prison, yeah. Before I left
02:55:37 15 Illinois I worked at the Humane Society. I worked at a
02:55:45 16 resale store, the Humane Society, South Suburban, South
02:55:51 17 Suburban Humane Society. So when I left there, I moved
02:55:55 18 to -- I moved and I relocated, and since then I've
02:56:01 19 had -- like I said, I had two other jobs, and now I'm an
02:56:04 20 Amazon employee.

02:56:08 21 Q. Is it a full-time job?

02:56:10 22 A. 40 hours a week, yeah. So full-time, yeah.

02:56:17 23 MR. RAUSCHER: All right. Let's mark
02:56:17 24 [Exhibit 6](#). This is FBI something 37. It's very hard to
02:56:28 25 read. If you give me a second for the people on Zoom, I

02:56:33 1 can find it, but...

02:56:34 2 MR. KOSOKO: I think it might be 337.

02:56:36 3 MR. RAUSCHER: I think you're right.

02:56:40 4 MR. KOSOKO: Hang on.

02:56:42 5 MR. RAUSCHER: I have a note on it.

02:56:42 6 (Deposition [Exhibit 6](#) was marked for
02:57:10 7 identification.)

02:57:10 8 BY MR. RAUSCHER:

02:57:10 9 Q. Have you had a chance to look at this?

02:57:11 10 A. Yes.

02:57:11 11 Q. Have you ever seen this document before?

02:57:13 12 A. Never.

02:57:16 13 Q. Do you have any memory of purchasing \$10,100 in
02:57:20 14 chips/tokens at a casino on April 20th, 1999?

02:57:30 15 A. That was probably that occasion where it was
02:57:33 16 \$10,000. This is -- okay. Maybe I didn't purchase.
02:57:41 17 The way it's stated here is that I went up and I bought
02:57:44 18 \$10,000 worth of chips.

02:57:46 19 Q. Uh-huh. Yeah.

02:57:47 20 A. No. I probably bought \$2,000 or like that or
02:57:52 21 whatever.

02:57:52 22 Q. Like 2,000, you might have lost it, and then
02:57:55 23 you went and got more?

02:57:56 24 A. Yes.

02:57:56 25 Q. So it was 10,000 in total, but not 10,000 right

02:57:59 1 away?

02:57:59 2 A. Right. Yeah. And -- yeah. And that's all it
02:58:05 3 shows is that I purchased \$10,000 worth of chips, yes.

02:58:09 4 Q. You don't know whether you won, lost, broke
02:58:11 5 even?

02:58:11 6 A. Never lost \$10,000 to nothing in my life.

02:58:14 7 Q. What's the most you've lost in a day gambling?

02:58:20 8 A. I don't recall. You know, I used to go to the
02:58:23 9 casino every now and again. The most? I would be
02:58:27 10 guessing.

02:58:30 11 Q. Well, do you think overall you've won or lost
02:58:32 12 money gambling?

02:58:33 13 A. I'm a winner. I'll tell you I won, yeah.

02:58:36 14 Q. What do you play?

02:58:38 15 A. Usually I play blackjack.

02:59:00 16 MR. RAUSCHER: All right. We're going to
02:59:01 17 mark [Exhibit 7](#) as FBI 168 to 171.

02:59:11 18 (Deposition [Exhibit 7](#) was marked for
02:59:25 19 identification.)

02:59:25 20 MR. JOEL FLAXMAN: Sorry, Scott. Can you
02:59:26 21 say that one more time?

02:59:27 22 MR. RAUSCHER: Yeah. FBI 168 to 171.

02:59:31 23 And I'm going to say every FBI document
02:59:33 24 that I have is marked subject to Privacy Act Order, so
02:59:37 25 that I won't keep repeating it every time I pull one

02:59:39 1 out.

03:05:48 2 BY MR. RAUSCHER:

03:05:48 3 Q. Have you had a chance to look at that?

03:05:50 4 A. Yeah, most of it.

03:05:52 5 Q. So I'm going to ask you just some specific
03:05:54 6 questions. There are parts of it that I'm not going to
03:05:56 7 ask about, and I can probably explain to your lawyer off
03:05:59 8 the record why I'm going to skip parts for today.

03:06:01 9 But do you recognize the names in the second
03:06:05 10 paragraph, the names or nicknames, on the first page,
03:06:08 11 FBI 168?

03:06:12 12 A. I recognize the name Kamane Fears.

03:06:17 13 Q. Kamane, you said?

03:06:19 14 A. Kamane Fears or Kamane, however you pronounce
03:06:24 15 his name, but I remember the last name Fears. And other
03:06:27 16 than that, I remember the dope line, yeah.

03:06:33 17 Q. Obama?

03:06:33 18 A. Obama. Yeah, I remember that.

03:06:35 19 Q. What do you remember about Kamane Fears?

03:06:41 20 A. Supposedly he had started participating in drug
03:06:47 21 activity down there.

03:06:53 22 Q. Any specific recollection or just the general
03:06:55 23 one about he was supposedly in the drug business?

03:06:57 24 A. Yeah, just general. He was supposed to be
03:07:00 25 selling drugs, and I think it was -- well, it was one of

03:07:04 1 the buildings. I don't recall which one at this time.

03:07:15 2 Q. The next paragraph there's a reference to
03:07:18 3 B-Low. Do you recognize that name?

03:07:25 4 A. I didn't see B-Low.

03:07:30 5 Q. The next -- the paragraph under the one we just
03:07:32 6 looked at. The last sentence says, "In addition to
03:07:35 7 these conversations," then there's a redaction,
03:07:37 8 "overheard unsub, aka B-Low, tell drug dealers at the
03:07:41 9 Wells complex..."

03:07:43 10 Do you see that?

03:07:43 11 A. What page?

03:07:44 12 Q. I'm sorry. The next paragraph, first, same
03:07:46 13 page, Page 168. That front page.

03:08:02 14 A. Okay.

03:08:03 15 Okay. Yeah, I see it, overheard somebody --
03:08:05 16 B-Low tell drug dealers at the Wells...

03:08:08 17 Okay. Yes.

03:08:09 18 Q. Do you know anyone named B-Low or the nickname?

03:08:12 19 A. I remember B-Low.

03:08:13 20 Q. Do you know his real name?

03:08:15 21 A. Was it Brian? Brian, Brian Ford, I believe.
03:08:18 22 That was B-Low.

03:08:18 23 Q. What do you remember about B-Low?

03:08:20 24 A. B-Low was one of the drug dealers down there.

03:08:25 25 Q. Do you know if he was arrested or if your team

03:08:27 1 arrested him ever?

03:08:29 2 A. He may have been arrested. I don't recall. He
03:08:33 3 may have been.

03:08:33 4 Q. All right. So if you could turn to the next
03:08:35 5 page, the first full paragraph on 169 talks about you
03:08:40 6 attacking a clean up man.

03:08:45 7 A. Uh-huh.

03:08:46 8 Q. A clean up man is someone who helps get rid of
03:08:50 9 drugs or cover them up when the police are coming; is
03:08:52 10 that right?

03:08:52 11 A. Yeah.

03:08:53 12 Q. Did you ever attack a clean up man?

03:08:55 13 A. No.

03:08:55 14 Q. This is a fabrication?

03:08:57 15 A. I would say so, yes, absolutely.

03:09:06 16 Q. If you could turn to the back page then.

03:09:19 17 The first full paragraph talks about you
03:09:21 18 conducting a fake arrest?

03:09:22 19 A. Uh-huh.

03:09:25 20 Q. Do you remember doing anything like that?

03:09:26 21 A. No.

03:09:32 22 Q. Did you know Charlie Miller?

03:09:34 23 A. Yes.

03:09:35 24 Q. Who is Charlie Miller?

03:09:37 25 A. Charlie Miller lived in the Wells.

03:09:40 1 Q. Was Charlie Miller a sort of informant for you?

03:09:46 2 A. He was one of the residents in the Ida B. Wells
03:09:49 3 that did give information from time to time.

03:09:52 4 Q. Would you -- did you consider him an informant?

03:09:58 5 A. I'd say yes.

03:10:04 6 Q. Did you give him anything for being an
03:10:06 7 informant for you?

03:10:09 8 A. Again, from time to time, if Charlie -- he was
03:10:14 9 a drug addict. From time to time, if he told me he was
03:10:17 10 hungry, I would give Charlie \$5, sometimes 10, to get a
03:10:22 11 meal or whatever. It all depends.

03:10:32 12 Q. What about Moye or Moye, do you recognize that
03:10:36 13 name?

03:10:36 14 A. I don't recognize that name at all.

03:10:40 15 Q. Never took payoffs from that person?

03:10:42 16 A. Don't know that person and I don't recognize
03:10:45 17 the name.

03:10:45 18 Q. Don't know whether Mohammed took money from
03:10:48 19 that person?

03:10:48 20 A. Don't know the -- recognize the person and
03:10:50 21 don't know the name.

03:10:51 22 Q. And you don't know whether -- necessarily that
03:10:53 23 means you don't know --

03:10:53 24 A. I don't even know if it's a male or a female.

03:10:56 25 Q. Okay. Do you know someone named Wayne? From

03:11:07 1 the Ida B. Wells I mean.

03:11:09 2 A. No, I don't know a Wayne.

03:11:12 3 Q. You've seen the -- you've read this description
03:11:14 4 about --

03:11:14 5 A. Yeah.

03:11:14 6 Q. -- you trying to talk someone out of filing
03:11:17 7 charges and mediating a settlement, basically?

03:11:19 8 A. Yeah.

03:11:20 9 Q. Does that sound familiar at all?

03:11:21 10 A. Not at all.

03:11:22 11 Q. Didn't happen?

03:11:22 12 A. No.

03:11:23 13 Q. No, it did not happen?

03:11:25 14 A. No, it did not happen. I don't know a Wayne.
03:11:27 15 Don't remember an incident where this guy got beat or
03:11:31 16 whatever it says.

03:11:32 17 Q. Was there an incident where you were injured on
03:11:35 18 duty by a car and received some money?

03:11:38 19 A. Yes.

03:11:39 20 Q. Tell me about that incident.

03:11:43 21 A. I was struck by a vehicle. I think it was
03:11:47 22 Jerome Fears who was the driver, who was arrested, and
03:11:52 23 he was driving a vehicle that belonged to -- I don't
03:11:56 24 know her name. But anyway, she didn't have insurance,
03:12:00 25 and I had to sue my insurance company for someone being

03:12:05 1 a noninsured driver. Yes, that happened.

03:12:08 2 Q. And you got \$60,000?

03:12:13 3 A. I got a settlement. Around that amount, yeah.

03:12:18 4 Q. Did you know Jerome Fears?

03:12:20 5 A. I knew -- I knew Jerome Fears from the area, of
03:12:23 6 course, yes.

03:12:24 7 Q. And what did you know about Jerome Fears?

03:12:26 8 A. That he was involved in the drug -- in
03:12:29 9 narcotics sales.

03:12:33 10 Q. What were your injuries like from that
03:12:34 11 accident?

03:12:36 12 A. I had several injuries. I was off duty for a
03:12:40 13 while, months.

03:12:44 14 Q. You were off duty for months?

03:12:45 15 A. Yeah.

03:12:45 16 Q. Do you remember about how long?

03:12:48 17 A. Maybe two months, thirty -- 45 days. I don't
03:12:53 18 know. I don't recall, really.

03:12:54 19 Q. Did you eventually recover?

03:12:56 20 A. Oh, yes.

03:12:58 21 Q. Not permanent injuries? That's what I'm
03:13:04 22 asking. It's a question.

03:13:06 23 A. Well, right today it could be some of the
03:13:10 24 effects I feel on a 58-year-old man getting struck by a
03:13:13 25 car back then. You know, I'm not a medical doctor, but

03:13:16 1 I'm sure that probably has something to do with the way
03:13:19 2 I feel some days.

03:13:20 3 Q. What kind of injuries were they?

03:13:23 4 A. I was actually knocked to the ground by a
03:13:27 5 moving automobile, so it was back and muscular. I went
03:13:31 6 to therapy for quite a while.

03:13:35 7 Q. Did you have to go to the hospital?

03:13:37 8 A. Yes.

03:13:38 9 Q. Do you think he hit you on purpose?

03:13:42 10 A. Yeah. Yeah.

03:13:44 11 Q. Did he end up going to prison for that?

03:13:47 12 A. I don't know if he went to prison for that. I
03:13:49 13 really don't.

03:13:53 14 Q. Why do you think he hit you on purpose? Let me
03:13:55 15 rephrase.

03:13:56 16 What makes you think he hit you on purpose?

03:14:01 17 A. In his attempt -- he saw us and his attempt to
03:14:04 18 get away, I guess, and then getting away, yeah, he
03:14:08 19 struck another car and all that. It was a very violent
03:14:11 20 situation.

03:14:12 21 Q. So he was fleeing arrest?

03:14:16 22 A. He wasn't under arrest at the time. So he saw
03:14:22 23 us and he decided to flee, for whatever reason, and I
03:14:26 24 don't think we ever found that out. But when he did,
03:14:29 25 whatever his situation was, he felt the need to flee.

03:14:33 1 Q. And also to hit you on purpose?

03:14:37 2 A. When he hit me, he hit another vehicle. So if
03:14:40 3 it was on purpose, I don't know what was in his mind. I
03:14:42 4 know I was hit, I was struck by his vehicle.

03:14:45 5 Q. Okay.

03:14:46 6 A. So...

03:15:01 7 Q. Was that the only on duty injury that you
03:15:04 8 suffered that you received insurance settlement from?

03:15:16 9 A. That's the only one I can recall. Yeah.

03:15:18 10 Q. Did you have other on duty injuries that you
03:15:24 11 remember?

03:15:24 12 A. I was in a traffic accident before. Someone
03:15:29 13 ran a red -- a stop sign. I think it was while I was a
03:15:35 14 patrolman.

03:15:35 15 Q. Okay.

03:15:35 16 A. Yeah, I remember that. Patricia Brown was my
03:15:38 17 partner. We were in an accident.

03:15:39 18 Q. And were you injured in that accident?

03:15:41 19 A. Yes.

03:15:42 20 Q. Did you file a lawsuit?

03:15:44 21 A. I don't think I filed a lawsuit. I was just
03:15:47 22 off duty for a while.

03:15:48 23 Q. Did you collect disability?

03:15:52 24 A. No, I didn't collect disability, no. I was
03:15:55 25 injured on duty, it's called. But I was paid because I

03:15:58 1 was injured on duty.

03:15:59 2 Q. You just -- did you keep getting your regular
03:16:02 3 salary while you were out?

03:16:04 4 A. Yes.

03:16:30 5 MR. RAUSCHER: All right. Let's mark
03:16:32 6 [Exhibit 8](#), which is FBI 150 to 156.

03:16:44 7 (Deposition [Exhibit 8](#) was marked for
03:16:46 8 identification.)

03:16:46 9 MR. KOSOKO: Thanks.

03:17:38 10 BY MR. RAUSCHER:

03:17:38 11 Q. You can read the whole thing or I can ask
03:17:41 12 you -- point you to specific paragraphs and ask you
03:17:42 13 questions, if you're comfortable doing that.

03:17:45 14 A. Sure, I'm good with it. Yeah.

03:17:49 15 Q. So if you look at the third to last paragraph
03:17:52 16 on the second page, which is 151, the front side of the
03:17:56 17 first, yeah, double-sided.

