

# Exhibit 7



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# Transcript of Elsworth Smith, Jr.

**Date:** February 17, 2020  
**Case:** Watts Coordinated Cases

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## Transcript of Elsworth Smith, Jr.

1 (1 to 4)

Conducted on February 17, 2020

1	UNITED STATES DISTRICT COURT	1	A P P E A R A N C E S
2	NORTHERN DISTRICT OF ILLINOIS	2	ON BEHALF OF CERTAIN PLAINTIFFS:
3	EASTERN DIVISION	3	SCOTT RAUSCHER, ESQUIRE
4		4	THERESA KLEINHAUS, ESQUIRE
5	----- x	5	LOEVY & LOEVY
6	WATTS COORDINATED CASES. : Master Docket	6	311 North Aberdeen Street
7	: Case No. 19-cv-01717	7	Third Floor
8	----- x	8	Chicago, Illinois 60607
9		9	312.243.5900
10		10	
11		11	ON BEHALF OF CERTAIN PLAINTIFFS:
12	Videotaped Deposition of	12	JOEL FLAXMAN, ESQUIRE
13	ELSWORTH SMITH, JR., Volume I	13	200 South Michigan Avenue
14	Chicago, Illinois	14	Suite 201
15	Monday, February 17, 2020	15	Chicago, Illinois 60604
16	10:09 a.m.	16	312-427-3200
17		17	
18		18	
19		19	
20		20	
21		21	
22	Job No.: 281824	22	
23	Pages: 1 - 314	23	
24	Reported by: Joanne E. Ely, CSR, RPR	24	
2		2	
1	Videotaped deposition, Volume I, of ELSWORTH	1	A P P E A R A N C E S C O N T I N U E D
2	SMITH, JR., held at the location of:	2	ON BEHALF OF DEFENDANT CITY OF CHICAGO AND
3		3	VARIOUS POLICE DEPARTMENT SUPERVISORS:
4		4	PAUL A. MICHALIK, ESQUIRE
5	LOEVY & LOEVY	5	REITER BURNS LLP
6	311 North Aberdeen Street	6	311 South Wacker Drive
7	Third Floor	7	Suite 5200
8	Chicago, Illinois 60607	8	Chicago, Illinois 60606
9	312.243.5902	9	312.982.0090
10		10	
11		11	ON BEHALF OF DEFENDANT WATTS:
12		12	AHMED A. KOSOKO, ESQUIRE
13	Pursuant to notice, before Joanne E. Ely,	13	JOHNSON & BELL, LTD.
14	a Certified Shorthand Reporter, and a Notary	14	33 West Monroe Street
15	Public in and for the State of Illinois.	15	Suite 2700
16		16	Chicago, Illinois 60603
17		17	312.372.0770
18		18	
19		19	
20		20	
21		21	
22		22	
23		23	
24		24	

## Transcript of Elsworth Smith, Jr.

2 (5 to 8)

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## Transcript of Elsworth Smith, Jr.

3 (9 to 12)

Conducted on February 17, 2020

9

## P R O C E E D I N G S

1       THE VIDEOGRAPHER: This is the video  
 2 deposition of Ellsworth Smith, Jr., taken by Loevy  
 3 & Loevy in the matter of the Watts coordinated  
 4 pretrial proceedings, Master Docket No.  
 5 19-cv-0171, held at Loevy & Loevy, 311 North  
 6 Aberdeen Street, Chicago, Illinois.

7       Today is February 17th, 2020. The time is  
 8 10:09. The court reporter is Joanne Ely. The  
 9 videographer is Rick Kosberg.

10       The counsel can now introduce themselves,  
 11 and Joanne is free to administer the oath.

12       MR. RAUSCHER: Scott Rauscher for the  
 13 plaintiffs represented by Loevy & Loevy in the  
 14 coordinated Watts proceedings.

15       MS. KLEINHAUS: Theresa Kleinhaus for the  
 16 Loevy plaintiffs.

17       MR. FLAXMAN: Joel Flaxman for the Flaxman  
 18 Plaintiffs.

19       MR. PALLE: Eric Palles for Kallatt  
 20 Mohammed.

21       MR. KOSOKO: Ahmed Kosoko on behalf of  
 22 Ronald Watts.

23       MR. MICHALIK: Paul Michalik on behalf of

11       **A To my knowledge, after speaking to my  
 12 supervisors, they're going to count this as a tour  
 13 of duty for me.**

14       **Q So this is the only thing you're doing for  
 15 the police department today?**

16       **A Yes.**

17       **Q How come you wore your uniform today?**

18       **A I felt more comfortable wearing my  
 19 uniform.**

20       **Q Did you -- you were for a while on the  
 21 Watts tactical team?**

22       **A Yes, I was.**

23       **Q Did you wear a uniform during that time?**

24       **A Sometimes.**

25       **Q How frequently did you wear a uniform or  
 26 not wear a uniform during that time period?**

27       **A I don't remember how many times we wore a  
 28 uniform.**

29       **Q Were you more commonly wearing a uniform  
 30 or in plainclothes when you were on the Watts  
 31 tactical team?**

32       **A More commonly in plainclothes.**

33       **Q Were there specific occasions when you'd  
 34 wear uniforms during that time period?**

10

12

1       Defendants City and certain supervisory officials.

2       MR. STEFANICH: Brian Stefanich for  
 3 Officer Smith and the other defendant officers.

4       MR. SCHALKA: And Michael Schalka for  
 5 Defendants Spaargaren and Cadman.

6       ELSWORTH SMITH, JR.,

7 having been duly sworn, testified as follows:

8       EXAMINATION BY COUNSEL FOR THE LOEY PLAINTIFFS

9 BY MR. RAUSCHER:

10       **Q Say and spell your name, please.**

11       **A My name is Elsworth Smith. My first name  
 12 is E-l-s-w-o-r-t-h, Smith, S-m-i-t-h.**

13       **Q Are you on duty today?**

14       **A Yes, I am.**

15       **Q What are your responsibilities today?**

16       **A I am currently on administrative desk  
 17 duty. I work inside the radio room in the 2nd  
 18 District.**

19       **Q What specifically are you doing for the  
 20 police department today, this day?**

21       **A Today, right now, I'm doing this  
 22 deposition.**

23       **Q Will you be going to work after this  
 24 deposition?**

1       **A Yes.**

2       **Q What occasions would you wear uniforms  
 3 while you were in the -- on the Watts tactical  
 4 team?**

5       **A On occasions, if we had to work special  
 6 functions or details, or sometimes they would come  
 7 from the request from the chief of patrol.**

8       **Q Why would the chief of patrol request that  
 9 your tactical team wear a uniform?**

10       **MR. MICHALIK: Objection; foundation.**

11       **MR. STEFANICH: Join.**

12       **You can answer.**

13       **A I don't know.**

14       **Q Do you remember the chief of patrol ever  
 15 requesting that you put a uniform on when you were  
 16 on the Watts tactical team?**

17       **A As of this moment, no.**

18       **Q What did you do to prepare for your  
 19 deposition today?**

20       **A I looked over some case reports, arrest  
 21 reports pertaining to the individuals who are  
 22 falsely accusing me of these allegations.**

23       **Q You said individuals who are falsely  
 24 accusing you?**

## Transcript of Elsworth Smith, Jr.

4 (13 to 16)

Conducted on February 17, 2020

	13		15
1 <b>A That's correct.</b>		1   Q More than once?	
2   Q Are there any individuals who are not		2 <b>A It's been more than once.</b>	
3   falsely accusing you?		3   Q Was it more than twice?	
4 <b>A No.</b>		4 <b>A More than twice.</b>	
5   Q So all of the individuals who have accused		5   Q More than five times?	
6   you of wrongdoing are falsely accusing you?		6 <b>A Perhaps but I don't recall.</b>	
7 <b>A That's correct.</b>		7   Q When was the last time you met with your	
8   Q Did any of the documents you looked at		8   attorneys?	
9   refresh your recollection?		9 <b>A This morning.</b>	
10 <b>A No.</b>		10   Q How long did you meet this morning?	
11   Q Did you look at any pictures?		11 <b>A Probably, maybe a half hour before coming</b>	
12 <b>A Yes, I did.</b>		12 <b>here.</b>	
13   Q Did looking at any of the pictures refresh		13   Q And what was the last time before that?	
14   your recollection about anything?		14   THE WITNESS: When was it, Brian? Last	
15 <b>A No.</b>		15 Friday?	
16   Q What's your title at the police		16   MR. STEFANICH: I can't answer actually.	
17   department?		17   THE WITNESS: I'm sorry.	
18 <b>A I'm a police officer.</b>		18   MR. STEFANICH: Just do your best from	
19   Q Have you always been a police officer		19 what you remember.	
20   since you started working at CPD?		20 <b>A I think this past Friday.</b>	
21 <b>A Yes, I have.</b>		21   Q How long, about, this past Friday did you	
22   Q Just back to dep prep for a little bit.		22 meet with them?	
23   How many times did you prepare -- what did		23 <b>A It may have been a couple hours.</b>	
24   you do beyond looking at reports to prepare for		24   Q And do you remember any times before that	
1   your deposition, if anything?	14	1   you met with your attorneys to prepare for your	16
2 <b>A Nothing out of the ordinary that I recall.</b>		2   deposition?	
3   Q What do you mean out of the ordinary?		3 <b>A I don't remember the exact date, but I</b>	
4 <b>A From what I remember, just preparing for</b>		4 <b>did.</b>	
5 <b>this, I looked over the vice -- some vice case</b>		5   Q And that time before this past Friday, how	
6 <b>reports, some arrest reports, a few inventory</b>		6   long, about, did you meet with your attorneys	
7 <b>reports, and a few affidavits.</b>		7   then?	
8   Q Did you do that on your own or in the		8 <b>A I don't remember how long.</b>	
9   presence of your attorneys or both?		9   Q Do you ever remember a time when you got	
10 <b>A In the presence of my attorneys.</b>		10 there in the morning and you left in the evening?	
11   Q How long did you meet with your attorneys		11 <b>A No.</b>	
12   to prepare for your deposition?		12   Q At any of these meetings, was anyone	
13 <b>A I don't recall.</b>		13 present other than you and attorneys from the Hale	
14   Q Can you tell me approximately how long		14 & Monico firm?	
15   it was?		15 <b>A No.</b>	
16 <b>A I don't -- I couldn't give you an answer.</b>		16   Q Have you talked about your deposition with	
17 <b>I don't know for certain.</b>		17 any of the other defendants in any of the Watts	
18   Q Did you spend the whole day with them?		18 cases?	
19 <b>A Probably but I don't -- like I said, I</b>		19 <b>A No.</b>	
20 <b>don't know the exact time that I spent with my</b>		20   Q Have you talked about your deposition	
21 <b>attorneys.</b>		21 today with anyone other than your attorneys?	
22   Q How many times did you meet with them to		22 <b>A No.</b>	
23   prepare for your deposition?		23   Q Do you have any sense of how many	
24 <b>A That I don't recall.</b>		24 documents you looked at to prepare?	

## Transcript of Elsworth Smith, Jr.

5 (17 to 20)

Conducted on February 17, 2020

	17		19
1	<b>A That I have no clue.</b>	1	<b>false.</b>
2	Q You said you were on desk duty currently?	2	Q Which allegations did she tell you about,
3	<b>A Yes, that's correct.</b>	3	if any?
4	Q How long have you been on desk duty?	4	<b>A I don't recall her specifically telling me</b>
5	<b>A I believe it's over two years now.</b>	5	<b>any allegations.</b>
6	Q How were you told you'd be -- you were	6	Q Were you aware of any allegations against
7	being placed on desk duty?	7	you at the time when she told you you were being
8	<b>A I believe it was from my former</b>	8	placed on desk duty?
9	<b>2nd District commander, Crystal King Smith.</b>	9	<b>A I don't think I did at that time.</b>
10	Q And how did Ms. Smith tell you you were	10	Q How did you know that they were false if
11	being placed on desk duty?	11	you didn't know what they were?
12	<b>A I don't recall.</b>	12	<b>A Well, I know that the allegations with all</b>
13	Q Was it in person or was it in writing or	13	<b>these complainants, all these allegations are</b>
14	by the telephone or some other way?	14	<b>false because I've never done anything wrong.</b>
15	<b>A I'm not certain to be exactly sure, but I</b>	15	Q You've never done anything wrong?
16	<b>believe it was in person.</b>	16	<b>A No.</b>
17	Q Do you remember what she told you?	17	Q Has anyone on the Watts team ever done
18	<b>A I don't remember specifically; but as</b>	18	anything wrong?
19	<b>far as -- as far as I know, I was just told that I</b>	19	<b>A Not in my presence.</b>
20	<b>was going to be placed on administrative duty.</b>	20	Q Have you ever heard of anyone on the Watts
21	Q And the administrative duty is the same	21	team doing anything wrong?
22	thing as desk duty?	22	<b>A No, not while I -- that I can recall at</b>
23	<b>A That's correct.</b>	23	<b>this moment.</b>
24	Q Did you ask her why?	24	Q You're aware that Watts and Mohammed both
	18		20
1	<b>A Yes.</b>	1	pled guilty to committing federal crimes; right?
2	Q And what did she tell you?	2	<b>A That's correct.</b>
3	<b>A It was pertaining to the Watts</b>	3	Q Was that activity that led to them
4	<b>investigation.</b>	4	pleading guilty wrong?
5	Q Did she say anything other than just the	5	MR. MICHALIK: Objection; foundation,
6	general statement it's pertaining to the Watts	6	form.
7	investigation?	7	<b>A I'd have no clue; but whatever they were</b>
8	<b>A As far as I remember, yes.</b>	8	<b>charged with, I'm certain that it was.</b>
9	Q As far as you remember, she did say other	9	Q I'm not sure I understood that.
10	things?	10	You said you have no clue?
11	<b>A No. As far as I remember, it was just</b>	11	<b>A I followed the reports pertaining to their</b>
12	<b>only that I was being placed on administrative</b>	12	<b>indictment. As far as anything else, I have no</b>
13	<b>desk duty because of the Watts investigation.</b>	13	<b>clue; and from my time working with Kallatt</b>
14	Q Did you say anything to her when she told	14	<b>Mohammed or Sergeant Ronald Watts, I have never</b>
15	you that?	15	<b>witnessed either of them doing anything criminal.</b>
16	<b>A I don't recall what I said.</b>	16	Q So I want to make sure I understand your
17	Q Did you say something, though?	17	testimony on that last point.
18	<b>A I'm sure I did, but I don't recall.</b>	18	Are you saying you have no clue whether
19	Q How did you react when she told you?	19	the activity that led to them pleading guilty is
20	<b>A I was shocked.</b>	20	wrongful, or did I misunderstand that?
21	Q Why were you shocked?	21	MR. STEFANICH: I'll object, that it
22	<b>A I was shocked because I could not</b>	22	mischaracterizes his testimony.
23	<b>believe I was being accused of these -- I was</b>	23	You can answer it, though.
24	<b>shocked because these allegations against me are</b>	24	<b>A Well, the activity against him, yes, it</b>

## Transcript of Elsworth Smith, Jr.

6 (21 to 24)

Conducted on February 17, 2020

	21	23
1 <b>was wrongful.</b>		1 Mohammed?
2 <b>BY MR. RAUSCHER:</b>		2 <b>A I believe maybe four -- between -- I don't</b>
3 Q You mean the activity they engaged in?		3 <b>know certain, but between four to five years,</b>
4 A <b>What they were charged with, yes.</b>		4 <b>perhaps.</b>
5 Q All right. Do you have any understanding		5 Q Watts was your direct supervisor?
6 of what they were charged with?		6 A <b>That's correct.</b>
7 A <b>As far as I read, from what I can recall,</b>		7 Q Mohammed was at the same level as you?
8 <b>they were charged with stealing government funds.</b>		8 A <b>Yes.</b>
9 Q Do you have any information beyond just		9 Q Was he ever your partner?
10 the general they were charged with stealing		10 A <b>Yes, at one point in time.</b>
11 government funds?		11 Q How long was Mohammed your partner for?
12 A <b>Not that I am aware of.</b>		12 A <b>I don't recall specifically.</b>
13 Q Do you have any -- any sense of what the		13 Q Have you had any other partners or
14 circumstances were of them stealing the government		14 supervisors charged with committing federal
15 funds?		15 crimes?
16 A <b>No, not that I'm aware of.</b>		16 A <b>No, not that I'm aware of.</b>
17 Q Did they think it was money -- drug money?		17 Q Was it a pretty big deal to you when they
18 MR. MICHALIK: Objection --		18 were charged?
19 MR. STEFANICH: Objection.		19 A <b>Yes, it was.</b>
20 MR. MICHALIK: -- foundation.		20 Q Why was it a big deal when they were
21 MR. STEFANICH: Join.		21 charged?
22 MR. KOSOKO: Join.		22 A <b>Because, like I said, it was shocking</b>
23 A <b>I don't have any idea.</b>		23 <b>because I did not believe that they would do</b>
24 Q Well, did they walk into the Federal		24 <b>anything that they were being charged with.</b>
	22	24
1 Reserve and take money out?		1 Q Even though you didn't know what they were
2 A <b>I do not know.</b>		2 charged with?
3 Q Do you think it might have been that?		3 MR. MICHALIK: Objection.
4 A <b>I have no clue.</b>		4 A <b>As I stated, I was familiar with some</b>
5 Q Okay. Were you ever curious?		5 <b>aspect of what they were charged with, and I</b>
6 A <b>Sure. I was curious but --</b>		6 <b>learned that through the media.</b>
7 Q Yeah. Go ahead.		7 Q And you just couldn't believe that they
8 A <b>But, like I said, I don't know the facts</b>		8 would steal government funds?
9 <b>or circumstances that led to their indictment or</b>		9 A <b>As I sit here today, no. Because from my</b>
10 <b>what they were charged with.</b>		10 <b>time of working with either Watts or Mohammed, I</b>
11 Q Did you do anything to satisfy your		11 <b>never witnessed them doing anything of that</b>
12 curiosity about what they were charged with?		12 <b>nature.</b>
13 A <b>From what I can recall, the only thing I</b>		13 Q And has -- knowing that they were charged
14 <b>read -- might have read or heard from listening</b>		14 with stealing government funds, has that caused
15 <b>to the media.</b>		15 you to think back and question any of the things
16 Q What did you hear or read in the media		16 that they did over the years at all?
17 about Watts and Mohammed's charges?		17 A <b>No. Because, like I stated, I never</b>
18 A <b>Like I said, that's all I heard, that they</b>		18 <b>witnessed them doing anything criminal while I was</b>
19 <b>were charged with stealing government funds.</b>		19 <b>a member of the Watts team, or I've never</b>
20 Q And you were curious about the		20 <b>witnessed them do anything in my presence during</b>
21 circumstances, but you didn't do anything to find		21 <b>my time working with them.</b>
22 out what they were?		22 Q Knowing that they have pled guilty to
23 A <b>Not that I'm aware of.</b>		23 stealing government funds, has it made you even
24 Q How long did you work with Watts and		24 consider the possibility that some of the

## Transcript of Elsworth Smith, Jr.

7 (25 to 28)

Conducted on February 17, 2020

	25		27
1	plaintiffs could be telling the truth at least	1	them; correct?
2	about the allegations against Watts and Mohammed?	2	<b>A That's correct.</b>
3	<b>A It could be possible that they may have</b>	3	Q And does the information here match your
4	<b>been telling the truth about Watts or Mohammed;</b>	4	memory of your assignments and dates?
5	<b>but all these allegations against me, I know that</b>	5	<b>A From what I recall, yes, it does.</b>
6	<b>they are telling a lie.</b>	6	<b>I'm sorry.</b>
7	Q What years did you work in the	7	Q No. Go ahead.
8	2nd District?	8	<b>A Other than my time being in 2nd District,</b>
9	<b>A I believe I first came to the 2nd District</b>	9	<b>it doesn't differentiate when I was a tactical</b>
10	<b>somewhere around July 2004, and I'm currently</b>	10	<b>officer or when I was a patrol officer.</b>
11	<b>still in -- assigned to the 2nd District.</b>	11	Q I'm sorry. Go ahead.
12	Q So since July 2004, you've been in the	12	It does not tell you what specific jobs
13	2nd District?	13	you were doing, basically, in each district;
14	<b>A That's -- as far as I can recall, yes.</b>	14	14 right?
15	Q How long -- you said you were working	15	<b>A No, it does not.</b>
16	under Watts for about four years?	16	Q Is that what you're saying?
17	<b>A I believe so.</b>	17	<b>A Well, particularly in the 2nd District.</b>
18	Q Were you on the tactical team for those	18	<b>As far as the other districts, I have no</b>
19	whole four years?	19	<b>doubt that it appears to be accurate from my time</b>
20	<b>A Yes.</b>	20	<b>in those districts; but from the 2nd District, it</b>
21	Q Was there a name for it?	21	<b>states that I started in July 20,000 -- 2004, but</b>
22	<b>A We were the 264 team.</b>	22	<b>22 other than that, it does not designate what my --</b>
23	Q Was that in public housing for any part of	23	<b>23 what unit I was assigned to, whether I was</b>
24	that time?	24	<b>24 assigned to tac or as a patrolman.</b>
	26		28
1	<b>A No.</b>	1	Q And were you a patrolman in District 6 and
2	Q Had that public housing unit already been	2	District 3 for the whole time you were there?
3	disbanded when you joined the tac team?	3	<b>A Yes.</b>
4	<b>A To the best of my knowledge, yes.</b>	4	Q And then in District 2, you were -- part
5	Q Did the 26 -- was Watts the team leader	5	time you were tac and part time patrol?
6	for your whole time on the 264 team?	6	<b>A Like I said, I don't recall the specific</b>
7	<b>A As I recall, yes.</b>	7	<b>time I was assigned to the tactical unit but I</b>
8	(Smith Deposition Exhibit 1 marked for	8	<b>8 was -- I spent most of my time, the majority of my</b>
9	identification and attached to the transcript.)	9	<b>9 time in the 2nd District in patrol.</b>
10	MR. RAUSCHER: Let's just go ahead and	10	Q So you've been there about 16 years now or
11	mark this Exhibit 1, DO-Joint 005146.	11	11 so in the 2nd District?
12	Q Let me know when you've had a chance to	12	<b>A I think that would be a fair assumption --</b>
13	look this over.	13	<b>13 a fair, accurate time, yes.</b>
14	<b>A All right. I've had a chance to look</b>	14	Q About four of those years you were on the
15	<b>it over.</b>	15	15 Watts 264 tactical team?
16	Q Do you recognize this document?	16	<b>A As I stated, I don't remember the exact</b>
17	<b>A Honestly, this is my first time seeing</b>	17	<b>17 time or how many years exactly I spent with Watts,</b>
18	<b>18 this.</b>	18	<b>18 but between four to five years maybe.</b>
19	Q Is the information contained in this	19	Q And then the rest of the time, have you
20	document accurate, to the best of your knowledge?	20	been patrol other than the last two when you've
21	<b>A To the best of my knowledge, I would say</b>	21	21 been on desk duty?
22	<b>22 that it's accurate.</b>	22	<b>A I think at one point in time I did go back</b>
23	Q This is the -- this is your units,	23	<b>23 to work another tac -- for another tactical unit;</b>
24	assignment and dates that you were assigned to	24	<b>24 and then after that, the remainder of my time</b>

## Transcript of Elsworth Smith, Jr.

8 (29 to 32)

Conducted on February 17, 2020

29

31

1 since I've been in 2 has been in the patrol unit.

2 Q What was the other tactical unit?

3 A I believe it was the 263 team.

4 Q About how long were you on the 263 team?

5 A Again, I don't recall specifically. I

6 don't think it was more than a year.

7 Q Who was the leader of the 263 team when  
8 you were on that tactical team?

9 A The sergeant was Nathan Silas.

10 Q And currently on desk duty, are you in a  
11 uniform, or what's your dress for that role?

12 A I'm in uniform.

13 Q And what are your responsibilities on desk  
14 duty?15 A I strictly work in the radio room passing  
16 out keys and other equipment to the officers that  
17 are working in patrol.18 Q Has that been your sole responsibility  
19 since you've been on desk duty?

20 A Yes, it has.

21 Q Have you ever asked to get taken off desk  
22 duty?

23 A I've questioned it.

24 Q Who have you questioned it to?

1 A People that are currently assigned to

2 desk -- to the desk that I work with.

3 Q What are their names?

4 A It varies from day-to-day.

5 Q I'm sorry. Just to be -- I'm not asking  
6 for every name of a person you work with on desk  
7 duty. I just want to know which people you've  
8 questioned while you're on desk duty.9 A I don't remember specifically every person  
10 I spoke to, but, like I said, at our -- there are  
11 certain people that are assigned to the desk. And  
12 I have not spoken to anyone -- to any individual  
13 that I've worked the desk with anything particular  
14 about this -- these individual cases or anything  
15 pertaining to the Watts investigation.16 The only the thing I've questioned is why  
17 I've been on -- placed on administrative desk  
18 duty.19 Q And when you say you've questioned why  
20 you're placed on administrative desk duty, what do  
21 you say to those people?22 A I don't remember specifically what I said  
23 but I've questioned -- basically, I've questioned  
24 as to why am I put in this position.

30

32

1 A I don't recall -- I believe I've  
2 questioned my captain, Captain Mark Moore. I've  
3 questioned supervisors and other officers who I've  
4 worked with.

5 Q Which supervisors have you questioned?

6 A I don't remember specifically all of the  
7 supervisors, but I have spoken to some supervisors  
8 about this.9 Q Do you remember any of the supervisors  
10 you've spoken to?

