

EXHIBIT W

DEPOSITION ERRATA

To the Reporter:

I have read the entire transcript of my Deposition taken in the captioned matter or the same has been read to me. I request that the following changes be entered upon the record for the reasons indicated. I have signed my name to the Errata Sheet and the appropriate Notary Certificate and authorize you to attach both to the original transcript.

PAGE NO. LINE NO. CHANGE REASON

Throughout the transcript my name is misspelled as "Jeffery" - it is spelled "Jeffrey"

A hand-drawn graph on lined paper. A straight line is plotted with a positive slope, starting from the bottom left and ending at the top right. The line intersects the bottom-most horizontal line at approximately [940, 65] and the top-most horizontal line at approximately [10, 615]. The line has a slight upward curve, suggesting it is a sketch of a function like $y = x^2$.


SIGNATURE

Jeffrey Noble
PRINT NAME

PRINT NAME

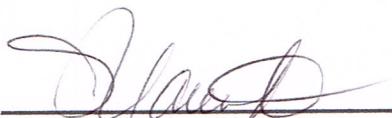
10/10/24
DATE

NOTARY CERTIFICATE

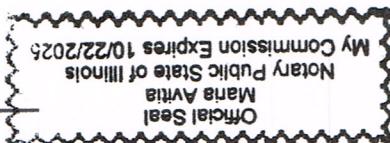
STATE OF:

COUNTY/CITY OF:

Before me, this day, Jeff Noble personally appeared, who, being duly sworn, states that the foregoing transcript of his/her Deposition, taken in the matter, on the date, and at the time and place set out on the title page hereof, constitutes a true and accurate transcript of said deposition. SUBSCRIBED and SWORN to before me this 10 day of October, 2024 in the jurisdiction aforesaid.


Notary Public

My Commission Expires:





MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT:

JEFFERY NOBLE

DATE:

September 06, 2024



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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE FRANKLIN U. VALDERRAMA

MAGISTRATE JUDGE SHEILA M. FINNEGAN

MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT: JEFFREY NOBLE
DATE: SEPTEMBER 6, 2024
REPORTER: TAYLOR R. WELSH

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8 1 - Jeffrey Noble's handwritten notes.
--

1 STIPULATION
2
3

4 The VIDEO deposition of JEFFREY NOBLE was taken at
5 KENTUCKIANA COURT REPORTERS, 730 WEST MAIN STREET, SUITE
6 101, LOUISVILLE, KENTUCKY 40202, via videoconference in
7 which all participants attended remotely, on FRIDAY the
8 6TH day of SEPTEMBER 2024 at 10:02 a.m. (CT); said VIDEO
9 deposition was taken pursuant to the FEDERAL Rules of
10 Civil Procedure. The oath in this matter was sworn
11 remotely pursuant to FRCP 30.

12 It is agreed that TAYLOR R. WELSH, being a Notary Public
13 and Digital Reporter for the State of ILLINOIS, may swear
14 the witness and that the reading and signing of the
15 completed transcript by the witness is not waived.

1 PROCEEDINGS
2

3 THE REPORTER: All right. We are now on
4 record. My name is Taylor Welsh. I'm the online
5 video technician and court reporter today
6 representing Kentuckiana Court Reporters, located at
7 730 West Main Street, Suite 101, Louisville,
8 Kentucky 40202. Today is the 6th of September 2024,
9 and the time is 10:02 a.m. We are convened by
10 videoconference to take the deposition of Jeffrey
11 Noble in the matter of -- in regards to Watts
12 Coordinated Pretrial Proceedings, pending in the
13 United States District Court for the Northern
14 District of Illinois, Eastern Division, docket case
15 number 19-CV-01717. Will everyone, but the witness
16 please state your appearance, how you are attending,
17 and the location you're attending from, starting
18 with the plaintiff's counsel?

19 MR. HILKE: Wally Hilke for the plaintiffs,
20 represented by Loevy & Loevy, attending from
21 Chicago.

22 MR. SULLIVAN: Sean Sullivan for Defendant
23 Kallatt Mohammed, attending remotely from Chicago.

24 MR. BAZAREK: William Bazarek representing
25 individual defendants, represented by Hale & Monico.

1 I'm remote. I'm in Chicago.

2 MR. GAINER: Jack Gainer here on behalf of
3 Defendant Watts, from Johnson & Bell, from Chicago.
4 I'm remote.

5 MR. SCAHILL: Tim Scahill representing Calvin
6 Ridgell, Junior, attending remote from an
7 undisclosed location in Cook County.

8 MR. NOLAND: Daniel Noland for the City of
9 Chicago and the supervisory defendants, attending
10 from the Chicagoland area.

11 THE REPORTER: Did we get everyone? Perfect.
12 And Mr. Noble, will you please state your name for
13 the record?

14 THE WITNESS: Jeff Noble.

15 THE REPORTER: And this is where I typically
16 would check the witness' ID, but attorneys have
17 stipulated that Mr. Noble is who he says he is. Is
18 that still correct, everyone?

19 MR. HILKE: Yes.

20 MR. SULLIVAN: Yes.

21 MR. BAZAREK: Yes.

22 MR. SCAHILL: Yes.

23 THE REPORTER: Perfect. Mr. Noble, will you
24 please raise your right hand? Do you solemnly swear
25 or affirm that the testimony you're about to give

1 will be the truth, the whole truth, and nothing but
2 the truth?

3 THE WITNESS: I do.

4 THE REPORTER: Thank you. Counsel, you may
5 begin.

6 DIRECT EXAMINATION

7 BY MR. HILKE:

8 Q. All right. Good morning, Mr. Noble.

9 A. Good morning.

10 Q. Now, we've done this a few times, so I'll skip
11 the normal admonitions. I'll just ask that if you don't
12 understand me or can't hear me, you let me know, so I
13 can fix that. Is that fair enough?

14 A. Sure.

15 Q. Sir, what's on your screen right now?

16 A. My screen is mostly you, and it's just the
17 Zoom.

18 Q. Okay. And do you have any papers in front of
19 you?

20 A. Yes.

21 Q. What do you have?

22 A. I have a copy of my report. I have some
23 handwritten notes that I made yesterday from my report,
24 and I have a copy of the Web Commission Report.

25 Q. Okay. And do you have any handwritten notes

1 on your -- like contained within your report?

2 A. No. On -- on the report itself?

3 Q. **Correct.**

4 A. No. No. No. No.

5 Q. **Do you have any handwritten notes on the Web**
6 **Commission Report?**

7 A. A couple highlights. And yeah, a couple
8 words.

9 Q. **Okay. I'm going to ask you to take your --**

10 MR. HILKE: Well, first of all, Mr. Noland,
11 last time you produced the handwritten notes after
12 the deposition. Will you agree to do that again?

13 MR. NOLAND: Yes.

14 BY MR. HILKE:

15 Q. Okay. And then, Mr. Noble, I'm going to ask
16 that you take everything other than your clean copy of
17 the report and put it away for this deposition. If you
18 need to access it, you can tell me. But I'd just like
19 you to have an unmarked copy of your report. Is that
20 fair enough?

21 A. Sure.

22 Q. Thank you. All right. Let me mark Exhibit 1.
23 This is a 364-page document with the caption Gipson v.
24 City of Chicago, then it named some others, titled
25 Expert Report of Jeffrey J. Noble. Is this the full

1 report that you submitted in connection with your
2 opinions in this case?

3 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

4 A. If it's 71 pages long and dated on the 5th,
5 yes.

6 BY MR. HILKE:

7 Q. Yeah. So taking you to Page 71, this would be
8 your signature and the date August 5th, 2024, correct?

9 A. Yes.

10 Q. I'm going to mark Exhibit 2. Exhibit 2 is a
11 71-page document that defense counsel sent us in which
12 they highlighted areas you had changed between your
13 report in a previous case, Baker v. City of Chicago, and
14 this case. And what I'd like to do is take you through
15 those highlighted sections, confirm that those are
16 changes you've made, and ask if you made any additional
17 changes between the two reports. Is that fair enough?

18 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

19 A. Yes.

20 BY MR. HILKE:

21 Q. Okay. So starting on Page 4 of the
22 highlighted report, the highlights start where you wrote
23 material from Gipson v. City of Chicago and then list
24 some materials; is that correct?

25 A. Yes.

1 Q. And continuing, there are highlighted
2 additional materials on Page 5, 6, 7, and 8, correct?
3

4 A. Yes.
5

6 Q. And did you read all of those new materials
7 that you listed in Pages 4 to 8 of your report?
8

9 A. Yes.
10

11 Q. Going to Page 14, there are three new
12 footnotes, Footnotes 1 to 3 on Page 14. Those are new
13 citations in this report, correct?
14

15 A. Yes.
16

17 Q. Going to Page 15 and 16 -- I -- going to
18 Page 15, there are two new citations, Footnotes 5 and 6,
19 correct?
20

21 A. Yes.
22

23 Q. And you also have a new Subparagraph H under
24 paragraph 17, correct?
25

A. Yes.
Q. Going to Page 31, you have a new footnote,
Footnote 45 on Pages 31 and continuing on Page 32,
correct?
A. Yes.
Q. And then on page 34 there and continuing
through Page 36, you've inserted some words into various
paragraphs and sub paragraphs as highlighted here,
correct?

1 A. Yes.

2 Q. You also have a new footnote, Footnote 67,
3 correct?

4 A. Yes.

5 Q. And on Page 37, you've got a new footnote,
6 Footnote 69, correct?

7 A. Yes.

8 Q. On Page 40, Footnote 78 is new and cites a CPD
9 admin special order, correct?

10 A. Yes.

11 Q. And continuing to Page 51, the next highlight
12 is adding words to paragraph 79 here, correct?

13 A. Yes.

14 Q. Then to Page 54, paragraph 86 is new as is
15 Footnote 108, correct?

16 A. Yes.

17 Q. Likewise, Footnotes 109 and 110 are new,
18 correct?

19 A. Yes.

20 Q. And then on Page 58, you've added some
21 language to the beginning of paragraph 96, correct?

22 A. Yes.

23 Q. On Page 59, you've added some language to the
24 beginning of paragraph 97, correct?

25 A. Yes.

1 Q. And then Footnote 127 is also new, correct?

2 A. Yes.

3 Q. And Page 63, paragraph 106, you've added some
4 language at the end of that paragraph, correct?

5 A. Yes.

6 Q. And then once we got to paragraph 108, you've
7 got a number of highlighted paragraphs and footnotes
8 starting with paragraph 108 continuing all the way
9 through paragraph 125, and footnotes, and all of that
10 material was new, correct?

11 A. Yes.

12 Q. And then there's also an extra line in
13 paragraph 129 near the bottom of the paragraph, correct?

14 A. Yes.

15 Q. And then we get to your signature. My
16 understanding is that the first appendix, which
17 summarized and gave opinions on various CRS you reviewed
18 was not changed between these two reports; is that
19 correct?

20 A. Yes.

21 Q. Okay. Are there any other changes you made to
22 this report that I haven't gone over just now?

23 A. There may have been some typos or something
24 like that that I may have corrected, but no substantive
25 changes.

1 Q. Thank you. All right. And as you prepared
2 for today's deposition, did you revisit any of the CRS
3 that you gave opinions on in append -- in your appendix?

4 A. No, I don't think so.

5 MR. HILKE: All right. And we've received one
6 invoice in connection with the subpoena we sent.

7 Let's mark this Exhibit 3. It's a two-page
8 document.

9 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

10 BY MR. HILKE:

11 Q. And Page 2 of this invoice says that you did
12 17 and a half hours of work to prepare this report; is
13 that correct?

14 A. Yes.

15 Q. And your bill for that was \$7,875; is that
16 correct?

17 A. Yes.

18 Q. Of this work, how much time was spent reading
19 and reviewing materials?

20 A. I don't know.

21 Q. How much was spent actually writing the
22 report?

23 A. Oh, I don't know.

24 Q. Do you have any memory of how you spent your
25 time in preparing this report?

1 A. No. I mean, I generally write as I go along,
2 so I -- you know, I read something. I may, you know,
3 say, okay, I need to fix that and go and -- and fix it.
4 So I don't break those things out in that way.

5 Q. And have you spent any time working on this
6 matter since you submitted this invoice?

7 A. Just in preparing for this deposition.

8 Q. Okay. And how long did you spend preparing
9 for this deposition?

10 A. Four or five hours.

11 Q. And what materials did you review in preparing
12 for this deposition?

13 A. I went back through my notes. I went back
14 through my report. I took -- I -- reread some of
15 Shane's report. I reread the -- the Web Commission
16 Report. You know, I just went back through my notes and
17 -- and materials that I had.

18 Q. And what is your rate per hour for this
19 deposition today?

20 A. \$650 an hour.

21 Q. Yeah, referring you back to Exhibit 1,
22 Page 16, at the top of your -- in a paragraph 17,
23 Subparagraph H, you wrote, "Dr. Shane quoted a portion
24 of the 2016 Police Accountability Taskforce Report
25 addressing these programs. Based upon my review, I did

1 not find the criticisms discussed by the PATF during the
2 relevant time frame here." Did I read that correctly?

3 A. Yes.

4 Q. And is this -- are you specifically referring
5 to early warning system programs? I can refer you up to
6 the section of your report if you'd like. Let me ask
7 you this. We can go back to the above section, but when
8 you say, "I did not find the criticisms discussed by the
9 PATF report" -- "by the PATF present during the relevant
10 time frame here," which criticisms are you referring to?

11 A. I think just generally. I mean, the -- the
12 PATF report was -- was in 2016. This is a case where
13 most of Gipson's actions were in 2003, 2004, 2007. As I
14 recall, the -- what I've been told the -- the period of
15 time to be looking at for the Manell (phonetic) period
16 is 1999 to 2011. So it's a report that was created five
17 years after the period of time that we're looking at.
18 So you know, there's certainly nothing in that report
19 put the city on some kind of notice of what was
20 occurring during that time period. And also, I -- as I
21 recall, -- I -- I don't recall seeing things that --
22 that were criticizing, you know, these particular
23 policies, you know, and this -- this section that I'm
24 writing about is talking about the department policies
25 that I -- I didn't find that to be relevant to this --

1 to these issues.

2 Q. So are there any specific criticisms you read
3 in the Police Accountability Taskforce Report that you
4 evaluated and concluded those criticisms do not apply to
5 the 1999 to 2011 time period?

6 THE WITNESS: I know that --

7 MR. NOLAND: Object to the -- hold on. Object
8 to the form, foundation. Go ahead.

9 THE WITNESS: I -- I know there were. I can't
10 tell you those off the top of my head. I didn't
11 note them.

12 BY MR. HILKE:

13 Q. Are they listed in your report?

14 A. I'm sorry. I couldn't hear you.

15 Q. Oh, are the specific criticisms within the
16 Police Accountability Taskforce that you may have
17 concluded did not apply from 1999 to 2011, are those
18 specific criticisms from the Police Accountability
19 Taskforce identified somewhere in your report?