03:17:58 18 A. Uh-huh.

03:17:59 19 Q. That talks about Big Shorty supposedly, quote,
03:18:03 20 good on the streets, end quote, meaning free to deal
03:18:06 21 narcotics without arrest, so long as he paid Watts.

03:18:09 22 Is that true?

03:18:09 23 A. No.

03:18:15 24 Q. Last paragraph says "Blank also knows an
03:18:18 25 individual nicknamed Shock, whom blank believes Watts

03:18:22 1 extorted."

03:18:23 2 Do you see that?

03:18:23 3 A. Yes.

03:18:24 4 Q. Is that true?

03:18:24 5 A. No.

03:18:27 6 Q. So let's go to the second to last paragraph on

03:18:30 7 the next page, which is 152.

03:18:36 8 A. Uh-huh.

03:18:36 9 Q. Why don't you read that whole paragraph, and

03:18:38 10 let me know when you're done.

03:18:40 11 A. Okay.

03:19:27 12 Okay.

03:19:27 13 Q. You see there's a phrase Watts and his team

03:19:32 14 would, quote, smack the building, end quote?

03:19:34 15 A. Yes.

03:19:34 16 Q. Have you heard that phrase before?

03:19:36 17 A. I have never heard that phrase, smack the

03:19:38 18 building.

03:19:38 19 Q. Do you know what it means?

03:19:40 20 A. Well, it says here converge on the building.

03:19:43 21 So I guess that's what it means. I never used that term

03:19:47 22 and nobody ever used that term on me for that.

03:19:49 23 Q. Would you converge on buildings at Ida B.

03:19:51 24 Wells?

03:19:51 25 A. We did.

03:19:53 1 Q. Would you -- what would you call it?

03:19:54 2 Converging? Would you say run up on buildings?

03:19:56 3 A. No, we said we were going to hit the building.

03:19:59 4 Q. Hit the building, okay.

03:20:00 5 What did it mean to say you were going to hit
03:20:02 6 the building?

03:20:03 7 A. That means that was the building that we were
03:20:05 8 going to converge onto. We had information that they
03:20:07 9 were in that particular building at that particular
03:20:11 10 time, and we were going to just hit the building and see
03:20:14 11 what we could come up with. You know, that's the way it
03:20:19 12 was.

03:20:19 13 Q. What would it mean in an open air drug market
03:20:22 14 to have information that drug dealing was going on in a
03:20:25 15 building at a particular time?

03:20:29 16 A. What would it mean -- could you repeat that?

03:20:31 17 Q. So you've described Ida B. Wells multiple times
03:20:34 18 today as an open air drug market, right?

03:20:36 19 A. Yes. That's -- I did. That's the way it was,
03:20:36 20 yes.

03:20:42 21 Q. Well, let me -- I don't think I asked you.
03:20:43 22 What does that mean to you when you say open air drug
03:20:46 23 market? Maybe you ought to describe that.

03:20:49 24 A. That people from everywhere came to that
03:20:52 25 particular location to buy drugs, and at a specific time

03:20:59 1 you could -- they had cameras. You could go on the
03:21:04 2 camera and look and see how all the people were down
03:21:08 3 there, and people were out there, what we called at the
03:21:12 4 time, roostering, saying, you know, rocks, blows,
03:21:15 5 whatever. It was open air, and everybody knew the drug
03:21:19 6 trade was going on there.

03:21:21 7 Q. And then what kind of information would you --
03:21:23 8 when you said you would hit a building when you had
03:21:26 9 information that drug sales were going on there, would
03:21:29 10 that be every building every day that you had that kind
03:21:32 11 of information?

03:21:33 12 A. No. We didn't have the manpower to hit every
03:21:36 13 building every day. That's -- no. It would have to be
03:21:39 14 we would have to -- we get the information some days and
03:21:42 15 we didn't have the manpower to even go down there or --
03:21:48 16 you know, we were outnumbered, terribly outnumbered. So
03:21:50 17 I couldn't place them guys in that kind of situation.
03:21:53 18 You would have to make sure you had manpower, you had
03:21:56 19 the team to come in, and you would also have whoever the
03:21:59 20 beat cars were to assist you, the marked units. It
03:22:04 21 was -- yeah.

03:22:04 22 Q. What information would you get to say there's
03:22:06 23 drug sales going on in this building on this day?

03:22:10 24 A. The information would be it would just be a lot
03:22:16 25 of people are at one of the buildings. There's a line

03:22:21 1 and they're selling dope. There's a line out the
03:22:24 2 building and they're, you know, marching people in,
03:22:31 3 letting them in one way and out the other way. It's the
03:22:33 4 drug trade going on at the Ida B. Wells.

03:22:35 5 Q. Did that happen in each Ida B. Wells building
03:22:38 6 every day?

03:22:40 7 MR. KOSOKO: Object to the form of the
03:22:44 8 question and foundation.

03:22:48 9 THE WITNESS: Some days it didn't happen
03:22:50 10 at a particular building, for whatever reason.

03:22:54 11 BY MR. RAUSCHER:

03:22:54 12 Q. And when you're saying you would get
03:22:56 13 information, it sounds like what you're describing is
03:22:58 14 you could see it or someone else could just see it.
03:23:01 15 It's not like some covert operation, you're getting fed
03:23:05 16 information. Is that right?

03:23:06 17 MR. KOSOKO: Object to the form of the
03:23:09 18 question.

03:23:09 19 THE WITNESS: When I state that I received
03:23:11 20 information, I received information for a variety of
03:23:15 21 sources. When I received information, I received
03:23:17 22 information from CAPs meetings. I received information
03:23:20 23 from other officers. I received information when I come
03:23:23 24 into duty each day from the lieutenant stating that he
03:23:27 25 had complaints.

03:23:29 1 If the lieutenant didn't call me, there
03:23:32 2 were occasions where the commander would ask to see me,
03:23:36 3 and I'd go in to see the commander and say, hey, we have
03:23:39 4 this problem that we've been getting several reports
03:23:41 5 that this is what's happening at this particular
03:23:43 6 location, open air drug market.

03:23:48 7 Yeah. So when I say I received
03:23:51 8 information, it's not just from, you know, citizens down
03:23:54 9 there, one particular source. Maybe I -- you know, that
03:23:58 10 was pretty vague, but that's what I -- that's the way it
03:24:02 11 was.

03:24:02 12 BY MR. RAUSCHER:

03:24:03 13 Q. And this paragraph says when you -- your team
03:24:06 14 would hit a building, you would say if you didn't find
03:24:10 15 something, if people didn't find something for you, you
03:24:13 16 were going to place narcotics on those people. Do you
03:24:16 17 see that?

03:24:17 18 A. I saw that, but I don't think it actually said
03:24:20 19 that, that I was going to place narcotics on people.

03:24:23 20 Q. "Watts would tell them that if they didn't find
03:24:26 21 something for him, he would go into the building,
03:24:28 22 meaning that he would put narcotics on someone." Do you
03:24:31 23 see that?

03:24:31 24 A. I see that, but --

03:24:32 25 Q. What do you think that means?

03:24:37 1 A. That he would go into the buildings, meaning
03:24:39 2 that he doesn't -- that he would go into the buildings.
03:24:42 3 I don't know if it meant that. And if it does mean
03:24:45 4 that, I don't know who would say that. And --

03:24:48 5 Q. Who is the he, though? You don't think the he
03:24:52 6 refers to you?

03:24:54 7 A. It could say it's talking about -- it mentions
03:24:58 8 me by name, Watts. It says Watts or Mohammed.

03:25:02 9 Q. Well, then the next --

03:25:03 10 A. So...

03:25:04 11 Q. I'm sorry. You go ahead.

03:25:05 12 A. And then it said "advised that he understood
03:25:09 13 Watts' and Mohammed's statements to mean."

03:25:13 14 So did I make the statement or did Mohammed
03:25:15 15 make the statement? Because he's saying Watts' and
03:25:18 16 Mohammed's statement to mean.

03:25:19 17 Q. I think we're in different paragraphs.

03:25:21 18 A. Okay.

03:25:21 19 Q. I'm one paragraph below.

03:25:22 20 A. Okay. Let me go down there.

03:25:24 21 Q. I'm sorry. I think I did say third, and I
03:25:26 22 meant second from the -- so I meant fourth.

03:25:28 23 A. Okay.

03:25:49 24 Yeah, it said "he would to into the building,"
03:25:52 25 and it starts off again "Watts and Mohammed," and this

03:25:55 1 statement was given, you know -- I don't know.

03:25:57 2 Q. Well, they're two separate sentences.

03:25:59 3 A. Yeah.

03:25:59 4 Q. It says, "Watts and Mohammed would then ask
03:26:02 5 them the locations of the drugs," right? Do you see
03:26:04 6 that?

03:26:04 7 A. Uh-huh. Yeah.

03:26:05 8 Q. The next sentence says, "Watts would tell them
03:26:07 9 that if they didn't find something for him, he would go
03:26:09 10 into the building, meaning that he would put narcotics
03:26:12 11 on someone."

03:26:13 12 A. That is not true.

03:26:14 13 Q. It says it. You just don't agree that it
03:26:17 14 happened?

03:26:17 15 A. Never happened.

03:26:20 16 Q. I'm not misreading it, though?

03:26:21 17 A. No. It's there.

03:26:39 18 Q. What was the process like when your team would
03:26:41 19 hit a building?

03:26:46 20 A. The process would be, basically, even if you --
03:26:51 21 a lot of times even if we didn't make an arrest, the
03:26:54 22 process would be visibility, that we were there, and
03:26:59 23 they -- it would somehow curtail that particular open
03:27:03 24 air drug market for that day, because they had no idea
03:27:06 25 when we were coming, if we were coming.

03:27:08 1 And if we were to hit the building, you know,
03:27:13 2 even if everybody got away, you know, we hit the
03:27:15 3 building, and they wouldn't -- you know, they would be
03:27:18 4 on pins and needles. They wouldn't be just, you know,
03:27:21 5 just blatantly out there selling dope. You know, we
03:27:27 6 were all -- we were still the police, you know. It
03:27:30 7 was...

03:27:30 8 Q. What did you do, though? How, like
03:27:32 9 mechanically, what did the team do to hit the building?

03:27:37 10 MR. KOSOKO: Object to the form and
03:27:41 11 foundation.

03:27:41 12 THE WITNESS: It all depends on who was
03:27:43 13 working. The younger guys you would tell them, you
03:27:47 14 know, hit the building and they would run up and -- they
03:27:51 15 would run up the stairs or whatever to -- if we had the
03:27:54 16 information on what floor they was at, that's the floor
03:27:57 17 they would run to. Anybody run or whatever, if somebody
03:28:00 18 run, they gave chase to that person. If they caught
03:28:03 19 them, they caught them.

03:28:05 20 While the slower older guys, like me, we
03:28:07 21 would stay down and kind of monitor who came out the
03:28:10 22 building. So usually -- and it just wouldn't be my
03:28:15 23 team. You couldn't do that type of operation with just
03:28:17 24 one team. A lot of times, again, it would be the patrol
03:28:21 25 units, it would be two -- you would use two tactical

03:28:24 1 teams. So, yeah.

03:28:25 2 BY MR. RAUSCHER:

03:28:25 3 Q. Was Al Jones one of the guys who would
03:28:28 4 typically run in a building?

03:28:29 5 A. Sometimes. Al was a bit slow, but sometimes.

03:28:32 6 Q. Did he run up the stairs too?

03:28:34 7 A. Sometimes, yeah.

03:28:35 8 Q. Did you give those assignments for who's going
03:28:37 9 to do what?

03:28:38 10 A. No. It was the car that got there, I would
03:28:43 11 give whatever car. You wouldn't give them an
03:28:48 12 assignment. The first car there is the ones that they
03:28:50 13 know they have to hit the stairs first, because if you
03:28:53 14 have two cars, the first car will get there and the
03:28:56 15 second car will get there. These guys got to now go
03:29:00 16 around these guys and you lose a little time.

03:29:03 17 So the first car there is the car that -- so
03:29:06 18 sometimes I would try to -- you know, the younger guys,
03:29:08 19 I would tell them, yeah, you go in the first car. So I
03:29:10 20 would do that sometimes, yeah.

03:29:14 21 Q. You said you monitored people who would be
03:29:16 22 coming out of the buildings when you were hitting a
03:29:19 23 building?

03:29:19 24 A. Yeah, because you can't grab everybody, so you
03:29:21 25 kind of like see who's running out the building, the

03:29:24 1 reaction of the people, and, you know, you try to, you
03:29:28 2 know -- it's a frenzy. It's wild. It's a wild scene,
03:29:32 3 you know.

03:29:32 4 Q. You can't grab everyone because you're
03:29:34 5 outnumbered?

03:29:34 6 A. Absolutely. We're outnumbered.

03:29:36 7 Q. If you had enough people, would you grab
03:29:39 8 everyone?

03:29:40 9 MR. KOSOKO: Object to the form of the
03:29:42 10 question, incomplete hypothetical, causes a speculative
03:29:46 11 response.

03:29:47 12 THE WITNESS: If I had enough people, I
03:29:48 13 would put the manpower down there where they wouldn't
03:29:51 14 have to -- where they wouldn't line up in the first
03:29:53 15 place if I had the manpower.

03:29:55 16 BY MR. RAUSCHER:

03:29:56 17 Q. Well, that's one --

03:29:57 18 A. It would eliminate me hitting the buildings all
03:30:01 19 together, if. So I had to -- I had to take what I had
03:30:07 20 and work with what I had in the environment in which we
03:30:10 21 were in, so...

03:30:13 22 Q. Well, so your hypothetical would prevent drug
03:30:16 23 sales?

03:30:17 24 A. I didn't say it would prevent it. I said it
03:30:20 25 probably would eliminate the lines, because, you know,

03:30:24 1 you don't know what people are entering and exiting
03:30:27 2 those buildings for. It was -- if my memory serves me
03:30:32 3 right, it was about, what, seven floors and about ten
03:30:37 4 apartments on each floor or something to that, so...

03:30:41 5 Q. Well, did you try to stop everyone from leaving
03:30:43 6 the building when you hit buildings?

03:30:45 7 MR. KOSOKO: Object to the form of the
03:30:46 8 question, incomplete hypothetical, foundation.

03:30:52 9 THE WITNESS: We try to stop and question
03:30:55 10 those that we could. So as many as we could to say,
03:30:59 11 hey, what are you doing here, you know. If we knew
03:31:02 12 them, hold up, do you have an ID on you. You know,
03:31:06 13 again, you're down there, you know.

03:31:13 14 Again, signs were posted that you're on
03:31:15 15 CHA property. There was -- not only was it trespassing,
03:31:19 16 but CHA also had a trespassing, where you trespass on
03:31:24 17 CHA State-supported land. So that was a different
03:31:28 18 charge, and a lot of times a lot of people went to jail
03:31:32 19 for that charge because they were down there. And they
03:31:34 20 tell you, hey, I ain't got nothing on me. I was just
03:31:37 21 down here. It all depends on the type of day it was,
03:31:41 22 you know, who you stop, how many you stop, you know.

03:31:43 23 BY MR. RAUSCHER:

03:31:43 24 Q. So you would stop anyone who you could who was
03:31:45 25 leaving a building when you hit it, ask them for an ID.

03:31:48 1 If they didn't live there, you could give them a
03:31:53 2 trespassing charge?