11 A I don't remember specifically.

12 Q Were they supervisors -- what were the  
13 supervisors' jobs?

14 A Sergeants.

15 Q And then you said people you worked with?

16 A Yes.

17 Q Which people?

18 A On the desk.

19 Q People you work with on the desk.

20 A Yes.

21 Q People from your tac team, your old tac  
22 team?

23 A No.

24 Q Which people?

1 Q Do you think the people you work with on  
2 the desk will have answers to that question?3 A I don't have -- I have no clue. I can't  
4 speak for anyone else.5 Q Well, why are you asking the people you  
6 work with on the desk if -- why you're on desk  
7 duty?8 A Because I think it's unfair that I am on  
9 administrative desk duty.10 Q Is it that you're basically complaining to  
11 them about it?

12 A No.

13 Q So you are asking -- like, I'm just -- is  
14 it literally you'll say to someone on desk duty  
15 with you, Why am I on desk duty?16 A I've been questioned as to why I've  
17 been -- why I work -- why am I assigned to the  
18 desk; and all I've said I -- you know, I can't  
19 give you any specific information. The only thing  
20 I can tell you is that I'm on administrative desk  
21 duty.22 Q So people ask -- let me just -- I'm not  
23 sure I am understanding this correctly, and I want  
24 to make sure I don't misstate what you are saying.

## Transcript of Elsworth Smith, Jr.

9 (33 to 36)

Conducted on February 17, 2020

	33		35
1	Are you saying that people who you work	1	<b>having a conversation about anyone pertaining to</b>
2	with on desk duty, they will ask you why you are	2	<b>that.</b>
3	on desk duty?	3	Q Do you consider being placed on desk duty
4	<b>A That is correct.</b>	4	to be a form of discipline?
5	Q But you're not saying you affirmatively go	5	<b>A Yes, I do.</b>
6	to them and say why am I on desk duty?	6	Q And why do you consider being placed on
7	<b>A No.</b>	7	desk duty to be a form of discipline?
8	Q Got it.	8	<b>A Because I have not done anything to these</b>
9	And -- but when you were talking about	9	<b>individuals who are making these false allegations</b>
10	the -- about Mark Moore and other supervisors, are	10	<b>against me.</b>
11	you saying they have asked you why you're on desk	11	Q I understand you don't agree with the
12	duty or you've asked them?	12	decision.
13	<b>A I've asked Captain Moore specifically</b>	13	What I want to know is why do you think it
14	<b>myself.</b>	14	was -- it's considered discipline to be placed on
15	Q And when you've questioned Captain Moore	15	desk duty?
16	as to why you were on desk duty, what did he say	16	<b>A As I stated, because I've done nothing</b>
17	to you?	17	<b>wrong.</b>
18	<b>A I don't recall the answer that he gave me.</b>	18	Q So what were you doing -- what was your
19	Q Do you recall anything?	19	job the day before you were placed on desk duty?
20	<b>A I don't recall.</b>	20	<b>A I was in patrol.</b>
21	Q Did he apologize? Did he say you	21	Q And why is it discipline to be moved from
22	shouldn't be on desk duty? Did he say you should	22	patrol to desk duty?
23	be?	23	<b>A I didn't ask to be assigned to the desk.</b>
24	<b>A I don't remember what his comment was.</b>	24	Q You perceive it as a disciplinary measure.
	34		36
1	Q Were you satisfied by his response?	1	<b>A Yes.</b>
2	<b>A No, I was not.</b>	2	Q Has anyone told you that it's considered
3	Q And what do you remember, if anything,	3	discipline to be placed on desk duty?
4	about you -- what did you say to him after he	4	<b>A I don't recall specifically.</b>
5	responded to you?	5	Q Have you generally heard that?
6	<b>A I don't recall what -- our conversation</b>	6	<b>A From what I perceive -- and I don't recall</b>
7	<b>detail, but after speaking with him, I was not</b>	7	<b>anyone telling me that, but from my perception,</b>
8	<b>happy with the -- you know, the outcome.</b>	8	<b>it's punishment for me.</b>
9	Q Do you remember when you talked to Captain	9	Q You'd prefer to be on patrol.
10	Moore about why you were on desk duty?	10	<b>A Yes, I do.</b>
11	<b>A I don't recall when exactly it was.</b>	11	Q Are you detailed to a unit right now?
12	Q Do you remember what year it was?	12	<b>A No, I'm not.</b>
13	<b>A I don't recall if it was this year or last</b>	13	Q Do you still have your police powers?
14	<b>year. I have no idea.</b>	14	<b>A As I sit here, I don't recall having any</b>
15	Q What shift do you currently work?	15	<b>conversations with any supervisors or anyone</b>
16	<b>A I'm currently working third watch.</b>	16	<b>within the Chicago Police office -- excuse me --</b>
17	Q What are the hours for third watch?	17	<b>within the Chicago Police Department clearly</b>
18	<b>A We work from 1300 hours to 23 --</b>	18	<b>defining my role.</b>
19	<b>2230 hours.</b>	19	Q You're not quite sure what you're allowed
20	Q 2230?	20	to and not allowed to do?
21	<b>A That's correct.</b>	21	<b>A One thing -- excuse me -- that I recall</b>
22	Q Has anyone told you when, if ever, you may	22	<b>being specifically told that I cannot do is write</b>
23	be off desk duty?	23	<b>reports. All I've been told is I can work the</b>
24	<b>A I don't -- at this time, I don't recall</b>	24	<b>radio room, and I can't work in patrol.</b>

## Transcript of Elsworth Smith, Jr.

10 (37 to 40)

Conducted on February 17, 2020

37

1 Q Do you still have a gun?  
 2 A Yes, I do.  
 3 Q A Chicago -- CPD-issued gun?  
 4 A Yes, I do.  
 5 Q Are you still allowed to arrest people?  
 6 A As far as I know. I'm not for certain.  
 7 Q Have you arrested anyone since you were  
 8 placed on desk duty?  
 9 A No. I don't even carry my weapon with me.  
 10 Q Do you carry the weapon while you're at  
 11 work?  
 12 A No, I do not.  
 13 Q Where is your weapon?  
 14 A It's at home locked in my gun case.  
 15 Q Did someone tell you not to carry your  
 16 weapon?  
 17 A No. Like I said, I don't recall having  
 18 any specific conversations with anyone clearly  
 19 detailing or defining my role.  
 20 Q Is it fair to say you're frustrated with  
 21 how you were placed on desk duty?  
 22 A Yes, I am.  
 23 Q What do you think the process should have  
 24 looked like inside the CPD?

39

1 A I am definitely comfortable saying that.  
 2 Q Are you comfortable suggesting any steps  
 3 that you think should have fairly been taken in an  
 4 investigation by CPD?  
 5 MR. MICHALIK: Object to the form.  
 6 A Yes.  
 7 Q All right. Tell me what steps you think  
 8 should have been taken by CPD.  
 9 A First and foremost, I have not talked to  
 10 anyone other than my civil attorneys and the COPA  
 11 investigation -- investigators and yourself as far  
 12 as these allegations falsely brought against me.  
 13 I haven't spoke to anyone from internal affairs or  
 14 any other agencies.  
 15 Q And so you mentioned internal affairs.  
 16 Who else do you think should have come  
 17 spoken to you, if anyone?  
 18 A Well, whoever was doing the investigation.  
 19 I don't know if that was -- if that would be the  
 20 FBI or any other federal agencies, but I have not  
 21 spoken to anyone.  
 22 Q All right. Are there any other steps,  
 23 other than coming to talk to you, that you think  
 24 CPD should have taken?

38

1 MR. MICHALIK: Object to the form.  
 2 A I can't -- I cannot answer it, but I do  
 3 feel that this is unfair.  
 4 BY MR. RAUSCHER:  
 5 Q Do you think that when faced with all of  
 6 the complaints relating to Watts and the tactical  
 7 team, CPD should have done anything to  
 8 investigate?  
 9 MR. MICHALIK: Objection to the form.  
 10 Q And when I say "the complaints," I'm  
 11 talking about these -- the recent civil complaints  
 12 and all the exonerations.  
 13 MR. STEFANICH: Object to the form.  
 14 A I'm sure that some investigations should  
 15 have taken place.  
 16 Q And what do you think that investigation  
 17 should have looked like?  
 18 A I have no clue. I'm not in a command  
 19 position, so I have no idea.  
 20 Q Well, we know that one thing you think  
 21 should not have happened is you shouldn't have  
 22 been placed on desk duty; right?  
 23 A Yes.  
 24 Q You're comfortable saying that.

40

1 MR. MICHALIK: Object to the form.  
 2 A Like I said, I think they should have did  
 3 a little bit more research as far as investigating  
 4 these allegations.  
 5 Q Anything else?  
 6 A No, sir, not that I can think of at this  
 7 moment.  
 8 Q What research should CPD have done to  
 9 investigate the allegations before placing you --  
 10 and you understand there are others on desk duty  
 11 as well; right?  
 12 A Yes, I am.  
 13 Q What research should CPD have done before  
 14 placing you and others on desk duty?  
 15 MR. MICHALIK: Object to form, foundation.  
 16 MR. STEFANICH: Join.  
 17 You can answer.  
 18 A Okay. I think they should have spoken to  
 19 all the officers that are being falsely accused.  
 20 They should have taken more time to probably  
 21 investigate these individual cases and research  
 22 the -- all the pertinent facts involving these  
 23 arrests.  
 24 Q And you said they should have talked to

## Transcript of Elsworth Smith, Jr.

11 (41 to 44)

Conducted on February 17, 2020

	41           1     Q   Would you agree that officers can do 2     things that are wrong? 3 <b>A That's possible, but I know that I've</b> 4 <b>never done anything wrong. Anything that these --</b> 5 <b>any of these individuals, what they are alleging,</b> 6 <b>I have not done what they are accusing me of</b> 7 <b>doing.</b> 8     Q   I understand that you're saying that. 9     I just -- you would agree that officers at 10    times do things that are wrong. 11 <b>A I'm not aware of that. I know that the</b> 12 <b>officers that I have worked with while I was a</b> 13 <b>member of the tactical team under Sergeant Watts'</b> 14 <b>supervision or any of my partners, I never</b> 15 <b>witnessed them do anything that -- especially</b> 16 <b>anything that these individuals are alleging.</b> 17    Q   But you don't know that the officers never 18    did anything wrong. 19    You're saying you just didn't witness it; 20    right? 21 <b>A From what I know of them based off of</b> 22 <b>their character and the amount of years that I've</b> 23 <b>worked with them, I would be surprised if they did</b> 24 <b>anything criminal.</b>
42           1 <b>I don't think they've done -- handled this</b> 2 <b>correctly or done their job properly.</b> 3     Q   Why do you think they should have taken 4     those steps that you mentioned -- talking to the 5     officers, investigating, looking into the facts, 6     talking to third-parties -- before placing people 7     on desk duty? 8 <b>A My knowledge and experience as a police</b> 9 <b>officer, I think that's what you are supposed to</b> 10 <b>do, especially when someone is being falsely</b> 11 <b>accused of something that they did not do.</b> 12    Q   Why is it important to conduct a thorough 13    investigation when someone allegedly has been 14    falsely accused of something? 15 <b>A Because they need to find the truth.</b> 16    Q   I assume you'd agree it's important to 17    conduct a thorough investigation when an officer 18    says they're falsely accused and when a civilian 19    says they're falsely accused; correct? 20 <b>A That's correct.</b> 21    Q   There's no reason why you should only 22    conduct that thorough investigation when it's an 23    officer saying they're falsely accused. 24 <b>A I would agree with you.</b>	44           1     Q   How do you explain Watts and Mohammed 2     then? 3 <b>A I was surprised myself. I have no answer</b> 4 <b>for that.</b> 5     Q   Did it make you think that maybe I didn't 6     see everything that happened? 7 <b>A Yes, I did think that; but like I said, I</b> 8 <b>never witnessed them doing that.</b> 9     Q   And it hasn't caused you to think, well, 10    maybe there are other incidents that I just didn't 11    see but that were wrong? 12    MR. STEFANICH: Objection; asked and 13    answered. 14    You can answer again, Officer. 15 <b>A Yes, I did think that.</b> 16    Q   Do you think it? 17 <b>A The thought has entered my mind; but like</b> 18 <b>I said, there again, I've never witnessed it, but</b> 19 <b>it made me think.</b> 20    Q   Have you ever talked about that thought 21    with anyone else? 22 <b>A As I sit here today, no one, especially</b> 23 <b>not the police.</b> 24    Q   Why do you say "especially not the

## Transcript of Elsworth Smith, Jr.

12 (45 to 48)

Conducted on February 17, 2020

	45		47
1 police"?		1 conclusion also.	
2 <b>A Because I don't talk to police that often</b>		<b>2 A No. Because people can lie.</b>	
3 <b>other than when I'm at work.</b>		<b>3 BY MR. RAUSCHER:</b>	
4 Q Is there any particular reason why you		4 Q What do you mean by that?	
5 don't talk to police officers often other than		5 A That people can make up things. They can	
6 when you're at work?		6 tell -- not be completely honest when they make	
7 <b>A That's just my personal preference. When</b>		7 the allegations against people, whether they're	
8 I'm not -- when I'm not at work, that's my		8 the police or not.	
9 personal time, and how I departmentalize or step		9 Q Anyone can make up an allegation is what	
10 away from the job is not to associate with people		10 you're saying.	
11 outside of work because I don't like to talk about		11 <b>A That's correct.</b>	
12 work that much.		12 Q And so the fact that someone making an	
13 Q Have you been like that for other jobs		13 allegation or denying an allegation has a	
14 where work is work and you like to leave it at		14 conviction doesn't mean that person should be	
15 work, or is that something sort of unique to your		15 believed or disbelieved on its own?	
16 experience as a police officer?		16 MR. KOSOKO: Objection; calls for a legal	
17 <b>A No. That's pretty much how I've always</b>		17 conclusion.	
18 been. I've always been -- not to say that I have		18 <b>A Again, like I said, it depends on the</b>	
19 friends out -- who I've worked with. But for the		19 person.	
20 most part, I try to separate work from personal		20 Q You've got to take it case-by-case?	
21 relationships with other people.		21 A That's correct. It depends on the person.	
22 Q Do you think that someone should be		22 Like I said, you know, not all people are	
23 believed or not believed just because they have a		23 trustworthy.	
24 conviction?		24 Q Do you still consider Watts or Mohammed to	
	46		48
1 MR. MICHALIK: Objection; form.		1 be trustworthy?	
2 <b>A I have no idea. I can't speak for no one</b>		2 <b>A Based on what they were charged with, no.</b>	
3 else, but I speak for myself; and as I sit here		3 Q How long was Mohammed your partner?	
4 today, I know that these accusations against me		4 A I don't recall.	
5 are false.		5 MR. STEFANICH: Objection; asked and	
6 MR. RAUSCHER: I'm going to move to strike		6 answered.	
7 that.		7 <b>A I don't recall specifically.</b>	
8 BY MR. RAUSCHER:		8 Q Can you generally just estimate the best	
9 Q Can you just try to please listen to the		9 you can?	
10 question and answer the question.		10 <b>A I don't know who was -- maybe even longer</b>	
11 Do you have an opinion as to whether		11 <b>than a year and I -- like I said, I don't -- as of</b>	
12 someone should be believed or disbelieved merely		12 <b>this date, I don't remember specifically.</b>	
13 because they have a conviction?		13 Q When you worked with Mohammed, were you	
14 MR. MICHALIK: Object to form.		14 assigned to a specific beat?	
15 <b>A I have no clue.</b>		15 A Yes, I was.	
16 Q What's your opinion on that question as to		16 Q What beat?	
17 whether someone should be believed or not believed		17 A I believe we were the 264 David.	
18 just because they have a conviction?		18 Q When you were on the 264 Watts team, about	
19 <b>A It depends on the person.</b>		19 how many arrests did you participate in?	
20 Q So is that a no, as a general matter you		20 <b>A I could not tell you. As of this date, I</b>	
21 don't think someone just because they're convicted		21 <b>don't know.</b>	
22 of something should either be believed or not		22 Q Do you think it was hundreds?	
23 believed just because of the conviction?		23 A I don't know.	
24 MR. KOSOKO: Objection; calls for a legal		24 Q Over the course of your career, have you	

## Transcript of Elsworth Smith, Jr.

13 (49 to 52)

Conducted on February 17, 2020

	49		51
1	participated in hundreds of arrests?	1	number of arrests you participated in?
2	<b>A As of this date, I'm certain I probably</b>	2	<b>A As I sit here today, I don't -- without</b>
3	<b>did more than a hundred, but I could not give you</b>	3	<b>looking at the computer screen, I couldn't tell</b>
4	<b>the exact number.</b>	4	<b>you.</b>
5	Q Somewhere north of a hundred?	5	Q Do you know if it included arrests other
6	<b>A As of this date, I would assume, yes.</b>	6	than ones where you were the reporting officer?
7	Q Do you think you're close to a thousand	7	Like if you were a witness or anything like --
8	arrests over your career?	8	assisting or anything like that?
9	<b>A I don't know specifically. I haven't</b>	9	<b>A As I sit here today, I don't recall.</b>
10	<b>checked my personnel records in a long time, and I</b>	10	Q Were you ever detailed or did you ever
11	<b>couldn't tell you the last time that I did.</b>	11	fill in in the 2nd District or work in the
12	Q Have you ever done a check of how many	12	2nd District in any capacity before you were
13	arrests you've participated in?	13	officially assigned there on July 22nd, 2004?
14	<b>A As I sit here, I couldn't give you the</b>	14	<b>A No, I was not.</b>
15	<b>exact date, but it's been many years ago.</b>	15	Q Did you ever spend a day working there?
16	Q You did it at some point, though?	16	<b>A No. As I sit here today, as far as I am</b>
17	<b>A At some point in time, I have.</b>	17	<b>aware of, no.</b>
18	Q Why did you check how many arrests you	18	Q Did you know any members of the 264 team
19	participated in?	19	before you moved over to the 2nd District?
20	<b>A Just out of curiosity.</b>	20	<b>A Not that I'm aware of.</b>
21	Q Do you remember what the number was?	21	Q At some point, did you take the detective
22	<b>A Again, as I sit here today, I don't</b>	22	exam?
23	<b>recall.</b>	23	<b>A Yes. I do not recall what year I took the</b>
24	Q Do you remember about when you did that	24	<b>24 test.</b>
	50		52
1	check?	1	Q Do you remember what the result of taking
2	<b>A As I stated before, I don't recall</b>	2	the test was?
3	<b>exactly.</b>	3	<b>A As of today, I don't remember the result,</b>
4	Q No, not exactly but do you just -- can you	4	<b>what my score was, but I do recall passing the</b>
5	even estimate?	5	<b>5 test.</b>
6	<b>A I couldn't give you an estimate of the</b>	6	Q And then did you try to become a
7	<b>time. I don't remember.</b>	7	detective?
8	Q Do you remember what your job was at the	8	<b>A Well, the determination is not left up</b>
9	time?	9	<b>9 to me; and as far as I -- as I sit here today, I</b>
10	<b>A I believe when I was a tactical officer.</b>	10	<b>10 have not been promoted to detective.</b>
11	Q Was it when you were on the Watts team?	11	Q Did you have to do -- were there any steps
12	<b>A I believe so.</b>	12	12 that were under your control after you take the
13	Q Do you have any context for why you did	13	13 exam to try to become a detective?
14	that check?	14	<b>A To my knowledge, no.</b>
15	<b>A As I sit here today, no. Basically, as I</b>	15	Q It was just up to the higher-ups?
16	<b>said, out of curiosity.</b>	16	<b>A I'd say, again, I don't make the personnel</b>
17	Q Do you remember how you did it? How did	17	<b>17 decisions as far as who is promoted or not. So I</b>
18	you go check how many arrests you had participated	18	<b>18 have no idea.</b>
19	in?	19	Q Do you keep in touch with Al Jones?
20	<b>A It was on the CPD data warehouse system.</b>	20	<b>A No, I do not.</b>
21	Q And what did you -- was it a computer	21	Q Do you know what his current role is
22	program you looked at?	22	22 at CPD?
23	<b>A Yes.</b>	23	<b>A From what I've been told, that he's a</b>
24	Q What did you go and search to pull up the	24	<b>24 sergeant.</b>

## Transcript of Elsworth Smith, Jr.

14 (53 to 56)

Conducted on February 17, 2020

53	55
<p>1 Q Do you know how he got promoted to be 2 sergeant?</p> <p>3 <b>A No, I do not.</b></p> <p>4 Q Do you have any opinion as to whether he 5 should be a sergeant?</p> <p>6 MR. STEFANICH: Objection; form.</p> <p>7 <b>A That's not my determination to make that</b> <b>8 decision.</b></p> <p>9 Q Do you have an opinion as to whether he 10 should be a sergeant?</p> <p>11 <b>A My opinion of him, I have no problem with</b> <b>12 him -- if he was promoted to sergeant, then</b> <b>13 obviously the bosses or someone in charge felt</b> <b>14 that he should have been promoted to sergeant. So</b> <b>15 that's not my determination.</b></p> <p>16 Q From what you know of him, do you think he 17 should be a sergeant?</p> <p>18 <b>A I have no problems with him being a</b> <b>19 sergeant.</b></p> <p>20 Q Do you know anything about the merit 21 promotion system?</p> <p>22 <b>A I've heard about it.</b></p> <p>23 Q What have you heard about the merit 24 promotion system?</p>	<p>1 <b>A I'm not certain.</b></p> <p>2 <b>BY MR. RAUSCHER:</b></p> <p>3 Q In line with the idea of it's all about 4 who you know, do you know of anyone Al Jones 5 knows?</p> <p>6 MR. MICHALIK: Objection; foundation.</p> <p>7 <b>A I don't know. I'm certain he knows</b> <b>8 someone. I don't know if that was how he got</b> <b>9 promoted or not. There again, I don't know who Al</b> <b>10 knows.</b></p> <p>11 Q When we're saying here "who Al knows," 12 we're talking about who he knows who might have 13 gotten him promoted; right?</p> <p>14 <b>A If that's how he was --</b></p> <p>15 MR. MICHALIK: Objection; foundation, 16 assumes facts not in evidence.</p> <p>17 <b>A If that's -- indeed, that's how he was</b> <b>18 promoted, I have no idea. I don't know who Al</b> <b>19 knows and who he doesn't know.</b></p> <p>20 Q You had said you assume Al knows someone, 21 I think. Of course, he knows people.</p> <p>22 I just want to make sure of the context 23 for saying you assume he knows someone who would 24 have helped him with the promotion.</p>
54	56
<p>1 <b>A That the merit -- I don't know much, but</b> <b>2 I've heard that it's just basically who you know.</b></p> <p>3 Q In your experience, do you think that's an 4 accurate description of the merit promotion 5 system?</p> <p>6 <b>A From what I've heard -- like I said, I</b> <b>7 don't know much about it, but that's what I've</b> <b>8 heard.</b></p> <p>9 Q Who have you heard that from?</p> <p>10 <b>A I don't remember specifically, but I've</b> <b>11 heard that throughout the department.</b></p> <p>12 Q Do you know of anyone who has received a 13 merit promotion?</p> <p>14 <b>A As far as -- to the best of my knowledge,</b> <b>15 no. Other than Alvin Jones, no.</b></p> <p>16 Q And how do you know that Jones got a merit 17 promotion?</p> <p>18 <b>A That I am aware of through this</b> <b>19 investigation that he is a sergeant and I heard</b> <b>20 that -- like I said, I don't recall who told me.</b></p> <p>21 <b>Like I said, that's all I know.</b></p> <p>22 Q Does he know people who you think would 23 have promoted him to become a sergeant?</p> <p>24 MR. MICHALIK: Objection; foundation.</p>	<p>1 <b>A That's not what I said.</b></p> <p>2 Q Okay.</p> <p>3 <b>A I said I assumed that he knows somebody.</b> <b>4 I don't know specifically if that's how he was</b> <b>5 promoted or not. That's what I heard, but I don't</b> <b>6 know if that's the truth or not.</b></p> <p>7 Q Who did you hear that from?</p> <p>8 <b>A Like I said, I don't remember</b> <b>9 specifically.</b></p> <p>10 Q What were your main responsibilities in 11 the 6th district and the 3rd District?</p> <p>12 <b>A I was a patrolman.</b></p> <p>13 Q What did you do as a patrolman in the 6th 14 and the 3rd?</p> <p>15 <b>A I had many different functions as a</b> <b>16 patrolman.</b></p> <p>17 Q Can you just tell me generally what they 18 were?</p> <p>19 <b>A Visible patrol and respond to your radio</b> <b>20 calls, the radio assignments.</b></p> <p>21 Q And were they for all kinds of crimes, 22 alleged crimes?</p> <p>23 <b>A Yes.</b></p> <p>24 Q How did you end up in the 2nd District?</p>

## Transcript of Elsworth Smith, Jr.

15 (57 to 60)

Conducted on February 17, 2020

57

1   **A I bid it to come to the 2nd District. I**  
 2   **completed a PAR form and transferred.**  
 3   **Q A what form?**  
 4   **A A PAR form.**  
 5   **Q What's a PAR form?**  
 6   **A I forget what the acronym stands for, it's**  
 7   **the personnel -- personnel form that you fill out**  
 8   **when you request to be transferred to a different**  
 9   **district.**

10   **Q Why did you want to move to the**  
 11   **2nd District?**

12   **A I wanted to transfer to the 2nd District**  
 13   **because I heard that -- eventually that the**  
 14   **district was going to change once all of the**  
 15   **housing developments were taken down.**

16   **And the talk within the department at that**  
 17   **time was that it was going to be like the land of**  
 18   **milk and honey or meaning that it was going to be**  
 19   **not that much crime and it would be a lot -- an**  
 20   **easy district to work in. So that was one of the**  
 21   **reasons why I transferred there.**

22   **Q Did it work out like that?**

23   **A For the most part.**

24   **Q So in your experience, being in the**

59

1   **A Eventually after the projects were torn**  
 2   **down.**  
 3   **Q Was that after you were done being on the**  
 4   **264 tactical team?**  
 5   **A Well, I left the 264 team prior to the**  
 6   **housing projects or developments that were in the**  
 7   **district were torn down.**

8   **Q Was there a lot of crime in the**  
 9   **2nd District while you were on the 264 Watts team?**

10   **A There was a lot of crime prior to me**  
 11   **becoming a member of Watts team. Like I said,**  
 12   **before I was a member of Watts team, I was there**  
 13   **in July.**

14   **Q There was a lot of crime when you got**  
 15   **there?**

16   **A From what I recall, yes.**

17   **Q Did that continue through your time on the**  
 18   **Watts team?**

19   **A Yes, it did.**

20   **Q How long were you in the 2nd District**  
 21   **before you became a member of the 264 team?**

22   **A I don't remember specifically. My best**  
 23   **guess is, I believe, it was about three months.**

24   **Q Did you ask to become a member of the**

60

1   **2nd District has been a relatively easy job?**

2   **A Somewhat.**

3   **Q Easier than the 3rd and 6th District as a**  
 4   **patrolman?**

5   **A I don't have much recollection of my time**  
 6   **in the 6th district because I was a -- still a**  
 7   **probationary police officer.**

8   **And, like I said, the 3rd district,**  
 9   **although I liked the 3rd District, I wanted to**  
 10   **change.**

11   **Q Why did you want to change when you were**  
 12   **in the 3rd District?**

13   **A Because the 3rd District was becoming**  
 14   **extremely busy; and, like I said, I heard the**  
 15   **rumors about, you know, what the 2nd District**  
 16   **might become. So I was looking for a change as**  
 17   **far as working as hard.**

18   **Q And you said it pretty much worked out the**  
 19   **way that you heard it would work out in the**  
 20   **2nd District; right?**

21   **A That's correct.**

22   **Q Was it -- when did it become like that,**  
 23   **where it became kind of an easy job, not as much**  
 24   **crime?**

1   **Watts team?**

2   **A No, I did not.**

3   **Q Did you want to be a member of the team?**  
 4   **A No, I did not.**

5   **Q Why did you not want to be a member of**  
 6   **Watts team?**

7   **A Because I did not ask to be a member of**  
 8   **his team.**

9   **Q Why didn't you want to do it?**

10   **A Because I didn't want to be a tactical**  
 11   **officer when I transferred to the 2nd District.**

12   **Q What was it about being a tactical officer**  
 13   **that you didn't like?**

14   **A It was nothing specifically. I just**  
 15   **didn't want to be a tactical officer at that time.**

16   **Q There wasn't anything about the tactical**  
 17   **officer job that made you not want to do it?**

18   **A No. As I sit here, nothing. And the only**  
 19   **reason why I was placed on Watts team is because**  
 20   **of reverse seniority.**

21   **Q What does that mean?**

22   **A Because I did not have enough years or**  
 23   **enough time on the job, the district commander at**  
 24   **that time put me on Watts team.**

## Transcript of Elsworth Smith, Jr.

16 (61 to 64)

Conducted on February 17, 2020

61

1 Q So it was not a particularly desirable job  
 2 in the 2nd District to be on that team?  
 3 MR. MICHALIK: Objection; foundation.  
 4 A I didn't have any prior knowledge of  
 5 Ronald Watts when I came to the 2nd District,  
 6 never heard of him. So at that time, I had no  
 7 knowledge of him; and at that time, being a  
 8 tactical officer was a desirable position, but it  
 9 was something that I did not request.