20 MR. NOLAND: Objection. Form. Foundation. Go
21 ahead.

22 THE WITNESS: No.

23 MR. HILKE: I'm going to mark Exhibit 4. This
24 is a 172-page document with the title Expert
25 Opinions of Dr. Jon M. Shane, and it's captioned on

the first page with the Lionel White, Leonard Gipson, and Ben Baker, and Clarissa Glenn case captions.

(EXHIBIT 4 MARKED FOR IDENTIFICATION)

BY MR. HILKE:

Q. Is this one of the -- is this the -- are these the opinions of Dr. Shane that you reviewed to get ready for this deposition?

A. Yes.

Q. Let me -- taking you to Page 74 -- or I'm sorry. Page 73 of the report. It's Page 75 of the PDF. At the bottom of this paragraph, Dr. Shane writes about the Police Accountability Taskforce, and he writes as follows, "At that time, Mayor Rahm Emanuel assembled the Police Accountability Taskforce to investigate the problems inside CPD and soon IPRA's failures were evident. The Taskforce found that IPRA was under resourced, lacked true independence, and was not held accountable for their work. Also, IPRA had not investigated 40 percent" complaint -- "of complaints filed and its," continuing to Page 74, "disciplinary recommendations were reduced or eliminated in 73 percent of cases." Did I read that section correctly?

A. Yes.

Q. Okay. Do you have an opinion about whether

1 IPRA investigated or did not investigate 40 percent of
2 complaints filed?

3 MR. NOLAND: Object to the form.

4 THE WITNESS: Yeah. I don't know.

5 BY MR. HILKE:

6 Q. Do you have an opinion about whether IPRA's
7 disciplinary recommendations were reduced or eliminated
8 in 73 percent of cases?

9 THE WITNESS: I don't know.

10 MR. NOLAND: Object to the form.

11 BY MR. HILKE:

12 Q. Do you have an opinion about whether IPRA was
13 under resourced?

14 MR. NOLAND: Object to the form.

15 THE WITNESS: I don't have an opinion.

16 BY MR. HILKE:

17 Q. The Web Commission Report was one of the
18 documents you reviewed to prepare for this deposition,
19 correct?

20 A. Yes.

21 Q. Do you know whether the Chicago Police
22 Department changed its hiring practices for
23 investigators of police misconduct as a result of the
24 Web Commission Report?

25 MR. NOLAND: So I'm going to object while I

1 think this goes beyond the scope of what has changed
2 from the last opinion. So if you can point me to
3 what in his new report addresses this particular
4 point.

5 MR. HILKE: Yeah. It's in the scope. I -- and
6 I think you'll be satisfied with my explanation, but
7 I don't want to change the course of my questioning.
8 And I think I've got a right to ask the question in
9 the way I did. If you'd like, Mr. Noland, I'm happy
10 to go off the record and confer with you separately,
11 and I think you'll be satisfied.

12 MR. NOLAND: I don't want to go off the record.
13 I don't -- why can't you just point me to a part of
14 the report, the highlighted report that you're
15 talking about?

16 MR. HILKE: Because I've got the opportunity to
17 ask the questions in the form I want to and dictate
18 sort of the flow of my exam, but I'm very happy to
19 confer with you. And I'll do that now if you need
20 me to before he answers my question.

21 MR. NOLAND: Well, and just to clarify, so the
22 question's about the hiring? Can you read the
23 question back, Taylor, please?

24 THE REPORTER: Give me one second.

25 MR. HILKE: While she's doing that --

1 (REPORTER PLAYS BACK REQUESTED QUESTION)

2 MR. NOLAND: Yeah. Well, I'm pretty sure
3 that's not in -- that subject is not in what was
4 changed from --

5 MR. HILKE: But --

6 MR. NOLAND: The Baker Report to the Gipson
7 Report.

8 MR. HILKE: Let's go off the record then
9 because I'd just like we'd asked the witness to
10 leave. We'll confirm over the scope of a deposition.
11 I don't want to make this a conversation that is
12 influencing the witness. But I'm happy to talk with
13 you about it if you won't let me ask it. Is that
14 what you'd like to do now?

15 MR. NOLAND: That's fine.

16 MR. HILKE: Okay. Off the record.

17 THE REPORTER: We are now off the record. The
18 time is 10:24 a.m.

19 (OFF THE RECORD)

20 THE REPORTER: We are back on the record for
21 the deposition of Jeffrey Noble. Today is September
22 6th, 2024, and the time is 10:32 a.m.

23 MR. HILKE: Taylor, would you read back my
24 question please?

25 THE REPORTER: Yep. One second.

1 (REPORTER PLAYS BACK REQUESTED QUESTION)

2 MR. NOLAND: Object to the form. Vague. Go
3 ahead.

4 THE WITNESS: I -- I added a footnote in my
5 report regarding Mr. Rivera who had prior experience
6 in narcotics. Specifically in investigators or
7 other examples, no, I don't know.

8 BY MR. HILKE:

9 Q. Okay. And related question, are you aware of
10 any evidence that the Chicago Police Department assigned
11 street level officers -- strike that. Are you aware of
12 any evidence that the Chicago Police Department assigned
13 officers with street level experience specifically as
14 police misconduct investigators because of the Web
15 Commission Report?

16 MR. NOLAND: I'm going to object to the form of
17 the question to the extent that Plaintiff didn't ask
18 for any such evidence in discovery, but you may
19 answer.

20 THE WITNESS: Yeah. Well, I think there's a
21 difference between street level experience and
22 street level investigative experience. So street
23 level experience to me would, you know, indicate
24 anybody who worked in the field, in patrol, which
25 would be everybody. I think the report -- the Web

Commission Report, was more specific in talking about street level investigatory experience, meaning people who worked in narcotics or, you know, a taskforce or, you know, a tactical team, something of that nature. And no, I don't know.

BY MR. HILKE:

Q. Are you offering any opinion about whether Mr. Gipson was innocent of the drug crimes that the Watts Team arrested him for?

A. No.

Q. All right. And your report discusses what you termed "the joint FBI CPD investigation into" corruption among -- "into police corruption," correct?

A. Yes.

Q. And we talked at our last deposition about what is encompassed in that joint FBI CPD investigation, correct?

A. Yes.

Q. And one of your opinions in this report is that the -- well, strike that. In this report, you discussed what information the FBI gave to the Chicago Police Department about whether any officers, other than Watson Mohammed, were engaged in corruption, correct?

MR. NOLAND: Hold on for a second. That was in the -- that was in the Baker Report too.

1 MR. HILKE: It was supplemented in this report.

2 MR. NOLAND: Where are you talking about?

3 MR. HILKE: Do we have to go off the record
4 again? I'm --

5 MR. NOLAND: Why don't you just point to the
6 report?

7 MR. HILKE: I don't -- you don't get to tell me
8 how to give my exam. I going to make choices about
9 how to give my exam. And if you're concerned this
10 is outside the scope, we should go off the record
11 and confer again. I'm not going to do it in front
12 of the witness.

13 MR. NOLAND: I -- I'll object to the procedure.
14 Then I reserve my right to move to strike any
15 testimony about it, but I don't want to waste any
16 more time. So go ahead.

17 MR. HILKE: I appreciate it.

18 BY MR. HILKE:

19 Q. So my question was: You write in this report
20 that at the end of the FBI investigation, the FBI gave
21 information to the Chicago Police Department about
22 whether any officers, other than Watson Mohammed, were
23 engaged in corruption, correct?

24 MR. NOLAND: I'm going to just object. I think
25 that was in the other report too, but go ahead.

1 THE WITNESS: I believe so, yes.

2 BY MR. HILKE:

3 Q. Okay. Now, during that joint FBI Chicago
4 Police Department investigation, did the Chicago Police
5 Department take any investigative steps to determine
6 whether Alvin Jones was engaged in corruption?

7 MR. NOLAND: So objection. Beyond the scope.

8 MR. HILKE: You can answer.

9 MR. BAZAREK: Join.

10 MR. NOLAND: No. No. I'm going to instruct
11 you not to answer unless you can point me to
12 something in the report that supports this question.

13 THE REPORTER: I'm sorry. Who joined the
14 objection?

15 MR. HILKE: Fine by me. I -- I'm sorry. I'm
16 sorry. Ms. Taylor.

17 THE REPORTER: Someone joined the objection. I
18 just want to make sure I get the accurate speaker.

19 MR. BAZAREK: Oh, it was William Bazarek.

20 THE REPORTER: Thank you.

21 MR. BAZAREK: All right. Welcome.

22 MR. HILKE: Let's go off the record.

23 THE REPORTER: All right. We are now off the
24 record. The time is 10:37 a.m.

25 (OFF THE RECORD)

1 MR. HILKE: All right. We're back on the
2 record. I want to say I object to this procedure
3 entirely. Our experts were re-deposed, necessarily
4 some of the same things came up. We did our best
5 not to retread ground. The same thing's happening
6 here. Defense Counsel isn't entitled to a preview of
7 the exam, and this is totally outside the kind of
8 good faith working together we've agreed to do. And
9 I -- and to say also that it's surprising given how
10 we've treated similar questions from Defense
11 Counsel. And so, I'm going to have to check in with
12 other members of the team to figure out how to
13 proceed if Defendants are going to stand on
14 instructing the witness not to answer because it
15 really is coming as quite a surprise to me.

16 MR. NOLAND: So you left out -- you didn't say
17 about anything we just talked about off the record,
18 which was my position. So Wally, I wanted to know
19 where in the report entitles you to ask the question
20 that you just asked that's different from Baker.
21 You asked him a specific report about -- a specific
22 question about Jones. What we -- all you got to do
23 is tell me what -- what's in the -- at the revised
24 Gipson Report from Baker, and it -- maybe it'll be
25 easy.

1 MR. HILKE: The reason I object to this
2 procedure is you've done this once already. It
3 interrupts the exam, and it, unfairly I think,
4 previews my questioning. I think your suggestion
5 that you move to strike it outside the scope, and
6 then we confer on it later is a fair way to proceed.
7 I'm not aware of any basis you would have to
8 instruct the witness not to answer. If you think
9 we've -- and I think the right thing -- what I said
10 before is what I meant. I'm really surprised, and
11 this feels obstructive to me. And so, I want to
12 check in with my team to make sure we're proceeding
13 in a way I feel good about. And if that for some
14 reason is unacceptable to you, I don't quite know
15 what to tell you because I think that it is pretty
16 reasonable for me to say. I'd like -- I'm surprised
17 by this, and I'd like to give it a full
18 consideration. And I might need to resolve it in a
19 way that doesn't involve me previewing every piece
20 of my exam that you take an issue with.

21 MR. NOLAND: So just let me get this straight.
22 You're declining to answer my question of what part
23 of his report?

24 MR. HILKE: No, I'm deferring to answer your
25 question.

1 MR. NOLAND: Hold on. Hold on. You're making
2 a lot of self-serving statements --

3 MR. HILKE: Well --

4 MR. NOLAND: -- and you're just not even
5 addressing the issue.

6 MR. HILKE: You asked me a question.

7 MR. NOLAND: You're declining to identify what
8 part of his report in Gipson that's different from
9 the report in Baker that I, in good faith,
10 highlighted for you so that we wouldn't have these
11 issues in yellow. And you -- I think you marked as
12 Exhibit 2 of the deposition. All you got to do is
13 tell me what part of the report you're talking about
14 that's different, and we can move on.

15 MR. HILKE: The reason I --

16 MR. NOLAND: I mean, I don't know. If you
17 don't tell me that, Wally, I don't know how I can
18 like evaluate the position because this is -- this
19 all sounds new to me. And it sounds like
20 Mr. Jones' counsel would agree. So that's all I'm
21 asking.

22 MR. HILKE: Yeah. The reason I'm not
23 comfortable with that, Mr. Noland, is because it's
24 the second time you've paused the exam to do this
25 procedure. I don't know if you're going to do it

1 six or a dozen more times. We gave fair latitude to
2 Defense Counsel in their re-depositions of our
3 experts. I think you'll be satisfied with my
4 questioning being in bounds. I'm allowing you to
5 preserve the objections. And if you want the right
6 to interrupt and confer every time you've got an
7 issue with a question, then I need to take a minute
8 to think about that and decide if it's -- I'm
9 comfortable with it or not because it is, I think as
10 you know, extremely disruptive to have these
11 frequent pauses in a witness' questioning.

12 MR. NOLAND: I think it's disruptive to ask to
13 go off the record when Counsel asks a specific very
14 simple question. What part of the report are you
15 talking about that's different? And you're refusing
16 to do this, which is -- even off the record, not in
17 front of the witness, which is -- it's -- I just
18 don't understand. So yeah, I need to know the
19 answer. Otherwise, I can't make a reasoned decision
20 of whether or not this -- it -- if you're just
21 treading old ground or not. So you know, if you're
22 obviously refusing to tell me. So I don't --
23 there's nothing I can do. But I'm not going to let
24 him ask him the question unless you tell me, give me
25 something. We're off the record. I'm sorry. We're

1 on the record, but Mr. Noble's not here, so --

2 MR. HILKE: You are -- I wanted to make sure
3 you were done. You are --

4 MR. NOLAND: Go ahead.

5 MR. HILKE: You are misconstruing what I'm
6 saying. What I'm saying is, I need to think about
7 whether this procedure you're suggesting is so
8 obstructive and disruptive that I can't accept it,
9 and what I want to do if that's the case. Because I
10 don't know how many times you're going to do this
11 where, you know, 20 minutes into the deposition and
12 it's the second time, and I don't know how many
13 times you will. And it's not how we handled any of
14 the defendants' depositions of our experts, even
15 when there was some overlap. And so what I'd like
16 to do now is go call a member of my team and think
17 about what is fair. Because it's surprising, it's
18 not consistent with how we handled your examinations
19 and your colleagues' examinations of our experts,
20 and I don't think what you're proposing is fair.
21 But I want to give it its due consideration. So if
22 right now, you're standing on refusing -- on
23 instructing Mr. Noble not to answer the question I
24 asked, I'm going to go talk to a colleague about it,
25 and then I'll see if we can work it out or not.

1 MR. NOLAND: I -- and I'm not going to instruct
2 him not to answer until you -- until I have an
3 answer from you, and that's why I'm asking you that.
4 If you want to call a colleague and delay it more,
5 then I guess go ahead. I would've thought you
6 would've done that before. You've made some
7 accusations that there - - or some statements that
8 there were things covered at other depositions. I
9 wasn't at them, so I don't -- and you haven't given
10 any examples of what you're talking about that was
11 beyond the scope. I don't know if you guys made any
12 beyond the scope objections. So I -- you know.

13 MR. HILKE: I'm confused because you already
14 instructed the witness not to answer. And so what
15 I'm asking you is: If we go back on the record,
16 will you instruct him not to answer again?

17 MR. NOLAND: I will let him answer if you can
18 give me a basis that it's not beyond the scope.

19 MR. HILKE: Right, and that means you'll
20 instruct him not to answer unless you've got some
21 information from me first, correct?

22 MR. NOLAND: If you're refusing to give me this
23 information. It is, Jones' name is not added
24 anywhere in what he changed, so I think we can all
25 agree on that. So the question is not part of some

1 new -- that's to my recollection. But you might
2 have something that'll convince me. So I -- yeah.
3 I would suggest -- you said you wanted to call a
4 colleague, go ahead and do it. Let's take five
5 minutes.