03:31:53 3 MR. KOSOKO: Object to the form of the
03:31:56 4 question, incomplete hypothetical, causes a speculative
03:31:58 5 response.

03:31:58 6 THE WITNESS: Again, we didn't give
03:31:59 7 anybody a trespass charge. If somebody was there for
03:32:04 8 illegal activity, and after a thorough -- an
03:32:11 9 investigation, which at the moment it was in the heat of
03:32:14 10 the moment, you would speak to them, find out their
03:32:16 11 reasoning, and if they were there for illegal activity,
03:32:22 12 it was a possibility that they would be charged with
03:32:25 13 trespassing on State-supported land.

03:32:27 14 BY MR. RAUSCHER:

03:32:27 15 Q. Was it your team's practice to stop everybody
03:32:29 16 who they could from leaving the building when you were
03:32:32 17 hitting a building at Ida B. Wells?

03:32:33 18 MR. KOSOKO: Object to the form of the
03:32:36 19 question, incomplete hypothetical, assumes facts not in
03:32:39 20 evidence, assumes that the encounters are not sometimes
03:32:43 21 voluntary, foundation.

03:32:48 22 THE WITNESS: It wasn't the practice of
03:32:50 23 the team, because a lot of times you would have people
03:32:55 24 who would voluntarily stop and I ain't got nothing or
03:33:00 25 whatever, and they wouldn't run or anything like that.

03:33:02 1 You would have some that would try to -- bowled over you
03:33:06 2 to get out of there.

03:33:08 3 BY MR. RAUSCHER:

03:33:09 4 Q. Did you try to stop the person who bowled over
03:33:11 5 you?

03:33:11 6 A. Absolutely. If someone is running and they try
03:33:13 7 and knock you down, you know, you would -- you would
03:33:18 8 think if the police is down there and somebody's trying
03:33:20 9 to get out of the building and they run and try to knock
03:33:23 10 the police down, then it, you know -- I think it's
03:33:27 11 reasonable to think that they're up to something, as
03:33:31 12 opposed to somebody that's stopping and saying, hey, I
03:33:33 13 don't have any. I'm down here visiting somebody. I
03:33:35 14 wasn't doing nothing or whatever.

03:33:37 15 Q. Which people did you not try to stop when you
03:33:40 16 would hit a building?

03:33:41 17 MR. KOSOKO: Object to the form of the
03:33:43 18 question, causes a speculative response, incomplete
03:33:46 19 hypothetical.

03:33:51 20 THE WITNESS: I personally didn't not try
03:33:53 21 to stop anyone. It depended on the situation that you
03:33:57 22 were in. Some days you could stop some people. Some
03:34:00 23 days you couldn't. It all depends.

03:34:03 24 BY MR. RAUSCHER:

03:34:03 25 Q. How would you make those decisions, you or the

03:34:05 1 team?

03:34:05 2 MR. KOSOKO: Objection to the form of the
03:34:08 3 question, incomplete hypothetical. It --

03:34:13 4 THE WITNESS: By the unreasonableness of
03:34:15 5 the person exiting the building. Again, if they try to
03:34:17 6 run the police over or if -- and those type of actions.
03:34:26 7 It was subjective. It was -- you had to use -- I guess
03:34:31 8 you had to look at the totality of the situation.

03:34:38 9 BY MR. RAUSCHER:

03:34:38 10 Q. Did you stop people -- did you try to stop
03:34:40 11 people just for running; not trying to run you over, but
03:34:43 12 just running?

03:34:44 13 MR. KOSOKO: Object to the form of the
03:34:45 14 question, incomplete hypothetical, draws in Wardlow,
03:34:49 15 which it's a legal conclusion.

03:34:51 16 But go ahead.

03:34:52 17 THE WITNESS: Not just for running,
03:34:53 18 because we didn't know why somebody is running. So not
03:34:57 19 just for running. Sometimes people don't run. They
03:35:00 20 speed walk. Sometimes the people that say, hey, I ain't
03:35:02 21 doing nothing, they got dope in their pocket. We don't
03:35:05 22 know, you know.

03:35:09 23 So it all depends on who was -- it was a
03:35:15 24 bad situation. It was an open air drug market, again.
03:35:20 25 I mean some things you did it was the spur of the

03:35:26 1 moment, right then and there. It wasn't like everybody
03:35:29 2 wouldn't listen to you. It wasn't like everybody
03:35:32 3 cooperated. You know, you have to use your judgment.

03:35:37 4 BY MR. RAUSCHER:

03:35:38 5 Q. So there wasn't a blanket policy of we hit a
03:35:40 6 building, we try to stop everybody?

03:35:42 7 A. It wasn't a blanket policy, no. Yeah.

03:35:45 8 MR. KOSOKO: There.

03:36:14 9 MR. RAUSCHER: We'll mark [Exhibit 9](#). This
03:36:16 10 is FBI 44 through 48.

03:36:27 11 (Deposition [Exhibit 9](#) was marked for
03:36:27 12 identification.)

03:36:46 13 MR. PALLES: Can you repeat the numbers,
03:36:46 14 Scott?

03:36:49 15 MR. RAUSCHER: Yeah. It's 44 to 48, FBI
03:36:52 16 44 to 48.

03:43:02 17 BY MR. RAUSCHER:

03:43:02 18 Q. Have you had a chance to read this one?

03:43:04 19 A. Yes.

03:43:04 20 Q. This is the same guy. This is an interview,
03:43:08 21 memorialization of an interview with Chewy, the same guy
03:43:11 22 who was involved in the incident that led to your
03:43:15 23 arrest; is that right?

03:43:17 24 A. Yes. Chewy, yes.

03:43:21 25 Q. A bunch of lies in here about you?

03:43:22 1 A. Absolutely, yes.

03:43:24 2 Q. Anything in here that was true about you?

03:43:30 3 A. Probably my name, Ronald Watts.

03:43:33 4 Q. "Watts offered to buy Hopkins food if Hopkins
03:43:37 5 provided Watts with information on drug dealing."

03:43:40 6 Is that true?

03:43:41 7 A. I probably did offer to buy him food, yeah.

03:43:48 8 Q. Watts would -- "Hopkins knew that Watts would
03:43:51 9 pay those users with drugs he recovered from other
03:43:54 10 dealers he searched."

03:43:55 11 Did you ever pay anyone with drugs?

03:43:57 12 A. No.

03:44:05 13 Q. You've already said you didn't ever frame Chewy
03:44:08 14 or have anything to do with framing him, right?

03:44:11 15 A. No. I don't think we ever arrested Chewy.

03:44:15 16 Q. He talks about an arrest here. You see that,
03:44:17 17 right?

03:44:17 18 A. Yeah.

03:44:19 19 Q. You think he just made that up?

03:44:21 20 A. Absolutely. I never arrested him, so he had to
03:44:23 21 make it up. It would be in the records if I had
03:44:26 22 arrested him. And I wouldn't have arrested him.
03:44:32 23 Maybe -- even if my team arrested him. I don't think --
03:44:35 24 I don't even think my team ever arrested Chewy.
03:44:38 25 Probably for, like I said, the trespassing. Other than

03:44:41 1 that -- if we arrested him for that. I have no -- I
03:44:44 2 would have to refer to records.

03:44:48 3 Q. Do you remember anyone named Felicia from
03:44:51 4 Ida B. Wells?

03:44:52 5 A. No, I can't remember a Felicia, no.

03:45:01 6 Q. Do you see those last two paragraphs on this
03:45:04 7 page and that carries over to the next page, so we're on
03:45:08 8 46?

03:45:08 9 A. Uh-huh.

03:45:08 10 Q. Talks about you taking drugs, going to the head
03:45:11 11 of the drug line, and saying these are going to be yours
03:45:14 12 if you don't pay me, basically; is that right?

03:45:16 13 A. Yes.

03:45:16 14 Q. That's what it says?

03:45:17 15 A. Yes.

03:45:17 16 Q. Is that true?

03:45:17 17 A. No.

03:45:18 18 Q. Total fabrication?

03:45:19 19 A. Total fabrication.

03:45:27 20 Q. Was USDA a line of drugs at Ida B. Wells?

03:45:32 21 A. I think it was. I'm not familiar with that one
03:45:34 22 off the top of my head. I would have to read reports.

03:45:38 23 Q. You're not sure about who was in charge or who
03:45:40 24 the head man of the USDA drug line would have been?

03:45:43 25 A. Even if it was a drug line, I don't recall it.

03:45:52 1 Q. I'm sorry if I've asked you this before, but
03:45:54 2 did you know someone named Ra-ra, by the nickname Ra-ra?

03:45:59 3 A. No.

03:46:08 4 Q. You see that reference in the --

03:46:10 5 A. Yes, I saw it. Yeah, I...

03:46:13 6 Q. You know someone with the nickname T-Dog from
03:46:17 7 Ida B. Wells?

03:46:18 8 A. No.

03:46:23 9 Q. It says T-Dog was making extortion payments to
03:46:26 10 you. Do you see that?

03:46:27 11 A. I have no knowledge of what T-Dog is. Never
03:46:31 12 knew anybody by the nickname T-Dog.

03:46:33 13 Q. So T-Dog was not making extortion payments to
03:46:40 14 you?

03:46:40 15 A. No.

03:46:58 16 MR. RAUSCHER: We're going to mark
03:46:58 17 [Exhibit 10](#). This is FBI 42.

03:47:17 18 (Deposition [Exhibit 10](#) was marked for
03:47:43 19 identification.)

03:47:43 20 BY MR. RAUSCHER:

03:47:43 21 Q. Do you see that?

03:47:43 22 A. Yes.

03:47:45 23 Q. It's date of transcription of April 16th, 2009?

03:47:48 24 A. Uh-huh.

03:47:50 25 Q. We don't know who is being interviewed because

03:47:52 1 that's redacted. You don't know who is being
03:47:54 2 interviewed, right?

03:47:55 3 A. Don't know.

03:47:55 4 Q. You see how it says you've been seen in the
03:47:58 5 Second District extorting payments from drug dealers and
03:48:01 6 drug users?

03:48:02 7 A. In the Second District. I see that. Totally
03:48:05 8 false.

03:48:08 9 Q. Did you ever extort payments from drug dealers
03:48:10 10 or drug dealers outside of the Second District?

03:48:13 11 A. Totally false. Never extorted drug money,
03:48:17 12 drugs from anyone. Totally false.

03:48:22 13 Q. So false that you previously targeted higher
03:48:24 14 level dealers, but then had moved on to taking as little
03:48:27 15 as \$40?

03:48:28 16 A. What I just read here is totally false. I have
03:48:32 17 no knowledge of what this person, this redacted person,
03:48:36 18 is saying. Totally false.

03:48:52 19 MR. RAUSCHER: All right. [Exhibit 11](#) is
03:48:53 20 going to be FBI 178 through 1 -- actually, you know
03:49:03 21 what, hold on one second. Yeah, 178 to 185.

03:49:14 22 (Deposition [Exhibit 11](#) was marked for
03:49:24 23 identification.)

03:49:24 24 BY MR. RAUSCHER:

03:49:24 25 Q. These are actually multiple different reports,

03:49:26 1 so we can go one by one through them.

03:49:29 2 A. Uh-huh. Sure.

03:49:29 3 Q. If you could take a look at the third full
03:49:32 4 paragraph on the first page, which is 178.

03:50:31 5 A. Done with that paragraph.

03:50:32 6 Q. Do you know what that paragraph is referring
03:50:34 7 to?

03:50:34 8 A. No.

03:50:37 9 Q. It looks like Watts is telling someone they
03:50:41 10 should talk to you about whether you were serious about
03:50:43 11 the amount of money that you had asked for?

03:50:46 12 A. I am Watts.

03:50:46 13 Q. I'm sorry, I said it wrong. It looks like
03:50:49 14 Mohammed is saying that someone should be talking to you
03:50:52 15 about the amount of money that you had asked about?

03:50:55 16 MR. KOSOKO: Object to the form of the
03:50:57 17 question and the characterization.

03:50:57 18 THE WITNESS: I have --

03:51:00 19 MR. KOSOKO: This is somebody --

03:51:02 20 Just go ahead.

03:51:02 21 THE WITNESS: I have no idea why Mohammed
03:51:04 22 would be talking to somebody about paying me if it --
03:51:09 23 just no idea.

03:51:17 24 BY MR. RAUSCHER:

03:51:18 25 Q. All right. Take a look at 180. That's the

03:51:20 1 next report, if you just flip. Yeah.

03:51:33 2 A. Any --

03:51:34 3 Q. Yes. Take a look at the second to last
03:51:36 4 paragraph on that page.

03:52:02 5 A. Okay.

03:52:02 6 Q. Do you know -- this is -- that doesn't -- I
03:52:04 7 don't think that one says your name in that paragraph,
03:52:07 8 right?

03:52:07 9 A. No.

03:52:07 10 Q. Do you have any knowledge of whether it's true,
03:52:10 11 what that paragraph alleges or says?

03:52:12 12 A. No. I have no knowledge about that paragraph.

03:52:19 13 Q. There's a nickname in the next paragraph Black
03:52:22 14 Boy, someone working for Kirksey?

03:52:29 15 A. I know a guy associated with Kirksey, if this
03:52:35 16 is Arthur Kirksey.

03:52:36 17 Q. Uh-huh.

03:52:36 18 A. Yes, by the name of Black, which you asked me
03:52:40 19 earlier about, Jamal --

03:52:43 20 Q. Oh, that's when you were saying Jamar Lewis?

03:52:46 21 A. Jamar Lewis.

03:52:47 22 Q. You think that might be Black Boy?

03:52:49 23 A. I'm pretty -- that's the only Black I know that
03:52:52 24 was, I guess, associated with them, unless it was...

03:52:58 25 Q. Did you ever talk to Kirksey on the phone?

03:53:00 1 A. No.

03:53:11 2 Q. Take a look at 182, which is the next report.

03:53:21 3 Do you know someone named Lynette Ewing?

03:53:25 4 A. No, I don't know a Lynette Ewing.

03:53:27 5 Q. Do you know a Mario Ewing?

03:53:30 6 A. I don't know a Mario Ewing.

03:53:32 7 Q. Do you know any Ewings from Ida B. Wells?

03:53:35 8 A. I don't know a Ewing, no. No.

03:53:40 9 Q. Did you put a case on Mario Ewing?

03:53:42 10 A. No. I don't know who a Mario Ewing is. Never

03:53:48 11 put a case on anyone.

03:54:01 12 Q. Do you know who paid Mohammed the bribe money

03:54:04 13 that we looked at earlier? Not -- from 2007, 2008 time

03:54:09 14 period.

03:54:10 15 MR. KOSOKO: Object to the form of the

03:54:13 16 question, ambiguous, assumes facts not in evidence.

03:54:17 17 Go ahead.

03:54:20 18 THE WITNESS: Earlier I spoke about there

03:54:23 19 were video recordings. In that video he was with a

03:54:28 20 person that I've known from down there. I don't know

03:54:33 21 her personally or anything, but Arthur Kirksey's -- I

03:54:35 22 think she's his girlfriend, wife or whatever. Stacy

03:54:38 23 Graham I think is her name.

03:54:40 24 So in response to your question, yes, from

03:54:45 25 the video I saw, so that's how I would know.

03:54:50 1 BY MR. RAUSCHER:

03:54:51 2 Q. When -- did you see that video in your criminal
03:54:53 3 case or this case?