10 Q The fact that you were put there because  
 11 you didn't have enough seniority to not be put  
 12 there, does that suggest that others more senior  
 13 to you didn't ask to be put there?

14 MR. MICHALIK: Objection; form, calls for  
 15 speculation.

16 A I have no idea.

17 Q Well, how else would it work?

18 A I have no idea. I did not make the  
 19 decision, so I would not be able to answer that  
 20 question.

21 Q But you were told that you were placed  
 22 there because you didn't have enough seniority to  
 23 request to not be there?

24 A To the best of my knowledge, yes.

63  
 1 A I wouldn't necessarily call it train but I  
 2 guess -- that's a way of saying it, I guess.  
 3 Q What would you call it?  
 4 A Well, I guess he told me how to become --  
 5 I said -- I guess you could say that. So at that  
 6 time I wasn't a probationary officer. I was just  
 7 a new tactical officer. I did have some  
 8 experience as a police officer.

9 Q What did Watts tell you about being a  
 10 tactical team officer?

11 A I don't recall specifically, as I sit here  
 12 today?

13 Q What about generally?

14 A I don't recall specifically.

15 Q Do you recall generally?

16 A Generally, I don't recall, but our main  
 17 assignment was to prevent crime happening in the  
 18 Ida B. Wells and other public housing  
 19 developments, and that consisted of many different  
 20 things.

21 Q When you say "that consisted of many  
 22 different things," you mean there were lots of  
 23 different crimes or different responsibilities or  
 24 both?

62

1 Q And who told you that?  
 2 A The commander, who at that time was Walter  
 3 Green, and he's been retired, and I don't know how  
 4 many years he's been retired.

5 Q Do you remember specifically what Walter  
 6 Green told you when he said you were going to be  
 7 part of the Watts team?

8 A I don't remember exactly, but his words,  
 9 just to paraphrase it, was I'm placing you on my  
 10 tac team.

11 Q What was he the commander of? What was  
 12 Walter Green the commander of at the time?

13 A He was the commander of the 2nd District.

14 Q Did you have an understanding of what  
 15 tactical team officers did when Walter Green came  
 16 to you and said I'm placing you on my tactical  
 17 team?

18 A No, I did not.

19 Q How did you learn what tactical officers  
 20 did?

21 A Just from what I recall during my time  
 22 working under Ronald Watts and the other members  
 23 of the 264 team.

24 Q Did Watts train you?

64  
 1 A Many different responsibilities and many  
 2 different crimes.  
 3 Q All right. What were your main  
 4 responsibilities on the tac team?  
 5 A As I sit here today, from what I recall,  
 6 the main objective was to prevent violent crimes,  
 7 the distribution of illegal narcotics.  
 8 Q Anything else?  
 9 A At the moment, I can't recall.  
 10 Q Did the tac team spend more time in Ida B.  
 11 Wells then elsewhere?  
 12 A As I sit here today, from the best of my  
 13 memory, perhaps so.  
 14 Q Do you think it's likely that the tac  
 15 team, while you were there, spent more time at  
 16 Ida B. Wells than elsewhere?  
 17 A As I said, I don't remember specifically,  
 18 but my best guess is we did spend probably the  
 19 majority of the time in the Ida B. Wells.  
 20 Q Do you recall ever having any sort of  
 21 meeting with Watts when you moved over to the tac  
 22 team to start off, introduce yourself, learn the  
 23 basics of the job, anything like that?  
 24 A As I sit here today, I don't recall.

## Transcript of Elsworth Smith, Jr.

17 (65 to 68)

Conducted on February 17, 2020

65

1 Q Do you think that didn't happen, or you  
2 don't recall one way or the other?

3 **A I don't recall one way or the other.**

4 Q Did you learn how to do the job of a  
5 tactical officer by watching Ronald Watts do  
6 the job?

7 MR. KOSOKO: Objection; form of the  
8 question.

9 **A I learned from all -- any partners I  
10 worked with from the time I was in patrol, a  
11 combination of working with different people, and  
12 from my experience and training from the police  
13 academy.**

14 MR. RAUSCHER: Could you read back that  
15 question, please.

16 (Pending question read.)

17 **A The combination of watching him and other  
18 tactical officers, not just necessarily members of  
19 the 264 team; but as I sit here today, I don't  
20 recall specifically.**

21 Q And I don't mean to suggest that you only  
22 learned how to do your job from watching Ronald  
23 Watts, but I just want to know did you learn from  
24 watching Ronald Watts in part?

67  
1 **Sergeant Silas did spend some time with the 263  
2 team, but I couldn't tell you comparing him to  
3 Watts.**

4 Q How would you compare the two as bosses,  
5 Silas versus Watts?

6 **A Comparing in what way?**

7 Q Did you like one of them more?

8 **A I didn't have a preference either way.**

9 Q Were they both effective leaders?

10 And I'm sorry. Can I just ask you to put  
11 your hand down just for the video, so we can make  
12 sure I see the answer.

13 **A As far as being an effective leader, I  
14 guess so. I had to -- you know, I guess so.**

15 **Can you rephrase that question for me  
16 because I don't completely understand it?**

17 Q Sure. Was there anything that Sergeant  
18 Watts did as a head of the tactical team that you  
19 didn't agree with at the time?

20 MR. KOSOKO: Object to the form of the  
21 question.

22 **A I'm certain I probably had some  
23 disagreements with Sergeant Watts as well as  
24 Sergeant Silas. As I sit here today, I probably**

66

1 **A As I sit here today, I don't recall  
2 specifically. I'm sure I've learned -- did learn  
3 from watching him and other tactical officers.**

4 Q Was he out on the street with the team  
5 frequently?

6 MR. KOSOKO: Object to the form of the  
7 question.

8 **A To the best of my memory, yes.**

9 Q Was he out with his team more than other  
10 sergeants in your experience?

11 MR. KOSOKO: Object to the form of the  
12 question, foundation.

13 **A Again, based on my knowledge, probably  
14 more so than some other sergeants.**

15 Q You said Sergeant Silas was a sergeant for  
16 your other team?

17 **A Yes.**

18 Q Your other tactical team?

19 **A Yes.**

20 Q Was Watts out on the street with his team  
21 more than Sergeant Silas was out with that  
22 tactical team when you served on the tactical  
23 team?

24 **A As I sit here today, I couldn't guess.**

68  
1 **had some disagreements with sergeants that I'm  
2 currently or presently assigned to work under, but  
3 I wouldn't say any more difference than one or the  
4 other.**

5 **BY MR. RAUSCHER:**

6 Q And I appreciate you wanting to give some  
7 context, but I'm just going to ask if you can just  
8 try to just answer the question that I'm asking.

9 **A Okay. I thought I did. Again, as I sit  
10 here today, from what I recall, I don't recall  
11 having too many -- too much differences from  
12 working with Sergeant Watts than I did with  
13 Sergeant Silas or any other sergeant.**

14 Q Do you recall having any disagreements  
15 with Sergeant Watts?

16 MR. KOSOKO: Object to the form of  
17 question.

18 **A As I sit here today, I can't recall too  
19 many disagreements that I've had with him.**

20 Q Do you recall any?

21 **A As I sit here today, I don't recall  
22 specifically. I'm sure I have had some  
23 disagreements with him.**

24 Q You're just saying generally it would be

## Transcript of Elsworth Smith, Jr.

18 (69 to 72)

Conducted on February 17, 2020

69

71

1 normal to have disagreements with the boss; is  
2 that the idea?

3 **A I'm not saying that's normal. No, I would  
4 not say that's normal.**

5 Q Okay.

6 **A And, as I said, I don't have a problem  
7 with anyone that I work with and I have had -- I  
8 haven't had too many disagreements with anyone  
9 that I've worked with.**

10 **And as I sit here today, is it possible  
11 that I've had some disagreements? Certainly, in  
12 20 years as being a police officer. I'm not going  
13 to say that just specifically Ronald Watts. I've  
14 had issues with other sergeants.**

15 Q What issues have you had with other  
16 sergeants?

17 **A I can't give any specifics. As I sit here  
18 today, I don't recall; but it's not just, like I  
19 said, pertaining -- you're asking me strictly to  
20 Ronald Watts. There's a lot of sergeants or other  
21 supervisors that I've had issues with their  
22 leadership skills. So I wouldn't just single out  
23 Ronald Watts.**

24 Q All right. Well, tell me about all the

1 **A Yes.**

2 Q And the descriptions you were just giving  
3 about how Watts joked around more and was more  
4 hands-on and was nicer, are you talking about his  
5 interactions and leadership of officers under his  
6 command?

7 **A Yes. To the best of my knowledge, yes.**

8 Q And when you say he was more hands-on than  
9 Silas, can you tell me what you mean by that?

10 **A Like I said, to the best of my knowledge,  
11 what I meant by that, that he was more -- because  
12 I did state earlier that Watts, comparing the two,  
13 that he probably rode or he worked with us in the  
14 field more so than Sergeant Silas did.**

15 **Not to say that Sergeant Silas didn't do  
16 it on a regular basis, but, you know, his --**

17 **Sergeant Silas' attitude was more laid back and  
18 laissez-faire. He really didn't care as much.**

19 Q I'm sorry. You said Silas was more laid  
20 back?

21 **A Yes.**

22 Q Didn't care as much?

23 **A Yes. That's just my perception.**

24 Q And what do you -- what -- didn't care as

70

72

1 issues you've had with other sergeants' leadership  
2 and other supervisors' leadership skills.

3 **A As I sit here today, I cannot give you a  
4 specific, and I've worked with many different  
5 sergeants in my 20 years as a police officer. And  
6 I can't remember every last sergeant's name that  
7 I've worked under because I've had many different  
8 sergeants being in patrol, and I can't remember  
9 every last one of their names.**

10 Q Can you give me any single instance of  
11 having a disagreement with a supervisor or a  
12 sergeant of any sort while you were at the CPD?

13 **A Nothing stands out in my mind.**

14 Q Did Sergeant Watts and Sergeant Silas have  
15 a different leadership style?

16 **A Yes, they did.**

17 Q Tell me about the differences in their  
18 leadership styles.

19 **A From what I recall, Sergeant Watts was  
20 generally a jokester. He was more hands-on than  
21 Silas. Sergeant Silas was more gruffy, his  
22 disposition or his attitude, and I wouldn't say he  
23 was as nice as Sergeant Watts.**

24 Q Watts was nicer?

1 much about what?

2 **A As far as -- to me he didn't care too much  
3 as far as overseeing everything. He took, like, a  
4 hands-off approach more so from what I can recall.  
5 You know, Silas pretty much let you do your own  
6 thing, you know. Not to say that Watts didn't let  
7 you do your own thing; but, like I said, Silas  
8 didn't seem to care as much about the job as much  
9 as Ronald Watts did.**

10 Q Can you -- I'm sorry. Go ahead.

11 Can you give me some examples of how it  
12 played out where Watts was more hands-on and  
13 overseeing you more closely than Silas?

14 **A Well, Watts seemed to have more street  
15 knowledge. He knew who the guys were that was  
16 involved in the narcotics, involved in selling  
17 narcotics or the people in the gangs. He had more  
18 awareness of what was going on than Sergeant Silas  
19 did.**

20 Q And did he oversee your team's daily  
21 activities more closely than Silas did?

22 **A I wouldn't necessarily say that. Like I  
23 said, Sergeant Watts did work with us from time to  
24 time more often, I would say, than Sergeant Silas**

## Transcript of Elsworth Smith, Jr.

19 (73 to 76)

Conducted on February 17, 2020

73

1 did; and, again, I said Sergeant Silas did ride  
 2 with us, from what I recall, on a consistent  
 3 basis, probably not as much as Watts did.

4 Q Did Watts ride with you all almost every  
 5 day?

6 A Sitting here today, I couldn't say on a  
 7 consistent basis every day.

8 MR. STEFANICH: Put your hand down.

9 THE WITNESS: I'm sorry.

10 Q Would he go out with you multiple times a  
 11 week? And by "you," I mean, the team.

12 Would Watts go out with the tactical team  
 13 multiple times each week?

14 A As I sit here today, I couldn't give you a  
 15 number.

16 Q One way or the other, whether he was there  
 17 every day or once a week or once a month?

18 A Again, as I stated, I don't have a --  
 19 wouldn't recall how many times he rode with us per  
 20 week, but he did ride with us quite often. I just  
 21 can't recall how many times per week.

22 Q Typically, it was multiple times per week  
 23 at least; is that fair?

24 A Possibly.

1 Also at that time, he had more years on  
 2 the job than I did.

3 BY MR. RAUSCHER:

4 Q How did you come to learn that Watts had  
 5 grown up in Ida B. Wells?  
 6 A I don't recall exactly when and who told  
 7 me; but at some point in time during my years  
 8 working with him, I did learn that.

9 Q Did you ever talk to him about the fact  
 10 that he had grown up in Ida B. Wells?

11 A I'm certain I may have. I don't recall  
 12 specifically.

13 Q How else did -- was Silas more  
 14 laissez-faire and hands-off than Watts?

15 A That's going back so many years ago. Like  
 16 I said, I don't recall. Like I said -- like I  
 17 said, I didn't work with Silas that long, and I  
 18 don't remember every detail about Silas.

19 Like I said, I knew Silas prior to working  
 20 with him. Not to say that we were personal  
 21 friends, but I couldn't tell you too much of a  
 22 difference between Ronald Watts, other than  
 23 they -- you know, like I said, the difference in  
 24 their personalities.

74

1 Q Possibly or yes in your experience?  
 2 A As I stated, again, I don't know exactly,  
 3 but it is possible that he rode with us multiple  
 4 times a week.

5 Q Do you think he rode with you multiple  
 6 times each week?

7 A Again, as I stated, I don't know. I can't  
 8 give you a specific answer, but it might have been  
 9 maybe one or two times. It could possibly be  
 10 more.

11 Q All right. How did Watts gain the  
 12 knowledge that you believe he had regarding gangs  
 13 and drugs and who the players were?

14 MR. STEFANICH: Objection.

15 MR. KOSOKO: Objection; form of the  
 16 question, calls for speculative response, form,  
 17 foundation.

18 A Like I said, I can't answer for Ronald  
 19 Watts. Just based off my observation, maybe he  
 20 was more street savvy than I was. I did have --  
 21 come to find out that he grew up in the Ida B.  
 22 Wells, so that could also have given him a lot  
 23 more information that led him to be more  
 24 knowledgeable than me.

1 Q Was one of the ways that Watts acted in a  
 2 more hands-on manner by telling officers on the  
 3 tac team who they should arrest?

4 MR. MICHALIK: Object to form.

5 A As I sit here today, I don't recall Watts  
 6 ever specifically telling us who we had to arrest.

7 Q Did he -- do you remember him ever telling  
 8 the team who they should go look for and  
 9 investigate?

10 A Again, I'm certain at some point in time  
 11 we probably had conversations during roll call if  
 12 we were -- if he received information from certain  
 13 individuals about a certain person, I'm sure it  
 14 might have come up.

15 Q Do you -- outside of roll call, do you  
 16 ever remember having Watts tell anybody on the tac  
 17 team who they should investigate?

18 A As again, as I sit here, I don't recall,  
 19 but I'm certain it may have come up.

20 Q When do you think it may have come up  
 21 outside of roll call?

22 A When we were working in the field.

23 Q And why do you think that in the field  
 24 Watts was telling tac team members who they should

75

76

## Transcript of Elsworth Smith, Jr.

20 (77 to 80)

Conducted on February 17, 2020

77

1 investigate?  
 2 **A As again, like I stated, I don't recall**  
 3 **specifically; but Ronald Watts was the sergeant,**  
 4 **and being under his command as a sergeant, he did**  
 5 **give us the -- we were supposed to follow his**  
 6 **orders as far as certain things.**

7 **So he had a lot of info -- a lot of people**  
 8 **where he received information from. I don't know**  
 9 **everyone who Ronald Watts spoke to, where he got**  
 10 **his information from. From time to time, I do --**  
 11 **from the best of my memory, he would give us**  
 12 **information based off of what was conveyed to him**  
 13 **or told to him.**

14 **Q And when he would do that, give you**  
 15 **information based on what he had learned or what**  
 16 **he knew, did he tell you where the information**  
 17 **came from?**

18 **A As I sit here today, I don't recall.**

19 **Q You don't recall one way or the other?**

20 **A No. Like I said, I don't have -- I don't**  
 21 **recall exactly. He may have, and as I just**  
 22 **stated, I don't recall.**

23 **Q As your sup- -- well, as Watts was your**  
 24 **superior officer, did you have to follow his**

79  
 1 **arrest that guy over there, he's got drugs; and**  
 2 **you found out that that guy didn't actually have**  
 3 **drugs, would you have still effectuated the**  
 4 **arrest?**

5 **A As I sit here today, I would have asked**  
 6 **him -- may have asked him, you know, how did he**  
 7 **observe this. And if I wrote the report, maybe I**  
 8 **would probably document, you know, the reason in**  
 9 **my report why I was arresting this individual,**  
 10 **based on the observations of Ronald Watts or maybe**  
 11 **another member of my team.**

12 **Q But if Watts told you, Go arrest that**  
 13 **person, he has drugs, and you found out that**  
 14 **person didn't actually have drugs, you're saying**  
 15 **you still might arrest him?**

16 **A No.**

17 **MR. KOSOKO: Objection to the form, calls**  
 18 **for a speculative response, incomplete**  
 19 **hypothetical.**

20 **A No. If Sergeant Watts told me to arrest**  
 21 **someone and they did not have any drugs on them, I**  
 22 **would not arrest them.**

23 **Q Is what you were saying before, that if**  
 24 **Sergeant Watts asked you to arrest someone and you**

78

1 **commands?**

2 **A To a certain degree.**

3 **Q When would you not have to follow his**  
 4 **commands?**

5 **A If his commands were to tell me to do**  
 6 **something criminal.**

7 **Q Other than that, though, other than**  
 8 **criminal, you'd have to follow his commands?**

9 **A Well --**

10 **MR. MICHALIK: Objection to the form.**

11 **MR. KOSOKO: Join.**

12 **A Or if I felt his commands were unethical.**

13 **Q Did you ever have a time where you**  
 14 **disobeyed one of Ronald Watts's commands?**

15 **A As I sit here today, I don't recall.**

16 **Q Have you ever, in your career as a police**  
 17 **officer, disobeyed a superior officer's commands?**

18 **MR. KOSOKO: Object to the form of the**  
 19 **question.**

20 **A As I sit here today, I don't think so. I**  
 21 **never received discipline -- disciplinary action**

22 **as a result of that. So to the best of my**

23 **knowledge, I would say no.**

24 **Q If Ronald Watts would have said to you, Go**

80  
 1 **hadn't firsthand seen what had happened, you would**  
 2 **ask Watts for the basis?**

3 **A Yes.**

4 **Q And did that happen frequently?**

5 **A As I sit here today, I don't recall**  
 6 **specifically, but I'm certain it might have.**

7 **Q Why are you certain that it might have**  
 8 **happened?**

9 **A I can't -- as I said, I don't -- I'm not**  
 10 **for certain, but I'm certain it might have.**

11 **Q But what I'm saying is why do you think**  
 12 **that it happened, where you were told to arrest**  
 13 **someone even though you hadn't seen what that**  
 14 **person did?**

15 **A I don't recall.**

16 **Q You don't recall why you think that?**

17 **A No, sir.**

18 **Q And if you were --**

19 **A That's a hypothetical question you asked**  
 20 **me, so I'm giving you an answer.**

21 **Q Right. But I'm trying to find out if you**  
 22 **actually think that it happened.**

23 **A As I sit here today, I don't recall if**  
 24 **that happened one way or the other.**

## Transcript of Elsworth Smith, Jr.

21 (81 to 84)

Conducted on February 17, 2020

	81		83
1	Q If you were asked to arrest someone and	1	<b>don't remember his real last name.</b>
2	you had not personally seen what that person	2	Q I'm sorry. Harry what?
3	allegedly did, would you document the source of	3	<b>A Harry O, that was his street name.</b>
4	your information justifying the arrest?	4	Q O?
5	MR. MICHALIK: Object to the form.	5	<b>A Harry O.</b>
6	MR. KOSOKO: Join.	6	Q Oh, Harry O.
7	<b>A As I sit here today, yes, I think I would.</b>	7	<b>A Yeah. Like the letter O.</b>
8	MR. RAUSCHER: Can we take a quick break.	8	Q Yep. Got it.
9	THE VIDEOGRAPHER: Off the record, 11:25.	9	<b>A Those are the ones I can think of. I'm</b>
10	(A recess was taken from 11:25 a.m. to	10	<b>sure there was probably more. At this time, this</b>
11	11:32 a.m.)	11	<b>is all I can remember.</b>
12	THE VIDEOGRAPHER: Back on the record,	12	Q And who was on the Watts team while you
13	11:32.	13	were on the team?
14	(Ms. Kleinhaus did not return to the	14	MR. STEFANICH: At what time?
15	conference room.)	15	Q Over the years when you were on the Watts
16	BY MR. RAUSCHER:	16	team, who was on the team?
17	Q You had mentioned that Watts seemed to	17	<b>A Initially, when I first started, when I</b>
18	have good street knowledge about who was involved	18	<b>was placed on his team, I was partnered with</b>
19	in gangs and drugs in Ida B. Wells?	19	<b>Cynthia Tornes; and then a short while later, I</b>
20	<b>A Yes.</b>	20	<b>was partnered with Miguel Cabrales. A short while</b>
21	Q Do you remember, when you were on the tac	21	<b>21 later I was partnered with Kallatt Mohammed; and</b>
22	team, who any of the kind of bigger players were	22	<b>22 then for the remainder of my time on Sergeant</b>
23	in gangs and drugs in Ida B. Wells?	23	<b>23 Watts team, I was partnered with Alvin Jones.</b>
24	<b>A I can remember a few names.</b>	24	Q And who else was on the team over the
	82		84
1	Q Which names do you remember?	1	years while you were on the team?
2	<b>A Wilbert Moore, his street name was Big</b>	2	<b>A Robert Gonzalez, Brian Bolton, Doug</b>
3	<b>Shorty. Allen Jackson, who went by the street</b>	3	<b>Nichols, Manny Leano, Lamonica Lewis. To the best</b>
4	<b>name of Allen J. Leonard Gipson, his street name</b>	4	<b>of my knowledge, I believe that was it.</b>
5	<b>was Fuzz. Angelo Shenault, I don't remember --</b>	5	Q Do you know someone named Dorian Smith?
6	<b>I'm aware that there is a junior and a senior. I</b>	6	<b>A Yes, I do.</b>
7	<b>don't recall if it was -- I couldn't distinguish</b>	7	Q Was Ms. Dorian Smith ever on the Watts
8	<b>between one or the other.</b>	8	team?
9	Q Let me stop you just for one second.	9	<b>A Not when I was a member of Watts team.</b>
10	Do you know about how old the Angelo	10	Q Are you related to Dorian Smith?
11	Shenault you're thinking of was during -- when you	11	<b>A No. I'm sorry. No, sorry.</b>
12	were on the tac team?	12	Q All right. Now, I have to ask you why
13	<b>A I don't recall. I don't recall.</b>	13	that was such a crazy question.
14	<b>Torlorn Fumbanks, his street name was</b>	14	<b>A I don't know if this is -- man, I'm</b>
15	<b>Toke.</b>	15	<b>feeling -- well, anyway it's, you know -- no,</b>
16	THE REPORTER: What was the first name?	16	<b>16 we're not related. You know, Dorian is -- you</b>
17	THE WITNESS: I think it was pronounced	17	<b>17 know, we don't look nothing alike, and that's all</b>
18	Torlorn or Toe -- excuse me -- Torlong Fumbanks or	18	<b>18 I'm going to say.</b>
19	Funbanks.	19	Q Just -- the reaction was just about your
20	MR. RAUSCHER: I think we can get you the	20	difference in appearance with him?
21	spelling.	21	<b>A Yes.</b>
22	<b>A (Continuing.) Ben Baker. I'm not aware</b>	22	Q Okay.
23	<b>if he had a street name. Brian Ford, his street</b>	23	<b>A And his -- I don't want to -- it's too</b>
24	<b>name was B-Lo. Another guy named Harry O. I</b>	24	<b>personal, I mean. Nothing bad, you know, just --</b>

## Transcript of Elsworth Smith, Jr.

22 (85 to 88)

Conducted on February 17, 2020

85

1 Q You don't have any bad feelings toward  
 2 Dorian Smith?  
 3 A Oh, no, no, definitely not.  
 4 Q All right. Did any of the people you just  
 5 named on the Watts team have nicknames that you're  
 6 aware of?  
 7 A When I worked with, I believe Ronald  
 8 Watts, he was called Big Smooth.  
 9 Q Big Smooth?  
 10 A Uh-huh.  
 11 Q Is that a nickname he gave to himself?  
 12 A I don't know where he got the nickname  
 13 from.  
 14 Q Did he refer to himself as Big Smooth?  
 15 A Yes. I've heard him refer to himself as  
 16 Big Smooth.  
 17 Q Did you ever hear anyone other than him  
 18 refer to Watts as Big Smooth?  
 19 A As of this time, I don't recall.  
 20 Q Do you know why he called himself Big  
 21 Smooth?  
 22 A I have no idea.  
 23 Q Did you ever ask him?  
 24 A As I sit here today, I don't recall.