6 MR. HILKE: Yeah, I'll take as long as it --
7 we'll come -- I'll come back.

8 MR. NOLAND: Well, no, you won't. I mean, it's
9 10:45. You're now wasting time.

10 MR. HILKE: Well, you're instructing the
11 witness not to answer and I'm doing my best to see
12 if we can resolve this in some way. So why don't I
13 go do that?

14 MR. NOLAND: I completely disagree. Let's go.

15 MR. HILKE: All right.

16 MR. NOLAND: Let's be back in 10:50. Well,
17 I'll be back at 10:50.

18 MR. HILKE: Okay.

19 MR. NOLAND: Let's go off the record.

20 THE REPORTER: We are off the record. The time
21 is 10:46 a.m.

22 (OFF THE RECORD)

23 THE REPORTER: We are back on the record for
24 the deposition of Jeffrey Noble. Today is September
25 6th, 2024. The time is 10:52 a.m.

1 MR. HILKE: And I'm taking this, and let me
2 know if anyone disagrees, as part of our continued
3 time to confer that's not counted against our
4 deposition time. I spoke with my colleague. I also
5 consulted Judge Seeger's standing order on
6 depositions, which do say that the Court will
7 consider any efforts to obstruct a deposition, say
8 by making speaking objections or giving improper
9 instructions not to answer or coaching the witness
10 as an attempt to undermine the truth-seeking
11 function of litigation. Our position is that these
12 are proper questions within the scope, that
13 instructions not to answer them are not proper, that
14 the proper course is to object and preserve the
15 objection, and I think all we can do is proceed.
16 And, Mr. Noland, if you instruct the witness not to
17 answer, I cannot stop you from doing that.

18 MR. NOLAND: So are you reneging? You're
19 reneging on -- my view is that this is outside the
20 scope of what has changed. The agreement was that
21 the depositions would not go into topics beyond
22 that. That was the agreement that the plaintiff
23 made. I -- the only statement in the record is this
24 is beyond the scope. It's not in the report.
25 That's different. And the plaintiff's counsel is

1 refusing to, even off the record not in front of the
2 witness. So of course, there's no coaching, so that
3 is a facile suggestion. To tell me what it is so
4 that I can even evaluate the position. So that's
5 the state of play.

6 MR. HILKE: Yeah, and I disagree with that
7 entirely. We will keep to our agreement to maintain
8 our deposition in the scope of the new opinions, and
9 we will tie it up. But we're not obligated to
10 preview the exam, and we think the course we've
11 suggested is a proper one.

12 MR. NOLAND: Okay. Let's go back on the
13 record.

14 THE REPORTER: Do we want to go off record to
15 wait for Mr. Noble to come back?

16 MR. NOLAND: Yeah. I mean, don't -- yeah,
17 we're not starting the time until he reenters the
18 room.

19 THE REPORTER: Okay. Okay. Perfect.

20 MR. NOLAND: But let's stay on -- I mean, stay
21 on the record.

22 THE REPORTER: Oh. Oh, okay. Okay.

23 MR. NOLAND: I'm sorry. I keep on getting
24 confused. Like the record of the deposition versus
25 this sidebar.

1 MR. SCAHILL: Are we pausing to do this hearing
2 at 11:00? The telephone hearing? Or do you have --
3 are other people from your office --

4 MR. NOLAND: We are not. We are not pausing
5 for that.

6 MR. SCAHILL: Okay. I'm going to have to step
7 away because it's just me handling both of these
8 things today, so -- but you can go on without me.

9 MR. NOLAND: Okay. Jeff's back in the room
10 now, so let's proceed.

11 BY MR. HILKE:

12 Q. Mr. Noble, during the joint FBI Chicago Police
13 Department investigation, did the Chicago Police
14 Department take any investigative steps to determine
15 whether Alvin Jones was engaged in corruption?

16 MR. BAZAREK: Object to the form of the
17 question. Foundation.

18 MR. NOLAND: Yeah. I'm going to object and
19 it's also -- was covered in the Baker report and not
20 changed in the Gipson report. So it's beyond the
21 scope of this deposition, and I'll allow him to
22 answer, but all these questions would be improper.
23 Go ahead, Jeff.

24 MR. BAZAREK: Join in those further objections.

25 THE WITNESS: Yeah, I'd have to go back and

1 look at my full report. I -- I just don't recall.

2 BY MR. HILKE:

3 Q. Did -- so sitting here today, you're not aware
4 of any such steps, correct?

5 MR. BAZAREK: Object to the form of the
6 question.

7 MR. NOLAND: Yeah, same objection.

8 THE WITNESS: Yeah, as I prepared for this
9 deposition, I was looking at what I was told that
10 the deposition was going to be on those things that
11 have been changed. So that's where I focused my
12 efforts. So I don't recall whether I -- just don't
13 recall.

14 BY MR. HILKE:

15 Q. Okay. And what about the FBI? Did the FBI
16 take any of the steps to determine whether Mr. Jones was
17 engaged in corruption?

18 MR. BAZAREK: Object to the form of the
19 question. Foundation. Vague, ambiguous.

20 MR. NOLAND: Same objection. Go ahead, Jeff.

21 THE WITNESS: Yeah, again, I don't recall.

22 BY MR. HILKE:

23 Q. Okay. And what about Ellsworth Smith, Jr.?
24 Did the CPD take any steps to determine whether he was
25 engaged in corruption during the joint FBI, CPD

1 investigation?

2 MR. BAZAREK: Objection.

3 MR. NOLAND: Same objection. And I think these
4 questions are being asked in bad faith and a
5 complete reneging on the party's agreement, which is
6 unfortunate. But go ahead, Jeff.

7 MR. BAZAREK: Yeah, join in objection. Wally,
8 just so it's clear, if one party makes an objection,
9 it -- it's good for the other one so we're not
10 repeating each other?

11 MR. HILKE: As Judge Seeger suggests. Yes, we
12 agree.

13 MR. BAZAREK: Okay. So I -- and I'm -- I join
14 in -- okay. And further object to foundation. Lack
15 of foundation in the form of that question as well,
16 if I didn't get it out.

17 THE WITNESS: I don't recall.

18 BY MR. HILKE:

19 Q. And what about the FBI? Did the FBI take any
20 investigative steps during the joint FBI, CPD
21 investigation to determine whether Ellsworth Smith, Jr.
22 was engaged in corruption?

23 MR. BAZAREK: Object to the form of the
24 question. Foundation.

25 MR. NOLAND: Same objection, and I'm just going

1 to ask for a standing objection, so go ahead.

2 THE WITNESS: I don't recall.

3 BY MR. HILKE:

4 Q. What about any officer other than Kallatt
5 Mohammed or Sergeant Watts? Did the CPD take any action
6 to investigate whether any officer other than Watts and
7 Mohammed engaged in corruption during the joint FBI, CPD
8 investigation?

9 A. I -- I believe there was, but again, I didn't
10 -- I didn't focus on those portions of the report, and I
11 -- I don't have them at my memory.

12 Q. Okay. And any opinion that you have on that,
13 that you formed in that matter would be disclosed in
14 your report, correct?

15 A. Yes.

16 Q. And same question for the FBI. Are you aware
17 of any steps the FBI took to determine whether any
18 officer other than Watts or Mohammed was engaged in
19 corruption during the joint CPD, FBI investigation?

20 A. I don't recall.

21 Q. So -- all right. Let me refer you to
22 Exhibit 2. This is Page 67 of your report, footnote
23 163. Can you see that on your screen?

24 A. Yes.

25 Q. And in footnote 163, you wrote, "It is also

1 noteworthy that while Spalding and Echeverria have now
2 asserted their personal belief that other members of the
3 Watts Tactical Team besides Watts and Mohammed could
4 have been corrupt, they believed the investigation was
5 wrapped up in February 2012, because the 'targets' were
6 being arrested. As discussed above, this is consistent
7 with what the FBI was advising the CPD around the same
8 time." Did I read that correctly?

9 A. Yes.

10 Q. And this is highlighted. This is a new
11 footnote in the Gipson report, correct?

12 A. Yes.

13 Q. And as you wrote this footnote, you had no
14 knowledge of whether the FBI ever investigated whether
15 any members of the Watts Tactical Team were engaged in
16 corruption, correct?

17 MR. NOLAND: Objection. Mischaracterized the
18 report. Go ahead.

19 THE WITNESS: Can you repeat the question?

20 BY MR. HILKE:

21 Q. Sure. As you wrote this footnote for the
22 Gipson report, you had no knowledge of whether the FBI
23 ever investigated any members of the Watts Tactical Team
24 other than Watts and Mohammed, correct?

25 A. No, that's not my memory. So my memory -- you

1 know, I was aware of what the -- the investigation was,
2 so I -- I mean, I -- I can't recall it right now. But
3 I, you know, when I wrote this footnote a month ago, or
4 more than a month ago, I -- I was likely aware of that
5 information because I had the -- the information in
6 front of me.

7 Q. Okay. So you think maybe there was someone on
8 the Watts Tactical Team other than Watts and Mohammed,
9 who the FBI did investigate for corruption?

10 A. My memory is that they were investigating, you
11 know, in entirety in -- and while they were may have
12 been focused on Watts and Mohammed that, you know, they
13 considered that others may have be -- may be involved
14 and that there was -- the investigation was, you know,
15 greater than, you know, just those two.

16 Q. What's your basis to say the FBI considered
17 officers other than Watts and Mohammed?

18 A. I -- I would -- I -- I'd have to go back. I
19 just don't recall. Again, it's not something I prepared
20 for in this case. Or this deposition. That --

21 Q. Is the point of your footnote and your
22 footnote 163, that it was reasonable for the Chicago
23 Police Department to discontinue corruption
24 investigations into other members of the Watts Tactical
25 Team because the FBI had already investigated them?

1 MR. NOLAND: Object to the form. Go ahead.

2 THE WITNESS: I think the purpose of my
3 footnote was to point out that -- that Watts and
4 Mohammed were, you know, that -- that this
5 investigation was completed by the FBI, that the FBI
6 made the arrests of Watts and Mohammed, and that,
7 you know, that was there was no evidence that
8 suggested that other people were involved.

9 BY MR. HILKE:

10 Q. Was there any investigation about whether
11 other people were involved?

12 MR. NOLAND: Objection. Asked and answered. Go
13 ahead.

14 THE WITNESS: Again. I -- can't recall that.

15 BY MR. HILKE:

16 Q. At the last sentence of this footnote, you
17 wrote, "As discussed above, this is consistent with what
18 the FBI was advising the CPD around the same time."
19 What's your understanding of what the FBI advised the
20 CPD once the investigation was finished?

21 A. My memory is that the FBI said that -- that
22 Watts and Mohammed were involved and there was no
23 evidence of other officers being involved.

24 Q. Okay. And do you remember -- do you have any
25 knowledge of whether the FBI advised the CPD that there

1 had been an investigation into other members of the
2 tactical team?

3 A. I don't recall.

4 Q. All right. All right. The -- you've included
5 some opinions in the Gipson report about the code of
6 silence. Is it correct that the code of silence
7 typically refers to police officers covering up other
8 police officers' misconduct?

9 MR. NOLAND: Object to the form. Go ahead.

10 THE WITNESS: Yeah, you know, it's certainly
11 that -- you know, it's -- yeah, I mean, that -- term
12 is used in other contexts as well, but yes, that's
13 included in it.

14 BY MR. HILKE:

15 Q. Okay. And in the policing context, is -- does
16 a code of silence typically refer to misconduct against
17 civilians or like internal administrative, I guess,
18 violations like not -- like showing up to work late?

19 A. It could apply to either.

20 Q. So the code of silence is just as much used
21 for covering up misconduct against civilians as it is
22 showing up to work late?

23 A. Yes, absolutely. The code of silence is a
24 term that is used that -- when -- when a -- a fellow
25 officer is aware that an -- another officer is engaged

1 in misconduct and they fail to bring that information
2 forward.

3 Q. And is that based on -- is there a source you
4 can point to agreeing with that? Meaning saying that,
5 you know, internal administrative violations or
6 misconduct against civilians, it's all the code of
7 silence apply is equally applicable to either kind of
8 misconduct?

9 A. So the -- the materials, and I think the
10 materials that I've cited in this section that discuss
11 the code of silence, talk about what a code of silence
12 is. So the code of silence is a broad term that -- that
13 refers to actions of an officer who failed to bring
14 information that they know about regarding misconduct of
15 fellow officers forward. It's not differentiated
16 between administrative violations within the department
17 or internal violations versus external. While there may
18 be the discipline for those actions may be different,
19 the -- concept is the same.

20 Q. And in terms of the -- and so then the code of
21 silence, does the term code of silence refer just as
22 much to officers covering up for their peers' misconduct
23 as it does to supervisors failing to report their
24 subordinates' misconduct?

25 A. Yeah, and again, the -- definition of the term

1 is broad, so it's not -- it doesn't differentiate
2 between a peer covering up versus a supervisor versus a
3 manager. But -- but again, those -- the consequences of
4 those actions may be different, but the term is
5 inclusive.

6 **Q. And in terms of police practices, is -- if**
7 **there is a generally accepted practice among police**
8 **departments about how to guard against a code of**
9 **silence, are those practices more concerned with**
10 **cover-ups of misconduct against civilians than they are**
11 **with cover-up of like internal administrative**
12 **misconduct, like showing up to work late?**

13 **A. I don't -- I don't think it's an issue of**
14 **being more or less concerned. Certainly, if you cover**
15 **up for someone who shows up five minutes late to work, I**
16 **-- I, you know, compared to someone who uses excessive**
17 **force or someone who forces a confession from an**
18 **innocent person. You know, the -- those are very**
19 **different actions and, you know, they're both engaging**
20 **in the code of silence, but one is obviously one -- much**
21 **more severe than the other.**

22 **Q. And in terms of generally accepted practices**
23 **for preventing the code of silence in police**
24 **departments, is there, if there is one, is greater**
25 **emphasis placed on preventing more serious forms of**

1 misconduct like covering up violating a civilian's
2 rights than it is against minor administrative
3 misconduct, like showing up to work late?

4 A. Certainly in -- in the investigatory process,
5 more resources and more efforts would be paid toward the
6 more serious allegation than the -- the less serious
7 transgression.

8 Q. And is that a -- an accepted standard in
9 investigations of police misconduct generally, meaning
10 more effort should be made to addressing the more
11 serious allegations of misconduct?

12 A. Generally --

13 MR. NOLAND: Object -- form. Yeah.

14 THE WITNESS: Yeah, so generally. So you know,
15 I mean, you know, there -- there could be a -- a
16 very serious allegation, but you know, the -- based
17 on the allegation, you have to evaluate the
18 allegation of what's available. So while you may
19 want to put more resources towards something, you
20 know, the -- the allegation or the evidence may not
21 allow you to do much more than a very minimal
22 investigation, depending on the investigation. So
23 each investigation has to be reviewed on its own to
24 determine reasonableness.

25 BY MR. HILKE:

1 Q. Can you give an example of when a, like a very
2 serious allegation of misconduct would appropriately
3 receive only minimal resources for investigation?