03:54:55 4 A. In my criminal case, yeah.

03:54:58 5 Q. Okay. And what did you know about Stacy Graham
03:55:00 6 at the time?

03:55:03 7 A. When you say at the time --

03:55:05 8 Q. All right. Yeah.

03:55:06 9 What did you know about Stacy Graham back when
03:55:08 10 you were working in Ida B. Wells?

03:55:11 11 A. I knew Stacy Graham was involved with Arthur
03:55:14 12 Kirksey. I knew she was -- I think she lived down there
03:55:17 13 or had relatives down there. That's about all. I
03:55:21 14 didn't really know her. I knew of her from her
03:55:25 15 association with the people down there.

03:55:29 16 Q. Did you know of her because you thought she
03:55:31 17 associated with drug dealers?

03:55:34 18 MR. KOSOKO: Object to the form of the
03:55:38 19 question.

03:55:38 20 THE WITNESS: I knew her. I had seen her
03:55:40 21 with Arthur Kirksey, so I knew her from -- not because
03:55:44 22 she associated with him; because she was, you know, one
03:55:46 23 of the people down there and other people knew her and,
03:55:51 24 you know. I didn't know her, you know, but you do ask
03:55:55 25 questions and maybe -- it could have been a number of

03:55:57 1 things. You know, other officers said that's his
03:56:00 2 girlfriend or whatever, you know. But I never asked who
03:56:02 3 she was. I found out who she was, yeah.

03:56:06 4 BY MR. RAUSCHER:

03:56:06 5 Q. Do you have any -- any reason you know of why
03:56:10 6 she would say that Kirksey was paying you and Mohammed?

03:56:13 7 MR. KOSOKO: Object to the form of the
03:56:20 8 question, causes -- it's forcing Sergeant Watts to make
03:56:23 9 a speculative response.

03:56:25 10 Go ahead, Sarge.

03:56:27 11 THE WITNESS: I could say a number of
03:56:28 12 reasons. You know, we were the police and they were in
03:56:30 13 a criminal enterprise, and people that's in a criminal
03:56:34 14 enterprise, you know, they're not going to say good
03:56:37 15 things about the police. They're not going to say
03:56:40 16 truthful things about the police.

03:56:42 17 There's a lot of things that's being said,
03:56:46 18 not only by her, but in all the reports that you've
03:56:49 19 given me today, and I -- it's -- it's a lot of street
03:56:56 20 talk, a lot of statements given to I guess people who --
03:57:01 21 I don't know if they investigated it. You know, I
03:57:05 22 never -- never had the outcome to any of these
03:57:07 23 investigations. Evidently they did investigate it.
03:57:10 24 I've never seen a lot of these reports until my criminal
03:57:15 25 trial, and I never seen the outcome to any of these

03:57:19 1 investigations, you know, so...

03:57:22 2 BY MR. RAUSCHER:

03:57:23 3 Q. When you say there's a lot of street talk in
03:57:24 4 these reports you've been looking at, what do you mean?

03:57:29 5 A. Watts did this, you know, street talk.
03:57:37 6 Watts -- and when I say street talk, you've got to
03:57:39 7 remember that I was the sergeant of police, so, yes,
03:57:42 8 that was my team. And people knew that. It wasn't -- I
03:57:48 9 guess so regards to what went on down there, and even if
03:57:51 10 I -- you know, I was out of work for two months and it
03:57:53 11 was still Watts and them, and I wasn't nowhere around.

03:57:56 12 So that's what I mean, street talk. I think we
03:57:59 13 pretty -- you know, it's pretty obvious. You know,
03:58:02 14 they're down there. They're selling narcotics. It's
03:58:05 15 open air. It's -- you know, they're going to say what
03:58:10 16 they need to say, you know. They're going to say what
03:58:12 17 they need to say to get away and take the spotlight off
03:58:16 18 of their illegal activities. And if it's to say the
03:58:20 19 police is taking money, then they'll say it.

03:58:25 20 Q. It wasn't -- it's not typically that the police
03:58:28 21 are taking money, though. It's really usually you and
03:58:30 22 Mohammed.

03:58:31 23 A. Well, I was the police.

03:58:33 24 Q. But so were a lot of other police officers.

03:58:35 25 A. I was the police. It was not -- if -- in these

03:58:38 1 reports it's me and Mohammed, but there were other
03:58:42 2 investigations where it was me and other officers.
03:58:46 3 There was other -- there was other investigations where
03:58:48 4 other officers that weren't even on my team.

03:58:52 5 It's because they knew Watts' name and it was
03:58:56 6 easy to say Watts. Again, yes, I was pretty -- I was a
03:59:02 7 pretty aggressive tac sergeant. I was in that
03:59:05 8 community. And so it was easy to say Watts. People
03:59:07 9 didn't want me in that community because I was going to
03:59:10 10 show up for work and you weren't just going to just
03:59:13 11 freely sell dope in the community and in that area I was
03:59:18 12 responsible for for that eight hours or ten hours I was
03:59:21 13 there at work that day.

03:59:24 14 Q. Do you think you fell down on the job by not
03:59:32 15 knowing Mohammed was taking bribes?

03:59:34 16 MR. KOSOKO: Object to the form of the
03:59:36 17 question.

03:59:36 18 THE WITNESS: What do you mean, fell down?

03:59:41 19 BY MR. RAUSCHER:

03:59:41 20 Q. Perform poorly as a supervisor, didn't do your
03:59:44 21 job properly by missing the fact that a subordinate --

03:59:46 22 A. I stated that earlier.

03:59:47 23 Q. Okay.

03:59:47 24 A. There were some -- there were some errors in
03:59:50 25 judgment, yes. We're not all perfect. It's evident.

03:59:55 1 So, yes, there was some errors in judgment, yes. And
03:59:59 2 you tend to -- you tend to give credence to people that
04:00:03 3 you work with. You build a camaraderie with certain
04:00:07 4 people and you trust them. I mean what else can you do?

04:00:11 5 Mohammed was one of the officers that when we
04:00:13 6 did hit the building, he was one of the officers that
04:00:16 7 ran up in that building. I needed to trust those guys.
04:00:20 8 My safety was at risk. Everybody needed to trust, you
04:00:24 9 know, that we would be there for each other. We were
04:00:26 10 the tac team. We weren't the -- I wasn't just tac by
04:00:30 11 Watts by himself. We were a team.

04:00:32 12 And so I had to be able to rely on those people
04:00:35 13 and what they were telling me, they were telling me in
04:00:37 14 good faith. And I found out some things. You know,
04:00:42 15 people, you know, were doing things that, you know, I
04:00:46 16 wasn't aware of.

04:00:48 17 And back to your original question, did I, as
04:00:51 18 you put it, fall down, I don't think I fell down. I
04:00:54 19 think I just -- there was some -- it was a lapse in
04:00:57 20 judgment, and I should have been a little more diligent
04:01:03 21 in doing my duties, I guess, you know, maybe during --
04:01:07 22 maybe it was during that time when I was trying to get
04:01:09 23 out of the Second District, and it was -- you know, as I
04:01:12 24 mentioned previously, it was overwhelming, you know, and
04:01:15 25 maybe it was during that time when some things happened

04:01:18 1 that I didn't see. You know, it's a number of things,
04:01:20 2 not just one thing I can put my finger on.

04:01:23 3 Q. What do you think you could have done
04:01:25 4 differently to keep a closer eye on him or to know what
04:01:28 5 he was doing?

04:01:29 6 MR. KOSOKO: Objection to the form of the
04:01:35 7 question.

04:01:35 8 THE WITNESS: If I had received
04:01:37 9 allegations directly to me, that's the only way I could
04:01:42 10 have done something different. You know, they're men
04:01:46 11 and women on the police department. I don't know what
04:01:49 12 they do when they leave the job.

04:01:52 13 So what I could have did differently, I
04:01:55 14 don't know. I didn't -- a lot of this stuff I'm
04:01:56 15 reading it. You know, I read it when I was indicted
04:01:59 16 and all that good stuff, what was happening. I was
04:02:02 17 just -- I was surprised by some of the things that I
04:02:05 18 read.

04:02:09 19 So what I could have done differently, I
04:02:15 20 don't know. I could have -- if I had known he was
04:02:18 21 having financial problems, maybe I could have directed
04:02:20 22 him to EAP, Employee Assistance Program. That was
04:02:23 23 something that was in my job description being a
04:02:27 24 supervisor. Could have did a lot of things if I had the
04:02:30 25 proper information.

04:02:32 1 BY MR. RAUSCHER:

04:02:32 2 Q. You said if you would have had allegations made
04:02:35 3 directly to you, but if you would have gotten an
04:02:39 4 allegation from Stacy Graham or Arthur Kirksey and they
04:02:42 5 would have said, hey, Mohammed is extorting me, you
04:02:45 6 would not have taken that seriously?

04:02:46 7 MR. KOSOKO: Objection to the form of the
04:02:48 8 question. It causes a speculative response, assumes --

04:02:48 9 THE WITNESS: I --

04:02:53 10 MR. KOSOKO: Hang on, Sarge.

04:02:53 11 THE WITNESS: Uh-huh.

04:02:55 12 MR. KOSOKO: Also, assumes incomplete
04:02:56 13 hypothetical, assumes facts not in evidence.

04:03:01 14 THE WITNESS: In making your statement I
04:03:03 15 would have not taken that seriously, you don't know me
04:03:09 16 to make that statement about me. And then number two, I
04:03:15 17 beg to differ. I would have. I would have went to the
04:03:19 18 lieutenant and let him know I -- because I would have
04:03:22 19 had to generate a CR number. I wouldn't have had to
04:03:26 20 investigate the CR number.

04:03:28 21 So by you saying I wouldn't have taken it
04:03:30 22 seriously, I think I'm more than sure I would have taken
04:03:33 23 it seriously. I would have taken it to the lieutenant
04:03:36 24 and I would have generated a CR number if they had came
04:03:39 25 to me telling me that he was extorting money from them.

04:03:44 1 BY MR. RAUSCHER:

04:03:45 2 Q. Did you ever hear anybody at Ida B. Wells
04:03:47 3 saying that anyone on your team was either taking money
04:03:49 4 or putting cases on people?

04:03:52 5 A. I'm sure I have, and I did investigate some CR
04:03:58 6 numbers that was -- and there were some CR numbers
04:04:03 7 generated from allegations against officers on my team
04:04:05 8 or I was a sergeant of another team. So I'm sure there
04:04:10 9 are some allegations made where a CR number was
04:04:13 10 generated about officers taking money.

04:04:21 11 There was a CR number generated against me
04:04:24 12 about taking money, and it was investigated and the
04:04:29 13 funds were inventoried. They don't understand the
04:04:32 14 process. See, when -- and I use the term loosely.
04:04:35 15 Maybe I shouldn't. But street talk, you know. Street
04:04:39 16 talk is them saying we took their money. Yeah, we took
04:04:44 17 their money. We inventoried their money. We gave them
04:04:47 18 an inventory slip for their money. And after the CR
04:04:51 19 investigation it was you just follow the paperwork.
04:04:53 20 Their money was inventoried. Yeah, we took their money,
04:04:56 21 but we inventoried their money.

04:04:57 22 Q. But that's not a lot of -- that's not -- you
04:04:59 23 understand that is not what a lot of people are saying
04:05:01 24 about you, right? That's the process, that's the proper
04:05:04 25 process, but you know that's not what people are

04:05:06 1 alleging?

04:05:07 2 MR. KOSOKO: Objection to the form of the
04:05:10 3 question, incomplete hypothetical, assumes facts not in
04:05:18 4 evidence.

04:05:19 5 Go ahead, Sarge.

04:05:19 6 THE WITNESS: I understand throughout this
04:05:22 7 last ten years people have said a lot of things that
04:05:27 8 were totally false, a lot of mistruths about me, and I
04:05:34 9 can't -- I can't waste time about what people think
04:05:38 10 about me. I have to move forward.

04:05:41 11 If I was stagnant about what people said
04:05:43 12 about me, then, you know, I probably wouldn't be sitting
04:05:47 13 here today. I probably would be where a lot of officers
04:05:50 14 that I know are, who in the last couple years police
04:05:57 15 officers after retirement committed suicide and all
04:06:01 16 those things.

04:06:01 17 So I don't worry about what people say
04:06:03 18 about me. I go to the facts of reporting. If it's not
04:06:08 19 in the report, then I can't -- I can't waste my time on
04:06:12 20 what people say or I'd be going too many directions,
04:06:20 21 because this little stack you gave me, all this stuff
04:06:23 22 people said about Watts, I was a busy man with two jobs
04:06:27 23 and all that good stuff. I was really busy.

04:06:31 24 BY MR. RAUSCHER:

04:06:31 25 Q. What do you mean by that?

04:06:32 1 A. If -- you said if people -- what people say
04:06:35 2 about me. They could -- if everything here they say
04:06:40 3 about me, I had -- I was pulled in so many directions,
04:06:45 4 it's just -- really and truly, it's unbelievable from --
04:06:52 5 I investigate complaints. I investigated complaints, CR
04:06:56 6 numbers against officers. And the reality of it is you
04:06:59 7 do, you know, you take them serious. You take CR
04:07:02 8 numbers because you don't know how much it -- and then
04:07:04 9 you thoroughly investigate it.

04:07:05 10 But then when you investigate things and you
04:07:09 11 follow through on the investigation and the example I
04:07:13 12 gave earlier about inventorying money and, you know,
04:07:15 13 people just don't understand. And a lot of -- a lot of
04:07:20 14 these things you handed me that I read about what people
04:07:22 15 said about me, those people had something to gain from
04:07:26 16 what they said about me.

04:07:29 17 Q. What would a CR investigation look like if
04:07:34 18 Stacy Graham had come to you and said Mohammed's
04:07:37 19 stealing money?

04:07:38 20 MR. KOSOKO: Objection to the form of the
04:07:39 21 question, causes for a speculative response.

04:07:46 22 But, Sarge, let's play pretend with this
04:07:49 23 Stacy Graham.

04:07:49 24 THE WITNESS: If Stacy Graham had came to
04:07:51 25 me and told me Mohammed was taking money from her, the

04:07:55 1 first thing I would do, I would sit her down, I would
04:07:57 2 take the information, I would relay it to the
04:08:00 3 lieutenant, and probably nine times out of ten that type
04:08:04 4 of CR number would not -- I wouldn't even investigate
04:08:07 5 it. The lieutenant wouldn't even. That type of CR
04:08:11 6 number would go directly to IAD.

04:08:14 7 BY MR. RAUSCHER:

04:08:14 8 Q. Internal affairs?

04:08:14 9 A. Correct. So I wouldn't even -- that's how it
04:08:19 10 would look.

04:08:20 11 Q. Did it ever happen during your time in the
04:08:24 12 Second District that somebody came to you formally,
04:08:28 13 informally, whatever, and said anything like someone on
04:08:31 14 your team is framing people or taking money?

04:08:34 15 MR. KOSOKO: All right, I'm going to
04:08:35 16 object to the form of the question. It's like you put a
04:08:38 17 lot of different compounds in that.

04:08:39 18 BY MR. RAUSCHER:

04:08:39 19 Q. Okay. Can you answer it?

04:08:40 20 MR. KOSOKO: So can you just break it
04:08:42 21 down, like...