87

1 Q Did team members call her Co-Co or people  
 2 who lived at Ida B. Wells or both?  
 3 A I am not certain, as I sit here today, but  
 4 I'm aware that -- I think she did -- when she  
 5 first became a member of our team, did ask her to  
 6 call her Co-Co. I'm not for certain. I can't  
 7 remember 100 percent.  
 8 During her time working with me while I  
 9 was on Watts team, I think people in the Ida B.  
 10 Wells may have started calling her Co-Co once they  
 11 heard other members call her Co-Co.  
 12 Q Do you know Officer Cadman or Spaargaren?  
 13 A No, I do not.  
 14 Q What about Shannon Spalding?  
 15 A No, I do not.  
 16 Q Daniel Echeverria?  
 17 A Yes, I do.  
 18 Q How do you know him?  
 19 A I knew him from -- when I was in the  
 20 2nd District, I would see him in passing.  
 21 Q Have you ever talked to him about the  
 22 Watts team?  
 23 A No, I did not.  
 24 Q Did you ever socialize with any of the

86

1 Q All right. Did anyone else on the team,  
 2 that you remember, have a nickname?  
 3 A I remember that people from the Ida B.  
 4 Wells called Manny Leano Chinaman.  
 5 Q Did anyone on the team call Leano  
 6 Chinaman?  
 7 A As I sit here today, I don't recall. I  
 8 know I personally -- I never called him Chinaman.  
 9 I don't recall anyone else calling him that.  
 10 Q Did people call you Smitty?  
 11 A That's a nickname I don't like. Other  
 12 people call me that, mainly people within Ida B.  
 13 Wells and other police officers.  
 14 Q You said you do not like that nickname?  
 15 A No, I do not.  
 16 Q Do you think or have any reason to believe  
 17 that people in Ida B. Wells called you Smitty  
 18 because you didn't like it? Like, did you make  
 19 that clear to them?  
 20 A I don't recall stating to people that I  
 21 didn't like the nickname or not, and I'm not aware  
 22 of what other people may have felt or thought.  
 23 Q Was Lamonica Lewis known as Co-Co?  
 24 A Yes.

88

1 members of the Watts team?  
 2 A Yes, I have.  
 3 Q Do you know what, let me -- before we do  
 4 that, did Al Jones have a nickname that you  
 5 know of?  
 6 A Not that I -- as I sit here today, not  
 7 that I'm aware of.  
 8 Q Do you remember citizens calling him AJ or  
 9 anything like that?  
 10 A No, not -- to the best of my memory, no.  
 11 Q All right. Tell me about socializing with  
 12 other members of the Watts team.  
 13 A Well, I didn't socialize that often, to  
 14 the best of my memory, with too many of them, but  
 15 I have from time to time.  
 16 Q Did you consider any of them friends?  
 17 A One person that I considered a friend at  
 18 that time and who I hung out with probably more  
 19 often than the other people on the team was  
 20 Kallatt Mohammed.  
 21 Q What sort of things did you do with  
 22 Kallatt Mohammed outside of work?  
 23 A I don't recall him ever coming over to my  
 24 house. Mainly, to the best of my knowledge, I've

## Transcript of Elsworth Smith, Jr.

23 (89 to 92)

Conducted on February 17, 2020

89

1 been over to his house many times. We've shared  
 2 drinks together, and we've been to lounges  
 3 together. And outside of that, to the best of my  
 4 knowledge, I don't recall anything else.

5 Q Was he a generous friend?

6 A Generous --

7 MR. MICHALIK: Objection; vague.

8 A Generous in what way?

9 Q Fair enough.

10 Did he pay for things for you?

11 A I don't recall at this -- as I sit here  
 12 this moment, I don't recall.

13 Q One way or the other?

14 A No, I do not.

15 Q Did he carry a lot of cash with him?

16 A As I sit here today, I don't recall ever  
 17 seeing Mohammed with a lot of money.

18 Q How often -- when was the last time you  
 19 saw Mohammed?

20 A As I sit here today, I don't recall  
 21 specifically; but it was probably before he began  
 22 his sentence.

23 Q Are you still friends with him?

24 A No, I am not.

91 1 they were indicted, I felt that they had to be  
 2 looking into other members of the team.

3 Q Do you think you knew more at the time  
 4 other than just the vague general concept that  
 5 they had been indicted for stealing some form of  
 6 government property?

7 A As I sit here today, I don't know.

8 Q Do you think that learning that someone  
 9 that's been indicted for stealing government  
 10 property would have suggested to you that other  
 11 members of the tactical team you served on were  
 12 also under investigation?

13 A As I sit here today, I have no -- yeah, I  
 14 don't have any idea.

15 Q Did you ever attend weddings or other  
 16 family events of anyone on the Watts team?

17 A Again, as I sit -- as of today, I'm  
 18 certain -- the only person I can recall was Doug  
 19 Nichols.

20 Q You can't recall whether you attended Doug  
 21 Nichols' wedding?

22 A As I sit here today, I think that was the  
 23 only person on the team's wedding I think I  
 24 attended.

90

1 Q Why are you no longer friends with him?  
 2 A I don't have any communication with him  
 3 because of the charges that was brought against  
 4 him and possibly if there was any other type of  
 5 investigation into myself or other people on this  
 6 team. You know, and also that as a Chicago police  
 7 officer, we are not supposed to be associated with  
 8 a convicted felon.

9 Q When Mohammed got indicted, did you think  
 10 there was an investigation into you or other  
 11 members of your team?

12 A I wasn't quite certain.

13 Q You thought there might be?

14 A As I speak -- I sit here to this day, I'm  
 15 not certain, but I thought possibly it could be.

16 Q Why did you think there possibly could be  
 17 an investigation into you or other members of the  
 18 team when Mohammed and Watts got indicted?

19 A Well, if they were indicted, you know --  
 20 as I said, I was aware of the situation from what  
 21 I saw in the media. I just assumed. I had no  
 22 prior knowledge, that that was just my assumption.

23 Q Why did you make that assumption?

24 A Because if they were investigated -- if

92 1 Q I got it. You think you did attend Doug  
 2 Nichols' wedding.

3 A Yes, I believe that because I'm not  
 4 certain if any other of my teammates at that time  
 5 were married while I was a member of Watts team,  
 6 and I'm not certain if it was Doug's wedding or  
 7 not. I believe it was.

8 Q Did you go to a bachelor party for him?

9 A As I sit here today, I believe so.

10 Q What did you do at the bachelor party?

11 A I don't recall.

12 Q Do you remember where the bachelor party  
 13 was?

14 A As I sit here today, no, I do not.

15 Q What other members of the team were at  
 16 Nichols' wedding?

17 A Again, as I sit here today, I don't recall  
 18 specifically. I believe -- I believe Ronald  
 19 Watts. From the best of my knowledge, I believe  
 20 me and Sergeant Watts -- Sergeant Watts went to  
 21 the wedding together. I believe Brian Bolton was  
 22 there, and I believe that Officer Leano and  
 23 Gonzalez was there. And I don't recall anyone  
 24 else at this particular moment.

## Transcript of Elsworth Smith, Jr.

24 (93 to 96)

Conducted on February 17, 2020

	93		95
1	Q Why did you go with Watts?	1	Nichols, Leano, or Gonzalez?
2	<b>A I don't know. As I sit here today, I</b>	2	<b>A I don't recall the last time I spoke to</b>
3	<b>don't know. I went with him because he was my</b>	3	<b>them; and then I only see them in passing, and</b>
4	<b>sergeant perhaps. I don't know. I can't give you</b>	4	<b>generally, we just say hi and bye.</b>
5	<b>a specific reason why I went with him.</b>	5	Q You see them at work sometimes?
6	Q Did he live close to you?	6	<b>A Yes.</b>
7	<b>A From what I recall, no.</b>	7	Q Do you socialize with them now?
8	Q Did you socialize with Ronald Watts?	8	<b>A No.</b>
9	<b>A Rarely.</b>	9	Q Have you ever talked about the allegations
10	Q How frequently did you socialize with	10	10 brought against you all?
11	Watts?	11	<b>A No, I have not.</b>
12	<b>A I couldn't give you an answer, as I sit</b>	12	Q When is the last time you talked to Watts?
13	<b>here today, but I didn't frequent that often with</b>	13	<b>A I have not talked -- to the best of my</b>
14	<b>too many of the guys on my team at that time. As</b>	14	<b>knowledge, I have not talked to Watts in</b>
15	<b>I stated before, the only person that I</b>	15	<b>probably -- I couldn't tell you exactly, but it</b>
16	<b>frequently -- I wouldn't say frequently, but the</b>	16	<b>may have been prior to him being indicted, and I</b>
17	<b>only person that I associated with or hung out</b>	17	<b>I don't recall what year that was.</b>
18	<b>with outside of work was Kallatt Mohammed.</b>	18	Q Why did you leave the Watts team?
19	Q Did you and Mohammed talk about the job	19	<b>A I got tired of the schedules, the rotating</b>
20	20 when you were off work hanging out?	20	<b>schedules as a tactical officer.</b>
21	<b>A No, we did not.</b>	21	Q Did you ask to leave the team?
22	Q What sort of things, generally, did you	22	<b>A Yes, I did.</b>
23	23 talk about?	23	Q How did you put that request in?
24	<b>A We would talk about women, cars, movies,</b>	24	<b>A I submitted -- to the best of my</b>
	94		96
1	<b>1 sometimes music. I don't recall anything else in</b>	1	<b>1 knowledge, as I sit here today, I believe I</b>
2	<b>2 particular.</b>	2	<b>2 submitted a to/from report.</b>
3	Q Do you know if Ronald Watts had a gambling	3	Q Do you know who you submitted that to/from
4	problem ever?	4	report to?
5	<b>A I'm not aware of that.</b>	5	<b>A The to/from -- to the best of my</b>
6	Q Do you know if he liked to gamble?	6	<b>knowledge, the to/from reports are submitted to</b>
7	<b>A I'm not certain.</b>	7	<b>7 the district commander.</b>
8	Q Did you ever gamble with him?	8	Q What was the typical shift for you on the
9	<b>A No, I did not. To the best of my</b>	9	Watts team? Well, what -- let me rephrase that.
10	<b>knowledge, I don't recall.</b>	10	What hours did you typically work when you
11	Q Do you recall ever going to a casino with	11	were on the Watts team?
12	Watts or anyone on the Watts team?	12	<b>A As I stated before, our hours rotated.</b>
13	<b>A No, I do not. I'm not a -- one thing I</b>	13	<b>Our hours would rotate every 28 days. We would</b>
14	<b>can say specifically about myself, I'm not much of</b>	14	<b>work second watch and then what would be</b>
15	<b>a gambler. I don't like losing my money.</b>	15	<b>considered third watch, and we had different</b>
16	Q When is the last time you talked with any	16	<b>16 starting times from the regular second-watch or</b>
17	17 of the members of the Watts team?	17	<b>17 third-watch units.</b>
18	<b>A Other than Brian Bolton -- I mean, sorry,</b>	18	Q What was the second-watch shift when you
19	<b>not Brian Bolton, but Robert Gonzalez, Doug</b>	19	were on the Watts team? What was the second-watch
20	<b>Nichols or Manny Leano, I have not spoken to</b>	20	district for the Watts team when you were on the
21	<b>anyone else.</b>	21	team?
22	Q Nichols, Leano --	22	<b>A From the best of my knowledge, the second</b>
23	<b>A And Gonzalez.</b>	23	<b>watch starting times were the same for all</b>
24	Q When is the last time you spoke to	24	<b>24 tactical units.</b>

## Transcript of Elsworth Smith, Jr.

25 (97 to 100)

Conducted on February 17, 2020

97

1 Q And what was the second-watch shift for  
2 tactical units?

3 A To the best of my knowledge, I believe the  
4 starting times at that time was 10:00 o'clock in  
5 the morning to 8:00 -- I'm sorry -- 6:00 o'clock  
6 in the evening.

7 Q And you said every 28 days it would rotate  
8 between second and third watch?

9 A Yes.

10 Q What was the third-watch hours?

11 A To the best of my knowledge, third watch  
12 or the evening shift for the tactical teams were  
13 1600 hours to -- or that's 4:00 o'clock in the  
14 afternoon to 2:00 o'clock in the morning.

15 Q Did you have a preference for one shift  
16 over another?

17 A I prefer the evening shift.

18 Q Why did you prefer the evening shift?

19 A For me personally I -- I'm not much of  
20 a -- excuse me -- a morning person. I felt  
21 working afternoons or evening, it gave me more  
22 time to do personal things that I needed to take  
23 care of like laundry, whatever grocery shopping,  
24 things of that nature. And also it just give you

99

1 Q What -- when you were on patrol after you  
2 left the Watts team, what shift were you on?

3 A I went to first watch.

4 Q When is first watch?

5 A Well, at the time -- at that time, our  
6 schedules are changed because I believe at that  
7 time when I left Watts team, we were still working  
8 on the six-to-two schedule, meaning working six  
9 days consecutively and had two days off.

10 Q That's -- when you were on the Watts team,  
11 you had six on and two off?

12 A Yes. I believe at that time the whole  
13 entire department was still working the  
14 six-and-two schedule.

15 Q Okay.

16 A And those days were like eight-hour days,  
17 from the best of my knowledge.

18 Q And then when you moved over -- when you  
19 left the Watts team to get back on patrol, were  
20 you still six on, two off?

21 A To the best of my knowledge, as I sit here  
22 today, I don't recall what our schedule was.

23 Q Do you recall what hours that you worked,  
24 though, on patrol?

98

1 more free time, to me personally, to do other  
2 things.

3 Q And where did you go when you left the  
4 Watts team? Did you go straight to the other  
5 tactical team, or did you go back to being a  
6 patrol officer?

7 A I went back to being a patrol officer.

8 Q I'm sorry if I've already asked you this,  
9 but do you know how much time elapsed between then  
10 and when you joined the 263 tac team?

11 A As I sit here today, I don't recall  
12 specifically.

13 Q Do you remember how you ended up on the  
14 263 team?

15 A Again, I don't recall specifically, but I  
16 think I had a conversation with Nathan Silas, like  
17 I said, who I knew a little bit about at that  
18 time; and he knew me, of course, while I was  
19 working for Sergeant Watts team. And I'm not for  
20 certain. I believe he approached me about coming  
21 to his team.

22 Q Did you go to his team voluntarily?

23 A Yes. Right after I had a conversation  
24 with him, to the best of my knowledge.

100

1 A When I went back to patrol after I left  
2 Watts team?

3 Q Yeah.

4 A Like I said, I think at that time we were  
5 still working the six-and-two schedule. So I  
6 believe at that time, and, like I said, I'm not  
7 for certain, I think I was working -- the start  
8 time was either at 11 -- 11:00 p.m. or midnight,  
9 and I'm not 100 percent certain.

10 Q That was the first shift?

11 A Yes. And, like I said, I'm not 100  
12 percent certain --

13 Q Okay.

14 A -- because many years have passed when I  
15 was on that schedule.

16 Q It was like an overnight shift?

17 A Yes.

18 Q About what time did you finish?

19 A To the best of my knowledge, either 7:00  
20 o'clock or 8:00 o'clock in the morning.

21 Q So was the patrol -- even though you had  
22 six days on and two days off, you were  
23 consistently on the first watch, though?

24 A From the best of my knowledge, yes.

## Transcript of Elsworth Smith, Jr.

26 (101 to 104)

Conducted on February 17, 2020

	101		103
1	Q	When you were on the Watts tactical team,	1 A That's -- I misspoke. That's what I meant
2		was there a difference in the amount of criminal	2 to say. From the best of my knowledge, I don't
3		activity during the second watch and the third	3 recall us doing a reverse sting operation during
4		watch?	4 the evening hours.
5	A	<b>To the best of my knowledge, I don't</b>	5 Q Other than reverse stings, what other type
6		<b>recall. Criminal activity can occur at any point</b>	6 of activities did you all do on the tac team to
7		<b>in time, different times, different -- different</b>	7 carry out your job?
8		<b>times of the day and different hours of the day.</b>	8 A From the best of my knowledge and my
9	Q	Was there more drug sales, for example,	9 memory, we did narcotics missions.
10		10 during the day versus at night in Ida B. Wells	10 Q What kind of narcotics missions?
11		11 when you were on the Watts team?	11 A And that varied from day-to-day working
12	MR. KOSOKO:	12 from mission-to-mission. Normally, it would be	13 covert operations, or sometimes we would do
13	Objection; foundation.	14 surveillance.	15 Q A reverse sting is their own category, or
14	A As I sit here today, from the best of my	16 do they fall into surveillance or covert missions?	17 A I guess that's, like, a combination of
15	knowledge, I believe there was more activity	18 both because that was separate from that.	19 Q Are there any other types of acts that you
16	19 during the day.	20 can think of other than reverse stings, covert	21 missions, and surveillance?
20	Q Did the things that the team did change	22 A As I sit here at this moment, I don't	23 recall.
21	17 from day to night?	24 Q Would you just walk around patrolling,	
22	A As I sit here today, from my experience as		104
23	19 a police officer, things change day-to-day just	1 looking for drug activity?	
24	20 from -- it doesn't matter if you're a patrolman or	2 A That varied from day-to-day, from the best	
25	21 a tactical officer.	3 of my memory.	
26	Q All right. Let me try to give you a more	4 Q Sometimes you would walk around looking	
27	23 specific example.	5 for drug activity and sometimes you wouldn't?	
28	A Are you familiar with a reverse sting?	6 A Yes.	
29		7 Q And would you frequently catch people	
30	102	8 engaging in illegal drug activity when you were	
31	A Yes, I am.	9 just out walking around patrolling?	
32	Q Did you participate in reverse stings as a	10 A From the best of my memory, yes.	
33	3 tactical team member on the Watts team?	11 Q You mentioned a number of people who you	
34	A Yes, we did.	12 remember being kind of the bigger players in the	
35	Q Did the team do reverse stings during the	13 drug trade at Ida B. Wells. Some of them are	
36	6 second shift and the third shift?	14 plaintiffs. So I'm not going to ask you right now	
37	A To the best of my knowledge, as I sit here	15 about those people because we have an agreement on	
38	8 today, I don't recall ever doing a reverse sting	16 which plaintiffs we can address on certain days.	
39	9 operation when we were working the evening shift.	17 But I am going to ask you about Big Shorty.	
40	Q Are there -- and that's the third shift,	18 Tell me -- actually, before I do that,	
41	11 the third watch?	19 when you listed their names, were you saying from	
42	A Yes.	20 personal knowledge you know that they were	
43	Q Are there other things like reverse stings	21 involved in the drug trade or you had heard or you	
44	14 that you can think of that you did only during	22 had heard from Watts or was it something else?	
45	15 certain shifts?	23 A As I sit here today, a few of them are	
46	A As I sit here today, I don't recall. And	24 from personal knowledge; and, again, as I stated,	
47	17 from the best of my knowledge, there were certain		
48	18 missions that we didn't do in the evening time.		
49	19 And, like I said, it's been many years ago, but I		
50	20 don't recall -- I know specifically we didn't do		
51	21 reverse sting operations during the evening, from		
52	22 the best of my memory.		
53	Q And you said there were specific missions		
54	24 you didn't do in the evening?		

## Transcript of Elsworth Smith, Jr.

27 (105 to 108)

Conducted on February 17, 2020

<p>1 as of today, to the best of my memory, some of  2 them may have been conversations I've had with  3 Sergeant Watts or possibly other members of the  4 264 team.</p> <p>5 Q So without getting into details on anyone  6 other than Big Shorty, can you just tell me which  7 ones are from personal knowledge and which ones  8 came from Watts or other sources?</p> <p>9 A I don't recall every individual's name who  10 I gave you and --</p> <p>11 Q I can tell you, if you want, if that would  12 help.</p> <p>13 A Okay.</p> <p>14 Q By the way -- sorry. I didn't mean to cut  15 you off.</p> <p>16 A I'm sorry. Yeah.</p> <p>17 Q So you said Big Shorty?</p> <p>18 A Yeah. Big Shorty. The best of my memory  19 right here, I might have heard that from Watts or  20 someone else on the 264 team.</p> <p>21 Q Allen J?</p> <p>22 A Allen J, from the best of my memory, I've  23 had interactions with him.</p> <p>24 Q Leonard Gipson, Fuzz?</p>	<p>105</p> <p>1 O from Sergeant Watts and possibly other members  2 of the 264 team.</p> <p>3 Q All right. What do you remember learning  4 about Big Shorty?</p> <p>5 A As I sit here today, to the best of my  6 memory, all I remember is that he sold drugs or he  7 controlled the drugs that were sold in the Ida B.  8 Wells.</p> <p>9 Q And did he control a specific building or  10 the whole complex or something else?</p> <p>11 A I don't recall.</p> <p>12 Q Do you remember who told you about Big  13 Shorty?</p> <p>14 A As again I stated, it might have been  15 through Sergeant Watts or other members of the  16 264 team.</p> <p>17 Q Which other members of the 264 team do you  18 remember getting information from about who the  19 players were in the drug trade other than Watts?</p> <p>20 A As I sit here today, I don't recall  21 specifically, and probably a combination of  22 everyone that I worked with. Like I said,  23 possibly Alvin Jones.</p> <p>24 And I just had a flashback. When you were</p>	<p>106</p> <p>1 A And as I sit here today, to the best of my  2 memory, I think I've had interactions with him  3 also.</p> <p>4 Q Okay. Angelo Shenault either Jr. or Sr.?</p> <p>5 A And to the best of my memory, from what I  6 recall, it might have been from either Sergeant  7 Watts or possibly other members of the 264 team.</p> <p>8 Q B-Lo?</p> <p>9 A From the best of my memory, as I sit here  10 today, I believe I might have had some personal  11 interaction and possibly hearing from other  12 members of my team.</p> <p>13 Q Ben Baker?</p> <p>14 A And as I sit here today, the best of my  15 knowledge, I remember hearing Ben Baker through  16 Sergeant Watts and possibly other members of the  17 264 team.</p> <p>18 Q Torlorn Fumbanks?</p> <p>19 A From the best of my knowledge, I do  20 remember having some interaction with him.</p> <p>21 Q And then Harry O, I think, was the last  22 name.</p> <p>23 A And to the best of my knowledge, as I'm  24 sitting here today, I believe I heard about Harry</p>	<p>107</p> <p>1 asking about members who I worked with during my  2 time, I remember one other officer --</p> <p>3 Q Okay. Who is that?</p> <p>4 A -- that I didn't mention earlier. That  5 was Kenneth Young.</p> <p>6 Q How long did you work with Young? Do you  7 remember?</p> <p>8 A As I sit here today, I don't recall the  9 exact amount of time that I worked with him.</p> <p>10 Q And did you socialize with him at all?</p> <p>11 A Initially when I first became a part of  12 the team, not that much; but toward the end of his  13 tenure working under Sergeant Watts, I did have a  14 relationship with him. But I didn't recall -- I  15 don't recall hanging out with him outside of work.</p> <p>16 Q When you say you had a relationship with  17 him, you mean with -- what do you mean?</p> <p>18 A More so I was friendly with him. I've had  19 conversations with him over the phone, to the best  20 of my knowledge, with him. I don't remember the  21 extent of our conversations, but Kenny was someone  22 that I liked also.</p> <p>23 Q Did he leave the team -- the Watts team  24 before you did?</p>
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## Transcript of Elsworth Smith, Jr.