4 A. Well, so somebody could come forward and say
5 that they were, you know, physically abused, and -- and
6 then that individual fails to cooperate in the
7 investigation. So maybe they mail a letter in and --
8 and out alleged that they were seriously abused, which
9 is a very serious allegation, that they received some
10 injuries, which, you know, certainly a serious -- very
11 serious allegation. And then that person, you know,
12 fails to cooperate in an investigation. They won't --
13 they won't speak to an investigator, they won't, you
14 know, show photographs of the injury or they won't allow
15 photographs of the injury. They won't give medical
16 records, they won't identify where they were at or
17 whether there were witnesses. And so, you have -- when
18 you have a very serious allegation but you have
19 absolutely nothing to follow up on, so you know, you --
20 you put all the resources in the world at it, but you
21 know, you're not going to be successful.

22 Q. In your review of this case, did you see any
23 indications that a code of silence played a role in
24 Watts and Mohammed's corruption?

25 MR. NOLAND: Object to the form.

1 THE WITNESS: Not that I recall, no.

2 BY MR. HILKE:

3 Q. And you've -- what kinds of evidence would've
4 been sufficient for you to conclude if you had seen
5 them, that a code of silence played a role in causing
6 Watts and Mohammed's corruption?

7 A. Well, to -- to say it played a role in causing
8 them to engage in corruption, I would need to show --
9 have evidence that there is a widespread pervasive
10 practice of the code of silence within the Chicago
11 Police Department that would cause an unprincipled
12 officer to believe that they could engage in
13 constitutional acts -- unconstitutional acts with
14 impunity. So I would need to see, you know, that -- so
15 that there is a widespread pervasive practice within the
16 Chicago Police Department of a code of silence, and
17 evidence that these officers believed that based on that
18 widespread pervasive practice, they believed they could
19 commit crimes and there would be no consequence.

20 Q. And I think you've made a distinction that
21 even when a code of silence is exhibited among, say a
22 few employees of an organization, it doesn't mean the
23 whole organization has a practice of a code of silence.
24 Is that correct?

25 A. That's correct.

1 Q. So let me ask a different question about just
2 a code of silence among a few officers. What evidence
3 would've sufficed for you to conclude that a code of
4 silence was present among the Watts, Mohammed or any
5 other members of the Watts Tactical Team?

6 MR. BAZAREK: Object to the form of the
7 question. Foundation. Vague, ambiguous.

8 THE WITNESS: Well, I mean, certainly there's,
9 you know, Watts and Mohammed knew what each other
10 were doing. So you know, you know, there's some
11 level. You know, they were engaging in a code of
12 silence among them, between themselves. So you know
13 -- so you know, that was occurring, but there --
14 there wasn't evidence that other officers were aware
15 that Watts and -- and Mohammed were engaged in
16 misconduct.

17 BY MR. HILKE:

18 Q. And I guess that's my question in terms of:
19 What evidence would you have needed to see to conclude
20 that other officers participated in the code of silence
21 that Watts and Mohammed had?

22 A. I would need to see evidence that they were
23 aware that Watts and Mohammed were engaging in
24 misconduct and they were, you know, intentionally
25 failing to bring that information forward.

1 Q. What form of --

2 A. In order -- in -- in order to protect those
3 officers. I'm sorry.

4 Q. No, I'm sorry. I did not mean to interrupt
5 you. Were you finished with your answer?

6 A. Yeah, I was. I took a long pause. That was
7 my fault.

8 Q. What form would such evidence take? Meaning
9 what specific evidence would you need to see to draw
10 such a conclusion?

11 A. You know, it's -- it's kind of (Inaudible). I
12 mean, you know, it -- it just depends. I mean, there
13 may be, you know, some surveillance video where -- where
14 an officer is present and obviously witnesses some
15 incident and fails to bring it forward. You know, there
16 could be some evidence, you know, by a -- a different
17 officer that a particular officer knew. There may be an
18 admission by a particular officer that they knew and
19 they failed to bring it forward. You know, it could be
20 any number of scenarios.

21 Q. Okay. I'm going to take you to paragraph 111
22 of your report. This is on Page 64. Referring you to,
23 you know, midway in the paragraph where you wrote, "The
24 code of silence is even more insidious when police
25 officers victimize individuals who, because of their

1 criminal history, level of intoxication, involvement in
2 prostitution or the commercial sex industry, minors,
3 immigrants and undocumented persons, or those with
4 mental illnesses or developmental disabilities are more
5 vulnerable due to a perceived lack of credibility." Did
6 I read that correctly?

7 A. Yes.

8 Q. The kinds of more vulnerable victims you're
9 referring to would include people who purchase drugs,
10 correct?

11 A. Yes, it could be. Yes.

12 Q. It would also include people who are engaged
13 in selling drugs, correct?

14 A. Yes.

15 MR. HILKE: I want to -- I'm going to mark
16 Exhibit 11. These are pre-marked, so I apologize if
17 we don't get to all of them.

18 (EXHIBIT 11 MARKED FOR IDENTIFICATION)

19 BY MR. HILKE:

20 Q. Exhibit 11 is your report in estate of Pierre
21 Loury v. City of Chicago, correct?

22 A. I have no idea.

23 Q. Okay.

24 A. I've seen it.

25 Q. Well, certainly the caption at the top is of

1 the State of Pierre Loury versus City of Chicago, and it
2 says Expert Report of Jeffrey Noble, correct?

3 A. I -- I'm not seeing it on my screen. If you
4 -- if -- if you're -- if you're believing that I'm
5 looking at it, you -- that's where -- that's where the
6 misconnect is.

7 Q. Thank you. All right. Now we've got Exhibit
8 -- all right. Can you see this on your screen now?

9 A. Yes.

10 Q. So on Page 3 of the PDF is State of Pierre
11 Loury Versus City of Chicago. It says, Expert Report of
12 Jeffrey Noble, correct?

13 A. Yes.

14 Q. Okay. And -- oops. Looks like it's not
15 signed. That's weird. Well, I don't know why that is.
16 I know we filed this as an exhibit in the proceedings
17 earlier. All right. And this is a case that you
18 submitted an opinion in previously, correct?

19 A. I -- I recall that I submitted an opinion. I
20 don't recall this case.

21 Q. Okay. In paragraph 273 of this exhibit, you
22 wrote, "The code of silence may exist at some level in
23 all police agencies, and when it does manifest, it
24 contributes immensely to incidents of abuse of citizens
25 by the police." Did I read that correctly?

1 A. Yes.

2 Q. Okay. And is that your opinion today?

3 A. Yes.

4 Q. One second. Going back to Exhibit 2, the
5 section you added to the Gipson Report on the code of
6 silence is from paragraph 108 to 113, correct?

7 A. Yes.

8 Q. Did you copy and paste that section from a
9 different report?

10 A. Yeah, the -- where I explained what the code
11 of silence is.

12 Q. Do you remember which report you copied and
13 pasted it from?

14 A. I've used that same language many times.

15 Q. Okay. But you don't remember which report
16 specifically it came from, correct?

17 A. No. No.

18 Q. All right.

19 A. And -- and when I say I've copy and pasted it,
20 I -- you know, I didn't copy and paste the facts of this
21 case. I've copied and pasted what the definition of
22 what code of silence is.

23 Q. It would be quite a feat if you had copied and
24 pasted the facts. That would be --

25 A. Yes, I know.

1 Q. -- a bit of foresight I don't believe you to
2 have. Okay. On paragraph 113, subparagraph A of your
3 report in Gipson, you discuss the city's training
4 curriculum from 1996 and a memorandum from Tina Skahill,
5 correct?

6 A. Yes.

7 Q. And you gave the opinion that that curriculum
8 was consistent with generally accepted police practices
9 to address the potential for a code of silence, correct?

10 A. Yes.

11 Q. And you specified two units specifically,
12 police morality and discipline procedures/rules and
13 regulations, correct?

14 A. Yes.

15 Q. And you noted that at the trainings, the
16 trainees got booklets with the CBD's rules and
17 regulations, correct?

18 A. Yes.

19 Q. Now, do you -- and --

20 MR. HILKE: Okay. Let me mark Exhibit 5. This
21 is a 48-page document starting at BG58557, dated
22 September 27th, 1996.

23 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

24 BY MR. HILKE:

25 Q. Is this a memorandum in training curriculum

1 you referred to in your report?

2 A. I believe so, yes.

3 Q. And do you have any knowledge of whether the
4 training described here was actually implemented?

5 A. You know, I -- I've read a lot of depositions
6 from Skahill. I mean, I -- it seems to me it was. You
7 know, I am of the -- I am of the belief that it was,
8 that this type of training was provided to the officers.

9 Q. And other than what may be in Tina Skahill's
10 deposition, are there any other sources you can identify
11 that indicate to you that this training curriculum was
12 implemented?

13 A. Yeah, I -- I think the academy training
14 curriculum, I cite that as well. And -- and that's one
15 of the new documents that -- that was included in there.

16 Q. Yeah. And is -- all right. All right. And
17 when you say the training curriculum, are you referring
18 specific to the course titles and synopses in this
19 document or is there a different part of it you're
20 referencing?

21 A. I'd have to go back and look. I don't
22 remember.

23 Q. All right. Sure. Let me -- I'm going to
24 start at the beginning and I'm going to scroll down and
25 I'd like you to ask me to stop when you see -- if you

1 see the part you identified as a curriculum. Is that
2 fair enough?

3 A. Well, it's a 48-page document, so I -- I can
4 try.

5 Q. If -- I mean, if you'd rather go off the
6 record and take time to look at it. I'm happy to.

7 A. No, you -- no. We're okay. If you want to
8 spend three hours scrolling through the document. Oh,
9 okay. Cool. Okay. So this looks like where it starts
10 and says, "This is the state required program and
11 hours." So this is starting to identify what the
12 curriculum is.

13 Q. Okay.

14 A. But you got to slow down. I can't -- I -- you
15 know, you're going through laws. I'm looking for things
16 like ethics and -- and truthfulness. Okay.

17 Q. Yeah. And just to be clear, I'm -- my
18 question for you right now is: What part are you
19 referring to as a curriculum? I'll ask some follow-up
20 questions about what you identified in your opinion.

21 A. Well, I -- I think this is the -- this is the
22 curriculum. I mean, this is what --

23 Q. Okay.

24 A. You know, this is the starting of where it is
25 that they list the -- what -- what needs to be trained

1 within the academy.

2 Q. Okay. And is it from -- let me go back to --
3 so the curriculum may include, you know, anything this
4 page and beyond in this recruit training program
5 document that I'm sharing with you, correct?

6 A. Yes.

7 Q. Let me go back to your opinion for a second.
8 You specifically referred to units about police morality
9 and disciplinary procedures/rules and regulations,
10 correct?

11 A. Yes.

12 Q. Sitting here now, are there any other specific
13 units that you found consistent with preventing a code
14 of silence?

15 A. Not that I recall.

16 Q. I'm going to ask you in the information that
17 you got about the content of those two units, meaning
18 what is taught, did that come from the curriculum you
19 reviewed?

20 A. Yeah, I -- I think it came from two documents.
21 It came from this -- the document you were just showing
22 me, and there's a second document that is listed in the
23 materials. It's highlighted, called the Basic Recruit
24 Training Program Curriculum 1996.

25 Q. Okay. So I've moved to Page 8 of your report.

1 That would be the document at City BG 58557 to 58604,
2 correct?

3 A. Yes.

4 Q. And then going back to Exhibit 5, do you see
5 that this document starts at the same Bates numbers
6 58557 and continues to, if you can see that, 58604.

7 A. I -- I can't see that, but I'll take your word
8 for it. May -- and maybe I'm just getting these
9 documents confused, but that -- I -- I think that is the
10 document, yes.

11 Q. No, I -- yeah, I -- so one second, please. All
12 right. So there's a number of course, titles and
13 synopses within the curriculum and one of them at BG
14 58576 is a police morality course. And there is a
15 sentence describing it. "The purpose of this unit of
16 instruction is to formulate an understanding and
17 adherence to the degree of ethical and moral behavior
18 expected of police officers in both their personal and
19 professional lives." Did I read that correctly?

20 A. Yes.

21 Q. And is that what you're referring to, to the
22 extent you would, like, form any conclusions about what
23 was trained about police morality?

24 A. As far as police morality, I -- I believe so,
25 yes. I'd have to go back and look at the entire

1 document, but I think so.

2 Q. Okay. And then on B -- city BG 58584, there's
3 a module, Disciplinary Procedures/Rules and Regulations.
4 And there are two sentences describing that, including
5 one that mentions the booklets that the trainees get.
6 Is this where your knowledge of what was trained on
7 disciplinary procedures and rules and regulations comes
8 from?

9 A. Yes.

10 Q. And you haven't reviewed any materials that
11 the trainers themselves would've used in delivering this
12 training, correct?

13 A. Not that I recall.

14 MR. NOLAND: Object to the form.

15 BY MR. HILKE:

16 Q. And back to Exhibit 2, paragraph 113E. One of
17 the things you wrote in paragraph 113E was, "Fourth,
18 even after the FBI no longer wanted Spalding and
19 Echeverria to participate on the case following their
20 losing an FBI recording device in July 2010, the CPD and
21 IAD continued to utilize their cooperation in the
22 confidential investigation." Did I read that correctly?

23 A. Yes.

24 Q. After July 2010, what did the CPD and IAD do
25 to continue to utilize Spalding and Echeverria?

1 A. My memory is that -- that, you know, Spalding
2 and Echeverria had cultivated an informant and they were
3 still managing that informant even after they were no
4 longer active, you know, with the -- with the FBI
5 because of their losing the device.

6 Q. Do you conclude that the FBI decided to remove
7 Spalding and Echeverria from the joint investigation
8 because Spalding and Echeverria lost an FBI recording
9 device?

10 A. Did I conclude that the FBI removed them? I
11 mean, I -- I may -- I misunderstood the question.

12 Q. Yeah. In that sentence I read you say that
13 one the -- well, actually, yeah, I'll -- my question is:
14 When you reviewed the materials, did you draw the
15 conclusion that Spalding and Echeverria were removed
16 from the FBI assignment because they lost a recording
17 device?

18 A. Yeah, my memory is that the FBI made some --
19 you know, the FBI wasn't comfortable with them any
20 longer and that they -- they weren't removed by the FBI,
21 but rather the CPD.

22 Q. And what's your basis for saying that the FBI
23 wasn't comfortable with Spalding and that Echeverria
24 anymore?

25 A. I'd have to go back and look through the

1 materials, but it had to do with losing a -- a recording
2 device.

3 Q. Do you remember anything more specific than
4 that?

5 A. No, not off the top of my head.

6 Q. And any opinions, further opinion you'd have
7 on that topic would be written in your report, correct?

8 A. Yes.

9 Q. The -- all right. On Page 67 of your report,
10 I'm going to refer you back Footnote 163, and you wrote
11 in Footnote 163 that, "Spalding and Echeverria believed
12 the investigation was wrapped up in February 2012,
13 because the targets were being arrested," correct?