04:08:46 22 THE WITNESS: No one ever came to me and
04:08:50 23 said one of my officers was taking money, extorting
04:08:53 24 money, taking dope and I did not take the proper
04:08:56 25 action.

04:08:58 1 BY MR. RAUSCHER:

04:08:59 2 Q. All right, well, that's two parts of an answer.
04:09:01 3 So the first --

04:09:01 4 A. It was two parts to the question.

04:09:03 5 Q. All right. I know, and I just want to break it
04:09:04 6 down.

04:09:04 7 A. Okay.

04:09:05 8 Q. So the first part is, did anyone ever come to
04:09:07 9 you and give you any of that information?

04:09:10 10 A. Yes.

04:09:11 11 Q. Okay. And then what did you do?

04:09:13 12 A. A CR number was generated. There are CR
04:09:17 13 numbers if someone came to me. I can't -- I don't
04:09:21 14 remember particularly the person, but I know during my
04:09:24 15 time on the police department there was allegations in
04:09:27 16 which I generated the CR number.

04:09:29 17 Q. Okay. And you know that was about people on
04:09:31 18 your team in the Second District?

04:09:32 19 A. People on my team, other officers, people in
04:09:36 20 the Second -- officers in the Second District.

04:09:38 21 Q. About either taking money or framing people?

04:09:43 22 MR. KOSOKO: Objection to the compound --
04:09:44 23 to the form of the question. It's compound.

04:09:47 24 THE WITNESS: I cannot remember about
04:09:51 25 framing people. When you say framing people, there have

04:09:55 1 been incidents, I'm sure, a CR number was generated when
04:10:00 2 an arrestee claimed that officers put narcotics on them.
04:10:04 3 So if that's your terminology for framing,
04:10:07 4 then, yes, those type of allegations have been made and
04:10:10 5 I have generated CR numbers and they were investigated
04:10:16 6 by -- and if it at all was a conflict of interest where
04:10:24 7 I was also involved, I would never investigate that CR
04:10:29 8 number. It would be assigned to someone else to
04:10:32 9 investigate.

04:10:34 10 BY MR. RAUSCHER:

04:10:35 11 Q. Did you ever open a CR into yourself?

04:10:38 12 MR. KOSOKO: Objection to the form of the
04:10:39 13 question.

04:10:39 14 BY MR. RAUSCHER:

04:10:39 15 Q. No, I mean that was a real question. That was
04:10:41 16 a real question. Because I think you said if -- you
04:10:43 17 were talking about you opening CRs and then you said
04:10:45 18 there might be a conflict of interest if you were
04:10:47 19 involved.

04:10:47 20 A. If I was involved. So if I was involved, I
04:10:51 21 would not generate a CR number against myself. I would
04:10:54 22 go to the lieutenant and say, lieutenant, we have an
04:10:57 23 allegation against me, or whatever, and the lieutenant
04:11:00 24 would speak to that person making the allegation to
04:11:02 25 generate the CR number. No, I would never generate a CR

04:11:06 1 number on myself. I mean you would -- it's not part of
04:11:10 2 department policy.

04:11:12 3 Q. Is it your testimony that any time somebody
04:11:14 4 said to you, hey, I didn't do this thing I'm being
04:11:17 5 arrested for or someone put drugs on me, you would
04:11:19 6 generate a CR or tell the lieutenant?

04:11:21 7 MR. KOSOKO: Objection to the form of the
04:11:24 8 question. It's misquoting the witness.

04:11:26 9 BY MR. RAUSCHER:

04:11:26 10 Q. It's just a question.

04:11:30 11 A. I'm going to -- not every time because
04:11:32 12 sometimes I was -- I was there, I read the report, and
04:11:36 13 the officer had the probable cause in the report. So if
04:11:41 14 that person felt that the officer had did something
04:11:45 15 improper, there were other -- at that particular time
04:11:47 16 there was other ways for him to get -- you know, file a
04:11:53 17 complaint; through IAD; when he got to court, through
04:11:57 18 attorneys or what have you.

04:12:00 19 So -- and I would be totally bogged down if
04:12:03 20 everybody -- if I stopped to generate a CR number for
04:12:06 21 everybody that says they put dope on me. That was the
04:12:10 22 national anthem for, you know, people that got caught
04:12:13 23 with dope, the police put dope on me.

04:12:16 24 Q. So how did you decide which cases to open CRs
04:12:19 25 for?

04:12:19 1 A. Somebody wanted to complain and they wanted to
04:12:23 2 make an allegation, and I would ask them do you want to
04:12:25 3 make an official allegation. A lot -- 99.9 percent of
04:12:31 4 the time the people would say no, because, you know --
04:12:36 5 sometimes it was, people would, and I would generate it,
04:12:39 6 and that's what -- how it was.

04:13:12 7 MR. RAUSCHER: I'm going to mark
04:13:13 8 [Exhibit 12](#), FBI 211.

04:13:21 9 (Deposition [Exhibit 12](#) was marked for
04:14:18 10 identification.)

04:14:18 11 BY MR. RAUSCHER:

04:14:19 12 Q. Have you had a chance to read that?

04:14:20 13 A. Yes.

04:14:20 14 Q. Do you know someone named Zach from back when
04:14:22 15 you were a police officer?

04:14:24 16 A. I do not know a Zach, no.

04:14:28 17 Q. Do you remember a heroin line Lil Star?

04:14:31 18 A. I do not.

04:14:32 19 Q. Did you ever work in the area of Vincennes and
04:14:35 20 41st Street?

04:14:37 21 A. Yes. It's in the area. It's in the Second
04:14:41 22 District. Yes.

04:14:41 23 Q. Was there a Catholic school over there?

04:14:48 24 A. Not on 41st and Vincennes.

04:14:52 25 Q. Behind 41st and Vincennes?

04:14:54 1 A. No. The Catholic school is like -- it's Holy
04:15:00 2 Angels. It's a couple blocks from 41st and Vincennes.
04:15:07 3 It's actually at about 39th and Vincennes, really, so
04:15:12 4 it's a couple of blocks from there.

04:15:14 5 Q. It says vicinity of that area in the report.

04:15:19 6 A. Yeah, but you said across the street or behind,
04:15:22 7 41st Street behind the Catholic school. It's -- no.

04:15:26 8 Q. Were there walkups over in that area?

04:15:28 9 A. There were walkups, yes.

04:15:30 10 Q. Were there walkups behind the Cath -- or near
04:15:32 11 the Catholic school also?

04:15:38 12 A. Not that I recall, no.

04:15:41 13 Q. Walkups, are those like the row houses, like --

04:15:43 14 A. Yes, uh-huh.

04:15:44 15 Q. So they're compared to the high-rises,
04:15:47 16 basically; walkups are high-rises?

04:15:48 17 A. No.

04:15:48 18 Q. Not comparable. I'm saying there's -- if
04:15:50 19 there's two different types, walkups or high-rises or
04:15:53 20 mid rises?

04:15:54 21 A. No.

04:15:54 22 Q. No? All right.

04:15:55 23 A. Walkups, what they're referring to when they
04:15:57 24 say walkups, you had no -- at 41st and Vincennes you
04:16:01 25 have -- they were at one time used for basically the

04:16:06 1 seniors. So they were one level.

04:16:08 2 Q. Okay.

04:16:08 3 A. And they were -- it would go from about -- I
04:16:15 4 want to say maybe about -- I don't think it's 41st.
04:16:18 5 Maybe it is 41st to 42nd from Vincennes to about
04:16:24 6 Langley, maybe.

04:16:27 7 Q. And did you take \$1,500 from someone named
04:16:30 8 Zach?

04:16:30 9 A. No, I never took \$1,500 from anyone named Zach.

04:17:05 10 MR. KOSOKO: Can we just take a quick
04:17:07 11 break?

04:17:07 12 MR. RAUSCHER: Yeah, sure. Like five?

04:17:09 13 MR. KOSOKO: Just like three minutes, real
04:17:11 14 quick.

04:17:12 15 THE VIDEOGRAPHER: We are off the record.
04:17:13 16 The time on the video monitor is 4:16 p.m. This ends
04:17:17 17 Media 3.

04:17:18 18 (A recess was taken.)

04:24:51 19 THE VIDEOGRAPHER: We are on the record.
04:24:52 20 The time on the video monitor is 4:24 p.m. This begins
04:24:56 21 Media 4.

04:24:58 22 BY MR. RAUSCHER:

04:24:59 23 Q. Before we go back through some more documents,
04:25:02 24 I want to circle back to one thing you talked about
04:25:04 25 earlier.

04:25:05 1 Why did you leave your job as a guidance
04:25:07 2 counselor?

04:25:11 3 A. I was working for some independent person, who
04:25:15 4 didn't receive the contract for that particular school.

04:25:25 5 Q. Did Stacy Graham ever contact you after being
04:25:28 6 arrested for drug possession?

04:25:31 7 A. No, Stacy Graham has never contacted me.

04:25:33 8 Q. You never talked to her in person or on the
04:25:36 9 phone?

04:25:37 10 A. I've never talked to her on the phone. I
04:25:40 11 probably talked to her if she -- if I saw her out there.
04:25:45 12 And she never had anything nice to say about me, and it
04:25:50 13 was all right. So we've never had a conversation, no,
04:25:55 14 never.

04:25:59 15 MR. RAUSCHER: Let's mark this as
04:26:00 16 [Exhibit 13](#). It's FBI 213.

04:26:08 17 (Deposition [Exhibit 13](#) was marked for
04:26:16 18 identification.)

04:26:16 19 BY MR. RAUSCHER:

04:26:16 20 Q. You can look at it all, but I'm going to ask
04:26:18 21 you a question about the third full paragraph.

04:26:23 22 A. Uh-huh.

04:26:24 23 Q. It's 213 to 214.

04:26:27 24 A. Okay.

04:28:31 25 Okay.

04:28:32 1 Q. You see this memo references an arrest of Stacy
04:28:35 2 Graham from April 4, 2008?

04:28:37 3 A. Yes.

04:28:38 4 Q. And then the third paragraph, the last sentence
04:28:40 5 says, "Graham paid CPD Sergeant Ronald Watts on a
04:28:44 6 regular basis for protection of her line of drug
04:28:46 7 dealing."

04:28:46 8 Do you see that?

04:28:47 9 A. Yes.

04:28:47 10 Q. Is that true?

04:28:48 11 A. No.

04:28:48 12 Q. Did Stacy Graham sell drugs?

04:28:51 13 A. She was arrested, so I would -- being the
04:28:54 14 police, I would say yes. And referring to all the
04:28:58 15 documents, I would say, yes, she sold drugs. 200 grams
04:29:01 16 is not a -- that's a lot of drugs. That's what it says
04:29:06 17 here, 200. 200 grams. That's a lot of drugs.

04:29:11 18 Q. Did you ever tell her you would not show up for
04:29:15 19 her arraignment?

04:29:16 20 A. No. Never arrested her. Never had occasion to
04:29:21 21 talk to her about any arrests that were made pertaining
04:29:26 22 to her. So no.

04:29:31 23 Q. Do you know if Mohammed told -- Kallatt
04:29:36 24 Mohammed told her that he wouldn't show up for her
04:29:39 25 arraignment?

04:29:40 1 A. No. I don't know if he did, and from my
04:29:42 2 recollection he never arrested her, so he wouldn't be
04:29:46 3 obligated to show up at an arraignment or her court
04:29:52 4 appearances.

04:30:25 5 MR. RAUSCHER: All right. The next
04:30:25 6 exhibit is FBI 244 to 245, [Exhibit 14](#).

04:30:34 7 (Deposition [Exhibit 14](#) was marked for
04:30:42 8 identification.)

04:30:42 9 BY MR. RAUSCHER:

04:30:43 10 Q. I just have, actually, a specific question or
04:30:45 11 two about this one.

04:30:47 12 A. Okay. Do you want to just go to that
04:30:50 13 paragraph?

04:30:50 14 Q. Yes. So third paragraph, the last sentence
04:30:53 15 says, "Mohammed recently began asking Kirksey for \$5,000
04:30:57 16 payments."

04:30:57 17 Do you know if that's true?

04:30:58 18 A. No, don't know and would not have knowledge of
04:31:03 19 that.

04:31:04 20 Q. The next paragraph, second to last sentence,
04:31:08 21 "Kirksey has also paid Mohammed and/or Watts at a gas
04:31:11 22 station located near 79th Street."

04:31:13 23 Do you see that?

04:31:14 24 A. Yeah, I see it there; and I've never even
04:31:21 25 accidentally, on accident, saw Arthur Kirksey at a gas

04:31:25 1 station on 79th Street. Never in my life, so...

04:31:29 2 Q. Do you know have you been to a gas station
04:31:31 3 located near 79th Street?

04:31:32 4 A. I lived in the city of Chicago. I'm pretty
04:31:35 5 sure I probably stopped at a gas station on 79th, 79th
04:31:40 6 from -- you know, all the way from east to the west. I
04:31:42 7 mean 79th Street, tons of gas stations. Never met
04:31:46 8 Arthur Kirksey, never, at a gas station.

04:31:48 9 Q. All right. Take a look at the -- flip it over
04:31:50 10 and read the first paragraph on the next page.

04:32:11 11 Do you see that paragraph?

04:32:12 12 A. Yes.

04:32:14 13 Q. Do you know what an indictment list is?

04:32:18 14 A. No. Again -- I think maybe I need to clear
04:32:25 15 something.

04:32:25 16 Q. Okay.

04:32:25 17 A. Again, that's more of that street talk,
04:32:28 18 indictment list. What even is an indictment list?
04:32:34 19 That's -- and remember, me as a tactical sergeant, I
04:32:39 20 wouldn't make the arrest. I'm not going to court to
04:32:42 21 testify. I don't -- I would just approve the arrest
04:32:49 22 report, case report, the inventory report as a
04:32:53 23 supervisor. So I'm not out there arresting these guys.
04:32:56 24 I don't have the ability to take these guys off any kind
04:32:59 25 of list. I don't have the ability to not show up in

04:33:04 1 court for these people because I don't arrest them.

04:33:09 2 So it's more of that what we spoke on earlier,
04:33:13 3 it's just that street talk. That when they -- whenever
04:33:16 4 they're arrested by maybe someone on my team or even
04:33:19 5 someone that used to work on one of my teams, they just
04:33:23 6 associate them with Watts. But Watts didn't make the
04:33:25 7 arrest. I probably approved the arrest report, the case
04:33:30 8 report, the inventory. I probably did that. But I
04:33:34 9 didn't make an arrest and I'm not going to show up at
04:33:38 10 court, unless I'm subpoenaed. And I didn't get
04:33:45 11 subpoenaed often for court because I didn't make an
04:33:47 12 arrest.

04:33:51 13 Q. When you say you didn't make arrests as a
04:33:53 14 sergeant, you were still out there, though; you would
04:33:55 15 see arrests happening, right?

04:33:56 16 A. I had arrest powers. I could have made
04:34:00 17 arrests, but that was not my primary duty to make
04:34:03 18 arrests. My primary duty was to suppress crime in a
04:34:09 19 specific area with the assistance of my tactical team.
04:34:14 20 Of course, being the police, if I saw a criminal act,
04:34:18 21 I'm going to take action as the police, yes.

04:34:22 22 Q. But, also, you were active with your team,
04:34:24 23 right? You would be out there, they'd be in buildings,
04:34:27 24 you'd be with them?

04:34:28 25 MR. KOSOKO: Objection to foundation and

04:34:30 1 form.