28 (109 to 112)

Conducted on February 17, 2020

	109		111
1 <b>A To the best of my knowledge, I believe, he</b>		1 <b>A To the best of my knowledge, no.</b>	
2 <b>did.</b>		2    Q Did you ever talk to Kenny Young about why	
3    Q Do you know why he left the Watts team?		3    he left the Watts team?	
4 <b>A And from what I remember, to the best of</b>		4 <b>A To the best of my knowledge, I don't</b>	
5 <b>my knowledge, he was kicked off the team.</b>		5 <b>recall.</b>	
6    Q Who kicked him off the team?		6    Q You don't recall one way or the other	
7 <b>A To the best of my knowledge, it was</b>		7    whether you talked to him about it?	
8 <b>Sergeant Watts.</b>		8 <b>A No.</b>	
9    Q Do you know why Watts kicked him off the		9    Q Do you know why -- well, were there other	
10 team?		10 members of the -- I guess there were other	
11 <b>A From what I recall, it was because -- I</b>		11 members.	
12 <b>was told that he was abusing the medical or the</b>		12    I think you've already said there were	
13 <b>injury-on-duty status.</b>		13 other members of the Watts tactical team who left	
14    Q Who told you that?		14 the team while you were there; right?	
15 <b>A As I sit here today, I don't recall</b>		15 <b>A I don't recall saying that, but there was.</b>	
16 <b>specifically. It might have been members of the</b>		16    Q Okay. Do you know why any other members	
17 <b>264 team and possibly other officers -- the other</b>		17 of the team left?	
18 <b>tactical officers.</b>		18 <b>A I later -- this was -- like I said, I</b>	
19    THE WITNESS: I'm sorry?		19 <b>don't recall exactly; and to the best of my</b>	
20    Q He's just asking to put your hand down, I		20 <b>knowledge, I wasn't a part of Watts team at the</b>	
21 think.		21 <b>time when someone else left his team.</b>	
22 <b>A Oh, I'm sorry. Did you -- were you able</b>		22    Q Oh, so nobody left while you were there?	
23 <b>to copy my --</b>		23 <b>A To the best of my knowledge, in my time</b>	
24    Q I heard you say it was --		24 <b>when I recall working with Watts, other than Kenny</b>	
	110		112
1 <b>A Okay. Sorry.</b>		1 <b>Young, no.</b>	
2    Q You think it was someone -- people on the		2    Q Okay. Did you ever learn later why	
3 team talked about it?		3    anybody left Watts team even if they didn't do it	
4 <b>A I would say, to the best of my knowledge,</b>		4    while you were there?	
5 <b>it might have been members of the 264 team or</b>		5 <b>A I don't recall but I don't -- I do recall</b>	
6 <b>possibly other tactical officers.</b>		6 <b>at some point in time that Officer Lamonica Lewis</b>	
7    Q Did you have any reason to think that		7 <b>had either left -- from what I heard, and I don't</b>	
8 Young was abusing the medical or injury-on-duty		8 <b>recall exactly, and I don't remember who told me</b>	
9 status?		9 <b>this. At some point in time, I did discover that</b>	
10 <b>A As I sit here today, I don't recall. The</b>		10 <b>she had left his team or was either kicked off his</b>	
11 <b>only thing I recall about Kenny in my personal</b>		11 <b>team.</b>	
12 <b>experience, and I don't remember when exactly that</b>		12    Q And what were the -- what did you learn	
13 <b>was, the inside joke was -- with members of the</b>		13 about the reasons for Lamonica Lewis leaving the	
14 <b>264 team is if Al wasn't at work, Kenny didn't</b>		14 Watts team?	
15 <b>want to work, and he would call off. I don't know</b>		15    MR. MICHALIK: Object to the form.	
16 <b>if he used his own personal comp time or whatever.</b>		16 <b>A As I sit here today, I don't recall.</b>	
17    Q Do you know why Kenny didn't want to work		17    Q Was there a rumor about why she left the	
18 if Al wasn't there?		18 team?	
19 <b>A I am not certain.</b>		19 <b>A I don't recall. I heard -- to the best of</b>	
20    Q Did you ever ask him?		20 <b>my knowledge, and I don't recall who told me this</b>	
21 <b>A From the best of my knowledge, I don't</b>		21 <b>specifically, I heard that she had some type of --</b>	
22 <b>recall ever asking him.</b>		22 <b>the only thing I heard is she had some type of --</b>	
23    Q Was there any more to the joke other than		23 <b>conflict or beef with Ronald Watts, and I don't</b>	
24 just if Al wasn't there, Kenny wasn't there?		24 <b>recall what that was.</b>	

## Transcript of Elsworth Smith, Jr.

29 (113 to 116)

Conducted on February 17, 2020

	113		115
<p>1 Q Did you ever -- do you think you knew at 2 the time when you heard it what the beef was?</p> <p>3 A As I sit here today, I don't recall.</p> <p>4 Q Do you remember who told you that she had 5 a beef with Watts?</p> <p>6 A Again, I don't recall who told me that.</p> <p>7 Q Do you think it was Mohammed?</p> <p>8 A As I sit here today, I -- it possibly 9 could have been, but I don't recall. Because if 10 me and Mohammed had talked about it, I'm certain I 11 would have asked him specifically why did she 12 leave the team or why she was kicked off. But 13 I -- to the best of my knowledge, I don't recall 14 who it was.</p> <p>15 Q How frequently did the Watts team conduct 16 reverse stings when you were on the team?</p> <p>17 A As I sit here today, I don't recall.</p> <p>18 Q Was it a weekly occurrence?</p> <p>19 A To the best of my knowledge, and there 20 again I don't know, but I don't believe it was on 21 a weekly basis.</p> <p>22 Q How frequently did the Watts team conduct 23 covert operations while you were on the team?</p> <p>24 A As again, as I sit here today, I don't</p>			
	114		116
<p>1 know. I couldn't give you an exact amount, but it 2 could have happened quite frequently, a lot more 3 frequently than the reverse -- the covert -- I 4 mean, sorry -- the reverse sting operations.</p> <p>5 Q And how frequently did the Watts team 6 conduct surveillance operations?</p> <p>7 A There again, I couldn't give you an exact 8 amount, but we did do surveillance quite often.</p> <p>9 Q More than reverse stings?</p> <p>10 A To the best of my knowledge, yes.</p> <p>11 Q All right. So can you just describe, give 12 me an overview of what a covert operation is and 13 what a surveillance operation is?</p> <p>14 A Well, a covert operation is where you -- 15 and -- would not necessarily, we would do this in 16 the Ida B. Wells. It was nearly impossible other 17 than the reverse sting operations.</p> <p>18 But, generally, a covert operation is 19 where you try to act as a drug dealer or whatever. 20 A lot of times when we do a covert mission, it 21 might not be for drugs. But we act like a gang 22 member or, you know, whatever the mission 23 required.</p> <p>24 And from what I recall about missions is</p>			

## Transcript of Elsworth Smith, Jr.

30 (117 to 120)

Conducted on February 17, 2020

	117		119
1    We'd just try to position ourselves in 2 a -- in different areas where we would try to -- 3 where we thought we wouldn't be visible or be seen 4 by anyone to observe -- make observations.		1    information. 2    Q Do you remember any CIs from Ida B. Wells 3 at all?	
5    Q How did you get into the vacant apartments 6 when you were using them for surveillance 7 operations?		4    A Yes. I don't remember -- from the best of 5 my knowledge, I don't remember every one. 6    Q Which ones do you remember?	
8    A From the best of my knowledge, what I 9 recall, the lady who was the manager of the Ida B. 10 Wells housing development. Her name was 11 Ms. Osborn. I don't recall her first name. She 12 would give access to -- give us access to the 13 vacant units.		7    A Again, this is from -- to the best of my 8 knowledge, I don't remember specifically. I 9 remember there was a guy named Charlie. 10 Q What did Charlie look like?	
14    Q Did you ever just walk into the units?		11    A He was African-American, probably about 12 6-foot or 6-foot-1, somewhere between 200 to 210 13 pounds, dark complected, had a low hair cut, had a 14 goatee, from the best of my memory.	
15    A From the best of my knowledge, no, not 16 that I recall.		15    Q Goatee you said?	
17    Q Did you ever conduct surveillance 18 operations from an occupied apartment?		16    A Yes.	
19    A From the best of my knowledge, if we did, 20 it was -- we might have obtained a search warrant 21 or gained permission from someone else. And as I 22 sit here today, I don't recall specifically.		17    Q Okay.	
23    Q You think you might have gotten a search 24 warrant and then used the search warrant to		18    A There was another guy --	
1    conduct a surveillance operation?	118	19    Q Sorry. Do you know Charlie's last name?	
2    A I'm not certain, like I said. Like I 3 said, I don't recall the specifics of that, and I 4 don't recall if we exactly -- if that's exactly 5 what we did. If we did, it wouldn't be without 6 permission of the person who lived in that unit.		20    A No, I don't recall.	
7    Q Do you remember ever doing a surveillance 8 operation from an occupied apartment in Ida B. 9 Wells at all?		21    Q Do you know if Charlie was his real name?	
10    A As I sit here today, I don't recall. I'm 11 not saying that we did or did not, but I don't 12 recall.		22    A The best of my knowledge, I believe so. I 23 don't recall.	
13    Q Did you develop any confidential 14 informants over the years while you were on the 15 Watts team?		24    Q Do you know if he lived in Ida B. Wells?	
16    A From the best of my knowledge, no.	120		
17    Q Did you use any CIs while you were on the 18 Watts team, even if you didn't develop them on 19 your own?		1    A And as I sit here today, I don't recall.	
20    A To the best of my knowledge, probably -- 21 I'm certain I probably did, but I don't recall. I 22 probably received information from individuals 23 from time to time, but I don't remember any 24 particular person who I used for personal		2    Q Do you know if you ever got information 3 from Charlie?	

## Transcript of Elsworth Smith, Jr.

31 (121 to 124)

Conducted on February 17, 2020

<p>121</p> <p>1 <b>know if that's the correct word to use today</b>      2 <b>or not, but that's what I remember about him.</b>      3 Q Can you describe Fantasia's appearance?      4 A From what I recall, the best of my memory,      5 I believe Fantasia was probably between the height      6 of 5-foot-7 and 5-foot-9, male African-American.      7 Excuse me. I think he -- he wore -- his      8 hairstyle, from the best of my memory, would vary      9 because I think he would change it from time to      10 time, to the best of my knowledge. He was dark      11 complected, and he may have been 150 pounds,      12 160 pounds.</p> <p>13 Q Do you remember anything else about      14 Fantasia?</p> <p>15 A Not at this point.</p> <p>16 Q Did you ever get information from      17 Fantasia?</p> <p>18 A As I sit here today, I'm not certain, but      19 I believe I may have.</p> <p>20 Q Okay. And why do you believe you may have      21 gotten information from Fantasia?</p> <p>22 A As, again, I'm not certain, but I do      23 remember being present around him and other      24 members of my team, and I do recall, I'm not</p>	<p>123</p> <p>1 from your time on the Watts tac team?      2 A As I sit here today, I don't recall. I'm      3 sure there's probably more, but those are the two      4 that I can remember.</p> <p>5 Q Do you know if Fantasia lived in Ida B.      6 Wells?</p> <p>7 A To the best of my knowledge, I believe so.</p> <p>8 I'm not certain.</p> <p>9 Q Do you know if Charlie or Fantasia are      10 alive today?</p> <p>11 A To the best of my knowledge, I'm not      12 certain.</p> <p>13 Q Do you remember the last time you saw      14 either of them?</p> <p>15 A From what I recall, a few years ago, I ran      16 into Charlie, and I couldn't tell you what year      17 that was. It's probably been more than a couple      18 years ago.</p> <p>19 Q Where did you run into Charlie?</p> <p>20 A I was at 47th Street near King -- I mean,      21 sorry -- near Cottage Grove. I was going to the      22 Popeyes restaurant before I came into work; and as      23 I was leaving out, I saw Charlie.</p> <p>24 Q Did you talk to Charlie?</p>
<p>122</p> <p>1 certain exactly when, that he may have shared      2 information with us.</p> <p>3 Q Was Fantasia given anything for the      4 information that he shared?</p> <p>5 A As I sit here today, not to my knowledge.</p> <p>6 Q Was Fantasia registered as a CI with the      7 Chicago Police Department?</p> <p>8 A To the best of my knowledge, I'm unaware      9 if he was or not.</p> <p>10 Q Do you know why Fantasia shared      11 information with the tactical team?</p> <p>12 A That I would not know.</p> <p>13 Q Were Charlie or Fantasia drug addicts?</p> <p>14 A To the best of my knowledge and my memory,      15 Charlie was; and as I sit here today, I don't      16 recall if Fantasia was.</p> <p>17 Q Do you know if Fantasia was a drug user?</p> <p>18 A Again, I'm not certain. Perhaps, but      19 I'm not -- as I sit here today, I'm not certain.</p> <p>20 Q Do you know what kind of drugs Charlie was      21 addicted to?</p> <p>22 A To the best of my knowledge, I'm not      23 certain. I don't recall.</p> <p>24 Q Are there any other CIs that you remember</p>	<p>124</p> <p>1 A Just briefly.</p> <p>2 Q What did you talk about?</p> <p>3 A Nothing other than saying hi and bye, and      4 that was it.</p> <p>5 Q Did Charlie recognize you?</p> <p>6 A Yeah. He recognized me before I      7 recognized him.</p> <p>8 Q Did he come up to you to say hi?</p> <p>9 A Yes, he did.</p> <p>10 Q Were you wearing your uniform?</p> <p>11 A I don't recall how I was dressed that day.</p> <p>12 Q And then when he came and said hi to you,      13 did you recognize him?</p> <p>14 A After a second or two.</p> <p>15 Q Did he look about the same to you?</p> <p>16 A No, he did not.</p> <p>17 Q How did he look differently?</p> <p>18 A He looked totally different. He -- his      19 whole appearance looked much different. He looked      20 healthier, cleaner. He had new teeth. He looked      21 like he put on some weight.</p> <p>22 Q Did he seem sober when you talked to him?</p> <p>23 A At that time, to the best of my memory --      24 excuse me -- yes.</p>

## Transcript of Elsworth Smith, Jr.

32 (125 to 128)

Conducted on February 17, 2020

	125		127
1	Q Did he still have a low hair cut?	1	Q Was Big Shorty transported to the police
2	<b>A From the best of memory, I don't recall.</b>	2	station?
3	Q All right. Can you tell me what you know	3	<b>A Yes, he was, to the best of my memory.</b>
4	about Big Shorty?	4	Q Who transported Big Shorty to the police
5	<b>A As I sit here today, I don't recall much</b>	5	station?
6	<b>other than what I've told you earlier. Either</b>	6	<b>A To the best of my knowledge at this time,</b>
7	<b>through sar -- excuse me -- Sergeant Watts or</b>	7	<b>I believe he was transported by the wagon.</b>
8	<b>possibly other members of my team, that he was a</b>	8	Q Do you have an independent recollection of
9	<b>drug dealer, and he was the main guy.</b>	9	this, or did you look at some reports?
10	Q In Ida B. Wells?	10	<b>A I've never -- to the best of my knowledge,</b>
11	<b>A Yes.</b>	11	<b>I've never received -- looked at any reports</b>
12	Q Was he ever arrested while you were there?	12	<b>related to this arrest. And I don't think I've --</b>
13	Let me rephrase that.	13	<b>13 to the best of my knowledge, I don't think I've</b>
14	Was Big Shorty ever arrested, to your	14	<b>14 ever discussed this with my counsel.</b>
15	knowledge, during your entire time on the Watts	15	MR. STEFANICH: You don't have to say --
16	tac team?	16	MR. RAUSCHER: Go ahead.
17	<b>A From the best of my knowledge, I believe I</b>	17	MR. STEFANICH: You don't have to say what
18	<b>arrested him once.</b>	18	we've discussed --
19	Q Tell me what you remember about arresting	19	THE WITNESS: Oh, I'm sorry.
20	Big Shorty.	20	MR. STEFANICH: -- or not discussed.
21	<b>A To the best of my memory, I believe I</b>	21	Q All right. So you think you transported
22	<b>locked him up for criminal trespass.</b>	22	Big Shorty -- you think Big Shorty was transported
23	Q Was Watts working that day?	23	23 in a wagon.
24	<b>A To the best of my knowledge, yes, he was.</b>	24	Do you think -- was -- were other people
	126		128
1	Q About how long into your career on the tac	1	transported with him?
2	team was it when you arrested Big Shorty for	2	<b>A To the best of my knowledge, yes.</b>
3	trespassing?	3	Q Do you remember anyone else who was
4	<b>A Sitting here today, I don't recall when</b>	4	transported with him?
5	<b>exactly that was.</b>	5	<b>A I don't recall exactly -- don't remember</b>
6	Q Was it toward the beginning?	6	<b>exactly, but I believe maybe Brian Ford, and I</b>
7	<b>A Again, I don't recall.</b>	7	<b>7 don't remember the other individuals.</b>
8	Q Do you remember where he was trespassing?	8	Q Brian Ford was B-Lo?
9	<b>A I don't recall which building it was; but</b>	9	<b>A To the best of my knowledge, I believe,</b>
10	<b>from the best of my knowledge, I locked him up for</b>	10	<b>10 B-Lo was with him. Like I said, I'm not 100</b>
11	<b>trespassing or arrested him for trespassing</b>	11	<b>percent certain.</b>
12	<b>because I knew he wasn't a resident in the Ida B.</b>	12	Q Was he -- was Big Shorty arrested -- this
13	<b>Wells.</b>	13	incident where he was arrested, was that part of
14	Q How did you know that Big Shorty didn't	14	14 some sort of drug investigation?
15	live in Ida B. Wells?	15	<b>A As I sit here today, I don't recall.</b>
16	<b>A Sitting here today, to the best of my</b>	16	Q Do you remember who decided to transport
17	<b>knowledge, I don't recall; but if I charged him</b>	17	17 Big Shorty in the wagon?
18	<b>with criminal trespass, I had to discover either</b>	18	<b>A Again, as I sit here today, I don't</b>
19	<b>from some type of ID or from prior knowledge</b>	19	<b>recall. It might have been my decision, and I'm</b>
20	<b>knowing that he wasn't a resident in the Ida B.</b>	20	<b>20 not 100 percent certain.</b>
21	<b>Wells.</b>	21	Q Do you know what happened with the
22	Q Did you talk to Watts about the fact that	22	22 charges?
23	you had arrested Big Shorty?	23	<b>A As I sit here today, I don't recall.</b>
24	<b>A I don't recall at this time.</b>	24	Q Did Watts say anything to you about the

## Transcript of Elsworth Smith, Jr.

33 (129 to 132)

Conducted on February 17, 2020

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1 arrest of Big Shorty?		1 A Like I said, I don't want to speculate,	
2 A From the best of my memory, I think he		2 but I'm certain I may have. I'm not 100 percent	
3 asked me why did I lock him up, and I'm not 100		3 certain.	
4 percent certain.		4 Q I'm not asking you to speculate, but do	
5 Q What did you say to Watts when he asked		5 you think it's more likely than not that you saw	
6 you why did you lock him up?		6 him at Ida B. Wells at some point after you	
7 A I don't recall exactly what I said to		7 arrested him for trespassing?	
8 Watts, other than, and, like I said, I don't		8 A It's probably more likely than not.	
9 recall, probably just said that I arrested him for		9 Q That you saw him again --	
10 trespassing.		10 A Yes.	
11 Q And what did Watts say to you in response?		11 Q -- at Ida B. Wells.	
12 A As, again, as I sit here today, I don't		12 Did you ever arrest him again for	
13 recall the exact conversation that I had		13 trespassing at Ida B. Wells?	
14 pertaining to Wilbert Moore's arrest with Sergeant		14 A To the best of my knowledge, as I sit here	
15 Watts.		15 today, I don't recall.	
16 Q Who else -- well, did Watts ever ask you		16 Q You don't recall one way or the other?	
17 any other times why you arrested people for		17 A No.	
18 trespassing?		18 Q Do you think you would remember if you	
19 A As I sit here today, to the best of my		19 would have arrested him for trespassing more than	
20 memory, I don't recall.		20 once?	
21 Q You don't recall him ever doing that?		21 A Probably so, but as I sit here today, I	
22 A To the best of my memory, no.		22 don't recall or don't remember ever locking him up	
23 Q Do you remember anyone else specifically		23 for anything after that point in time.	
24 who you arrested for trespassing over the years?		24 Q Can you think of any reasons why you	
	130		132
1 A As I sit here today, no, I don't.		1 wouldn't have arrested him for trespassing again	
2 Q Do you know why you remember the Big		2 if you would have seen him at Ida B. Wells?	
3 Shorty arrest?		3 A I'm not certain. I can't give you an	
4 A Yes. From the best of my knowledge, I		4 answer for that.	
5 remember it because I locked him up because -- and		5 Q Did Watts ever tell you that you shouldn't	
6 I don't remember the specific details. I knew who		6 arrest Big Shorty?	
7 he was because I was -- from, like I said, from		7 A As I stated before, I don't recall Ronald	
8 receiving information from either Sergeant Watts		8 Watts ever telling me who I could and could not	
9 or possibly other members of my team that he was		9 arrest.	
10 the main guy who sold drugs in Ida B. Wells.		10 Q Did he ever suggest to you in any way that	
11 Q Did you see Big Shorty at Ida B. Wells		11 you shouldn't arrest Big Shorty?	
12 more than once?		12 A To the best of my knowledge, I don't	
13 A Again, sitting here today, I couldn't give		13 recall him ever suggesting anyone I should arrest	
14 you an estimate how many times I saw him.		14 or should not arrest.	
15 Q But do you know that it was more than		15 Q How many people do you think, to your best	
16 once?		16 estimate of how many people you've arrested for	
17 A To the best of my knowledge, it was more		17 trespassing over the years?	
18 than once. I couldn't tell you specifically how		18 A As I sit here today, I don't know. I	
19 many times.		19 couldn't give you an answer.	
20 Q Did you see him after the time when you		20 Q Was it common for people to get arrested	
21 arrested him for trespassing?		21 for trespassing at Ida B. Wells when you were on	
22 A Again, I'm not certain, but I may have.		22 the tac team?	
23 I'm not 100 percent certain.		23 A I wouldn't say it was common, but I'm	
24 Q Do you think you did?		24 certain we have locked up individuals for	

## Transcript of Elsworth Smith, Jr.

34 (133 to 136)

Conducted on February 17, 2020

<p>133</p> <p><b>1 trespassing. I couldn't give you an exact number.</b></p> <p>2 Q Did you use trespassing arrests as one way 3 to stop the drug trade or stop the flow of drugs 4 at Ida B. Wells?</p> <p><b>5 A To the best of my knowledge, we used 6 whatever tools or means as necessary to stop the 7 flow or distribution of illegal narcotics.</b></p> <p>8 Q And were trespassing arrests one of the 9 tools that you used to stop or slow down the flow 10 of drugs at Ida B. Wells?</p> <p><b>11 A From the best of my knowledge, possibly.</b></p> <p>12 Q Possibly or yes?</p> <p><b>13 A As I said, I don't have an exact memory 14 but possibly, yes.</b></p> <p>15 Q Is there any other reason why you would 16 have been arresting people for trespassing at 17 Ida B. Wells?</p> <p>18 MR. KOSOKO: Object to the form of the 19 question.</p> <p><b>20 A At this present moment, no, other than if 21 you -- after a certain point in time, from my 22 knowledge, you pretty much knew who the main 23 players were or people who are residents who lived 24 in that area. If you had any doubts about</b></p>	<p>135</p> <p>1 Shorty was paying Watts?</p> <p><b>2 A It had to be after I left Watts team and 3 probably before the -- or after the indictment. 4 I'm not 100 percent certain.</b></p> <p>5 Q Do you know who told you that Big Shorty 6 was paying Watts?</p> <p><b>7 A And I don't recall who specifically told 8 me that.</b></p> <p>9 Q Why do you think it was after the 10 indictment?</p> <p><b>11 A I am aware that it was after the 12 indictment because the first time I heard that -- 13 like I said, when Ronald Watts and Kallatt 14 Mohammed was indicted, I was shocked when I saw 15 the -- saw it on the news.</b></p> <p>16 Q Do you think you heard on the news that 17 Watts was taking money from Big Shorty?</p> <p><b>18 A As I sit here today, I don't recall. It 19 could be possible. I'm not 100 percent certain.</b></p> <p>20 Q Do you know how many times over the years 21 you arrested Brian Ford?</p> <p><b>22 A As I sit here today, I don't recall if I 23 ever arrested him; or if I did, I couldn't give 24 you a number how many -- a number of how many</b></p>
<p>134</p> <p><b>1 anybody, you would do a street interview with them 2 and ask them information, to produce an ID.</b></p> <p><b>3 And if you -- if during that time, if they 4 had no valid reason or give you a valid reason 5 for their -- a reason -- or a valid reason for 6 being in the Ida B. Wells at that point in time, 7 we probably did lock them up or arrest them for 8 criminal trespassing.</b></p> <p>9 Q And when you say "a valid reason," do you 10 mean a reason other than being there to buy or 11 sell drugs?</p> <p><b>12 A A valid reason would be if they, number 13 one, was a resident there, had a family member 14 that lived there, or were there for any other 15 personal reason. Maybe they had a friend that 16 lived there.</b></p> <p>17 Q So would it be fair to say a valid reason 18 would be anything that wasn't criminal in nature?</p> <p><b>19 A Anything that was -- anything that wasn't 20 criminal in nature, we would not lock them up.</b></p> <p>21 Q Did you ever hear that Big Shorty was 22 paying Watts?</p> <p><b>23 A At some point in time, I did hear that.</b></p> <p>24 Q When do you think you heard that Big</p>	<p>136</p> <p>1 times I arrested him.</p> <p>2 Q Did you ever write -- well, do you 3 remember writing in reports that you had -- you or 4 others on your team had received information from 5 concerned citizens?</p> <p><b>6 A To the best of my knowledge, yes.</b></p> <p>7 Q And is a concerned citizen different than 8 a CI?</p> <p><b>9 A To the best of my knowledge, yes.</b></p> <p>10 Q What's the difference between a concerned 11 citizen and a CI?</p> <p><b>12 A Concerned citizen and sometimes we would 13 use the phrase "anonymous citizen" is someone who 14 might give you information but don't want to 15 reveal their identity or their name specifically.</b></p> <p>16 Q And how was that different than a CI?</p> <p><b>17 A From the best of my knowledge, a CI is 18 someone -- a confidential informant; and, like I 19 said, a confidential informant is different than a 20 concerned citizen or an anonymous citizen because 21 the confidential informant -- I don't know if they 22 are either registered with the City or the Chicago 23 Police Department.</b></p> <p>24 Q You're not aware of either of the two</p>