14 A. Yes.

15 Q. And you cite a specific document at City BG
16 61117 -- 7, correct?

17 A. Yes.

18 Q. Do you -- now is your statement here that both
19 Spalding and Echeverria in February 2012 believed that
20 the investigation was wrapped up in February 2012?

21 A. Well, that's not what I said. I -- I'd have
22 to go back and look at the document to see whether they
23 believed that in 20 -- February 2020 -- well, what I --
24 what I'm writing here is that the -- the investigation
25 was wrapped up in -- in February 2012, not when they

1 believed different things.

2 Q. I understand. Regardless of when they
3 believed it, is your report saying that both Spalding
4 and Echeverria believed that the investigation wrapped
5 up in February 2012?

6 A. Yes.

7 Q. And what -- from what do you conclude that
8 they both believed the investigation was wrapped up?

9 A. I don't remember. I'd have to go -- I'd start
10 by going back and looking at the document that I cited.
11 There's thousands of pages of documents in this case.

12 Q. Okay. And the document you cited, that's City
13 BG 61117, correct?

14 A. Yes. That may have been where I got it, but
15 I'd have to go back and look at it. I just don't
16 remember.

17 MR. HILKE: So I'll mark City B -- Exhibit 6.

18 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

19 BY MR. HILKE:

20 Q. This is City BG 61117. Can you see that on
21 your screen?

22 A. Yes.

23 Q. And it's a chain of three e-mails, this
24 exhibit, correct?

25 A. You -- you're scrolling really fast. It's

1 bouncing around. I can't -- I think -- I'm sorry. I
2 can't read it that fast.

3 Q. No. That's okay. Take your time. Let me
4 know when you want to scroll down and let me know when
5 you're done, please.

6 A. Okay. You can scroll down. Okay.

7 Q. So at the bottom, there's an e-mail sent
8 Friday, January 27th, 2012, correct?

9 A. Yes.

10 Q. And it's a notice of a job opportunity in
11 fugitive apprehension, correct?

12 A. Yes.

13 Q. Then shortly thereafter, Juan Rivera forwards
14 that e-mail to Daniel Echeverria, correct?

15 A. Yes.

16 Q. And then in the final e-mail on top about a
17 week later, Daniel Echeverria says, "Thanks for the
18 e-mail. I believe it's pretty much wrapped up now.
19 It's just a matter of picking up the targets. However,
20 I have decided on an FBI task force. Let me know when
21 we can meet and what is our next step." Did I read that
22 correctly?

23 A. Yes.

24 Q. Okay. So I guess as a first issue, Shannon
25 Spalding isn't anywhere in this e-mail chain, correct?

1 A. Correct.

2 Q. So there's -- so this e-mail doesn't support
3 that Shannon Spalding believed the investigation wrapped
4 up in February 2012, correct?

5 A. Correct.

6 MR. NOLAND: Objection. Form.

7 BY MR. HILKE:

8 Q. So going back to your report, should it really
9 just say that Echeverria believed the investigation was
10 wrapped up in February 2012?

11 MR. NOLAND: Objection. Form. Go ahead.

12 THE WITNESS: Based on that document, I -- I
13 don't recall what -- you know, whether I got that
14 from some other source or where I got that.

15 BY MR. HILKE:

16 Q. Okay. You think there might be some other
17 source that supports had Spalding believed that the
18 investigation wrapped up in February 2012?

19 A. I don't know. I don't remember.

20 Q. And then in terms of Echeverria's belief,
21 Echeverria was not in control of the joint investigation
22 that you discussed in your report, was he?

23 A. No.

24 Q. And he didn't get to choose the targets,
25 right?

1 A. No.

2 Q. And in this e-mail, going back to Exhibit 6 to
3 Juan Rivera, he doesn't say anything about whether he
4 believes that there are other members of the Watts team
5 who are corrupt, does he?

6 A. No.

7 Q. He is acknowledging that his assignment is
8 about to end, correct?

9 A. Yes.

10 Q. And other than that acknowledging his
11 assignment is about to end, did you draw any other
12 conclusion about the existence of corruption in the
13 Watts team beyond Watts and Mohammed from this e-mail?

14 MR. NOLAND: Object to the form. Go ahead.

15 THE WITNESS: No, not from this e-mail.

16 BY MR. HILKE:

17 Q. All right. Is there another communication
18 from Echeverria that you think is indicative of his
19 belief about the existence of corruption on members of
20 the Watts team other than Watts and Mohammed?

21 A. Well, again, I -- I've read a lot of
22 documents. I've read -- I -- I mean, I just can't
23 recall.

24 Q. And when you -- now, you've described
25 mandatory reporting policies as one of the things police

1 agencies do to prevent or address a code of silence,
2 correct?

3 A. Yes.

4 Q. And you note in your report in Gipson that the
5 CPD had mandatory reporting policies, correct?

6 A. Yes.

7 Q. Do you know how effective the CPD's mandatory
8 reporting requirements were from 1999 to 2011?

9 A. No.

10 MR. NOLAND: Object to the form.

11 BY MR. HILKE:

12 Q. Do you know whether officers abided by the
13 Chicago Police Department's mandatory reporting
14 requirements and reported other officers for misconduct?

15 MR. NOLAND: Objection to form.

16 THE WITNESS: Well, I'm certainly aware of
17 cases where officers were reported for misconduct,
18 so certainly some officers did.

19 BY MR. HILKE:

20 Q. And do you know what kinds of misconduct
21 officers reported each other for during the
22 1999-to-2011-time frame?

23 MR. NOLAND: Objection. Form.

24 THE WITNESS: All sorts of misconduct. I mean,
25 you know, including criminal misconduct.

1 BY MR. HILKE:

2 Q. And you would be relying just on the examples
3 of -- well, strike that. I withdraw the question.

4 MR. HILKE: Let's take, like, a break.

5 THE REPORTER: Is that fine with everybody?

6 MR. NOLAND: Okay with me.

7 THE REPORTER: All right. We are now off the
8 record at 11:39 a.m.

9 (OFF THE RECORD)

10 THE REPORTER: We are back on the record for
11 the deposition of Jeffrey Noble. Today is September
12 6th, 2024, and the time is 11:50 a.m.

13 BY MR. HILKE:

14 Q. Mr. Noble, your report in Gipson offers
15 opinions about the Chicago Police Department's
16 investigation of a complaint by Mr. Gipson, correct?

17 A. Yes.

18 Q. And Mr. Gipson's complaint was that Sergeant
19 Watts had threatened to put drugs on him among other
20 things, correct?

21 A. Yes.

22 Q. And in your opinion, was that a serious
23 allegation of police misconduct?

24 A. Yes.

25 Q. And did that serious allegation of police

1 misconduct require a thorough investigation?

2 A. It required a reasonable investigation.

3 Q. Okay. And so, you wouldn't say thorough, you
4 would say reasonable, correct?

5 A. Yeah. Reasonable is the term I would always
6 use when I'm talk -- assessing a -- an investigation.

7 Q. Okay. And Mr. Coleman, you also analyzed a
8 police complaint by Mr. Coleman, correct?

9 A. Yes.

10 Q. And Mr. Coleman alleged that an officer
11 slapped him and another officer actually planted drugs
12 on him, correct?

13 A. Yes.

14 Q. And that was also a serious allegation,
15 correct?

16 A. Yes.

17 Q. And you would say it required a reasonable
18 investigation, correct?

19 A. Yes.

20 Q. You would not say it required a thorough
21 investigation, you would use the term reasonable,
22 correct?

23 A. Yeah. I think reasonable encompasses
24 thorough, fair, unbiased, yes.

25 Q. If reasonable encompasses thorough, why

1 **couldn't you say it required a thorough investigation?**

2 A. Well, because sometimes, you know -- you know,
3 the word thorough is applied to every investigation,
4 where reasonable recognizes you have to look at the
5 totality of the -- of the investigation to determine,
6 you know, to the extent that you're going to complete an
7 investigation.

8 **Q. Okay. So both of these investigations needed
9 to be thorough and they also needed to be reasonable,
10 right?**

11 MR. NOLAND: Objection. Mischaracterizes. Go
12 ahead.

13 THE WITNESS: Yeah. Again, I -- I think the
14 word I -- I'm look -- comfortable with is
15 reasonable. I think they need to be reasonable.

16 BY MR. HILKE:

17 **Q. Right. But it's a yes or no question. Did
18 both of these investigations need to be both reasonable
19 and thorough?**

20 MR. NOLAND: Object -- it's actually not.
21 Object to the form. Argumentative.

22 THE WITNESS: Yeah.

23 MR. NOLAND: Asked and answered.

24 THE WITNESS: Yeah. And I've explained that in
25 other place in my report that, you know, they -- you

1 know, not -- not every investigation needs to be
2 exhaustive. And -- and I -- and in -- in my mind,
3 the word thorough include -- you know, would be
4 exhaustive and you know, that there are -- there are
5 -- are limits to investigations and you have to
6 assess an investigation based on the facts of that
7 particular investigation.

8 BY MR. HILKE:

9 Q. In these specific investigations, Coleman and
10 Gipson's, should the police investigators have tried to
11 contact any witness who might have witnessed the arrest
12 that was -- or the interaction that was the subject of
13 the allegations?

14 A. If there was evidence that there was a witness
15 present and they -- they knew that, then they should
16 have contact -- made the efforts to contact those
17 witnesses.

18 Q. And why is it important to try to contact any
19 witness to an allegation of serious misconduct like
20 these?

21 MR. NOLAND: Objection. Incomplete
22 hypothetical. You may answer.

23 THE WITNESS: So it depends on the case, but,
24 you know, if there is an independent witness, you
25 know, off -- from an independent witness, you can

1 get, you know, unbiased information that may assist
2 you in reaching a conclusion or it may assist you in
3 -- in locating other evidence.

4 BY MR. HILKE:

5 Q. When you say an independent witness, what does
6 independent witness mean as you use it?

7 A. Well, as I use it just there -- it is that,
8 you know, they're not associated with, you know, neither
9 a police officer nor a friend or acquaintance of the
10 complainant. But you know, even a friend or
11 acquaintance of the complainant may be a witness to some
12 things that you may want to interview them and follow up
13 on.

14 Q. Okay. For these specific serious allegations
15 of police misconduct that you gave opinions on, should
16 the investigator have tried to interview any witness,
17 independent or not, to the incidents?

18 MR. NOLAND: Object to the form.

19 THE WITNESS: Yeah. I -- don't recall. You're
20 asking should they have interviewed a witness, I --
21 you know, I don't recall that -- you know, that
22 there were witnesses or independent evidence. So I
23 -- I don't recall a witness in either -- either
24 incident that was not interviewed.

25 BY MR. HILKE:

1 Q. Okay. And it would've been proper to try to
2 interview any witness to either of the incidents,
3 correct?

4 MR. NOLAND: Objection. Form.

5 THE WITNESS: It may have been. I'd have to
6 look at the facts.

7 BY MR. HILKE:

8 Q. Why -- and can you explain why would it be
9 reasonable to fail to try to contact witnesses to a
10 serious allegation of police misconduct?

11 MR. NOLAND: Objection. Form. Incomplete
12 hypothetical. You may answer.

13 THE WITNESS: Why would it be reasonable to
14 interview a witness?

15 BY MR. HILKE:

16 Q. To fail to interview a witness to a serious
17 allegation of police misconduct? To fail to try to
18 interview a witness?

19 A. Yeah, I -- I can't think of a reason. There
20 -- there may be a reason. I'd have to look at the facts
21 of a particular case.

22 Q. Okay. Would you agree that usually you should
23 try to interview all the witnesses who may have
24 witnessed a serious allegation of police misconduct?

25 MR. NOLAND: Object to the form. Go ahead.

1 THE WITNESS: Depending on the facts generally,
2 yes.

3 BY MR. HILKE:

4 Q. Right. And something that happened in the
5 investigations that you gave opinions on was the Chicago
6 Police Department investigator received written
7 statements from police officers, correct?

8 A. Yes.

9 Q. And is there any accepted standard for how
10 much detail an investigator should try to get when a
11 police officer gives them a written statement?

12 A. Yeah. I'm not familiar with any written
13 standard regarding detail, no.

14 Q. What about an accepted practice? Is there an
15 amount of detail that is accepted as a practice to get
16 when written statements are taken from police officers?

17 A. Yeah. I'm not familiar with any written
18 standard or, you know, a generally accepted practice is
19 that you're looking for a statement and often those
20 statements are, you know, general denials, but even a
21 general denial is an effective tool in an investigation.

22 Q. Okay. So is it reasonable -- well, strike
23 that. Okay. Do you believe that when a police officer
24 gives a written statement relative to an allegation of
25 police misconduct, that police officer should be

1 required to give the facts of their knowledge, meaning
2 the who, what, when, and where of what they observed?

3 A. Well, it depends on what they're being asked.
4 So usually in -- these cases, they're given, you know,
5 certain specific questions that they're being asked to
6 respond to.

7 Q. I understand. And my question is -- let me
8 start with this question then. Should an investigator
9 ask for such a factual account? Should an investigator
10 ask for the who, what, where, and when when taking a
11 written statement from a police officer relative to an
12 allegation of police misconduct?

13 A. It -- it depends on the particular
14 investigation and what the investigator is trying --
15 what information that investigator is trying to
16 determine.

17 Q. What about in these complaints, in the Coleman
18 and Gipson complaints you gave opinions on? Should the
19 investigators have asked for factual accounts of what
20 happened from the police officers involved?

21 MR. NOLAND: Objection to the form.

22 THE WITNESS: Yeah. And I think that's -- that
23 is what happened. The investigator did ask
24 questions, specific questions regarding the facts.

25 BY MR. HILKE:

1 Q. And what kinds of, you know -- and so as to
2 those questions -- so a proper response to the questions
3 for the who, what, when, and why -- who, what, when, and
4 how would include an officer explaining what they did
5 during the incident in question, correct?

6 MR. NOLAND: Object to form. Incomplete
7 hypothetical.

8 THE WITNESS: It just depends.

9 BY MR. HILKE:

10 Q. Would it include an officer explaining, you
11 know, who the -- who they saw at the scene? What other
12 witness -- what other officers or witnesses were
13 present?

14 A. It -- it may. It just depends on what they're
15 being asked.

16 Q. Well, if an officer is asked, you know --
17 well, strike that. Just to clarify, do you understand
18 that I'm asking about the practice of what an
19 investigator should ask and not what specifically did
20 they ask in either of these cases?

21 MR. NOLAND: Object to the form.

22 THE WITNESS: I -- am now.

23 BY MR. HILKE:

24 Q. Okay. So I want to focus on that, what
25 questions an investigator should ask when investigating

1 a serious allegation of police misconduct. Should the
2 investigator get a specific account from the involved
3 officers of what they did during the interaction that's
4 the subject of the complaint?

5 A. The -- the investigators should ask questions
6 that would lead them to make a -- you know, to -- to
7 lead them to evidence to make a determination of whether
8 or not the allegations are -- true or not, you know? So
9 it -- it depends on the particular investigation, but
10 you know that -- their questions should be, you know,
11 pointed at whether or not the particular officer either
12 witnessed or knew about or engaged in the behaviors that
13 on the basis of the allegation.