04:34:33 2 THE WITNESS: As a supervisor, I was
04:34:35 3 active with my team. I think that's what they -- what
04:34:38 4 the police department was paying me for, to be out there
04:34:41 5 monitoring activity of my team, to be out there
04:34:47 6 gathering information that would make those areas
04:34:50 7 somewhat safer, to suppress the gang and narcotic
04:34:58 8 activity in those areas in which I was assigned to.

04:35:00 9 So, yeah, as I stated before, I was pretty
04:35:03 10 aggressive in doing that, because, you know, I was
04:35:05 11 working.

04:35:06 12 BY MR. RAUSCHER:

04:35:06 13 Q. But you weren't -- you were not sitting at the
04:35:09 14 police station waiting for reports and just reading
04:35:11 15 reports and approving them?

04:35:12 16 A. No.

04:35:13 17 MR. KOSOKO: Object to -- the answer
04:35:14 18 stands, but object to the form and foundation.

04:35:24 19 BY MR. RAUSCHER:

04:35:24 20 Q. All right. So I understand you're saying you
04:35:27 21 wouldn't have been the one going to court and testifying
04:35:30 22 against Arthur Kirksey; but did you tell him that there
04:35:35 23 was something called an indictment list that you could
04:35:38 24 take him off for \$5,000?

04:35:39 25 A. I just stated I didn't even know what an

04:35:42 1 indictment list was. I know people that are indicted.
04:35:48 2 So I didn't use that term because I've had no knowledge
04:35:51 3 of an indictment list.

04:35:53 4 Q. Did you offer to do anything for him for
04:35:55 5 \$5,000?

04:35:56 6 A. Never had a conversation with Arthur Kirksey to
04:36:01 7 do anything for him for money, for fame, for anything.
04:36:07 8 I don't -- I didn't talk to Art Kirksey. He couldn't --
04:36:11 9 I didn't talk to Arthur Kirksey.

04:36:12 10 Q. Did you make any offers to Arthur Kirksey
04:36:16 11 through intermediaries?

04:36:17 12 A. No. I never had a reason to have anyone relay
04:36:21 13 any type of message to Arthur Kirksey on any level
04:36:26 14 because I didn't associate in any way with Arthur
04:36:30 15 Kirksey or anyone that was part of Arthur Kirksey's
04:36:39 16 narcotics activity.

04:36:56 17 MR. RAUSCHER: We're going to mark FBI 247
04:36:58 18 to 248 as [Exhibit 15](#).

04:37:06 19 (Deposition [Exhibit 15](#) was marked for
04:37:23 20 identification.)

04:37:23 21 MR. MICHALIK: I'm sorry, Scott. Could
04:37:24 22 you read those numbers again, please?

04:37:26 23 MR. RAUSCHER: Yes. FBI 247 to 248. It's
04:37:29 24 [Exhibit 15](#).

04:37:30 25 THE WITNESS: Any particular, or you just

04:37:32 1 want me to read the whole thing, any particular
04:37:35 2 paragraph?

04:37:35 3 BY MR. RAUSCHER:

04:37:36 4 Q. Well, you can look at -- if you want to look at
04:37:37 5 the last paragraph on the second page. So flip it over
04:37:41 6 to the last paragraph.

04:38:08 7 A. Okay.

04:38:10 8 Q. You see it says it's talking about Patrick
04:38:13 9 Nooner?

04:38:13 10 A. Yes.

04:38:13 11 Q. And the last sentence says, "Nooner was a
04:38:16 12 well-known associate of Mohammed and Watts and was
04:38:19 13 suspected of paying Watts significant sums of money to
04:38:23 14 protect his drug business"?

04:38:23 15 A. Yes.

04:38:25 16 Q. Do you see that?

04:38:25 17 A. Yes.

04:38:25 18 Q. Any truth to that?

04:38:27 19 A. None whatsoever. I knew of Patrick Nooner.
04:38:30 20 That's about it. I knew of Patrick Nooner. Patrick
04:38:34 21 Nooner I believe was much younger than me, and I knew
04:38:37 22 maybe a sister or something when I lived there in 1980,
04:38:41 23 '83, and that's how I knew of Patrick Nooner. So he was
04:38:48 24 not an associate of mine by any circumstance.

04:38:51 25 Q. What's the -- who's the sister of Patrick

04:38:54 1 Nooner's?

04:38:55 2 A. I don't remember. I don't recall her name, but
04:38:57 3 I think it was a sister of his. I don't know. It was
04:39:00 4 the -- you know, the early '80s.

04:39:02 5 Q. Did you see her still when you were working in
04:39:06 6 Ida B. Wells?

04:39:06 7 A. No, and I wouldn't have known her by the time.
04:39:10 8 It was -- I had been gone since 19, what, '83 and didn't
04:39:17 9 return back down there until about, what, 2000. So I
04:39:21 10 wouldn't have known her.

04:39:29 11 MR. PALLES: Is this a good stopping
04:39:31 12 point?

04:39:33 13 MR. RAUSCHER: It's not for Ahmed. He's
04:39:36 14 making faces at you.

04:39:37 15 MR. KOSOKO: I'm not making faces. That's
04:39:38 16 not true.

04:39:38 17 MR. PALLES: Come on, man.

04:39:39 18 MR. KOSOKO: That's not true.

04:39:39 19 MR. RAUSCHER: I'm exaggerating a little
04:39:41 20 bit.

04:39:41 21 MR. PALLES: Okay. Ah, man.

04:39:43 22 MR. RAUSCHER: I'm fine. I could do one
04:39:44 23 more. I could also -- well, I mean I could keep going.
04:39:50 24 It is 4:40.

04:39:53 25 MR. KOSOKO: I've got to come out here

04:39:54 1 every time we do this. You guys don't. You guys get
04:39:58 2 to --

04:39:59 3 MR. PALLES: Yeah, you know what, this
04:39:59 4 won't happen again. My wife is out of town. I got to
04:40:02 5 pick up a script before I leave town.

04:40:04 6 MR. KOSOKO: All right.

04:40:04 7 MR. RAUSCHER: I'll come back with you on
04:40:05 8 a snowy day.

04:40:07 9 MR. PALLES: It won't happen again.

04:40:09 10 THE WITNESS: And my client, you know.

04:40:10 11 MR. RAUSCHER: It's your call. I'm fine
04:40:11 12 with it, but it's your call.

04:40:14 13 MR. KOSOKO: Sarge, let me talk to you
04:40:16 14 real quick.

04:40:17 15 MR. RAUSCHER: Eric, they're going off to
04:40:19 16 confer.

04:40:19 17 MR. KOSOKO: Real quick, Eric. Give me
04:40:20 18 five minutes, okay.

04:40:21 19 MR. PALLES: Yeah, yeah.

04:40:22 20 MR. KOSOKO: No, seriously. I want you
04:40:24 21 to --

04:40:24 22 MR. PALLES: Okay, okay.

04:40:26 23 THE VIDEOGRAPHER: We are off the record.
04:40:26 24 The time on the video monitor is 4:39 p.m.

04:40:42 25 (A recess was taken.)

04:47:03 1 THE VIDEOGRAPHER: We are on the record.

04:47:04 2 The time on the video monitor is 4:46 p.m.

04:47:10 3 MR. RAUSCHER: All right, we're going to
04:47:10 4 mark [Exhibit 6](#) -- yeah, [Exhibit 16](#) as FBI 257 to 261.

04:47:24 5 (Deposition [Exhibit 16](#) was marked for
04:47:24 6 identification.)

04:47:24 7 BY MR. RAUSCHER:

04:47:25 8 Q. Before you move on to this one, though, is
04:47:26 9 Pamela Nooner Patrick Nooner's sister?

04:47:30 10 A. That's probably her name. I couldn't tell you.
04:47:32 11 I just knew, you know --

04:47:33 12 Q. It doesn't refresh your recollection here then?

04:47:35 13 A. No.

04:47:38 14 -- her kids. It was probably Pamela.

04:47:43 15 Q. All right. So this is a memorialization of an
04:47:44 16 interview with Johnnie Tolliver; do you see that?

04:47:48 17 A. Yeah, Johnnie Tolliver, yeah.

04:47:51 18 Q. Date of transcription January 29th, 2007. Did
04:47:57 19 you know Johnnie Tolliver to have a nickname Blood?

04:48:00 20 A. No.

04:48:00 21 Q. Did you know anyone to have a nickname Blood?

04:48:02 22 A. No.

04:48:03 23 Q. Are you familiar with a heroin line called Pay
04:48:05 24 Back?

04:48:06 25 A. No.

04:48:08 1 Q. Do you know someone with the nickname Big Ant?

04:48:11 2 A. I've heard that name. It wasn't Big Ant. It
04:48:15 3 was Ant.

04:48:17 4 Q. Who was Ant?

04:48:23 5 A. That was early on when I was a -- I only knew
04:48:28 6 of him, and that was when I was a patrolman. He was
04:48:32 7 a -- yeah, he was a narcotics dealer in the Wells at the
04:48:35 8 time. I was a patrolman then, so -- yeah.

04:48:41 9 Q. Did you know a Sergeant Ken Bigg, B-I-G-G?

04:48:45 10 A. No, I can't recall Sergeant Bigg.

04:48:48 11 Q. When you were in the Second District tactical
04:48:51 12 team, did you know anyone who worked at IAD?

04:48:56 13 A. Not that I can recall anybody that worked at
04:48:59 14 IAD, no.

04:49:08 15 Q. You see that second paragraph says that that
04:49:12 16 Pay Back heroin line generated \$17,000 a day in revenue;
04:49:16 17 do you see that?

04:49:16 18 A. Yes.

04:49:17 19 Q. Does that sound about right for a heroin line
04:49:19 20 at Ida B. Wells in the mid 2000s?

04:49:24 21 A. It could possibly be. It could possibly be.
04:49:28 22 Down at the Wells it was estimated it was somewhere
04:49:31 23 \$20,000 a day. I wouldn't -- couldn't gauge that. I
04:49:35 24 would have to get with the other tac teams and we would
04:49:40 25 consort and see what type of information that they were

04:49:43 1 getting, what type of inventories they were -- how they
04:49:47 2 were inventorying proceeds from arrests, that type of
04:49:50 3 thing, and we would possibly come up with some number.
04:49:54 4 It wouldn't be exact. I don't know. So to answer your
04:49:56 5 question, I wouldn't have an idea about that.

04:50:00 6 Q. Did you have any sources back at the time who
04:50:03 7 would tell you how much money was being generated in
04:50:05 8 drug sales?

04:50:06 9 A. No.

04:50:10 10 Q. Do you know of a line called Med Line, heroin
04:50:14 11 drug line called Med Line?

04:50:20 12 A. That one kind of sounds familiar, but I
04:50:23 13 didn't -- I wouldn't know of it, no. There were so many
04:50:27 14 drug lines down there, I don't -- I'm not familiar with
04:50:29 15 it, no.

04:50:30 16 Q. Black Magic?

04:50:31 17 A. I heard of it. I'm not familiar with it, no.

04:50:35 18 Q. That's It?

04:50:37 19 A. No, not familiar with it.

04:50:40 20 Q. Bottom of the Ninth?

04:50:41 21 A. Not familiar with it.

04:50:45 22 Q. All right. Then it says in -- I'm at the third
04:50:47 23 paragraph. "Tolliver knew that Big Ant paid CPD
04:50:51 24 Sergeant Ronald Watts \$3,000 in cash, two times each
04:50:55 25 week to allow his, Big Ant's, heroin trafficking to

04:50:58 1 continue without law enforcement intervention."

04:51:00 2 Do you see that?

04:51:00 3 A. Yes.

04:51:01 4 Q. Is that true?

04:51:02 5 A. It's not true.

04:51:05 6 And, okay, I think documentation would say Big
04:51:11 7 Ant probably was -- in 2007 I don't know if he was even
04:51:14 8 down there, if he was in prison or he was -- I don't
04:51:19 9 know. He might have even been dead, because he was
04:51:22 10 really a violent guy. He was supposed to have been
04:51:25 11 running the Wells at one time. He was an older cat.

04:51:30 12 So, yeah, that's -- and I'm -- I was basically,
04:51:36 13 like I said, a patrolman in the Second District. And
04:51:40 14 I've heard of this guy. For sure I've heard of him.
04:51:42 15 But never had any type of association with him at all.

04:51:46 16 Q. You said he was rumored to be running the
04:51:48 17 Wells? What does that mean?

04:51:49 18 A. That means he was a -- he was a gang banger and
04:51:55 19 had -- had rank, supposedly.

04:51:58 20 Q. And was that when you were a patrolman or when
04:52:01 21 you were Second District tactical team sergeant or both?

04:52:03 22 A. When I was a patrolman. I didn't know of him
04:52:06 23 when I was a sergeant down there. Again, that was --
04:52:13 24 when I was a patrolman in the Second District, it was --
04:52:15 25 they had Public Housing South, and other tac teams paid

04:52:20 1 attention to that guy. That was way before -- that was
04:52:24 2 like before my time, so to speak.

04:52:25 3 Q. It says that you gave Big Ant a CPD radio?

04:52:30 4 A. Didn't know him enough to give him anything.
04:52:34 5 Never had a conversation with him that I recall, never.
04:52:42 6 So...

04:52:42 7 Q. Did you ever give anybody a CPD radio?

04:52:44 8 A. Not unless it was one of the officers in the
04:52:51 9 Second District.

04:52:51 10 Q. Yeah.

04:52:52 11 A. As far as --

04:52:52 12 Q. You said that was -- sorry.

04:52:54 13 A. -- civilians, no.

04:52:57 14 Q. Did you ever give any civilians any type of
04:52:59 15 radio to monitor -- that would let them monitor law
04:53:03 16 enforcement activity?

04:53:04 17 A. No.

04:53:08 18 Q. Do you remember a time in early January 2007
04:53:11 19 when Johnnie Tolliver was beaten?

04:53:13 20 A. No.

04:53:15 21 Q. Did you know anything about that other than
04:53:17 22 seeing it here?

04:53:21 23 A. Other than seeing it here. Because I don't
04:53:24 24 know who Johnnie Tolliver is, to be honest. I don't
04:53:27 25 know him, don't recall ever having a conversation,

04:53:31 1 arresting him, never. No.

04:53:39 2 Q. That second to last paragraph, so the last full
04:53:42 3 paragraph on Page 257, it ends with "Tolliver added that
04:53:46 4 when Watts recovered narcotics at Ida B. Wells, he,
04:53:50 5 Watts, would give the recovered narcotics to Big Ant."

04:53:54 6 That's a false statement?

04:53:55 7 A. Yes, false statement. Don't -- I never had
04:54:00 8 conversations with Big Ant. Don't know him. Knew of
04:54:03 9 him.

04:54:08 10 Q. Take a look at the first full paragraph on the
04:54:11 11 next page, which is 258.

04:54:14 12 A. Uh-huh.

04:54:18 13 Q. And, actually, just read the first, second,
04:54:22 14 third and fourth paragraphs on that page.

04:54:23 15 A. Okay. Uh-huh.

04:56:51 16 Okay.

04:56:51 17 Q. You see there's a description in there of
04:56:55 18 Tolliver giving your team information about drugs and
04:56:57 19 you personally recovering \$15,000 and 18 bundles of
04:57:01 20 heroin with that information?

04:57:03 21 A. Yes.