## Transcript of Elsworth Smith, Jr.

35 (137 to 140)

Conducted on February 17, 2020

	137		139
1 confidential informants that you know of being 2 registered with the City, though?		1 because they don't want some type of retaliation 2 against them.	
3 <b>A Not that I'm aware of.</b>		3 Q A report, though, could use concerned 4 citizen or CI interchangeably; is that fair?	
4 Q When you say concerned citizens or 5 anonymous citizens didn't want to give their name, 6 are you saying that if the police report says a 7 concerned citizen told us that, that person didn't 8 even give you their name?		5 MR. MICHALIK: Objection; form, 6 foundation.	
9 <b>A I'm not saying that as to what exactly 10 happened. A lot of times when we received 11 information from a concerned citizen or sometimes 12 we would use the phrase "anonymous citizen," it 13 was someone who might have been a resident in the 14 Ida B. Wells or some other housing development, 15 and they didn't want their identity to be revealed 16 because they lived in there, and they were afraid 17 of some type of retaliation.</b>		7 <b>A As I sit here today, the best of my 8 memory, I don't recall that we 9 interchangeably used one term or the other.</b>	
18 Q And what -- I think what I'm -- let me 19 rephrase.		10 MR. RAUSCHER: I'm happy to keep going, 11 but if at some point, you all want to take a lunch 12 break, just let me know. It's 12:30 or something 13 like that.	
20 How is that person that you just talked 21 about, that concerned citizen who wanted to remain 22 anonymous for fear of some sort of retaliation 23 different than a CI?		14 THE WITNESS: I'm good.	
24 <b>A To the best of my knowledge, there's</b>	138	15 MR. STEFANICH: How about if we go for, 16 like, a half hour and then break.	
1 <b>really no difference as both people are providing 2 a police officer with information of criminal 3 activity that they're concerned about and want 4 something done.</b>		17 MR. RAUSCHER: Sure.	
5 Q How would you, as an officer on the tac 6 team, decide whether to write that you got 7 information from a confidential informant or a 8 concerned or anonymous citizen?		18 BY MR. RAUSCHER:	
9 <b>A As I stated before, I don't recall who was 10 a confidential informant. I didn't use any -- to 11 the best of my knowledge, I didn't have any 12 confidential informants that I relied upon for 13 information.</b>		19 Q Do you think that the Chicago Police 20 Department has a code of silence?	
14 Q Do you think the terms "concerned citizen" 15 and "anonymous citizen" are interchangeable with 16 CI, confidential informant?		21 <b>A I have heard of the term and am aware of 22 the term. From my experience, I can't -- you 23 know, I can't say one way or the other.</b>	
17 <b>A As I sit here today, no. I don't think 18 there's any difference. As I stated, it's someone 19 that might be concerned with crime that's going on 20 in their community or the area where they reside 21 and they want something to be done.</b>		24 Q What do you think of when you hear the	
22 <b>And they provide you with that 23 information, you know, to try to seek a problem. 24 They don't want their identity to be revealed</b>		140	
		1 phrase "code of silence"? What does that mean 2 to you?	
		3 <b>A To the best of my knowledge or my 4 experience as a police officer, from what I know 5 being a -- the code of silence is an officer if he 6 witnessed something unethical or something 7 criminal and not reporting it.</b>	
		8 Q You said criminal, or was there something 9 else in there?	
		10 <b>A I said unethical.</b>	
		11 Q Unethical.	
		12 And you are not sure one way or the other 13 whether CPD has a problem with the code of 14 silence.	
		15 MR. MICHALIK: Object to the form.	
		16 <b>A Me, myself personally, I have not been 17 witness to a code of silence. I've heard rumors, 18 of course. I would be lying if I said I did not 19 hear about a code of silence; but from my personal 20 experience, I've never experienced a code of 21 silence.</b>	
		22 Q Do you think a code of silence is a good 23 thing or a bad thing?	
		24 <b>A It's a bad thing.</b>	

## Transcript of Elsworth Smith, Jr.

36 (141 to 144)

Conducted on February 17, 2020

1    Q Why is the code of silence a bad thing? 2    A <b>Because if someone is doing something</b> 3 <b>unethical or criminal, then it should be reported.</b> 4    Q Tell me about the rumors you've heard of 5 CPD having a code of silence. 6    MR. MICHALIK: Object to the form. 7    A <b>I can't give you any specific because</b> 8 <b>there have been many cases or instances about the</b> 9 <b>reports of -- mainly, what I've learned about the</b> 10 <b>code of silence within the police department has</b> 11 <b>come through the media from the Jason Van Dyke</b> 12 <b>trial and also -- that's the main one I can think</b> 13 <b>of, the Jason Van Dyke trial, and, like I said,</b> 14 <b>it's from the media.</b> 15   Q So when you say "rumors," you're talking 16 about media reports? 17   A <b>Absolutely. From my experience as a</b> 18 <b>police officer, I have never heard anyone within</b> 19 <b>the police department discuss or say anything</b> 20 <b>about the code of silence.</b> 21   Q Have you ever heard anyone discuss 22 retribution for telling on another police officer? 23   A <b>As I stated before, I have never</b> 24 <b>experienced a code of silence myself, other than</b>	141 1    A <b>Yes. To the best of my knowledge, yes.</b> 2    Q Do you remember what subjects those tests 3 or that test covered? 4    A <b>As I sit here today, I don't remember</b> 5 <b>every single test that I was given.</b> 6    Q Do you remember any of them? 7    A <b>Yes, I can remember a few. There was a</b> 8 <b>state certification test that we had to take, and</b> 9 <b>there was about basic law, and I don't recall what</b> 10 <b>else was in there. We had to pass a firearm</b> 11 <b>certification course, training course.</b> 12   A <b>And I don't remember all the other</b> 13 <b>training classes that -- from my time in the</b> 14 <b>academy.</b> 15   Q Did you receive any on-the-job training on 16 writing police reports after you left the academy? 17   A <b>As I sit here today, I'm certain we</b> 18 <b>probably have, but I don't recall specifically.</b> 19   Q Why are you certain you probably got 20 on-the-job training about writing reports? 21   A <b>There again, I'm not 100 percent certain;</b> 22 <b>but from time to time, we do have to do monthly</b> 23 <b>training. You either do the computer, or there</b> 24 <b>are some times that we are sent to take training</b>
142 1 <b>what I've observed or what I've heard on -- I'm</b> 2 <b>sorry -- what I've heard through the media.</b> 3    Q Do you think the code of silence allowed 4 Ronald Watts and Kallatt Mohammed to go unchecked? 5    MR. STEFANICH: Objection -- 6    MR. MICHALIK: Objection. 7    MR. STEFANICH: -- form and foundation. 8    You can answer. 9    A <b>I have no idea.</b> 10   Q Before you became a patrol officer, did 11 you receive any training on how to write police 12 reports? 13   A <b>Yes, I did.</b> 14   Q Tell me about the training that you 15 received on how to be -- how to write police 16 reports? 17   A <b>Any training that I've had about writing</b> 18 <b>reports would have been while I was in the police</b> 19 <b>academy, which was 20 years ago. And as I sit</b> 20 <b>here today, I don't remember the specific training</b> 21 <b>that I received from any classes in the police</b> 22 <b>academy.</b> 23   Q Did you take any written tests on your 24 training while you were at the academy?	144 1 <b>at other -- at other colleges or go back to the</b> 2 <b>training academy.</b> 3    Q Did you ever receive training on 4 conducting narcotics investigations? 5    A <b>From the best of my knowledge, I don't</b> 6 <b>recall.</b> 7    Q You don't recall one way or the other, or 8 you don't recall ever receiving it? 9    A <b>To the best of my knowledge, I don't</b> 10 <b>recall one way or the other.</b> 11   Q Did you ever receive training on 12 conducting investigations annually? 13   A <b>From the best of my knowledge, I don't</b> 14 <b>recall.</b> 15   Q When you were on the Watts tactical team, 16 did you ever go out into the field alone? 17   A <b>To the best of my knowledge, I don't</b> 18 <b>recall. Let me rephrase that -- sorry -- to</b> 19 <b>answer your question.</b> 20   I wouldn't say -- there have been times 21 that we have been by ourselves for a brief moment 22 of time. I wouldn't say we were completely alone 23 because we have had -- we are in a situation where 24 we are by ourself, we are in constant radio

## Transcript of Elsworth Smith, Jr.

37 (145 to 148)

Conducted on February 17, 2020

<p>145</p> <p>1 <b>communication with someone on our team or the</b> 2 <b>sergeant.</b></p> <p>3 Q Did you use cell phones to communicate 4 with each other?</p> <p>5 <b>A To the best of my knowledge, we might</b> 6 <b>have.</b></p> <p>7 Q Do you think that you used cell phones to 8 communicate with other members of the Watts team 9 during work?</p> <p>10 <b>A As I stated, to the best of my knowledge,</b> 11 <b>we may have.</b></p> <p>12 Q Do you remember your cell phone number 13 from when you were on the Watts team?</p> <p>14 <b>A As I sit here today, no, because I've</b> 15 <b>changed my phone number quite a few times.</b></p> <p>16 Q As a general matter, though, you weren't 17 going out into the field alone when you were on 18 the Watts team?</p> <p>19 <b>A Generally, no.</b></p> <p>20 Q If multiple officers were involved in an 21 arrest while you were on the Watts team, how did 22 you decide who would create the police reports 23 relating to that arrest?</p> <p>24 <b>A It would vary from the -- from each moment</b></p>	<p>147</p> <p>1 what factors would you look at to decide who 2 should write the report?</p> <p>3 <b>A Well, if my partner witnessed and did the</b> 4 <b>recovery, then, of course, he would be in Box 1.</b></p> <p>5 <b>N</b>ow, if I made the observation and he made 6 the recovery, then we might have a conversation 7 with one another who is going to take the -- go in 8 Box 1. Because you have to have the situation 9 you -- I observed something, but he made the 10 recovery.</p> <p>11 Q All right. So let me make sure that I 12 understand.</p> <p>13 If you saw someone purchase drugs and then 14 you went up and you recovered the drugs from that 15 person, you would automatically be Box 1.</p> <p>16 MR. MICHALIK: Object to the form.</p> <p>17 <b>A If you're saying if I made the -- if I</b> 18 <b>witnessed the drugs or the transaction take place</b> 19 <b>and made the recovery, of course, I would be</b> 20 <b>Box 1.</b></p> <p>21 Q Box 1, that's the first person listed on 22 the report?</p> <p>23 <b>A Yes.</b></p> <p>24 Q And you -- so that means you'd create the</p>
<p>146</p> <p>1 <b>or each incident. It depends on who made the</b> 2 <b>recovery, if there was a recovery in some form</b> 3 <b>or -- some form or fashion what they witnessed or</b> 4 <b>observed.</b></p> <p>5 Q It depends on who made the recovery and 6 who witnessed what?</p> <p>7 <b>A If there was a recovery, it depends, or,</b> 8 <b>like I said, based on the observation or what that</b> 9 <b>particular officer witnessed.</b></p> <p>10 Q How -- can you tell me what that means as 11 far as who would write the report or reports?</p> <p>12 <b>A What does that mean? Like I said,</b> 13 <b>basically who -- if there was -- say, if there was</b> 14 <b>a gun arrest, the person who recovered the gun</b> 15 <b>might be Box 1. If there was a narcotics arrest,</b> 16 <b>the person who might have witnessed or recovered</b> 17 <b>the narcotics might be the person that would go</b> 18 <b>into Box 1. It would vary from different</b> 19 <b>situations.</b></p> <p>20 Q How would you make the decision on who 21 would be the --</p> <p>22 <b>A Well, you would discuss it with your</b> 23 <b>partner.</b></p> <p>24 Q Then how would you and your partner --</p>	<p>148</p> <p>1 report, and you signed it?</p> <p>2 <b>A Yes.</b></p> <p>3 Q And if in that same situation your partner 4 was standing next to you, you both saw the 5 transaction, and then your partner recovered the 6 drugs, would you discuss between the two of you 7 who would go in Box 1 and who would go in Box 2?</p> <p>8 <b>A From the best of my knowledge, yes, we</b> 9 <b>probably would.</b></p> <p>10 Q What is -- we're saying Box 1.</p> <p>11 What does Box 1 indicate?</p> <p>12 <b>A Box 1 is usually the reporting officer or</b> 13 <b>the person who wrote the report. That's not</b> 14 <b>necessarily true on every circumstance.</b></p> <p>15 Again, like I gave the examples when it 16 might -- I've used certain examples when it might 17 be different, like I said, based on the 18 observation or recovery.</p> <p>19 Q I'm not following the last part.</p> <p>20 <b>A As I described earlier, if I witnessed</b> 21 <b>something and my partner recovered -- I make it --</b> 22 <b>like if I'm doing surveillance from somewhere, a</b> 23 <b>particular point; and I'm relaying this</b> 24 <b>information to my partner and said, Hey, this</b></p>

## Transcript of Elsworth Smith, Jr.

38 (149 to 152)

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149	151
<p>1 person, he has a bag of drugs on him, and, you  2 know, give a description or whatever, that person  3 there, whatever has on a tan jacket or whatever,  4 shirt or whatever, and he goes and grabs him and  5 makes the recovery. Then, you know, we've got to  6 determine between ourselves who is going to go in  7 the first box as the first reporting officer.</p> <p>8 Q You're giving a situation where one  9 officer maybe didn't see the entire thing from  10 start to finish?</p> <p>11 A Sometimes that might happen.</p> <p>12 Q And if that's the case then you -- that's  13 when you discuss who goes in Box 1.</p> <p>14 A Yes.</p> <p>15 Q But if an officer sees everything from  16 start to finish, they are in Box 1.</p> <p>17 MR. MICHALIK: Object to the form,  18 foundation.</p> <p>19 A From the best of my memory, yes.</p> <p>20 Q Do you know what Box 1 is supposed to  21 indicate to a reader of a police report?</p> <p>22 A Box -- that box, if you're talking about  23 on the old vice case reports for reporting  24 officer, it can indicate anything. It could</p>	<p>1 recovery?</p> <p>2 MR. KOSOKO: Objection; incomplete  3 hypothetical.</p> <p>4 A From the best of my knowledge, yes.</p> <p>5 BY MR. RAUSCHER:</p> <p>6 Q What would be the purpose of listing your  7 partner in Box 2 even if they didn't see anything?</p> <p>8 A You would indicate in the narrative of  9 your report whether or not your partner made this  10 observation or not; but on the report, you would  11 have to indicate who you were partnered with that  12 day or who you were working with. From the best  13 of my memory, that's the way we were taught in the  14 police academy.</p> <p>15 Q Is it your recollection that there was --  16 that the form, the vice case report actually said  17 in Box 2 partner?</p> <p>18 A Again, from the best of my memory, no, it  19 does not; but it has a box on the report that says  20 "reporting officer." And based on my memory from  21 what I was trained in the police academy, on  22 that -- in that box whether it's the general or  23 the vice case report or any other handwritten  24 report, the second box does not state what your</p>
150	152
<p>1 mean -- it has many different reasons.</p> <p>2 I gave you an example just now. It could  3 mean you're the first reporting officer or the  4 arresting officer and also it means that -- who  5 you were working with that day. There's two  6 boxes, I believe, if I'm going back to the best of  7 my memory how those old vice case reports or  8 general offense reports were laid out. Because  9 the reports today are automated, and back then  10 they were on paper.</p> <p>11 Q So the vice case report, the second box  12 was just supposed to indicate who your partner  13 was?</p> <p>14 A Yes. From the best of my knowledge, like  15 I said, there was a section where you would  16 have -- where the reporting officers went. Like I  17 said it was either on the general offense case  18 report or the vice case report. Because back then  19 when I -- from the best of my memory, when I  20 started on -- as a tactical officer, most of the  21 reports were on paper.</p> <p>22 Q Would you list your partner as the second  23 reporting officer on a vice case report even if  24 your partner didn't see the incident or make the</p>	<p>1 partner does. You would indicate that in the  2 narrative of the report. On whatever reporting  3 officers, it would just state who was partnered  4 together.</p> <p>5 Because, you know, like I said, generally,  6 when I first got on the team, I worked with  7 different officers, whether it was Cynthia Tornes,  8 Miguel Cabrales, Kallatt Mohammed, or Alvin Jones.</p> <p>9 Then I would put who I was working with that day.</p> <p>10 Q Just as a matter of course, if you were  11 the first box and Al Jones was your partner, you'd  12 put Jones in the second box?</p> <p>13 A Yes.</p> <p>14 Q What's the purpose of doing that if Jones  15 didn't see anything, using Jones as an example?</p> <p>16 MR. MICHALIK: Object to the form.</p> <p>17 A As I stated before, that box does not  18 indicate what either one of us saw. In the  19 narrative of the report it states -- that's where  20 you would indicate what either yourself or your  21 partner did.</p> <p>22 Generally, like I said, it doesn't state  23 specifically first arresting officer. From the  24 best of my memory, what I recall from the</p>

## Transcript of Elsworth Smith, Jr.

39 (153 to 156)

Conducted on February 17, 2020

	153	155	
1 handwritten reports or the old paper reports, it 2 doesn't say who -- what role each one had. The 3 box just said, from the best of my memory, 4 reporting officer.		1 down anywhere? 2 MR. KOSOKO: Objection; form, foundation. 3 A Again, from the best of my memory, just 4 you would -- to the best of your memory.	
5 BY MR. RAUSCHER: 6 Q So should the narrative description then 7 say what each particular officer saw or did in 8 connection with the arrest? 9 MR. MICHALIK: Objection; form, incomplete 10 hypothetical. 11 A As I stated before, that's what you would 12 try to do in the narrative of any report. Whether 13 it was a vice case report, a general offense case 14 report, a burglary report, whatever, you would 15 state the facts within the report. 16 Q The narrative would need to state the 17 facts or else nobody would know what each officer 18 did; right? 19 A There again, like I said, at the end of 20 the report, the narrative of the report, that's 21 where you would make the indication or the 22 distinction between each person's role. 23 Q Because if you don't do that, then there 24 is no record of each person's role; correct?		15	Q Would it have been better to write down the description of what everyone did -- MR. KOSOKO: Objection. Q -- in the report? A Again, like I said, yes, it would be; and, again, like I said, generally, that's what we would try to do, write the report and put down what each person did perhaps. But, again, like I said, the reports are just a general summary of the event. Q Is there supposed to be a record that's a complete summary of the event? MR. STEFANICH: Objection; form. A As I sit here today, based on what I was trained in the police academy, yes. I'm sure you probably are supposed to indicate -- make a complete description of what's going on. But from what I remember from my training, like I said, you're supposed to make a summary of the report. The arrest -- I mean, the case report
1 MR. MICHALIK: Object to the form. 2 MR. KOSOKO: Join. 3 A I would not say that there would be no 4 indication of it. 5 BY MR. RAUSCHER: 6 Q I'm sorry. Can you repeat that? 7 A It does not indicate whether -- if it's 8 not in the narrative of the report, doesn't that 9 mean -- because it's a summary. The case report 10 is a summary of the events. 11 Now, if, say, for example, you made a UUW 12 arrest or a narcotics arrest, you might have your 13 partner listed as the second reporting officer, or 14 you might have other assisting officers. Because 15 the old handwritten reports, they had limited 16 space so -- a limited amount of space so you could 17 not put in complete details what everyone did. 18 Now, if this particular report led to 19 going to trial, when you are questioned during a 20 trial, that's when you would relate to the state's 21 attorneys or the defense attorneys what role each 22 officer played in that particular narrative. 23 Q And how would you remember for each arrest 24 what role each officer played if it wasn't written	154	156	
		1 might have more details than the arrest report. 2 The arrest report is just a basic summary of the 3 probable cause that led to the arrest, so it's not 4 going to be as detailed as a case report. 5 BY MR. RAUSCHER: 6 Q But -- I'm sorry. Go ahead. 7 A But, like I said, again, generally, you do 8 try to detail all the facts or the details in the 9 report. But like those old -- and I'm not trying 10 to justify anything, but those old case reports, 11 there was a limited amount of space. So you would 12 try to put as much detail in there as possible. 13 Q So I understand there are arrest reports; 14 and then back in the day at least, there were vice 15 case reports you could type; right? 16 A Yes. To the best of my memory, most of 17 the reports at that time were paper reports. 18 Q And did the vice case reports -- were they 19 supposed to, at least, have all the details about 20 who did what on the arrest? 21 MR. MICHALIK: Object to the form. 22 A Again, from the best of my memory, yes, 23 you are, but I'm sure that there were minor, 24 unintentional errors made or mistakes in reports.	

## Transcript of Elsworth Smith, Jr.

40 (157 to 160)

Conducted on February 17, 2020

	157	159
1 <b>But generally, you know, you try to be as</b> 2 <b>descriptive or detailed as possible.</b>	1 that training?	
3 <b>BY MR. RAUSCHER:</b>	2 <b>A As I stated earlier, I don't remember</b> 3 <b>specifically --</b>	
4 Q Did you look at some vice case reports to 5 prepare for your deposition today?	4 Q That was -	
6 <b>A Yes, I did.</b>	5 <b>A -- that --</b>	
7 Q Did you see a lot of instances where you 8 ran out of room on a vice case report, and there 9 was no more room on the form to put additional 10 information?	6 Q Go ahead. I'm sorry.	
11 <b>A As I sat here -- as I sit here today, I</b> <b>12 don't remember. I've looked at a lot of reports.</b>	7 <b>A As I stated before, I don't remember</b> 8 <b>specifically, and to the best of my knowledge; but</b> 9 <b>there again, as I said, if you listed your</b> 10 <b>partner, that does not mean that he witnessed or</b> 11 <b>witnessed everything that you did.</b>	
13 Q Do you remember, historically, thinking I 14 wish there was more room on these vice case 15 reports so I can put all the information we need 16 to put here?	12 Q It sounds like it doesn't mean he 13 witnessed anything necessarily.	
17 <b>A As I sit here today, going back, most of</b> 18 <b>the case reports, some of them are 14 to 15 years</b> 19 <b>ago, and I can't remember a lot of the reports;</b> 20 <b>and I'm not going to speculate what I may have</b> 21 <b>thought from that long -- back at that particular</b> 22 <b>time.</b>	14 <b>A Like I said, it does not. But, like I</b> 15 <b>said, generally, you would try to convey that in</b> 16 <b>the narrative of your report.</b>	
23 Q And I'm not trying to ask you right now if 24 you remember every single report that you wrote.	17 Q Can you think of any good reason why the 18 second person listed on the report would 19 automatically be your partner even if that person 20 didn't witness anything?	
	21 MR. MICHALIK: Object to the form.	
	22 <b>A When you are in patrol or as a tactical</b> 23 <b>officer, not always in patrol, you are assigned a</b> 24 <b>person to work with on a daily basis. So that's</b>	
	158	160
1 I'm trying to ask something, I think, is slightly 2 different.	1 <b>why you would list your partner on the reports</b> 2 <b>that you make.</b>	
3 Which is when you were on the Watts 4 tactical team, do you ever remember thinking, Oh, 5 this is a problem. We have these vice case 6 reports, and there's not enough room on them to 7 put down the information about what's going on out 8 here.	3 Q Why does the fact that you're assigned to 4 work with someone on a daily basis mean you would 5 list them in all your reports?	
9 <b>A I don't know what I was thinking at that</b> 10 <b>time.</b>	6 <b>A Because that's who you were assigned to</b> 7 <b>work with.</b>	
11 Q You don't --	8 Q So what?	
12 <b>A As I sit here today, I can't recall what I</b> 13 <b>was thinking at any time when I made a report</b> 14 <b>while I worked for Sergeant Watts -- Ronald Watts.</b>	9 <b>A And as I stated before, that was based --</b> 10 <b>based on my memory and my training in the police</b> 11 <b>academy, that's what I was told to do when you</b> 12 <b>make your report.</b>	
15 Q And so is it your testimony that you 16 believe you were trained in the academy that you 17 should put your partner down as the second 18 arresting officer -- as the second reporting 19 officer even if your partner didn't have anything 20 to do with an arrest?	13 Q Can you think of any reasons why it would 14 be helpful for the police department or for anyone 15 else to have a person listed in Box 2 even if they 16 had nothing to do with the arrest?	
21 MR. KOSOKO: Object to the form.	17 MR. STEFANICH: Objection --	
22 <b>A From the best of my memory, from what I</b> 23 <b>was -- my training, yes.</b>	18 MR. KOSOKO: Objection; form.	
24 Q And do you remember any specifics about	19 MR. STEFANICH: -- form, asked and 20 answered.	
	21 <b>A As I -- I stated, I don't know. But if</b> 22 <b>you're working with some partner -- if it's your</b> 23 <b>partner, at some point in time, you may have</b> 24 <b>witnessed some aspect of the incident which took</b>	