14 Q. And in general, is getting a simple denial --
15 you know, an answer that says no, I didn't do what I'm
16 accused of good enough to accomplish those purposes?

17 MR. NOLAND: Object to the form.

18 THE WITNESS: It may be, you know, and -- and
19 sometimes, you know, that's -- that's the extent of
20 it, yes.

21 BY MR. HILKE:

22 Q. And as an investigator, why wouldn't you want
23 a more detailed description that you could use to
24 further the investigation?

25 MR. NOLAND: Objection. Form. Argumentative.

1 THE WITNESS: So -- so again --

2 MR. NOLAND: Incomplete hypothetical. Go
3 ahead.

4 THE WITNESS: It -- it depends on the
5 investigation. It depends on what the investigator
6 is trying to achieve. So you know -- you know, if
7 someone is going to deny, you know, misconduct,
8 whether they deny it in a sentence or deny it in
9 three pages, they're still going to deny the
10 misconduct, you know? So it -- really just depends
11 on -- on what the goal of the -- you know, the
12 investigator is, and -- and often the -- the written
13 statements form that basis, just forms a -- an
14 opportunity to get that general denial. And then
15 you're going to have to go and -- and conduct your
16 investigation to see whether you can overcome that.

17 BY MR. HILKE:

18 Q. One tool an investigator has -- well, strike
19 that. Okay. In Coleman and Gipson's complaints, did
20 you think the investigators needed to get more than flat
21 denials from the accused officers?

22 MR. NOLAND: Object to the form.

23 THE WITNESS: No, I -- felt in these cases that
24 -- that -- that their investigations were
25 reasonable.

1 BY MR. HILKE:

2 Q. I guess that's a different question than I was
3 asking. Did you think that the investigators needed to
4 get more than flat denials from the officers they took
5 written statements from?

6 MR. NOLAND: Objection. Form. Compound.

7 THE WITNESS: I -- I think they did get more
8 than just a simple denial. I think there was other
9 information in -- in those to-from reports. I'd
10 have to go back and look at them because there are
11 multiple ones, but what they did give, I believe,
12 was reasonable.

13 BY MR. HILKE:

14 Q. Would it have been unreasonable for them to
15 settle for flat denials from any of the officers?

16 MR. NOLAND: Objection. Form.

17 THE WITNESS: You know, it -- it just depends.
18 I'd have to look at that. It depends on the facts
19 and circumstances.

20 BY MR. HILKE:

21 Q. And sitting here today, you don't remember
22 enough about the investigations to answer one way or
23 another; is that fair?

24 MR. NOLAND: Answer what? Objection. Form.

25 THE WITNESS: Yeah. Whether -- I -- whether

1 somebody just simply said, you know, I deny, and --
2 and no other information, I -- I don't recall that,
3 but I'd have to go back and look. I mean, there
4 were multiple to/from reports in -- in those two
5 investigations.

6 BY MR. HILKE:

7 Q. And again, my question wasn't whether it
8 happened. My question was whether -- if an investigator
9 had just taken a flat denial even though it didn't
10 happen from an accused officer in either Coleman or
11 Gipson's investigations of misconduct that you opined
12 on, would that have been reasonable for the investigator
13 to do? Or can you answer with information you have now?

14 MR. NOLAND: Objection. Asked and answered.

15 THE WITNESS: Yeah. Again, I'd -- I'd have to
16 -- I'd have to look at the -- the facts and -- and
17 assess it based on the facts.

18 BY MR. HILKE:

19 Q. So an officer doesn't necessarily need to --
20 when it -- strike that. So even for a serious
21 allegation of police misconduct, an investigator doesn't
22 necessarily need to get officers who submit written
23 statements to answer the facts, the who, what, when, and
24 where of their involvement, correct?

25 A. It -- it depends on the investigation. You

1 know, they need to ask questions that help them to
2 resolve the investigation.

3 Q. All right. And that means maybe they need to,
4 maybe they don't. You'd have to know the facts to
5 answer, correct?

6 A. Correct.

7 Q. And is the same true for how specific officer
8 is? Like, how specific an account an investigator gets
9 from an officer totally depends on the facts and
10 circumstances of the case?

11 A. Yes. And if -- you know, and if an
12 investigator felt they need more information, they could
13 always do an in-person interview or ask for additional --
14 you know, send a -- request for an additional written
15 statement.

16 Q. And that's what an investigator must do if
17 it's necessary to investigate the complaint to complete
18 a reasonable investigation, correct?

19 A. No. No. I didn't say that. No. And often,
20 no, they don't -- they don't have to conduct a
21 follow-up investigation or conduct an in -- in-person
22 investigation.

23 Q. And you may have said this before, but am I
24 correct that a reasonable investigation must be
25 unbiased?

1 A. Yeah. I mean -- you know, it -- well, again,
2 everything is in -- you know, bias is a very broad term.
3 So you know, is it -- is the police investigating the
4 police? Is there a possibility of bias? You know,
5 always. You know, it -- you know, there -- there
6 shouldn't be any evidence that -- that -- you know, that
7 there's some intentional bias or -- or a bad act is
8 being conducted.

9 **Q. And when reviewing a police investigation
10 file, what is evidence of intentional bias?**

11 A. You know, I -- you know, it's one of those
12 things, you know it when you see it. You know, I mean,
13 if -- there's some evidence that -- that, you know,
14 indicates that -- that there's an obvious bias, you
15 know, it's something you would look at.

16 **Q. Can you think of any example in the police
17 complaints you reviewed where you've seen evidence of
18 obvious bias?**

19 A. Yeah, I can't think of one off the top of my
20 head right now, no.

21 **Q. Okay. All right. Page 67 of your report, I'm
22 showing you Exhibit 2 now, is where you evaluate the
23 Chicago Police Department's evaluation of Mr. Gipson's
24 January 13, 2003, complaint, correct?**

25 A. Yes.

1 Q. And one of the reasons you discuss Lieutenant
2 Spratte's attempts to contact Mr. Gipson at the address
3 in the file, correct?

4 A. Yes.

5 Q. And your report describes that a letter was
6 returned and Lieutenant Spratte discovered that it was a
7 vacant lot at the address, correct?

8 A. Yeah. He went out there and -- and, you know,
9 he -- got the -- he -- he sent him a letter, and the
10 letter was returned. So he actually drove out there and
11 discovered it was a vacant lot.

12 Q. Should Lieutenant Spratte have done anything
13 else to try to contact Mr. Gipson?

14 A. Well, he did do other things. He -- he was
15 calling him and leaving messages, and he wasn't
16 responding to that. He tried to do a -- you know, a --
17 a search on the phone number to see if there was an
18 address. He wasn't able to locate that. So he did make
19 other efforts.

20 Q. And are those things that he should have done,
21 meaning that those were the appropriate actions to take
22 when he couldn't contact Mr. Gipson?

23 A. I think in this case, yes.

24 Q. And you wrote in your report that Lieutenant
25 Spratte -- this is paragraph 117, that Lieutenant

1 Spratte's efforts were undermined due to Mr. Gipson not
2 responding to telephone calls and his providing a
3 fictitious address, correct?

4 A. Yes.

5 Q. And why do you refer to Mr. Gipson providing a
6 fictitious address?

7 A. Because he gave an address that's a vacant lot
8 and not his home address.

9 Q. Did you consider the possibility that the
10 address was written down incorrectly?

11 A. You know, it's certainly a possibility, but
12 again, there were other efforts to make to contact
13 Mr. Gipson, that he didn't respond to.

14 MR. HILKE: I will show you -- I will mark
15 Exhibit 7.

16 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

17 BY MR. HILKE:

18 Q. Starting on Page 3 of the exhibit, you can see
19 that this is a summary report guide just from James
20 Spratte regarding complainant, Leonard Gipson, address
21 5643 South Racine; is that -- do you see that?

22 A. Yes.

23 Q. And is this the investigative file, this
24 27-page document, for Mr. Gipson's complaint that you
25 reviewed for your opinion?

1 A. Yeah.

2 MR. NOLAND: I'm just going to just -- object.

3 You're showing on the first half of the first page
4 and asked him if this is the whole file he looked
5 at. So object to the form of that.

6 MR. HILKE: That's fair.

7 BY MR. HILKE:

8 Q. You would defer to the Bates numbers here and
9 in your materials reviewed, correct?

10 A. Yes.

11 Q. And did you review the entire investigative
12 file?

13 A. Yes.

14 Q. So I'm going to refer you to City BG 8590.
15 There's a statement here given by Sergeant Ronald Watts,
16 a written statement in response to Mr. Gipson's
17 allegations, correct?

18 A. Yes.

19 Q. And one of the things Sergeant Watts notes is
20 R/S in Tactical Team 4512 made an arrest of the
21 complainant on January 4, 2003, correct?

22 A. Yes.

23 Q. So the investigator would've known that there
24 was an arrest report in close proximity to Mr. Gipson's
25 complaint, correct?

1 A. Yes.

2 Q. Should the investigator have looked at that
3 arrest report?

4 A. Yes. Yes.

5 Q. And why should the investigator have looked at
6 that arrest report?

7 A. Well, to confirmed that, in fact, he was
8 arrested a few days before. And in this case, they'll
9 see whether a different address is listed on the report.

10 MR. HILKE: So I'll show you Exhibit 8.

11 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

12 BY MR. HILKE:

13 Q. This is a two-page document, City BG 31565 and
14 31566. You'll notice that in Box 1, you've got Leonard
15 Gipson's name. Box 29 shows the date of arrest, January
16 4, 2003. And is this the arrest report you looked at in
17 support of your opinion?

18 A. I'm sure it is. I don't remember.

19 Q. And you recall that, and I can refer you back
20 if you want, the address given in the complaint written
21 down in Gipson's complaint was 5643 South Racine,
22 correct?

23 A. Yes.

24 Q. And you'll notice that in -- the residence
25 address in the arrest report was 6643 South Racine,

1 correct?

2 A. Yes.

3 Q. And so those addresses are off by one -- like
4 a value of one from the 5000s to the 6000s, correct?

5 A. Yeah. It's appears that there was an error.

6 Yeah. Yes.

7 Q. And the investigators should have seen this
8 residence address in the arrest report and tried to
9 contact Mr. Gipson at the address from the arrest
10 report, correct?

11 A. I think that's one -- one other step he could
12 have taken. Yes.

13 Q. Should he have done that?

14 A. Yeah. I -- I think if -- if he -- he had seen
15 this report then -- and -- and recognized that, you
16 know, there was an error in the address, I think that is
17 something that -- that he could have done.

18 Q. And you don't find any indication from the CR
19 investigative file, Exhibit 7, that the investigator
20 ever took any of those steps, correct?

21 MR. NOLAND: I mean, I -- the way you asked the
22 question, you're implying that you're showing him
23 the entire CR that he has in front of him. If you'd
24 like to do that or if you just want him to answer
25 based on memory, either -- your choice.

1 MR. HILKE: Yeah.

2 BY MR. HILKE:

3 Q. My question is whether -- when you reviewed
4 the CR file, Exhibit 7 that we looked at, you found any
5 indication that the investigator had gone back and
6 looked at the arrest report.

7 A. I -- I'd have to go through the CR file and
8 see whether the arrest report is included in that file.
9 I don't recall -- my memory is that it is not, but I --
10 I would have to look through the file.

11 Q. If the investigator failed to check the arrest
12 report from Mr. Gipson's arrest, was his investigation
13 of Mr. Gipson's complaint still reasonable?

14 A. Yes.

15 Q. Would it be reasonable for the investigator to
16 conclude that Mr. Gipson had provided a fictitious
17 address without following up and checking the arrest
18 report?

19 A. Yes.

20 MR. HILKE: All right. So I'm going to show
21 you Exhibit 9.

22 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

23 BY MR. HILKE:

24 Q. This is a 102-page document starting at City
25 BG 8606. And then on page 4 of the PDF, you can see

1 that this is a complaint against Calvin Ridgell, Jr.,
2 and Ronald Watts. Sandra Baker is the complainant.
3 Bobby Coleman is a victim.

4 **Do you see that?**

5 A. Yes.

6 Q. And this is a CR you reviewed informing your
7 opinions, correct?

8 A. Yes.

9 Q. And you found the Chicago Police Department's
10 investigation of these allegations reasonable, correct?

11 A. Yes.

12 Q. You did mention that although -- that the
13 investigator recommended that the allegations be deemed
14 unfounded, but you thought a better a resolution
15 would've been not sustained; is that correct?

16 A. Yes.

17 Q. Was it reasonable to find the allegations
18 unfounded instead of not sustained?

19 A. You know, that -- that's an error that I find
20 often with internal affairs investigators, that -- that
21 they mistake a -- a finding of unfounded when it should
22 not be not sustained. You know, do I think that's
23 reasonable? It's certainly an error. I -- believe it
24 was an incorrect finding.

25 Q. Do you have any opinion about whether that

1 error was reasonable?

2 A. I -- not without talking to the particular
3 investigator and having an understanding of why the
4 investigator believed they used that term rather than --
5 than the appropriate term of not sustained.

6 Q. Is that something you've ever done as an
7 expert, interview the actual investigators who conducted
8 a misconduct investigation?

9 A. I -- don't understand your question.

10 Q. Well, you said you couldn't tell if it was
11 unreasonable, the finding, without interviewing the
12 investigators. And my question is, in cases where
13 you've been hired as an expert, have you ever
14 interviewed the investigators relative to a complaint of
15 police misconduct?

16 A. No. I don't conduct the investigations. I --
17 I review materials that are compiled by the attorneys.

18 Q. All right. I'd like to ask you to read the
19 allegations and the summary of the investigation,
20 starting on City BG 8613. Would you please read? And
21 tell me when you need me to scroll down.

22 A. Okay. Okay. Scroll down. You can scroll
23 down. Scroll down. Scroll down. You can scroll down.
24 You can scroll down. You can scroll down. Scroll down.

25 Q. I think that's the end of it. Okay. We've

1 gone all the way through City BG 8617, correct?

2 A. Yeah. The five pages of -- of the report,
3 yes.

4 Q. Right. We've gone over five pages of the
5 report that summarized the investigation conducted into
6 Mr. Coleman's January 14th, 2003, complaint, correct?

7 A. Yes.

8 Q. So let me -- and do you recall that there were
9 three officers who gave written statements in connection
10 with this investigation?

11 A. Yes.

12 Q. Okay. So, I'm going to City BG 8640. This is
13 the written statement dated February 20th, 2003, from
14 police Officer Kenneth Young, Jr., correct?

15 A. Yes.

16 Q. And Mr. Young says -- all right. The first
17 paragraph of this written statement is language about --
18 that you've seen in a -- in a fair number of the --
19 these CRs by now, correct?

20 MR. BAZAREK: I'd object to the -- object to
21 the form of that question.

22 MR. HILKE: Okay.

23 MR. BAZAREK: It's dripping with, like,
24 sarcasm, I guess.

25 MR. HILKE: I wasn't trying to.

1 BY MR. HILKE:

2 Q. Can you answer the question?

3 A. I -- I am aware that officers routinely begin
4 their statement by making -- putting in a preface to
5 their statement by using that kind of language. Yes.