04:57:04 22 Q. Did that happen?

04:57:05 23 A. No.

04:57:05 24 Q. How do you know that didn't happen?

04:57:07 25 A. Because if I recovered \$15,000 and 18 bundles

04:57:12 1 of dope, I would have inventoried it. There would be
04:57:17 2 arrest reports. There would be a case report. There
04:57:20 3 would be an inventory of \$15,000 and 18 bundles of dope.

04:57:28 4 Q. Did you -- I'm sorry. Go ahead.

04:57:33 5 A. From my knowledge of the drug trade in Ida B.
04:57:41 6 Wells, a bundle of dope contained about 50 smaller
04:57:45 7 packets of heroin. So we're talking, you know -- what's
04:57:51 8 that? That's almost 2,000. That's a lot of -- that's a
04:57:54 9 lot of dope. You know, this is -- I mean it's something
04:58:00 10 that could -- if we arrested somebody for that much
04:58:04 11 dope, it should be -- definitely be traceable. I've
04:58:08 12 never -- I don't recall. That's just -- that's more of
04:58:13 13 the street stuff, if you ask me.

04:58:14 14 Q. You don't recall ever recovering that many
04:58:17 15 drugs at once?

04:58:20 16 A. Not in that location, not in that area, no.

04:58:23 17 Q. And what about \$15,000; do you recall ever
04:58:26 18 recovering that much money?

04:58:27 19 A. I never recall collecting -- recovering \$15,000
04:58:33 20 in that -- in that area.

04:58:36 21 Q. Do you recall recovering this amount of drugs
04:58:40 22 and \$15,000 or so in a different area?

04:58:42 23 A. No. When I said in that area, no, and no other
04:58:50 24 area that I could inventory or I personally recovered
04:58:54 25 \$15,000 or 18 bundles, no.

04:59:02 1 Q. Page 259, it says, "Tolliver described one
04:59:08 2 member of Watts' team as approximately 5'7", extremely
04:59:12 3 arrogant individual that continually smoked a cigar."

04:59:15 4 Does that fit the description of anyone on your
04:59:17 5 team?

04:59:17 6 A. 5'7"? I'm not sure. I know I was a little
04:59:31 7 taller than Al. I was a little taller than Mo. I was a
04:59:35 8 little taller than Darrel Edwards. I don't know if they
04:59:36 9 were 5'7" or not. I can't recall.

04:59:38 10 Q. How tall are you?

04:59:39 11 A. I'm 5'11".

04:59:43 12 Q. Which -- did anyone on your team continually
04:59:45 13 smoke a cigar?

04:59:46 14 A. Not continuously, no.

04:59:49 15 Q. Maybe not literally continually, but did anyone
04:59:51 16 smoke a cigar frequently?

04:59:53 17 A. From time to time. Not every day, no.

04:59:59 18 Q. It says, "Tolliver described a second member of
05:00:01 19 Watts' team was a large black male who would put his
05:00:05 20 gloves on in anticipation or eager anticipation of an
05:00:07 21 altercation."

05:00:08 22 Does that sound like anyone on your team?

05:00:10 23 A. No.

05:00:11 24 Q. Did Al get in a lot of altercations, physical
05:00:15 25 altercations on the job?

05:00:17 1 MR. KOSOKO: Objection to the form of the
05:00:20 2 question.

05:00:20 3 THE WITNESS: I don't know what you mean
05:00:23 4 by a lot, but he had some documented incidents that a
05:00:33 5 report at the time, my recollection, that we created. I
05:00:39 6 think it was called an R & R at the time. It was a
05:00:41 7 report that was generated any time you came in contact
05:00:44 8 with an arrestee, that you would also, along with the
05:00:50 9 arrest report, case report, inventory, you would also
05:00:53 10 create a document in an R & R. I believe that's what it
05:00:57 11 was called, that you had physical contact with an
05:01:00 12 arrestee.

05:01:01 13 BY MR. RAUSCHER:

05:01:02 14 Q. Do you remember TRR?

05:01:03 15 A. I don't know if it was a TR. I want to say it
05:01:06 16 was an R & R.

05:01:07 17 Q. All right. However you remember it.

05:01:09 18 A. Okay. All right. Yeah, it was something R.

05:01:10 19 Q. There was a special report for use of force?

05:01:12 20 A. There was, yes.

05:01:13 21 Q. Outside of whatever was reported, you don't
05:01:15 22 remember Al Jones ever getting in altercations with
05:01:18 23 people?

05:01:18 24 A. No.

05:01:23 25 Q. All right. Next paragraph, "Watts used an

05:01:25 1 employee at the Ida B. Wells public housing development
05:01:28 2 to deliver threats to drug dealers who were either slow
05:01:31 3 to pay or did not pay Watts."

05:01:33 4 True?

05:01:33 5 A. Not true at all.

05:01:35 6 Q. Did you have any kind of relationship with any
05:01:37 7 employees who worked at Ida B. Wells?

05:01:42 8 A. The employee that I had contact with was a
05:01:46 9 female. Ms. Oliver I want to say her name is.

05:01:53 10 Q. Osborne?

05:01:54 11 A. Osborne, yeah, Osborne, Ms. Osborne.

05:01:57 12 Ms. Osborne was the manager down there.

05:01:59 13 Q. Do you remember her first name?

05:02:01 14 A. No. I think it was Sandra, maybe. Sandra,
05:02:06 15 maybe, Sandra Osborne.

05:02:10 16 And supposedly that I had a relationship with
05:02:14 17 her. She did call me regularly because, again, the
05:02:19 18 crime was rampant down there. It was, you know, the
05:02:22 19 employees, the janitors couldn't mop the hallways and
05:02:26 20 people were literally just taking over a building, so to
05:02:30 21 speak, you know, selling narcotics, going into vacant
05:02:33 22 apartments, all that. So...

05:02:36 23 Q. Did she call you with information?

05:02:37 24 A. Yes.

05:02:39 25 Q. Was she 4'11", approximately 120 pounds at the

05:02:45 1 time?

05:02:46 2 I'm reading the -- that was a question because
05:02:48 3 I'm reading that on here. How big was Ms. -- well,
05:02:53 4 what -- describe Ms. Osborne.

05:02:55 5 A. Ms. Osborne was about 5' -- she was a
05:02:59 6 nice-sized woman. She was about 5' -- for a woman she
05:03:01 7 was about 5'10", 5'9", 5'10", weighed maybe over 200
05:03:07 8 pounds.

05:03:08 9 Q. Did you have any sort of relationship, using
05:03:12 10 that very broadly, with anyone at Ida B. Wells who was
05:03:15 11 4'11", approximately 120 pounds?

05:03:18 12 A. No. Never had a relationship with anyone from
05:03:23 13 the Ida B. Wells. From the Darrow Homes, yes, when I
05:03:28 14 was -- in 1980.

05:03:30 15 Q. When you lived there?

05:03:31 16 A. Yes.

05:03:32 17 Q. Not -- was it an employee of the Darrow Homes?

05:03:35 18 A. Who?

05:03:35 19 Q. The person you're saying you had a relationship
05:03:37 20 with at Darrow Homes.

05:03:38 21 A. No. She lived there too.

05:03:39 22 Q. Yeah. And this says, "Tolliver believed that
05:03:43 23 Watts had a child, an 11-year-old, by this woman,"
05:03:45 24 talking about someone who was an employee of Ida B.
05:03:48 25 Wells. Is that true?

05:03:49 1 A. That is not true. More street -- there it is,
05:03:53 2 that street talk. And it would be -- I know all my
05:03:55 3 children. So no.

05:03:57 4 Q. None of them were with employees of Ida B.
05:03:59 5 Wells?

05:03:59 6 A. None.

05:04:07 7 Q. Did you ever go to the Sunrise convenience
05:04:09 8 store on 39th?

05:04:10 9 A. Yes.

05:04:12 10 Q. And did you ever talk to drug dealers at the
05:04:15 11 Sunrise convenience store?

05:04:19 12 MR. KOSOKO: Object to the form of the
05:04:22 13 question.

05:04:22 14 THE WITNESS: I'm going to say yes,
05:04:23 15 because I talked to different individuals at that
05:04:26 16 location, and at one time that location became a spot
05:04:31 17 for -- we had so many complaints from the residents
05:04:37 18 across the street from that Sunrise store and the
05:04:41 19 owners, who were just terrified of the guys that sold.
05:04:45 20 They used to -- they used to put in the calls too, you
05:04:48 21 know, and give descriptions. They would give good
05:04:50 22 information. We would set up surveillance. We had
05:04:53 23 cameras, that type of stuff. So to answer your
05:04:56 24 question, yes, I talked to drug dealers that was there.
05:05:00 25 That's where they started selling dope from.

05:05:07 1 BY MR. RAUSCHER:

05:05:07 2 Q. Did you ever talk to drug dealers about the
05:05:09 3 methods by which official police reports could be
05:05:11 4 changed or fixed when you were at the Sunrise?

05:05:14 5 A. No.

05:05:21 6 Q. It says, "To serve as an example, Tolliver
05:05:23 7 described that if a good pitcher (seller of narcotics),
05:05:27 8 was arrested, Watts would approach the arresting officer
05:05:31 9 and persuade the officer to let the individual go,
05:05:34 10 claiming that the arrested individual was a productive
05:05:37 11 informant for him."

05:05:38 12 Did you ever do anything like that?

05:05:39 13 A. No.

05:05:40 14 Q. Did you ever -- you never asked an officer to
05:05:41 15 give someone a break to one of your informants?

05:05:44 16 MR. KOSOKO: Object to the form of the
05:05:44 17 question.

05:05:44 18 THE WITNESS: No.

05:05:48 19 BY MR. RAUSCHER:

05:05:48 20 Q. Is pitcher -- was pitcher, was the word pitcher
05:05:50 21 used for someone who sells drugs?

05:05:52 22 A. Yes, that is true.

05:06:11 23 Q. You never fixed a case of drugs and guns for
05:06:17 24 Big Ant, did you?

05:06:18 25 A. No. Never arrested him, never was on a case

05:06:22 1 with him, never, that I recall, at all.

05:06:28 2 Q. It says Tolliver advised that your personal
05:06:32 3 vehicle was a black Magnum?

05:06:34 4 A. Never have I owned a black Magnum, never.

05:06:43 5 Q. Did you have anything that looked like a black
05:06:45 6 Magnum?

05:06:50 7 MR. KOSOKO: Objection to the form of the
05:06:52 8 question, vague.

05:06:56 9 THE WITNESS: In my lifetime I've owned a
05:06:59 10 1988 Dodge Spirit LE and a Cadillac DeVille, 2002 I
05:07:05 11 think it was. It wasn't a new Cadillac or nothing. And
05:07:09 12 neither one of those models appear -- look like a Magnum
05:07:13 13 at all. I think a Magnum is a Dodge.

05:07:26 14 BY MR. RAUSCHER:

05:07:26 15 Q. Take a look at 261, which is a separate report,
05:07:31 16 but is attached -- I think it's attached to this. Is it
05:07:33 17 attached to yours, the last one?

05:07:35 18 A. Uh-huh. It's attached, 261, yes.

05:07:36 19 Q. So if you look in the third paragraph, it
05:07:39 20 talks -- there's an allegation that you took \$830 from
05:07:43 21 someone and didn't arrest them, told them you going
05:07:46 22 back.

05:07:48 23 Do you see that?

05:07:48 24 A. Uh-huh. Yes.

05:07:49 25 Q. And that you pulled out a bundle of heroin out

05:07:52 1 of your pocket? Do you see that?

05:07:55 2 A. Yes.

05:07:55 3 Q. Did that happen?

05:07:56 4 A. No, never happened.

05:07:57 5 Q. Do you know who this is describing? There's
05:08:01 6 redactions, so I don't mean -- obviously your name is in
05:08:05 7 here.

05:08:05 8 A. I have no idea, no idea whatsoever. This came
05:08:12 9 up, and I don't remember who the name was, but I think
05:08:17 10 there was an investigation done, and it was one of those
05:08:23 11 things where an investigation was done, and I want to
05:08:27 12 say it came back that the 800 -- he said we took \$830,
05:08:32 13 and when they investigated it, they pulled his inventory
05:08:36 14 slip and \$830 was inventoried.

05:08:41 15 So that's another one of those street things
05:08:44 16 that they don't under -- didn't understand the process.
05:08:46 17 So whenever you seize money, the language was you took
05:08:54 18 their money. But you seized their money and you gave
05:08:57 19 them an inventory slip.

05:08:59 20 Q. Why would you seize someone's money, but not
05:09:02 21 arrest them?

05:09:03 22 A. If he was arrested, \$830 -- it's redacted. I
05:09:11 23 just stated that there was an occasion when someone made
05:09:16 24 a complaint that we took \$830. That was the amount.
05:09:20 25 And so they were arrested, so...

05:09:23 1 Q. So either it's a different event or he's wrong,
05:09:25 2 because he says you didn't arrest him?

05:09:30 3 A. He's wrong on this event and that event too,
05:09:33 4 because that supposedly was investigated and found out
05:09:37 5 that inventory -- and this never happened with -- I'm
05:09:42 6 not familiar with someone, you know, that we didn't
05:09:45 7 arrest after catching them with bundles of heroin and,
05:09:52 8 you know.

05:09:52 9 Q. Well, it says you took out the heroin, not that
05:09:54 10 he had it.

05:09:57 11 A. It didn't happen.

05:09:59 12 Q. The next one says that you took \$4,255. Also
05:10:06 13 didn't happen?

05:10:07 14 A. Never happened. I guess it's the same one.
05:10:12 15 It's redacted, I guess.

05:10:13 16 Q. Yeah, it's redacted.

05:10:15 17 A. Yeah.

05:10:18 18 Q. Do you know if you've ever been in a black
05:10:20 19 Magnum car?

05:10:22 20 MR. KOSOKO: Object to the form of the
05:10:25 21 question.

05:10:25 22 THE WITNESS: I don't recall ever being in
05:10:27 23 a Magnum car, no.

05:10:27 24 BY MR. RAUSCHER:

05:10:54 25 Q. Did you complain to Mohammed for snitching on

05:10:56 1 you after he was arrested?

05:11:02 2 A. I've not had the opportunity to speak with
05:11:06 3 Mohammed since we were arrested. I have not spoken with
05:11:10 4 Mohammed. I have not spoken with Mohammed through any
05:11:14 5 type of medium or any person, through our attorneys. I
05:11:19 6 have not spoken with Mohammed.

05:11:20 7 Q. Never in court, never said anything in passing?

05:11:25 8 A. No, not that I recall. No. After -- let me --
05:11:32 9 when we were first indicted and we were in court, we
05:11:35 10 probably spoke; what's up, man, how you doing.

05:11:37 11 But I remember when we saw each other at the
05:11:43 12 federal building and he walked -- he didn't say -- I
05:11:47 13 tried to speak, and he wouldn't speak, and he was gone.
05:11:49 14 And that's the day when we were in court that I found
05:11:51 15 out that our cases were separated and all that good
05:11:55 16 stuff. So I haven't spoken to him at all since that
05:11:58 17 day.

05:12:05 18 MR. RAUSCHER: Mark [Exhibit 17](#), which is
05:12:07 19 FBI 314 to 316.

05:12:17 20 (Deposition [Exhibit 17](#) was marked for
05:17:55 21 identification.)

05:17:55 22 BY MR. RAUSCHER:

05:17:56 23 Q. Have you had a chance to look at this?