## Transcript of Elsworth Smith, Jr.

41 (161 to 164)

Conducted on February 17, 2020

	161		163
1 place.		1 1:48 p.m.)	
2 BY MR. RAUSCHER:		2 THE VIDEOGRAPHER: Back on the record,	
3 Q Or maybe you didn't.		3 1:48.	
4 A Or maybe you didn't.		4 BY MR. RAUSCHER:	
5 Q Over the years, did you ever hear citizens		5 Q Has your star number always been 11737?	
6 saying that they had been wrongfully arrested?		6 A Yes, sir.	
7 MR. KOSOKO: Object to the form.		7 Q Have you ever had a different star number?	
8 A As I sit here today, I don't recall. When		8 A No.	
9 I was working for Sergeant Watts, I don't recall		9 Q About how many times have you testified in	
10 no one ever stating to myself or anyone else that		10 your role as a police officer?	
11 I was working with about being wrongfully		11 A As I sit here today I -- excuse me -- as I	
12 arrested.		12 sit here today, I couldn't give you an exact	
13 Q Do you ever -- and when I say that they		13 count.	
14 said that they were wrongfully arrested, I mean		14 Q Is it -- do you think it's in the	
15 that as broadly as possible. Like people even		15 hundreds?	
16 yelling out, What are you doing? I didn't do		16 A Possibly. But, again, I'm not certain.	
17 this. You're framing me. I didn't have drugs.		17 Q Do you know how it was determined which	
18 Anything like that at all, even just yelling at		18 members of a tactical team, the Watts tactical	
19 people?		19 team would testify in court about arrests the team	
20 A To the best of my memory, maybe a few. I		20 made while you were on the team?	
21 don't remember each and every person or exact date		21 A As I sit here today, I don't recall.	
22 and time.		22 Q Have you ever given false testimony?	
23 Q Do you remember any specific incidents		23 A No, I have not.	
24 like that?		24 Q Do you know whether any of the members of	
	162		164
1 A No, I don't.		1 the Watts team have ever given false testimony?	
2 Q Did you ever tell anybody how to file a		2 A From my experience of working with them,	
3 complaint with OPS or IAD or IPRA or COPA?		3 no, I don't believe so.	
4 A As I sit here today, I don't recall, but I		4 Q Have you ever seen a Chicago police	
5 may have.		5 officer use excessive force?	
6 Q And why do you think you may have?		6 A From my experience, no.	
7 A I don't recall when exactly, but I do		7 Q All right. I'm going to ask you some	
8 remember having conversations with people at some		8 questions about certain plaintiffs in these cases.	
9 point in time. I don't remember if it was while I		9 We have a list of cases we've agreed to try to	
10 was working as a tactical officer or when exactly		10 cover today.	
11 it was. I don't recall, but I do remember at some		11 MR. RAUSCHER: And just mostly for counsel	
12 point in time telling people or giving people		12 in the room, we had included Lionel White, Sr., on	
13 information how to file a complaint.		13 that list, and then we have agreed to postpone	
14 Q Do you remember any specifics about that		14 that until his second date.	
15 at all? Who the people were? How many times that		15 MR. STEFANICH: That's correct.	
16 happened?		16 THE REPORTER: What was that name?	
17 A As I sit here today, I don't recall who it		17 MR. RAUSCHER: Lionel White, Sr.,	
18 was or when the time and date it was.		18 L-i-o-n-e-l.	
19 MR. RAUSCHER: Take another quick break.		19 Q So the first person I'm going to ask about	
20 MR. STEFANICH: Do you want to just do,		20 is Allen Jackson. You mentioned Mr. Jackson	
21 like, a lunch break?		21 earlier.	
22 MR. RAUSCHER: Sure. That's fine with me.		22 What do you know about Allen Jackson?	
23 THE VIDEOGRAPHER: Off the record, 12:58.		23 A As I stated before, to the best of my	
24 (A recess was taken from 12:58 p.m. to		24 memory, what I recall is that he was a drug	

## Transcript of Elsworth Smith, Jr.

42 (165 to 168)

Conducted on February 17, 2020

	165		167
1 <b>dealer.</b>		1 <b>Q</b> Do you recall even generally what you	
2 Q And how do you know he was a drug dealer?		2 said?	
3 <b>A As I stated, either from my own experience</b>		3 <b>A I -- I don't want to speculate. I can't</b>	
4 <b>with dealing with him or from either Sergeant</b>		4 <b>recall.</b>	
5 <b>Watts or possibly other members of the 264 team.</b>		5 <b>Q</b> Did you respond to him?	
6 Q Do you remember dealing with Mr. Jackson		6 <b>A I'm sure I did, but I don't recall what I</b>	
7 personally?		7 <b>said exactly to him.</b>	
8 <b>A On a few occasions. I don't remember any</b>		8 <b>Q</b> Was he cocky and arrogant during that	
9 <b>exact details.</b>		9 conversation?	
10 Q Tell me what you remember generally about		10 <b>A No. At that point in time, from what I</b>	
11 your interactions with Mr. Jackson.		11 <b>recall, his attitude appeared to have changed.</b>	
12 <b>A I don't recall specifically. Like I said.</b>		12 <b>Like I said, I don't remember the specifics, but I</b>	
13 <b>I do recall encountering him some -- on a few</b>		13 <b>think he said that he -- I recall, and I'm not 100</b>	
14 <b>occasions, and generally, he was very cocky and</b>		14 <b>percent certain, that he was -- he had a regular</b>	
15 <b>arrogant.</b>		15 <b>job now and that he gave up being a drug dealer.</b>	
16 Q What did he do that you perceived as cocky		16 Q Do you have any reason to believe that	
17 and arrogant?		17 isn't true?	
18 <b>A I don't recall the specifics, but that's</b>		18 <b>A I have no way to -- based on sitting here</b>	
19 <b>what I recall at this particular time.</b>		19 <b>today, I don't believe whether or not that he's</b>	
20 Q About how many times did you come across		20 <b>telling the truth or not.</b>	
21 him while you were a member of the Watts team?		21 Q You just don't know one way or the other?	
22 <b>A As I sit here today, I couldn't give you</b>		22 <b>A I don't know one way or the other.</b>	
23 <b>an exact count.</b>		23 Q Had you seen Allen Jackson in between the	
24 Q Do you remember the last time you saw him?		24 time you left the Watts team and the time when	
	166		168
1 <b>A As I sit here today, I don't recall when</b>		1 you're talking about right now after Watts was	
2 <b>it was; but it was sometime after the indictment.</b>		2 indicted?	
3 Q After Watts was indicted?		3 <b>A That was after I left Watts team.</b>	
4 <b>A Yes.</b>		4 Q I'm sorry. Any other time other than	
5 Q Do you remember where you saw him?		5 that?	
6 <b>A I don't remember the exact address. From</b>		6 <b>A To the best of my memory, no.</b>	
7 <b>what I recall, I believe, I was on duty, and it</b>		7 Q Do you remember any specific run-ins or	
8 <b>might have been at a car wash.</b>		8 interactions with him while you were on -- while	
9 Q Did you talk to him?		9 you were on the Watts team?	
10 <b>A Briefly.</b>		10 <b>A As I stated before, I don't recall</b>	
11 Q And what did you talk about?		11 <b>exactly; but I do remember him while I was a</b>	
12 <b>A I don't recall exactly the conversation</b>		12 <b>member of the Watts team.</b>	
13 <b>but it's -- I believe we did -- he brought it up</b>		13 Q Do you remember if he worked or sold drugs	
14 <b>because I don't bring it up, but I think he</b>		14 at a particular building in Ida B. Wells?	
15 <b>brought up something about Sergeant Watts.</b>		15 <b>A Again, sitting here today, I don't recall</b>	
16 Q What did he say?		16 <b>which building he operated out of.</b>	
17 <b>A Again, sitting here today, I don't</b>		17 Q Do you know whether he operated out of a	
18 <b>remember the exact conversation that I had with</b>		18 specific building?	
19 <b>him, but it might have been something to the</b>		19 <b>A Again, I couldn't tell you. I don't</b>	
20 <b>effect that aren't you glad you didn't go down</b>		20 <b>recall.</b>	
21 <b>with Sergeant Watts. And I don't recall the exact</b>		21 Q Do you know for a fact that Allen Jackson	
22 <b>conversation.</b>		22 was a drug dealer while you were on the Watts	
23 Q And what did you say to him?		23 team?	
24 <b>A I don't recall what I said to him.</b>		24 <b>A At I stated before, to the best of my</b>	

## Transcript of Elsworth Smith, Jr.

43 (169 to 172)

Conducted on February 17, 2020

169

171

1 **memory, he was.**2 Q Do you know if he was affiliated with a  
3 gang at the time? When I say "at the time," I  
4 mean while you worked on the Watts team.5 **A As I sit here today, I don't recall.**6 (Smith Deposition Exhibit 2 marked for  
7 identification and attached to the transcript.)8 Q We're going to mark Exhibit 2, which is  
9 PL JOINT 041862 to 863. Just let me know when  
10 you've had a chance to look this over.11 **A I've had a chance to look it over.**

12 Q Do you recognize this document?

13 **A Yes, I do.**

14 Q Can you please tell me what it is?

15 **A It's a vice case report.**16 Q Is it a vice case report of an arrest --  
17 or of Allen Jackson's arrest on January 16, 2006?18 **A Yes, it is.**19 Q And was Mr. Jackson arrested at 7:15 that  
20 night?21 **A According to this report, yes.**22 Q And was the address where he was arrested  
23 574 East 36th Street?24 **A According to the report, yes.**1 **A Based off of the times on the report, it  
2 would have been on third watch.**3 Q And were you on third watch at this time  
4 just because of the rotation?5 **A Again, without seeing the A&A sheets from  
6 that work date -- but based off the reports, I  
7 would say that we were working third watch on  
8 January 16, 2006.**9 Q Do you know why you were working third  
10 watch?11 **A As I sit here today, no.**12 (Smith Deposition Exhibit 3 marked for  
13 identification and attached to the transcript.)14 Q Why don't we just go ahead and mark the  
15 A&A sheets as Exhibit 3. The Bates range for this  
16 is CITY-BG-053978 to 053981.17 I may be able to help you if you haven't  
18 found your name. It's on the third page, fifth  
19 from the bottom.20 **A Okay.**21 Q Do you see on page labeled CITY-BG-053980,  
22 your name?23 **A Yes, I do.**

24 Q Can you just tell me what this document

170

172

1 Q Do you remember the 5 -- that building  
2 from Ida B. Wells?3 **A I have a vague memory of it.**4 Q What do you remember about 574 East 36th  
5 Street?6 **A It was a CHA development, housing  
7 building.**

8 Q Was it a high-rise?

9 **A A mid-size complex.**10 Q Was it one of the bigger buildings in the  
11 Ida B. Wells development?12 **A At that time, yes.**13 Q There were mid-size and then row houses;  
14 is that right?15 **A At this time, from my memory, this was  
16 like the biggest building. There was low-rise  
17 buildings.**18 Q Were you still on the Watts team at the  
19 time of this arrest?20 **A At this time, I believe I was.**

21 Q Who was your partner in January 2006?

22 **A According to this report, Alvin Jones.**23 Q And were you working the second shift or  
24 the third shift at this time or the first?

1 is?

2 **A It's the attendance & assignment record  
3 from January 16, 2006.**4 Q This is the same day that Allen Jackson  
5 was arrested?6 **A Yes, it was.**7 Q What's the purpose of an attendance &  
8 assignment record?

9 MR. KOSOKO: Objection.

10 MR. MICHALIK: Objection; foundation.

11 **A Based on my knowledge, it's to keep a  
12 record of the officers who were either working or  
13 on furlough or vacation. It's an attendance  
14 sheet.**15 Q Have you become familiar with attendance &  
16 assignment records over the years as a police  
17 officer?18 **A Yes, I have.**19 Q And how have you become familiar with the  
20 attendance & assignment records?21 **A Just has been on-the-job training for  
22 quite a long time and heard about it. I don't  
23 think I've ever been responsible for filling these  
24 out.**

## Transcript of Elsworth Smith, Jr.

44 (173 to 176)

Conducted on February 17, 2020

<p>1 Q Did you write on here at all? Is any of 2 the writing on here -- do you check yourself, or 3 did someone else put you down?</p> <p>4 <b>A This is not my handwriting. I don't know</b> 5 <b>whose handwriting it is. This is prepared by</b> 6 <b>another officer, and I'm not responsible. So I</b> 7 <b>don't know who would be responsible for doing the</b> 8 <b>A&amp;A sheets.</b></p> <p>9 Q Do you know who is -- can you read whose 10 signature it is down there?</p> <p>11 <b>A I'm sorry?</b></p> <p>12 Q Can you read whose signature that is on 13 the bottom right-hand corner?</p> <p>14 MR. STEFANICH: The first page.</p> <p>15 <b>A No, I can't make that out.</b></p> <p>16 Q Does anything on this attendance &amp; 17 assignment record indicate why you were working 18 the particular shift that you were working?</p> <p>19 <b>A No, it does not. It just gives the time</b> 20 <b>that I was working.</b></p> <p>21 Q All right. Can you take a look back at 22 Exhibit 2, which is the vice case report.</p> <p>23 And before I ask you questions about the 24 report, do you have any recollection of Allen</p>	<p>173</p> <p>1 <b>A From what I recall, yes.</b></p> <p>2 Q It says in the narrative description, 3 among other things, "In summary, R/Os received 4 information from a certain citizen that a M/B 5 named 'Allen J' was on his way to pick up the 6 remaining narcotics and money from sales at the 7 above location."</p> <p>8 Do you see that?</p> <p>9 <b>A Yes, I do.</b></p> <p>10 Q Can you tell me what that means?</p> <p>11 <b>A Our roles would imply for -- but that does</b> 12 <b>not mean -- and, like I said, I did not author</b> 13 <b>this report, so I don't know why it was written</b> 14 <b>that way. But if you're reading just from the</b> 15 <b>report, it would mean both officers. But then as</b> 16 <b>I stated before earlier, does that mean that both</b> 17 <b>officers made the same observation.</b></p> <p>18 Q It does not mean that.</p> <p>19 <b>A No, it does not.</b></p> <p>20 Q R/Os is reporting officers?</p> <p>21 <b>A That's what it states here. R/Os meaning</b> 22 <b>plural. But, like I said, I don't have a --</b> 23 <b>sitting here today, I do not have an independent</b> 24 <b>recollection of this event or this incident from</b></p>
<p>1 Jackson's arrest on January 6 -- on January 16, 2 2006?</p> <p>3 <b>A No, I do not.</b></p> <p>4 Q Did reviewing the report refresh your 5 recollection in any way about the arrest?</p> <p>6 <b>A No, it doesn't.</b></p> <p>7 Q Can you determine by looking at this 8 report what involvement you had with the arrest?</p> <p>9 <b>A Other than seeing my name listed as a</b> 10 <b>reporting officer, I don't know what my role was</b> 11 <b>at this particular time other than being partnered</b> 12 <b>with Alvin Jones.</b></p> <p>13 Q And we had talked earlier, and you had 14 given some general descriptions about what it 15 means to be in Box 1 or Box 2.</p> <p>16 Can you tell me, looking at this report, 17 what's Box 1 and what's Box 2?</p> <p>18 <b>A On this report, it doesn't specifically</b> 19 <b>say Box 1 and 2. Box 45 and 46 asks -- or states</b> 20 <b>reporting officer's name. And in Box 45, it has</b> 21 <b>Alvin Jones; and in Box 46, it has my name as</b> 22 <b>reporting officer.</b></p> <p>23 Q Does your testimony about Box 1 and Box 2 24 apply to Boxes 45 and 46 in this vice case report?</p>	<p>174</p> <p>1 <b>this date.</b></p> <p>2 Q You said that you didn't write this 3 report?</p> <p>4 <b>A Based on -- if I'm listed as the second</b> 5 <b>officer, that does not mean that I wrote this</b> 6 <b>report. That does not state the fact that I</b> 7 <b>was -- that I'm not denying that I was at work. I</b> 8 <b>don't have a recollection of this report.</b></p> <p>9 <b>But based off of the report, the way it's</b> 10 <b>written and assuming that from looking at Box 45,</b> 11 <b>my partner was listed in the first box.</b></p> <p>12 <b>But also if I point your direction to Box</b> 13 <b>No. 12 where it says victim, slash, complainant.</b> 14 <b>If you look at that box, it says, State of</b> 15 <b>Illinois/P.O. Jones, Star No. 14662 [sic].</b></p> <p>16 <b>Now, generally, the person that is listed</b> 17 <b>in Box 12 list themselves as the victim, if it's a</b> 18 <b>police officer or the complainant. That is the</b> 19 <b>person who either wrote the report or made the</b> 20 <b>observations or the recovery.</b></p> <p>21 Q Who wrote the report and made the 22 observations or made the recovery?</p> <p>23 <b>A It could have been a combination of one or</b> 24 <b>the other.</b></p>

## Transcript of Elsworth Smith, Jr.

45 (177 to 180)

Conducted on February 17, 2020

177

1 Q So it doesn't really drill down on exactly  
2 what No. 12 saw or did either then?  
3 **A No. 12 -- as I stated, the person in**  
4 **No. 12 is assuming the responsibility of the first**  
5 **arresting officer; and by not writing this, from**  
6 **looking at it, this does not refresh my memory or**  
7 **anything.**

8 **But based on the way this report is**  
9 **written, Officer Jones would have been the**  
10 **reporting officer who wrote this report. So I**  
11 **cannot answer for Officer Jones.**

12 Q You can't answer what for him?

13 **A Can't answer to how he had written this**  
14 **report or the observations that he made or**  
15 **anything.**

16 Q Did you review this report?

17 **A Yes, I have.**

18 Q Did you review it at the time -- around  
19 the time it was made?

20 **A I don't -- as I'm sitting here today, I**  
21 **don't recall. I'm certain I probably have, but I**  
22 **don't recall.**

23 Q Would your standard practice have been to  
24 review all reports that listed you?

179

1 **as I stated, if I gave them -- if they signed my**  
2 **name, it would have been with my authorization.**

3 Q How would you know that they didn't sign  
4 your name without your authorization?

5 **A Sitting here, that's a good question; but**  
6 **if they -- I doubt if they would sign my name**  
7 **without -- I would not allow anyone to sign my**  
8 **name on any reports without my authorization.**

9 **Just because I don't have a recollection**  
10 **of the report does not mean that it's a false**  
11 **report, if that's what you're trying to imply.**

12 Q I'm just asking you a question.

13 **A And I'm trying to answer your question.**

14 Q I'm not asking you about this report. I'm  
15 sorry. I don't mean to talk over you. I am  
16 not -- that question is just a question.

17 And the question I was trying to ask is do  
18 you remember one way or the other whether you ever  
19 authorized anyone on the Watts team to sign your  
20 name for you.

21 **A As I sit here today, as I stated before, I**  
22 **don't remember; but I would not have given anyone**  
23 **permission or authorization to sign any reports**  
24 **for me.**

178

180

1 **A As I sit here today, I don't recall what**  
2 **my standard practice was.**

3 Q Did you ever authorize Jones to sign your  
4 name on a report?

5 **A If he signed my name on a report, it**  
6 **probably would have been with my authorization.**

7 Q I'm just asking if you remember --

8 **A I don't remember this particular case**  
9 **report or any other case report; but if someone**  
10 **signed my name, whether it was Alvin Jones or**  
11 **another member of the 264 team while I worked with**  
12 **them, it would have been with my authorization.**

13 Q Do you remember one way or the other  
14 whether -- I'm not talking about this specific  
15 report.

16 Do you remember one way or the other  
17 whether you ever authorized Jones or anyone else  
18 on your team to sign your name for you?

19 **A As I stated before, if they signed my name**  
20 **on any reports, it would have been with my**  
21 **authorization.**

22 Q I just want to know if you remember if  
23 that ever happened.

24 **A As I sit here today, I don't recall; but**

1 **Maybe I'm confusing you; but to answer**  
2 **your question, no, I would not have given anyone**  
3 **authorization to sign a report.**

4 Q You would not have given authorization for  
5 someone else to sign your name on a report.

6 **A No, I would not.**

7 Q Why would you have not given authorization  
8 for someone else to sign your name on a report?

9 **A I would not have, you know -- if I did**  
10 **not -- if I wouldn't feel comfortable with the**  
11 **report or the contents of the report, and I had no**  
12 **reason to doubt that any one of my teammates or my**  
13 **partner would lie about any information in the**  
14 **report. So assuming that if they signed my name**  
15 **on a report, it had to be with my authorization.**

16 Q So now I am confused.

17 MR. STEFANICH: Yeah. You just need to,  
18 like, listen to his question and then just try to  
19 answer his question because you guys aren't --

20 THE WITNESS: I thought I've answered it.

21 MR. RAUSCHER: I think we're talking past  
22 each other.

23 THE WITNESS: Okay. As I stated before --

24 MR. STEFANICH: So let him ask a question.

## Transcript of Elsworth Smith, Jr.

46 (181 to 184)

Conducted on February 17, 2020

	181		183
1 Okay.		1 BY MR. RAUSCHER:	
2 BY MR. RAUSCHER:		2 Q We're going to mark Exhibit 4, which is an	
3 Q Yeah. Let's just -- I will try to ask		3 arrest report, PL JOINT 041864 to 868.	
4 this directly and clearly. Tell me if you don't		4 Have you had a chance to look at this	
5 understand it.		5 report?	
6 Do you remember ever telling anybody on		6 A Yes, I have.	
7 the Watts team that they could sign your name for		7 Q Did you look at this report to prepare for	
8 you on a report that they created?		8 your deposition today?	
9 A No. Sitting here today, I do not recall		9 A Yes, sir.	
10 telling or giving anyone permission to sign my		10 Q And looking at this report did not refresh	
11 name on a report without my authorization.		11 your recollection?	
12 Q Okay. That last part -- I think that last		12 A No, it did not.	
13 part is you're adding in information that I was		13 Q Do you see in the incident narrative it	
14 not trying to ask you.		14 says at the end, "Name check and investigative	
15 I want to know -- I want to know if you		15 alert are clear."	
16 remember ever giving that authorization, the		16 A Yes.	
17 authorization to sign your name?		17 Q What does that mean?	
18 A As I'm sitting here today, I do not recall		18 A That is what we were told to put in the	
19 giving anyone authorization to sign my name on any		19 report, to make sure we did a comprehensive check	
20 reports.		20 on the individual after being placed in custody	
21 Q Does looking at this report today refresh		21 because sometimes the individual could have a	
22 your recollection in any way about the arrest of		22 warrant or an investigative alert.	
23 Allen Jackson?		23 Q What did. Sorry.	
24 A As I stated before, I do not recall		24 A Sorry.	
	182		184
1 anything, and this report does not refresh my		1 Q What does it mean to -- for a name check	
2 memory.		2 and investigative alert to be cleared?	
3 Q Is there anything you can think of that is		3 A That means you do the background check,	
4 out there that might refresh your recollection		4 check the name to see if he had any warrants, and	
5 about the arrest of Allen Jackson on January 16,		5 also an investigative alert could be whether or	
6 2006?		6 not he is wanted for some type of questioning in	
7 A As I sit here today, possibly; but looking		7 regards to another case.	
8 at these reports, no, it does not.		8 Q Do you see on the next page, Al Jones is	
9 Q What else do you think might help refresh		9 listed as the attesting officer?	
10 your recollection about Allen Jackson's		10 A Yes, I do.	
11 January 2006, arrest?		11 Q What is the attesting officer?	
12 A At this present moment, I don't know.		12 A That means that he was the first arresting	
13 Q Yeah. I'm just --		13 officer or the officer that signed the complaints	
14 A There might be some other reports out		14 for this particular arrest.	
15 there that might refresh my memory; but based off		15 Q What's the role of the attesting officer?	
16 of these reports, it does not refresh my memory.		16 A First arresting officer.	
17 Q Are the vice case reports supposed to be		17 Q And what is the officer attesting to?	
18 the most comprehensive types of reports about		18 A That the information in the report is	
19 narcotics arrests?		19 factual.	
20 MR. MICHALIK: Objection; foundation,		20 Q Does that mean that they had to witness	
21 form.		21 the information?	
22 A To the best of my memory, yes.		22 A Again, like I said, the roles would vary	
23 (Smith Deposition Exhibit 4 marked for		23 from time to time; but if he's attesting to this	
24 identification and attached to the transcript.)		24 information, he's making the observation or	

## Transcript of Elsworth Smith, Jr.

47 (185 to 188)

Conducted on February 17, 2020

	185		187
1 <b>recovery or he witnessed something involving the</b>		1 Q Do you remember people being out on the	
2 <b>incident which led to the arrest.</b>		2 street drinking, smoking cigars?	
3 Q Did you ever see any members of the Watts		3 A <b>Sitting here today, I don't recall that.</b>	
4 team steal money from civilians?		4 Q If you look at Exhibit 4, the one right in	
5 A <b>No, I did not.</b>		5 front of you, do you see a picture in the top	
6 Q Were you at work, if you remember, the day		6 right-hand corner?	
7 that Big Shorty was killed?		7 A <b>Yes.</b>	
8 A <b>To the best of my memory, I believe I was.</b>		8 Q Do you recognize the person in that	
9 Q Tell me what you remember about the day		9 picture?	
10 when Big Shorty was killed?		10 A <b>That's Allen Jackson, aka Allen J.</b>	
11 A <b>From what I recall, that I was just</b>		11 Q Does he look similar -- well, no. Never	
12 starting work, and I don't remember the exact time		12 mind.	
13 this was, but I believe I was there early. And I		13 Can you describe what you looked at --	
14 heard -- I believe that that particular day, I		14 what you looked like when you were a member of the	
15 don't recall who was at work at that time, but the		15 Watts tactical team?	
16 call came out over the radio that a person was		16 A <b>Sitting here today, I was younger, looked</b>	
17 shot, and I forgot the address where this incident		17 pretty much the same as I do now. There might be	
18 occurred at.		18 some differences in my weight. I got a few more	
19 And I don't recall if it was either		19 grays than I had back then, and my hairstyle	
20 Sergeant Watts or I believe at the time the tac		20 varied from time to time.	
21 commander -- or I'm sorry -- the tac lieutenant		21 Q Did you have a mustache back at the time?	
22 may have been Kenneth Mann; and, like I said, I		22 A <b>To the best of my memory, yes.</b>	
23 don't recall specifically. But I was asked by		23 Q And what was your hair -- what different	
24 either one of them to ride with them to respond to		24 types of hairstyles did you have when you were on	
	186		188
1 this call of shots fired.		1 the Watts team?	
2 Q And if when -- at that time when you were		2 A <b>It would vary from time to time, like I</b>	
3 responding, did you know who had been shot?		3 <b>said. I don't recall every particular hairstyle</b>	
4 A <b>From the best of my memory, sitting here</b>		4 <b>that I wore. Sometimes I wear my hair long.</b>	
5 <b>now, no, I do not.</b>		5 <b>Sometimes I would wear it short.</b>	
6 Q And you think it was either Mann or Watts?		6 Q When it was long, was it in braids or	
7 A <b>Like I said, I don't have a clear memory</b>		7 anything like that?	
8 <b>of that incident. It was either one of them.</b>		8 A <b>From the best of my memory, no.</b>	
9 Q Were you driving the car?		9 Q Okay. And you said your weight may have	
10 A <b>Sitting here today, I don't recall.</b>		10 been different.	
11 Q Do you know if you put out on the radio		11 Did you weigh more or less?	
12 that you were going to be responding to the scene?		12 A <b>From the best of my memory, my weight</b>	
13 A <b>Again, like I said, not having a clear</b>		13 <b>fluctuated.</b>	
14 <b>memory of that date, I don't recall.</b>		14 Q What was the range, if you remember, of	
15 Q Did you ever talk to Watts about Big		15 your weight while you were on the Watts team?	
16 Shorty's death?		16 A <b>From the best of my memory, my weight was</b>	
17 A <b>I don't recall.</b>		17 <b>somewhere between 2 -- 215 pounds to 225 pounds.</b>	
18 Q Did you ever hear Watts talk about Big		18 Q About how much do you weigh now?	
19 Shorty's death?		19 A <b>I haven't weighed myself in months. So I</b>	
20 A <b>As I sit here today, to the best of my</b>		20 <b>would say I'm over 200 pounds. I couldn't tell</b>	
21 <b>memory, no.</b>		21 <b>you exactly.</b>	
22 Q Do you remember people having any sort of		22 Q And about how tall are you?	
23 celebration after Big Shorty died?		23 A <b>About 6-foot-1.</b>	
24 A <b>No.</b>		24 Q What beat were you in in January of 2006?	