6 Q. Okay. And the second paragraph, Mr. Young
7 writes that he's leaving this statement in regard to CR
8 287011, correct?

9 A. Yes.

10 Q. And paragraphs 3 to 5 consist of the substance
11 of his statement, meaning how he responds to the
12 questions, correct?

13 A. Yes.

14 Q. And paragraph 3 says, "R/O was never at 3700
15 South Rhodes at the date and time in question. R/O came
16 into contact with the complainant/victim when the
17 complainant/victim was seated in a police vehicle that
18 was parked in front of 5270 East Browning handcuffed."
19 Did I read that correctly?

20 A. Yes.

21 Q. Number 4 says, "R/O at no time witnessed PO
22 Ridgell slap or call the complainant/victim a liar." Did
23 I read that correctly?

24 A. Yes.

25 Q. Paragraph 5 says, "R/O did not observe any

1 injuries to the complainant/victim when RO observed the
2 complainant/victim seated in the police vehicle." Did I
3 read that correctly?

4 A. Yes.

5 Q. Based on Mr. Coleman's allegations, should the
6 investigator have sought more detail than this from
7 Mr. Young?

8 A. No. The -- the allegations were that -- that
9 -- that he was -- that this slap and calling him a liar
10 occurred at someplace other than -- you know, in -- you
11 know, on Rhodes Street, not in front of the -- the
12 apartment complex on Browning. And Young is basically
13 saying, look, I -- I was never at Rhodes. So, if that's
14 -- if that's the allegation, I didn't see it. And I
15 didn't see any evidence of an injury. His other
16 allegation is that the -- the drugs were planted on him
17 by Watts at the police station, you know, and there's no
18 evidence that -- that Young saw that either, so.

19 Q. Now, Mr. Young doesn't say in this statement
20 whether or not he ever saw police officer Ridgell have
21 any interactions with Mr. Coleman, does he?

22 A. No.

23 Q. Should he have been asked about?

24 A. No. You know, he was -- they're investigating
25 the allegation. The -- the allegation is clear that --

1 that Coleman says he was at a different location, and
2 Young said -- when -- when the incident occurred, and --
3 and Young is saying he wasn't there.

4 Q. Mr. Young doesn't say whether or not he heard
5 any outcry from Mr. Coleman or a complaint of
6 mistreatment, does he?

7 A. Nope.

8 Q. Should he have been asked about that?

9 A. No. I -- I think in this case, that this is
10 reasonable.

11 Q. And Mr. Young isn't asked anything about drugs
12 being -- does -- strike that. Mr. Young doesn't say
13 anything about whether drugs were planted or even
14 discussed during the interactions he witnessed, correct?

15 A. No, he does not say anything. He --

16 Q. Should he have been asked --

17 A. If he -- he knew of it, he had a duty to
18 report it.

19 Q. And should he have been asked about it?

20 A. I don't think so in this case. If he -- if he
21 knew about it, he had a duty to report it.

22 Q. Is that the general practice in police
23 misconduct investigations, that if a police officer
24 would have a duty to report the misconduct, you don't
25 have to interview them about it?

1 MR. NOLAND: Objection. Mischaracterizes.

2 Go ahead.

3 THE WITNESS: No. I -- I in this case, what --
4 what he was interviewed about was reasonable, and --
5 and he did have a duty and -- you know, to -- to
6 report misconduct if he was aware of it.

7 BY MR. HILKE:

8 Q. Yeah. Yeah. As a matter of best practice in
9 police misconduct investigations, should the
10 investigator have sought any additional information from
11 Officer Young?

12 A. I -- I think in this case, what -- the
13 information that was provided is reasonable.

14 Q. Well, and let me just make sure I understand.
15 Is reasonable and best practice the same thing?

16 A. Yes. I -- think that -- you know, are there
17 better ways to do things? Yeah. There's always better
18 ways. I mean, I -- you know, any -- any -- you know,
19 even if it was an in-person interview, I could review an
20 in-person interview and craft better questions or better
21 follow-up or better ways to go about conducting an
22 interview. There's always ways you could do things
23 better, but that's -- that's not what -- you know, I'm
24 looking to see whether or not the investigation in its
25 totality was reasonable, and I believe it was.

1 Q. Is there anything you can think of that the
2 investigator could have done that would've been better
3 to get more information from Officer Young?

4 A. I -- you know, again, I -- I think this is
5 reasonable. Would it have been better to say, "Were you
6 at the police station during the time? Did you see any
7 interaction between Watts" -- you know, I mean, those
8 questions would be better, but do I still -- but I still
9 believe that this is reasonable.

10 Q. Okay. Just so I am -- I want to get a clean
11 answer not asking about reasonableness. You just said
12 that it would've been better to ask whether Officer
13 Young was at the police station, right?

14 MR. NOLAND: Objection. Asked and answered.

15 Move to strike the prefatory observation.

16 Argumentative. Go ahead.

17 THE WITNESS: I -- I think -- I certainly think
18 there are always ways to do things better.

19 BY MR. HILKE:

20 Q. Well, my question was about this specifically.
21 Would it have been better for the investigator to have
22 asked Officer Young to say whether he ever went to the
23 police station after Mr. Coleman's arrest?

24 A. I -- I don't think it'd be better to just
25 simply ask him if he had went to the police station. No.

1 Q. Would it have been better for the investigator
2 to ask Mr. Young to give the specific details of what
3 interaction, if any, Officer Young observed between
4 Watts, Ridgell, and Coleman?

5 A. No. I think -- think that question is too
6 broad.

7 Q. Well, or to -- would it have been better to
8 try to elicit some information about the details of any
9 interactions Officer Young may have seen between the
10 complainant and the complaint against officers?

11 MR. NOLAND: Objection. Calls for speculation.
12 Go ahead.

13 THE WITNESS: Yeah. It would -- you know, I'm
14 sort of guessing -- you know, you know, again, you
15 can -- you can always craft questions differently
16 and ask for more -- different information.

17 BY MR. HILKE:

18 Q. Can you say if it would've been better or not
19 to try to get that information?

20 A. Well, without -- you know, knowing what he
21 knew, I -- I don't know whether it'd be better or not,
22 but, you know, it -- you know, I -- I -- you know,
23 there's -- certainly, you can always ask for more
24 information.

25 Q. All right. But you don't know here if it

1 would've been better or not to seek information about
2 the interactions between the complaint against the
3 officer and the complainants, correct?

4 A. Yeah. I don't know whether it'd been better
5 because I don't know what the result would be. I mean,
6 you know, as an investigatory step, would it have been -
7 - you know, could it have been better? Sure. There's
8 always ways to do things better.

9 Q. All right. Let's go to City BG 8646. And
10 here we have, dated February 28, 2003, Officer Ridgell's
11 response -- original response to Coleman's allegations
12 against him, correct?

13 A. Yes.

14 Q. Now, when reviewing this statement, and you
15 should take as long as you want to review it, do you
16 notice any missing details that you would want to have
17 if you were investigating the case?

18 A. No.

19 Q. Now, does Officer Ridgell explain in his
20 written statement responding to Mr. Coleman's
21 allegations whether he personally arrested Mr. Coleman?

22 A. It -- it does -- he -- he said that -- that
23 Coleman was arrested in a parking lot, and he was -- he
24 was present, and a team arrested seven people.

25 Q. He says that a team -- the tactical team

1 arrested seven people, correct?

2 A. Yes.

3 Q. He doesn't say which of those seven persons he
4 personally arrested, does he?

5 A. No.

6 Q. He doesn't -- he doesn't say whether Coleman
7 made any outcry, does he?

8 A. No.

9 Q. He doesn't say -- well, strike that. He
10 doesn't say how the drugs that were attributed to
11 Coleman were found, does he?

12 A. No.

13 Q. And in your opinion, it was reasonable not to
14 elicit any further details from Calvin Ridgell, correct?

15 A. Correct.

16 Q. Would it have been better to ask him to
17 provide the details that I've just discussed?

18 A. No. This is -- you know, the -- the
19 allegation against Officer Ridgell is that this that --
20 that he slapped the complainant and called him a liar
21 while on Rhodes. Ridgell says, look, I wasn't even on
22 Rhodes. We were on Browning and -- and he was arrested
23 on Browning. Wasn't there, didn't do it. And I didn't
24 go to the police station, I didn't have any contact with
25 him at the police station where the allegations are that

1 the drugs were planted. So Ridgell is -- is, you know,
2 denying the allegations by -- by stating, you know, I
3 wasn't there. Wasn't present, didn't happen, and wasn't
4 present at the 2nd District, and didn't have any contact
5 with him during the process. So you know, he didn't see
6 any -- you know, he -- he is denying the allegations
7 saying, I wasn't at the district where Watts has claimed
8 to have planted evidence on him.

9 Q. Yeah. Is there any question you can think of
10 that it would have been better for the investigator to
11 ask Calvin Ridgell in follow up to his written response?

12 A. No.

13 Q. All right City BG 8651. Do you see here
14 Sergeant Ronald Watts' written response to Mr. Coleman's
15 complaint of misconduct against him dated
16 February 28th, 2003?

17 A. Yes.

18 Q. And he also starts with a paragraph about how
19 the statement is given under duress, correct?

20 A. Yes.

21 Q. And then in his first paragraph he writes, "RS
22 at no time entered the interview and planted heroin on
23 the offender/complainant. The offender/complainant was
24 charged with the proper charges by arresting officers."
25 Did I read that correctly?

1 A. Yes.

2 Q. And he then writes, "R/S and tactical team
3 4512 made an arrest of the complainant on
4 January 4th, 2003 and these allegations are attempts by
5 the offender/complainant to discourage further
6 aggressive narcotic investigations into the offender."

7 Did I read that correctly?

8 A. Yes.

9 Q. And then he writes, "R/S submit a copy of the
10 vice case report and the offender/complainant's criminal
11 history as basis for the above statement." Did I read
12 that correctly?

13 A. Yes.

14 Q. Okay. Do you notice any missing details in
15 Sergeant Watts' written response to the allegations of
16 misconduct by Mr. Coleman against him? Any additional
17 details you would want him to provide as an
18 investigator?

19 A. No. Not in this case.

20 Q. And Sergeant Watts doesn't say whether he
21 personally was involved in Mr. Coleman's arrest, does
22 he?

23 A. No.

24 Q. He doesn't say whether Mr. Coleman made any
25 outcry at any time, does he?

1 A. No.

2 Q. He doesn't explain what role, if any, he
3 played after Mr. Coleman's arrest, does he?

4 A. No.

5 Q. He doesn't explain how the drugs on
6 Mr. Coleman were found, does he?

7 A. No.

8 Q. And he was never interviewed in person, at
9 least as documented in the CR file, correct?

10 A. Correct.

11 Q. Now -- and Sergeant Watts appears to answer
12 that, well, this complainant is making it up and look,
13 he was arrested for drugs and here's his criminal
14 history, correct?

15 MR. NOLAND: Just object to the extent it
16 mischaracterizes the report.

17 THE WITNESS: Yeah. What -- basically what
18 he's saying is, look, hey I didn't plant -- I didn't
19 plant heroin on him, and I believe the reason he's
20 making these allegations is to discourage further
21 criminal investigations on him.

22 BY MR. HILKE:

23 Q. And is -- from an internal affairs or police
24 misconduct perspective, is there anything -- is it
25 appropriate for an officer or a sergeant responding to

1 accusations of misconduct to make accusations like that
2 against the complainant?

3 A. I -- I -- you know, I -- I think -- you know,
4 if you're the subject of an internal affairs
5 investigation, you know, and that's what you believe
6 and, you know, and -- and this is something that -- that
7 occurs When, you know, you have narcotics team making a
8 lot of arrests is people make complaints, you know, in
9 hopes of, you know, beating their case or discouraging
10 future investigations. That happens. You know, there's
11 nothing wrong with him putting that information in, it's
12 still up to the investigator to draw their own
13 conclusions.

14 Q. And do you believe it was appropriate for the
15 investigator of this complaint to accept this written
16 statement and not ask any follow up questions?

17 A. Yes.

18 Q. Do you believe it was acceptable for the
19 investigator of this complaint to accept this statement
20 and not conduct an in-person interview with Sergeant
21 Watts?

22 A. Yes.

23 Q. Are you surprised that Sergeant Watts provided
24 this level of detail in response to a request for a
25 written statement?

1 A. Yeah. I'm not surprised by this
2 response. No.

3 Q. And do you believe that as a generally
4 accepted practice, police departments around the country
5 receiving statements with this level of detail from
6 officers accused of misconduct would say, yes, this is
7 an appropriate level of detail?

8 A. I think that you have to look at the totality
9 of the investigation. You know, when you're -- when
10 you're assessing whether this level of detail was -- is
11 reasonable or not. You know, so this is an
12 investigation where the complainant says, I -- you know,
13 I was at a completely different location. I was going
14 to the store with my mom, but Mom -- and he doesn't
15 explain it, but Mom wasn't in the car suddenly when he
16 gets arrested. And then he gets taken back to this
17 other location where his mom says she wasn't with him at
18 all and that -- that, you know, that he went off to the
19 store. And then you have all the -- you know, the
20 officers in the arrest reports indicating that they had
21 information that, you know, a drug deal was going to go
22 down and they arrested a -- you know, a large number of
23 people. You know, so you have statements from
24 Mr. Coleman that -- that aren't credible, or appear not
25 to be credible, and you have, you know, a statement like

1 this. So in -- in this case, in this context, I believe
2 it to be reasonable.

3 Q. And just so I understand your answer, you
4 believe that police departments across the country in an
5 investigation of police misconduct like this would find
6 this level of detail in a police sergeant's written
7 response to accusations reasonable?

8 A. I -- think -- you know, again, the -- the
9 appropriate way to view this response is in its -- as
10 part of the totality investigation. I couldn't guess on
11 what other police departments if they looked at this
12 statement alone what they -- what -- how they would --
13 without reviewing any other portion of the investigation
14 would they -- how they would assess that statement.

15 Q. Thank you for clarifying. Do you believe that
16 police departments across the country taking this
17 investigation in its totality, as you have, would find a
18 statement with the level of detail like Sergeant Watts'
19 to be acceptable?

20 A. Again, I have no idea what police departments
21 would find. I think any reasonable police practices
22 expert who has experience in conducting internal affairs
23 investigations who looked at the entirety of the
24 investigation, they would find the investigation to be
25 reasonable, including this statement.

1 Q. So -- one second, please. Let me take you
2 back to -- I'm taking you to City BG 8624. Do you see
3 here a report relative to the arrest of Mr. Coleman on
4 January 4th, 2003?

5 A. Yes.

6 Q. And calling your attention to the witnesses in
7 Box 18. This report lists nine officers as witnesses
8 relative to this arrest, correct?

9 A. Yes.

10 Q. And other than the three officers who gave
11 written statements, no other officers were interviewed
12 in this investigation, correct?