05:18:08 24 A. Yes.

05:18:10 25 Q. Have you seen this before?

05:18:13 1 A. I believe I have.

05:18:14 2 Q. This is a summary of an interview with you
05:18:17 3 after you were arrested, right?

05:18:18 4 A. Yes.

05:18:19 5 Q. Were you surprised when you were arrested?

05:18:20 6 A. Absolutely.

05:18:23 7 Q. Because you didn't think you had done anything
05:18:25 8 wrong?

05:18:25 9 A. Correct.

05:18:28 10 Q. Do you see where it says, "SA Hart played a
05:18:32 11 telephone call from 11/21/2011 between Watts and a
05:18:36 12 confidential human source in which they set up the theft
05:18:39 13 of money from CHS --"

05:18:41 14 A. Yes.

05:18:41 15 Q. -- confidential human source?

05:18:42 16 A. Yes.

05:18:43 17 Q. Do you remember hearing that call?

05:18:45 18 A. There was no call where it was set up --

05:18:45 19 Q. What was --

05:18:47 20 A. -- to take money.

05:18:48 21 Q. I'm sorry.

05:18:49 22 What was the call that SA Special Agent Hart
05:18:53 23 played you?

05:18:53 24 A. The recording. I don't recall exactly what was
05:18:58 25 said, but if it was recorded and they have that

05:19:03 1 document, I'll read it and see if it's exactly what took
05:19:08 2 place that day.

05:19:09 3 Q. I'm just asking if you remember what call he
05:19:15 4 played you?

05:19:15 5 A. If I remember --

05:19:17 6 Q. As you're sitting here today, do you --

05:19:19 7 A. Oh. Yes, yes.

05:19:19 8 Q. You do remember?

05:19:20 9 A. Yes, yes.

05:19:21 10 Q. All right. What was on the call that he played
05:19:22 11 you?

05:19:23 12 A. I don't recall what he played me on the call.

05:19:24 13 Q. You remember that he played you a call, but you
05:19:26 14 don't remember the contents?

05:19:27 15 A. It's here in the document that he played it.
05:19:29 16 I'm going to say he played it. I don't recall what it
05:19:32 17 was exactly.

05:19:35 18 Q. Do you remember him telling you that there were
05:19:38 19 highlighted serial numbers on the money that was
05:19:41 20 recovered from Chewy?

05:19:43 21 A. Absolutely, yes, and that the money would be
05:19:47 22 sent off for analysis of fingerprints because supposedly
05:19:52 23 I handled the money, and sometime later it came back my
05:19:59 24 fingerprints, which I knew, was nowhere on any funds
05:20:06 25 that they had sent out for analysis.

05:20:09 1 Q. Because you didn't give him any of those funds?

05:20:11 2 A. I did not give him -- I did not give Chewy the
05:20:17 3 funds that they say were highlighted in that -- that
05:20:23 4 bag. No, I did not give him that money.

05:20:25 5 Q. Had you ever known Chewy to have hundreds of
05:20:28 6 dollars on him?

05:20:28 7 A. No.

05:20:28 8 Q. You don't know where he got it from that day
05:20:31 9 either?

05:20:31 10 A. No.

05:20:34 11 Q. All right. Look at the first paragraph on the
05:20:37 12 next page, which is 315.

05:20:47 13 There's a reference to a theft of government
05:20:50 14 funds incident that occurred on March 31st, 2010
05:20:53 15 involving \$11,000?

05:20:54 16 A. Yes.

05:20:55 17 Q. Do you recall that?

05:20:56 18 A. No.

05:20:58 19 Q. Do you recall talking about that with the FBI?

05:21:02 20 A. They mentioned it, yes.

05:21:04 21 Q. You didn't know what they were talking about?

05:21:05 22 A. I did not know what they were talking about.

05:21:07 23 Q. And you don't know now?

05:21:08 24 A. No.

05:21:08 25 Q. And then the 31,000, we've already talked about

05:21:11 1 that today, right?

05:21:13 2 A. About the house on Van Vlissingen, yes,
05:21:19 3 correct. That I never came in contact with those funds.
05:21:23 4 They were never in my possession. Anything recovered at
05:21:27 5 that location was never in my possession. The officer
05:21:30 6 that recovered it, per policy of the Chicago Police
05:21:35 7 Department, had asset forfeiture to inventory those
05:21:40 8 proceeds. Whether it was 31,000, I don't know, because
05:21:44 9 I never inventoried it, and I'm pretty sure it was a
05:21:49 10 different amount that was inventoried, later per the
05:21:54 11 report that was made.

05:21:55 12 Q. It was.

05:21:56 13 A. Uh-huh.

05:21:57 14 Q. Do you remember which officer inventoried
05:21:58 15 it?

05:21:59 16 A. I don't. The -- I don't know which officer
05:22:04 17 inventoried it because the asset forfeiture officer
05:22:08 18 would have inventoried it. The officer who recovered it
05:22:11 19 would have just transported it back to the Second
05:22:16 20 District.

05:22:16 21 Q. Was there any recording device at that
05:22:23 22 Van Vlissingen house that you know of?

05:22:24 23 A. Not that I know of.

05:22:25 24 Q. Did you -- go ahead.

05:22:26 25 A. There was all kind of wiring through the house.

05:22:30 1 We didn't know if it was cable or what. So I don't know
05:22:34 2 if it was recording devices, what it was.

05:22:37 3 Q. Did your team come across some wiring that they
05:22:40 4 thought might have been recording devices?

05:22:41 5 A. Not they thought might have been -- nobody
05:22:46 6 informed me that they thought this was recording
05:22:48 7 devices.

05:22:49 8 Q. No one suspected that during the search?

05:22:51 9 A. Not that I'm aware of.

05:22:52 10 Q. Okay. And then were you stripped of your
05:23:00 11 police powers that day you were arrested --

05:23:01 12 A. Yes.

05:23:01 13 Q. -- or the morning?

05:23:02 14 A. I'm pretty sure, if that time...

05:23:12 15 Q. What did it mean to be stripped of your police
05:23:15 16 powers?

05:23:17 17 A. It was life-changing. Being an adult male who
05:23:21 18 had done things that I thought were right, not just by
05:23:32 19 the law, but by others, it was -- it was pretty
05:23:38 20 traumatic, but it was -- you know, you deal with life on
05:23:43 21 life terms and you move on. And I think I -- I accepted
05:23:48 22 that and I moved on. That's it.

05:23:50 23 Q. Between the day of your arrest and when you
05:23:52 24 voluntarily retired from the Chicago Police Department,
05:23:54 25 were you still being paid?

05:23:58 1 A. No. They stripped me of my police powers.

05:24:00 2 Q. So you were not being paid?

05:24:01 3 A. No.

05:24:06 4 Q. Why did you retire?

05:24:13 5 A. That was a choice that I made for my life at
05:24:16 6 that time. I had, again, went through this incident,
05:24:22 7 and it was best for me at the time.

05:24:23 8 Q. After your conviction, did you think you had
05:24:25 9 the option of remaining on the police force?

05:24:27 10 A. After my conviction?

05:24:29 11 Q. Yeah.

05:24:29 12 A. No. I was a convicted felon. You can't be a
05:24:33 13 convicted felon and carry a weapon or remain on law
05:24:40 14 enforcement. So I knew that wasn't an opportunity, and
05:24:44 15 I knew that wasn't. But I felt that I had dealt with
05:24:56 16 rougher things than a job.

05:25:01 17 I had -- 2009, September 17th, 2009, I lost a
05:25:08 18 child born stillborn. So when you go through those
05:25:12 19 traumatic incidents, this stuff, you know, dealing with
05:25:15 20 this stuff, it's not, you know -- you deal with it and
05:25:18 21 you deal with it humbly and you deal with it with faith,
05:25:23 22 and that's what I dealt with. It was a traumatic time
05:25:28 23 for me because a lot had happened.

05:25:30 24 And I think, you know -- I think there was
05:25:38 25 some -- some people who knew the challenges that I was

05:25:41 1 dealing with at that particular time, seeing that they
05:25:45 2 had me under investigation since -- by these documents I
05:25:48 3 read now and that I had read, since 2006. So that
05:25:54 4 happened in 2009. So a lot of things occurred. And
05:26:01 5 back to your question, I decided to retire because I
05:26:08 6 had, you know -- just wasn't -- the fight wasn't in me
05:26:10 7 anymore.

05:26:17 8 THE VIDEOGRAPHER: Counsel, sorry to
05:26:18 9 interrupt. We just hit seven hours, just to let you
05:26:21 10 know.

05:26:22 11 MR. RAUSCHER: I think we're calling it
05:26:23 12 for the day then.

05:26:24 13 MR. KOSOKO: I think we have to, don't we,
05:26:26 14 pursuant to --

05:26:27 15 MR. RAUSCHER: I think we do for everybody
05:26:28 16 who is around, but I don't think those rules apply in
05:26:31 17 this case, but...

05:26:32 18 MR. KOSOKO: I mean I think he's out of
05:26:37 19 media, so --

05:26:38 20 THE VIDEOGRAPHER: Would you like to go
05:26:39 21 off the record?

05:26:39 22 MR. RAUSCHER: Yeah. Well, I think, yeah,
05:26:40 23 let's go off.

05:26:41 24 THE VIDEOGRAPHER: We are off the record.
05:26:42 25 The time on the video monitor is 5:26 p.m. This ends

05:26:47

1 Media No. 4 and the deposition of Ronald Watts.
2 (The videotaped deposition concluded at
3 5:26 p.m.)
4
5

6 (Signature not requested.)

7 _____
RONALD WATTS
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Ronald Watts - February 25, 2022

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1 STATE OF ARIZONA)
2 COUNTY OF MARICOPA) ss.
3

4 BE IT KNOWN that the foregoing deposition was
5 taken before me, JODY L. LENSCHOW, RMR, CRR, Certified
6 Reporter No. 50192 for the State of Arizona, and by
7 virtue thereof authorized to administer an oath; that
8 the witness before testifying was duly sworn by me; that
9 the questions propounded by counsel and the answers of
10 the witness thereto were taken down by me in shorthand
11 and thereafter transcribed under my direction; that a
12 review of the transcript by the witness was not
13 requested; that the foregoing pages contain a full,
14 true, and accurate transcript of all proceedings and
15 testimony had, all to the best of my skill and ability.

16 I FURTHER CERTIFY that I am not related to nor
17 employed by any of the parties hereto and have no
18 interest in the outcome thereof.

19 DATED at Phoenix, Arizona, this 7th day of
20 March, 2022.

21 
22

23 JODY L. LENSCHOW, RMR, CRR
24 Certified Reporter
25 Certificate No. 50192

EXHIBIT 122

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY
4 COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE)
 STATE OF ILLINOIS,)
) Criminal
6 Plaintiff,)
) No. 05-08982
7 vs.)
) Charge: Poss Amt Con Sub,
8 BEN BAKER,)
) etc.
)
9 Defendant.)

10 REPORT OF PROCEEDINGS had of the hearing
11 in the above entitled cause, before the Honorable
12 MICHAEL P. TOOMIN, Judge of said court, on the
13 17th day of October, 2005.

14 APPEARANCES:

15 HONORABLE RICHARD A. DEVINE,
 State's Attorney of Cook County, by:
16 MS. MARY BREGENZER,
 Assistant State's Attorney,
17 for the People of the State of Illinois;

18 MR. MATTHEW MAHONEY,
 for the defendant.

19
20
21
22 J. D. Williams, CSR #084-001757
23 Official Court Reporter
 2650 S. California Ave.-4C02
24 Chicago, Illinois 60608

1 THE CLERK: Ben Baker; sheets 2 and 3.

2 MR. MAHONEY: Good morning, your Honor.

3 Good morning, your Honor, Matthew Mahoney,
4 M-a-h-o-n-e-y, on behalf of the defendant Ben Baker.

5 THE COURT: Yes.

6 MR. MAHONEY: Judge, the -- on the last court
7 date the Court signed an order for the Internal
8 Affairs records of several officers. I prepared the
9 subpoena, attached the Court order to it, sent it
10 certified mail to the deputy director of Internal
11 Affairs. It was for an in-camera inspection so I
12 would have no knowledge as to whether or not those
13 materials have arrived to the Court.

14 THE COURT: There is a gentleman that brings
15 that material over from the police department whenever
16 we order the CRs. I haven't seen him on this case
17 yet so did you indicate a court date for that?

18 MR. MAHONEY: It was for today's date. I sent
19 the subpoena out on October the 4th, certified mail
20 along with a copy of the court order.

21 THE COURT: Well, I don't see them here yet.

22 MR. MAHONEY: I also need to inform the Court
23 that there has been an intervening arrest. The
24 defendant has a preliminary hearing date of

1 October the 19th at Branch 44, it involves some of the
2 same officers whose files were requested. And during
3 that course of that arrest a lieutenant had Mr. Baker
4 prepare and sign a statement about one of the other
5 officers involved and that lieutenant kept that
6 statement. I just became aware of this and I'm going
7 to have to spend some time trying to track down that
8 statement. The statement did not involve confession
9 to the alleged new offense but as to the conduct of
10 the officers at the scene including the conduct of one
11 of the officers whose --

12 THE COURT: Why would your client sign such a
13 statement he is represented by you. Wouldn't he know
14 better than to sign a statement without having --

15 MR. MAHONEY: The statement did not involve his
16 guilt or innocence, it involved the conduct of the
17 officer. They are highly usual circumstances,
18 your Honor, I am aware of that.

19 THE COURT: I don't know what relevance it has
20 to this case if any.

21 MR. MAHONEY: Nor do I.

22 THE COURT: Is there a pending matter before IAD
23 or OPS?

24 MR. MAHONEY: No.

1 THE COURT: Well maybe there will be.

2 MR. MAHONEY: I certainly agree.

3 His next court date on the new charge is the
4 19th in Branch 44.

5 THE COURT: I don't know that you're going to
6 have any action on your subpoenas here by that date,
7 that's just two days from now.

8 MR. MAHONEY: Yes, I am aware of that,
9 your Honor, so could I suggest that we come back here
10 maybe either on the 24th or the 31st to see what I've
11 discovered and to see what has happened to Branch 44.

12 THE COURT: Either date you want. The 24th is
13 just next Monday how about the 31st.

14 MR. MAHONEY: The 31st would be fine.

15 THE COURT: Now, wasn't this case set for trial
16 at one time?

17 MR. MAHONEY: It was, your Honor.

18 MS. BREGENZER: We were ready at that time.

19 THE COURT: What happened?

20 MS. BREGENZER: They were requesting the IAD
21 records. We had the officer here, Judge.

22 THE COURT: Okay, 10-31, by agreement both
23 matters.

24 MR. MAHONEY: By agreement for status. Thank

1 you.

2 (The above-entitled cause was continued
3 to October 31, 2005.)
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1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)

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4 I, Jewel Williams, an Official Court
5 Reporter for the Circuit Court of Cook County, County
6 Department-Criminal Division, do hereby certify that I
7 reported in shorthand the proceedings had in the above
8 entitled cause, that I thereafter caused the foregoing
9 to be transcribed into typewriting, which I hereby
10 certify to be a true and accurate transcript of the
11 Report of Proceedings had before the Honorable
12 MICHAEL P. TOOMIN, Judge of said court.

13
14
15 
16 Official Court Reporter
 084-001757
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