13 A. Correct.

14 Q. And no other officers gave statements in this
15 investigation, correct?

16 A. Correct.

17 Q. Was it reasonable to not ask any questions of
18 any of the other witness officers in this investigation?

19 A. Yes.

20 Q. And would it have been better to ask some of
21 those officers what they saw?

22 A. It -- may or may not have. I mean, there's no
23 allegation that any of these other officers saw
24 anything. You know, the allegation was that, you know,
25 that the actions by Ridgell occurred at a different

1 location where none of these officers claimed they were
2 even at, and that it occurred in, you know, in an
3 interview room where -- where, you know, the only --
4 only allegation was Watts was present. So you know,
5 there's no information that shows that. It -- may have
6 been better in the sense that, you know, these officers
7 would have likely all said that, in fact, Mr. Coleman
8 was arrested in that parking lot as -- as the report
9 indicates.

10 Q. And they could have also been asked whether
11 Mr. Coleman made any outcry at the time of mistreatment,
12 correct?

13 A. They could have been asked that.

14 Q. And you recall that there were, according to
15 the summary, seven people arrested in total for
16 narcotics offenses in this arrest, two in the parking
17 lot, five in the building, correct?

18 A. Yes.

19 Q. And none of those other people were ever
20 contacted or interviewed in the investigation, correct?

21 A. Correct.

22 Q. And was it reasonable not to contact any of
23 those people?

24 A. Yes.

25 Q. Would it have been better to contact some of

1 those people?

2 A. No. Not in this case because again, the
3 allegations are inconsistent with the facts.

4 Q. All right. I'm going to you to --

5 A. Can I take a five-minute break before we go on
6 onto your next topic?

7 Q. Yeah. Great.

8 A. Thanks.

9 THE REPORTER: We are off the record. The time
10 is 12:47 p.m.

11 (OFF THE RECORD)

12 THE REPORTER: We are back on the record for
13 the deposition of Jeffrey Noble. Today is September
14 6th, 2024 and the time is 12:51 p.m.

15 BY MR. HILKE:

16 Q. I'm sharing with you Exhibit 9 again. This is
17 Mr. Coleman's complaint. The -- in his conclusion in
18 the summary we reviewed earlier, the investigator wrote,
19 "Mr. Coleman's credibility is questionable because
20 during his statement he was not sure if the officers who
21 stopped him were black or white and he insisted he was
22 arrested at a location different than what is listed on
23 the arrest report." Did I read that correctly?

24 A. Yes.

25 Q. Now, did you find the investigator's

1 credibility determination of Mr. Coleman reasonable?

2 A. I -- I think it was reasonable as to the
3 question his credibility. Yes.

4 Q. And did you review Mr. Coleman's actual
5 written statement in reviewing the file?

6 A. If it's in the file, I'm sure I did.

7 Q. Okay. And do you know why the investigator
8 thought that Mr. Coleman didn't know if he was -- if the
9 officers were black or white?

10 A. Yeah. I don't remember that. You know, as I
11 was reading that I -- I don't recall that.

12 Q. Okay. So I'll take you to City BG 8629. Do
13 you see here Bobby Coleman's written victim statement
14 from the investigation?

15 A. Yes. Yeah, I don't think Mr. Coleman wrote
16 that, I think it was written by somebody else for him.
17 Yes.

18 Q. Sure. Yeah, there's an investigator at the
19 bottom who has a signature, and it may be the
20 investigator who wrote this statement, correct?

21 A. Yes.

22 Q. All right. And it looks like after the
23 investigator wrote the statement, a correction was made
24 to cross out white and change it to Blacks, correct? At
25 the bottom of the first page here?

1 A. Yes.

2 Q. And Mr. Coleman didn't put initials or
3 anything next to that correction, did he?

4 A. No. I don't see any initials.

5 Q. And then at the bottom of Page 2, white is
6 again crossed out and replaced with Black, correct?

7 A. Yes.

8 Q. And Mr. Coleman -- again, there's no initials
9 for him near that, are there?

10 A. No.

11 Q. And the same at the top of Page 3. White is
12 crossed out to put Black and no initials from
13 Mr. Coleman, correct?

14 A. Yes.

15 Q. So we can tell from this document that the
16 investigator crossed out white and wrote Black when
17 writing up the statement, correct?

18 A. No, we really don't know. I mean, I don't
19 know whether the investigator was fixing their mistake
20 or whether Mr. Coleman was coming back telling him to do
21 it. I mean, he didn't -- he didn't initial it, but he
22 did initial other things, so I don't know.

23 Q. Sure. We don't know who made that correction,
24 right?

25 A. Yeah. The -- the handwriting appears to be

1 the same, so it -- it appears to be written by the same
2 person, but I don't know.

3 Q. And this -- is this a standard procedure when
4 taking a written statement, meaning making corrections
5 to the statement?

6 A. Yeah. It -- it is routine to make
7 corrections. And generally if, you know, there's some
8 kind of correction that is substantive, you know, the
9 person will initial it.

10 Q. Based on this handwritten citizen interview
11 report, do you find a basis to conclude that Mr. Coleman
12 wasn't sure if the officers who arrested him were Black
13 or white?

14 A. Yeah. I don't know.

15 Q. Are you concerned that if the investigator
16 took these corrections as evidence that Coleman was
17 unsure of the officer's race, that that would be a sign
18 of bias by the investigator?

19 A. You know, I -- I don't know. I mean, there --
20 I -- I believe that there were other facts in this case
21 that called Mr. Coleman's credibility into question that
22 would have, you know, absent the -- the issue of -- of
23 the race of the officers would have caused a reasonable
24 investigator to question his credibility. So I don't
25 know.

1 Q. Okay. And specifically -- and I just want to
2 ask about the investigator's conclusion that Mr. Coleman
3 didn't know if the officers were Black or white. You
4 don't have an opinion on whether that's a sign of bias;
5 is that correct?

6 A. That's correct.

7 Q. So then let me go back up -- all right. We're
8 back at City BG 8617. The investigator also says that
9 Mr. Coleman's credibility is questionable because he
10 insisted he was arrested at a location different than
11 what is listed on the arrest report, correct?

12 A. Yes.

13 Q. And Mr. Coleman's allegation was that he was
14 pulled over while driving and then brought over to the
15 527 East Browning parking lot, correct?

16 A. Yes.

17 Q. And the officer said no, we arrested him in
18 the 527 East Browning parking lot, correct?

19 A. Yeah. They said they arrested him as -- and,
20 you know, from witnessing a drug deal. That he -- that
21 they had some information was going to occur. Yes.

22 Q. And that's what the arrest report reflects,
23 that the arrest was in 527 East Browning parking lot,
24 correct?

25 A. Yes.

1 Q. So, what we have is a disagreement between
2 what Mr. Coleman says, he was first arrested somewhere
3 else, and what the officers say, that he was first
4 arrested in the 527 East Browning parking lot, correct?

5 A. Yes.

6 Q. Why -- strike that. Does the fact that
7 Mr. Coleman has a different account of what happened
8 than the police officers indicate to you that
9 Mr. Coleman was not credible in his report?

10 MR. NOLAND: I object. It's, like,
11 argumentative and form of the question.

12 THE WITNESS: No. I -- again, I -- I -- you
13 know, and we talked about this already is that part
14 of Mr. Coleman's statement was that he was going to
15 the store with his mom, and -- but yet mom somehow
16 wasn't present when he got arrested. Mom says she
17 wasn't with him, that -- that -- my memory is that -
18 - that, you know, that he was going somewhere on his
19 own and that -- and that she told him, or he told
20 her, that it wasn't Ridgell that -- that slapped
21 him, but it was Watts. You know, and -- and you have
22 those statements and then you combine those
23 statements with the officers in the arrest report
24 saying that he pulled his car into the parking lot
25 of the -- the CHA apartment complex and that the

1 arrest was there. And, you know, there -- there was
2 never this transportation and the officers deny it.

3 And ultimately, you know, while the investigators
4 unfounded it, you know, I -- you -- I disagreed with
5 them unfounding it and said it should be not
6 sustained.

7 BY MR. HILKE:

8 Q. Let me focus on one thing at a time. I want
9 to focus on the investigator's statement that
10 Mr. Coleman's credibility is questionable and that one
11 of the reasons for that is that he insisted he was
12 arrested at a location different than what is listed on
13 the arrest report. I want to focus on that discrepancy
14 between where Mr. Coleman said he was arrested and where
15 the officers said he was arrested; is that fair?

16 A. I don't know whether it's fair --

17 MR. NOLAND: Object to the form.

18 THE WITNESS: I have no idea whether it's fair.

19 MR. NOLAND: Object to the form and asked and
20 answered. Go ahead.

21 BY MR. HILKE:

22 Q. So it's not unusual when a person makes a
23 complaint of police misconduct for the complainant to
24 have a different account of what happened than the
25 officer, correct?

1 A. Correct.

2 Q. And the fact that the complainant describes
3 the incident differently than the officer in itself does
4 not impugn the Witness' credibility, correct?

5 MR. NOLAND: Object to the form -- object to
6 the form of the question and the -- and incomplete
7 hypothetical and foundation.

8 THE WITNESS: Yeah. There -- there are
9 certainly case -- just because -- just because
10 people have different statements doesn't make --
11 mean either one of them is being untruthful.

12 BY MR. HILKE:

13 Q. So let me take you back down to Mr. Coleman's
14 statement. Now, you said earlier your recollection was
15 that Mr. Coleman said his -- he and his mom went to the
16 store together, correct?

17 A. Yes.

18 Q. Can you show me where in Mr. Coleman's
19 statement he says that he and his mom went to the store
20 together?

21 A. It says he was with his mother and she asked
22 him to go to the store. I think a plain reading of the
23 -- of him being with her and she asked him to go to the
24 store and then he says, I'm on my way to the store, you
25 know, when he gets stopped. I don't know how else to

1 read that.

2 Q. Okay. So, when he says he was with his
3 mother, she asked him to go to the store, and he was on
4 his way to the store must be read as him saying his
5 mother was in the car with him?

6 A. I read it that way. Whether it must be read
7 that way, I don't know. I -- I -- that's what I'm
8 reading. I -- I -- the -- to -- to me the plain meaning
9 of that is that he's with his mother, she has to go to
10 the store, and then he's going to the store and gets
11 stopped.

12 Q. And certainly, the investigators could have
13 asked Mr. Coleman to clarify whether he was saying he
14 was with his mother or not, correct?

15 A. I -- I don't know whether they asked him that
16 or not.

17 Q. No.

18 A. I mean, you know -- I mean, because again, the
19 plain reading of this is that -- they did ask that and
20 that's what he said.

21 Q. All right. Would you be comfortable using,
22 you know, that part of the statement that you've just
23 identified to make a credibility determination against a
24 complainant without further inquiry?

25 A. Well, there -- there is further information.

1 So -- so further inquiry was made, you know? I mean, so
2 it's not just that statement it's that statement is, you
3 know, what was in the report about what his mom said, is
4 about what the -- what did the officers say when they
5 made the arrest. So you know, it -- tends to be
6 corroborated.

7 Q. Right. And I think you are considering this
8 as a -- well, strike that. So my question was about
9 whether you would be comfortable making a credibility to
10 determination based on this alone -- well, you know,
11 this paragraph alone. Strike that. I'll ask you a
12 different question. Would you be comfortable making a
13 credibility determination against Mr. Coleman based on
14 just this statement and his mother -- and knowing that
15 his mother had not been arrested with him?

16 MR. NOLAND: Object to the form of the
17 question. Incomplete, hypothetical.

18 THE WITNESS: No. I -- I think you have to
19 look to the totality of the investigation. You
20 can't break it down into component parts and say
21 because mom wasn't arrested, you know, somehow --
22 you know, I -- I don't think -- I don't think that's
23 -- that's appropriate and that's not the way I would
24 look at the investigation or assess it.

25 BY MR. HILKE:

1 Q. Okay. All right. In any case, both
2 Mr. Coleman and the police agreed that at some point
3 during this interaction Mr. Coleman was in the parking
4 lot of 527 East Browning, correct?

5 A. Yes.

6 Q. And you conclude that -- do you -- and you
7 conclude that the investigator had an adequate basis to
8 make a credibility determination against Mr. Coleman,
9 correct?

10 A. Yes. But -- but at the same time I -- mean, I
11 disagree with the, you know, him using that credibility
12 to unfound the case, you know, and -- and instead
13 believe they should have been not sustained.

14 Q. Okay. I may be done. I'm going to check my
15 notes. Let's go off the record and let me take a minute
16 here.

17 THE REPORTER: All right. We are now off the
18 record at 1:05 p.m.

19 (OFF THE RECORD)

20 THE REPORTER: We are back on the record for
21 the deposition of Jeffrey Noble. Today is September
22 6th, 2024 and the time is 1:07 p.m.

23 BY MR. HILKE:

24 Q. Mr. Noble, do you have a single criticism of
25 the Chicago Police Department's investigation into

1 **Mr. Gipson's January 13, 2003 complaint of misconduct?**

2 A. I -- I didn't find any criticisms in my
3 report. No.

4 Q. **Do you have a single criticism of the Chicago
5 Police Department's investigation of Mr. Coleman's
6 January 14, 2003 complaint of police misconduct?**

7 A. I felt that their finding of unfounded should
8 have been not sustained.

9 Q. **Anything else?**

10 A. No.

11 Q. **Sir, those are all the questions I have for
12 now. Thank you for your time today.**

13 THE REPORTER: Anyone else have questions? All
14 right. If there's no further questions, will the
15 deponent like to read or waive today?

16 MR. NOLAND: We will reserve signature.

17 THE REPORTER: Perfect. And what is -- will
18 the transcript go to the deponent or to Mr. Noland?

19 MR. NOLAND: It will go to me.

20 THE REPORTER: Okay. And Mr. Hilke, would you
21 like to order today?

22 MR. HILKE: Yes, please.

23 THE REPORTER: All right. Video as well?

24 MR. HILKE: No, thank you.

25 THE REPORTER: Okay. How about you,

1 Mr. Noland?

2 MR. NOLAND: Since Mr. Hilke is ordering,
3 please send me a copy.

4 THE REPORTER: Sure. What about a video?

5 MR. NOLAND: No, thank you.

6 THE REPORTER: Mr. Bazarek?

7 MR. BAZAREK: No. Thank you.

8 THE REPORTER: All right. Anyone else?

9 MR. NOLAND: Okay. See everybody. Bye-Bye.

10 MR. HILKE: No.

11 MR. NOLAND: No, thanks.

12 MR. HILKE: No thanks, Taylor.

13 THE REPORTER: No --

14 MR. HILKE: Thank you, Taylor.

15 THE REPORTER: Thank you.

16 MR. BAZAREK: Not for me. Thanks.

17 (DEPOSITION CONCLUDED AT 1:09 P.M. CT)

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1 CERTIFICATE OF DIGITAL REPORTER

2 STATE OF ILLINOIS

3

4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Title page hereof by me after first
7 being duly sworn to testify the truth, the whole truth,
8 and nothing but the truth; and that the said matter was
9 recorded digitally by me and then reduced to typewritten
10 form under my direction, and constitutes a true record
11 of the transcript as taken, all to the best of my skills
12 and ability. I certify that I am not a relative or
13 employee of either counsel, and that I am in no way
14 interested financially, directly or indirectly, in this
15 action.



TAYLOR R. WELSH,
DIGITAL REPORTER / NOTARY
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SUBMITTED ON: 09/13/2024