## Transcript of Elsworth Smith, Jr.

48 (189 to 192)

Conducted on February 17, 2020

	189		191
1	What beat were you assigned to?	1	arrest?
2	<b>A Off the top of my head sitting here today,</b>	2	<b>A Based on my memory, it was either an</b>
3	<b>I couldn't tell you; but looking at this report,</b>	3	<b>approximation of the time or the exact time.</b>
4	<b>it states I was working 264 David.</b>	4	Q How would you go about doing an
5	Q And how many people typically would	5	approximation?
6	ride -- sorry. Let me back up a step.	6	<b>A There again, it was a long time ago, and I</b>
7	264 David, does that indicate, like, a	7	<b>don't have an exact memory. I guess we would</b>
8	particular police car or what does that -- what	8	<b>probably use a clock or something or a watch.</b>
9	does that signify?	9	Q Did you typically try to put the exact
10	<b>A That was your beat designation.</b>	10	time, or did you do approximations for it?
11	Q And would it -- would all the people who	11	<b>A Sitting here today, I have no idea.</b>
12	are designated as 264D have been riding in the	12	Q When you made approximations, were you
13	same car that day?	13	using round numbers? Like, for example, 11 --
14	<b>A It varied from time to time. Sitting here</b>	14	11:00 o'clock as opposed to 11:06?
15	<b>today, regarding this date, I have no idea.</b>	15	<b>A Sitting here today, I couldn't guess how I</b>
16	Q If you look at the last page on here, it	16	<b>may have approximated the time that many years</b>
17	lists Mohammed as being in 264D also.	17	<b>ago.</b>
18	Do you see that?	18	Q Do you remember Lionel White, Jr.?
19	<b>A Page 5, yes.</b>	19	<b>A Sitting here today, to the best of my</b>
20	Q Does that indicate that Mohammed was in	20	<b>memory, not much.</b>
21	the same car as you and Jones that day?	21	Q Do you remember anything about Lionel
22	<b>A Again, like I said, it doesn't necessarily</b>	22	White, Jr.?
23	<b>mean that he was in the same car with us, but it</b>	23	<b>A Without looking at a picture of him, I</b>
24	<b>could mean that he was working with us at some</b>	24	<b>don't know because I believe there was two Lionel</b>
	190		192
1	<b>point in time.</b>	1	<b>whites, a Sr. and a Jr.</b>
2	Q What is it about looking at -- what is it	2	(Smith Deposition Exhibit 5 marked for
3	that would indicate he was working with you at	3	identification and attached to the transcript.)
4	some point in time that day?	4	Q So I'm going -- why don't we mark the next
5	<b>A Like I said, I don't know the specifics on</b>	5	exhibit. I think we're on 5. This goes DO-JOINT
6	<b>this particular date. Just because he's listed as</b>	6	007439 to 7443.
7	<b>264 David, that could have been just for the</b>	7	MR. RAUSCHER: Do you guys have all the
8	<b>attendance purposes which I have not -- did not</b>	8	pages.
9	<b>have any control over. He could have been working</b>	9	MR. MICHALIK: Yeah.
10	<b>with us as a three-man unit. Sometimes he could</b>	10	Q Do you recognize the -- well, do you see
11	<b>have been working with someone else.</b>	11	the picture on the top-right corner?
12	Q When you say a "three-man unit," what does	12	<b>A Yes, I do.</b>
13	it mean to be a three-man unit?	13	Q Do you recognize the person in that
14	<b>A Three officers usually working together</b>	14	picture?
15	<b>maybe in some capacity, whether they were assigned</b>	15	<b>A Vaguely.</b>
16	<b>to the same car or not.</b>	16	Q Do you remember anything about that
17	Q Who made the assignments?	17	person?
18	<b>A From the best of my memory, the sergeant</b>	18	<b>A Not much at this present moment.</b>
19	<b>did.</b>	19	Q Do you remember anything about him?
20	Q Sergeant Watts?	20	<b>A From the best of my memory of him -- like</b>
21	<b>A Yes. Whoever the sergeant was for that</b>	21	<b>I said, I don't have a clear memory of him. I</b>
22	<b>particular team or patrol unit.</b>	22	<b>believe that he was involved in some type of drug</b>
23	Q What was your practice, when you were on	23	<b>activity.</b>
24	the Watts team, for documenting the time of	24	Q Why do you believe he was involved in some

## Transcript of Elsworth Smith, Jr.

49 (193 to 196)

Conducted on February 17, 2020

	193		195
1	kind of drug activity?	1	report as an assisting arresting officer?
2	<b>A From the best of my memory, I recall</b>	2	<b>A Once a person is placed in custody, you</b>
3	either from Sergeant Watts or possibly other	3	can assist them by transporting the arrestee to
4	members of my team that he was involved in some	4	the district for processing. You could also
5	type of drug activity.	5	assist your fellow teammates or other officers
6	Q Buying? Selling?	6	either by watching the prisoner as they prepare
7	<b>A As I sit here today, I don't recall what</b>	7	the reports, helping out by writing the complaint
8	<b>his specific role was.</b>	8	that needs to be -- the complaint form, or do
9	Q Do you remember the person or people who	9	inventories, or by possibly doing searches of the
10	10 told you that he was involved in drugs in some	10	prisoner.
11	11 fashion?	11	Q Was Kallatt Mohammed your partner on the
12	<b>A As I stated before, I don't recall</b>	12	12 day of this arrest?
13	<b>exactly, but it had to be either Sergeant Watts or</b>	13	<b>A That's what's stated on the report, yes.</b>
14	<b>possibly other members of my team.</b>	14	Q Why is he the attesting officer?
15	Q It's not something that you came upon	15	<b>A I saw --</b>
16	16 independently?	16	MR. MICHALIK: Objection; foundation.
17	<b>A From the best of my memory, no.</b>	17	<b>A Referring to page 3, I saw that when I</b>
18	Q Do you see it says Lionel White, Pig, in	18	<b>over-looked the report, but I have no idea sitting</b>
19	19 the top left-hand corner?	19	<b>here today.</b>
20	<b>A Yes, I do?</b>	20	Q I'm sorry. I missed -- I think I missed
21	Q Do you remember anyone known as Pig in	21	some of the words.
22	22 Ida B. Wells?	22	You saw that something the report?
23	<b>A Sitting here today, from the best of my</b>	23	<b>A I saw that in the report on page 3.</b>
24	<b>knowledge, no.</b>	24	Q Okay.
	194		196
1	Q Do you remember being involved in the	1	<b>A But sitting here today, I cannot give you</b>
2	arrest of Lionel White, Jr., on July 23rd, 2006?	2	<b>an answer for that.</b>
3	<b>A As I'm sitting here today, I don't recall</b>	3	Q Is the assist -- is it consistent with
4	<b>this arrest.</b>	4	your training to have the attesting officer not be
5	Q Did you look at this arrest report to	5	one of the first or second arresting officers?
6	6 prepare for your deposition today?	6	<b>A No, not based on my memory in the academy.</b>
7	<b>A I do believe I did.</b>	7	<b>Maybe -- if he was the attesting officer, he</b>
8	Q And did looking at it then or looking at	8	<b>probably wrote this report, but I have no</b>
9	9 it now refresh your recollection at all about the	9	<b>indication.</b>
10	10 arrest?	10	Q Why do you think that if he was the
11	<b>A No, it does not.</b>	11	attesting officer, he probably wrote this report?
12	Q Do you see, if you look at the last page,	12	<b>A Because the attesting officer, from the</b>
13	13 you're listed as an assisting arresting officer?	13	<b>best of my memory of how these arrest reports were</b>
14	<b>A That's correct.</b>	14	<b>prepared, was the one who completed the report.</b>
15	Q What does it mean to be an assisting	15	Q Why is it that the attesting officer was
16	16 arresting officer?	16	the one who completed the report?
17	<b>A That I assisted in this arrest in some</b>	17	<b>A Again, like I said, I don't remember</b>
18	<b>type of fashion.</b>	18	<b>because I'm not listed as the first or second</b>
19	Q Do you know how you assisted in the	19	<b>arresting officer, only an assisting officer; and</b>
20	20 arrest?	20	<b>as I stated before, I don't have a memory of this</b>
21	<b>A Looking at this report and from the best</b>	21	<b>particular arrest, and I have no idea.</b>
22	<b>of my memory, I don't recall.</b>	22	Q Generally, why is it that the attesting
23	Q What are the different ways that people	23	officer is the one who is supposed to create the
24	24 can assist an arrest that would get them on a	24	report?

## Transcript of Elsworth Smith, Jr.

50 (197 to 200)

Conducted on February 17, 2020

	197		199
1	MR. MICHALIK: Object to the form.	1	<b>only assume, but I do not know.</b>
2	<b>A As I stated before, I don't think I stated</b>	2	<b>BY MR. RAUSCHER:</b>
3	<b>specifically that the attesting officer would be</b>	3	Q Why would Jones or Bolton need help
4	<b>the one to create the report. Maybe Mohammed was</b>	4	writing an arrest report?
5	<b>assisting in preparing this report for Alvin Jones</b>	5	MR. MICHALIK: Objection; form,
6	<b>and Brian Bolton, who are listed as the first</b>	6	foundation.
7	<b>arresting -- first and second arresting officers.</b>	7	<b>A Like I said, I do not speak for Officer</b>
8	<b>BY MR. RAUSCHER:</b>	8	<b>Jones or Bolton, so I have no idea, not having a</b>
9	Q Is it fair to say you don't really have	9	<b>memory of what happened on this particular arrest.</b>
10	any idea why Mohammed is listed as the attesting	10	Q Do you see the narrative, it says, "This
11	officer?	11	is an arrest by tact units 246B, C, and D"?
12	<b>A As I'm sitting here today, I do not know.</b>	12	<b>A Yes, I do.</b>
13	Q Is it unusual that he was your partner	13	Q Does that mean that you witnessed the
14	that day, he's the attesting officer, and you're	14	arrest and didn't just assist in some other way?
15	not the first or second arresting officer?	15	MR. MICHALIK: Object to form and
16	MR. MICHALIK: Object to the form.	16	foundation.
17	<b>A As I stated before, I do not have a</b>	17	<b>According to this report, it doesn't</b>
18	<b>mem- -- I do not have any memory of this arrest,</b>	18	<b>specify what our roles was.</b>
19	<b>and I do not recall, so I cannot answer that</b>	19	Q Should the report have specified what
20	<b>question.</b>	20	20 people's roles were?
21	Q So you can't answer whether generally you	21	MR. MICHALIK: Form; foundation.
22	think it's unusual to have the attesting officer's	22	<b>A Again, you would have to talk to Officer</b>
23	partner not be listed as the first or second	23	<b>Jones or Bolton.</b>
24	arresting officer?	24	Q Well, in your opinion as an experienced
	198		200
1	MR. MICHALIK: Object to form.	1	police officer, should this report have indicated
2	<b>A Generally, it's not -- I wouldn't say it's</b>	2	what different people's roles were?
3	<b>unusual. I mean, it could be looked at as being</b>	3	MR. MICHALIK: Object to form.
4	<b>unusual; but like I said, maybe Mohammed was</b>	4	<b>A Again, like I said, if I authored it,</b>
5	<b>assisting Jones and Bolton in writing this report.</b>	5	<b>maybe I probably would have; but, again, that does</b>
6	<b>That doesn't mean that he -- just because you are</b>	6	<b>not mean that there was anything false or anything</b>
7	<b>the attesting officer doesn't mean that you made</b>	7	<b>unusual with this report. Again, like I said, I</b>
8	<b>the observations or the recovery which was made in</b>	8	<b>did not author the report. You have to ask</b>
9	<b>this arrest.</b>	9	<b>Officer Jones or Bolton.</b>
10	<b>He was probably helping them out writing</b>	10	<b>BY MR. RAUSCHER:</b>
11	<b>this report; but then again, I don't have any</b>	11	Q Why would you have included more
12	<b>memory of what happened that day. You would have</b>	12	information in the report if you would have been
13	<b>to either ask Officer Bolton or Officer Jones.</b>	13	the author?
14	<b>BY MR. RAUSCHER:</b>	14	<b>A I'm certain at some point in time that all</b>
15	Q Do you see that the attesting officer	15	<b>15 of us probably made unintentional mistakes on the</b>
16	declares under penalty of perjury that the facts	16	<b>16 reports, like I said, but I cannot answer for</b>
17	stated in the report are accurate to the best of	17	<b>17 someone else. I can't explain why someone else</b>
18	their knowledge, information, and/or belief?	18	<b>18 wrote a report differently than what I may have</b>
19	<b>A Yes, I do.</b>	19	<b>19 wrote -- written a report.</b>
20	Q How would the attesting officer make that	20	Q Did your team ever talk about how to write
21	statement under oath if they didn't know that the	21	21 reports or about what information should be in the
22	facts were true?	22	22 reports?
23	MR. MICHALIK: Object to form.	23	<b>A As I sit here today, I don't recall that.</b>
24	<b>A Maybe talked to Jones and Bolton. I can</b>	24	Q Do you ever recall reviewing someone

## Transcript of Elsworth Smith, Jr.

51 (201 to 204)

Conducted on February 17, 2020

	201		203
1	else's report that they wrote?	1	When you create reports with multiple
2	<b>A As I sit here today, I don't have a</b>	2	assisting arresting officers, was there any -- did
3	<b>memory; but I'm certain I probably have.</b>	3	the order in which they were listed signify
4	Q Do you ever remember looking at a report	4	anything?
5	that you reviewed while you were on the tac team	5	<b>A To the best of my knowledge, no.</b>
6	and saying, This doesn't have all the information	6	Q I mentioned earlier we're going to cover
7	that I think should be in there?	7	Lionel White, Sr.'s case the next time we talk;
8	<b>A As I sit here today, I don't recall.</b>	8	but when you -- when Lionel White, Jr., was
9	Q You kept saying that I'd have to ask Jones	9	arrested, did you know one way or the other
10	10 or Bolton questions about this report.	10	whether Lionel White, Sr., had filed any sort of
11	11 Why not Mohammed?	11	complaints against Watts or anyone on the team?
12	<b>A Well, as far as I know, I'm aware that</b>	12	<b>A As I sit here today, from best of my</b>
13	<b>officer Mohammed -- I'm sorry -- not Officer</b>	13	<b>memory, no, I do not.</b>
14	<b>Mohammed but Kallatt Mohammed has not agreed to</b>	14	Q You don't know one way or the other, or
15	<b>testify in this proceeding. So that's why. Jones</b>	15	you didn't know?
16	<b>and Bolton are still on the Chicago Police</b>	16	<b>A As I stated, I do not -- from the best of</b>
17	<b>Department.</b>	17	<b>my memory, I do not know. I do not know.</b>
18	Q I see. You're saying that because	18	Q You don't know one way or the other
19	Mohammed is taking the Fifth, you assume I can't	19	whether at the time you knew that Lionel White,
20	get information from him about this?	20	Sr., had filed a complaint?
21	<b>A I don't know. I'm not -- if he pled -- if</b>	21	<b>A As I sit here today, I do not recall.</b>
22	<b>he's pleading the Fifth, then I'm assuming that</b>	22	Q Okay. Do you remember Anthony McDaniels?
23	<b>he's not agreeing to cooperate.</b>	23	<b>A As I sit here today, I don't recall.</b>
24	Q You're saying -- I'm sorry -- let me --	24	Q Did you see a picture of Anthony McDaniels
	202		204
1	are you saying you know he's taking the Fifth or	1	preparing for your deposition today?
2	you don't know?	2	<b>A I'm not certain.</b>
3	<b>A I was -- from what I was told that he -- I</b>	3	(Smith Deposition Exhibit 6 marked for
4	<b>have heard that he was pleading the Fifth.</b>	4	identification and attached to the transcript.)
5	Q And did that information come from your	5	Q All right. We're going to mark Exhibit 6,
6	lawyers or somebody else?	6	DO-JOINT 005727 to 5731.
7	MR. MICHALIK: Objection.	7	Have you had a chance to look this report
8	Q I'm not trying to ask -- I'm actually not	8	over?
9	trying to get your conversation with your lawyers.	9	<b>A Yes. When you initially asked me did I</b>
10	I just didn't have a better way to ask that.	10	<b>have a chance to look at this report prior to</b>
11	Have you talked about Mohammed pleading	11	<b>coming here today, I did. I just didn't recall at</b>
12	the Fifth or cooperating with anyone other than	12	<b>the present moment.</b>
13	your lawyers?	13	Q I might have even just asked you if you
14	<b>A No, I have not.</b>	14	looked at his picture.
15	Q Okay. Did you have any certain pattern or	15	<b>A Okay.</b>
16	order of how -- the way you'd list people as	16	Q I guess the picture is on the report.
17	assisting officers?	17	<b>A Yes.</b>
18	<b>A As I sit here today, to the best of my</b>	18	Q Do you recognize the person pictured in
19	<b>memory, I do not. Again, based -- it would be</b>	19	the top-right corner of the first page?
20	<b>based on the circumstances that led to the</b>	20	<b>A As I'm sitting here today, no, I do not.</b>
21	<b>incident.</b>	21	Q Do you -- does looking at this report
22	Q And maybe I can try to clarify that	22	refresh your recollection about Anthony McDaniels'
23	question. I meant -- so this one has four	23	November 21st, 2008, arrest?
24	assisting arresting officers.	24	<b>A As of today, no?</b>

## Transcript of Elsworth Smith, Jr.

52 (205 to 208)

Conducted on February 17, 2020

	205		207
1	Q And does it refresh your recollection	1	Q And do you see in the report that it says,
2	about whether you knew Anthony McDaniels?	2	"Beat 274A located said vehicle at 5720 South King
3	<b>A As of today right now, no.</b>	3	Drive in the west alley unoccupied. Beat 264A
4	Q Are there any other documents that you can	4	relocated the vehicle to the 002 District." It's
5	think of that might refresh your recollection?	5	way at the end.
6	<b>A At the present moment, no.</b>	6	<b>A Yes, I see that in the report.</b>
7	Q You see it talks about the recovery of a	7	Q Do you know how the vehicle was relocated?
8	blue steel Glock, orange barrel?	8	<b>A As I sit here today, I do not recall this</b>
9	<b>A Yes.</b>	9	<b>arrest or anything in particular --</b>
10	Q Is blue steel a common finish on guns that	10	Q So you don't know -- sorry.
11	you've recovered or that were recovered while you	11	<b>A -- with this incident.</b>
12	were a tac team member?	12	Q You don't know whether you were the person
13	<b>A From the best of my knowledge, that's the</b>	13	13 or one of the people who relocated the vehicle?
14	<b>way we were told -- instructed or taught to report</b>	14	<b>A As I'm sitting here today, I have no</b>
15	<b>the description of the weapon at the police</b>	15	<b>memory.</b>
16	<b>academy, distinguish between blue steel or chrome</b>	16	Q Do you know whether the vehicle was towed
17	<b>finish.</b>	17	17 from 57 South 20 or moved in some other way?
18	Q So there were two different types of	18	<b>A As I stated before, I do not have a memory</b>
19	finishes.	19	<b>of this incident.</b>
20	Q You could write blue steel or chrome?	20	Q Do you recall ever driving a civilian's
21	<b>A Yes. It depends on the finish of the</b>	21	car while you were a police officer?
22	<b>weapon.</b>	22	<b>A As I'm sitting here today, I don't</b>
23	Q You see the top of the narrative says, "In	23	<b>remember the exact date and times, but I'm certain</b>
24	summary R/Os were on a narcotics surveillance in	24	<b>I may have.</b>
	206		208
1	the vicinity of 5600 South Prairie."	1	Q And what were the circumstances in which
2	<b>A Yes, I do.</b>	2	you would be driving a civilian's car?
3	Q And where is -- well, is 5600 South	3	<b>A I'll give you an example. If I'm doing</b>
4	Prairie in the same area as Ida B. Wells?	4	<b>the traffic stop, and that particular person is</b>
5	<b>A No, it is not.</b>	5	<b>driving on a revoked or suspended license and does</b>
6	Q How far away is it from Ida B. Wells?	6	<b>not have any insurance, we're going to tow it in</b>
7	<b>A I cannot tell you exactly.</b>	7	<b>to impound their vehicle.</b>
8	Q Were you still on the Watts tac team in	8	Q You tow -- I'm sorry. Go ahead.
9	November 2008?	9	<b>A You're going to tow and impound the</b>
10	<b>A As of this report -- according to this</b>	10	<b>vehicle; and at that point in time, the subject or</b>
11	<b>report, yes. I was listed as an assisting</b>	11	<b>the driver of that vehicle is unable to drive. So</b>
12	<b>officer. So yes, I would assume that I was still</b>	12	<b>you're going to drive the vehicle in.</b>
13	<b>a part of the team.</b>	13	Q And then -- so you drive it in somewhere,
14	Q And we may have covered this. I don't	14	14 and then it's towed?
15	know that we got on an exact answer.	15	<b>A You're going to drive it into the district</b>
16	But do you remember when you left the	16	<b>where you're assigned to.</b>
17	team?	17	Q And then is it towed from there?
18	<b>A I don't remember the exact date that I</b>	18	<b>A Yes, it is.</b>
19	<b>left his team.</b>	19	Q All right. And then do you ever recall
20	Q Do you remember the year?	20	20 moving someone's car after they were arrested for
21	<b>A I don't recall.</b>	21	21 something other than having, like, a suspended
22	Q Do you see -- it looks like you were on	22	22 license or no insurance?
23	beat 246A that day?	23	<b>A I'm certain. I can't think of anything</b>
24	<b>A That's what it states in this report.</b>	24	<b>off the top of my head; but like I said, not</b>

## Transcript of Elsworth Smith, Jr.

53 (209 to 212)

Conducted on February 17, 2020

<p>209</p> <p>1 <b>having a memory of this arrest or this incident, I</b>    2 <b>can't state -- say at this particular time.</b></p> <p>3 Q And why are you certain that there are    4 other types of reasons why you would have moved    5 someone's car in your career?</p> <p>6 <b>A As I stated, there are probably several</b>    7 <b>reasons. I can't think of any other reasons at</b>    8 <b>this particular time that I can think of, but</b>    9 <b>there are particular moments where you can tow the</b>    10 <b>person's car.</b></p> <p>11 Q Do you remember ever towing a car -- I'm    12 sorry -- not towing a car. So I'm not talking    13 having a tow truck come to do it. I'm talking    14 about you doing it.</p> <p>15 Is that what you're saying?</p> <p>16 <b>A Well, repeat your questions. I'm not</b>    17 <b>exactly certain what you were trying to state.</b></p> <p>18 Q I think you said that one reason that you    19 would have been driving -- you personally would    20 have driven a civilian's car was if you arrested    21 them for driving without -- with a suspended    22 license or not having insurance?</p> <p>23 <b>A I was giving you an example.</b></p> <p>24 Q Right. You're saying in that situation,</p>	<p>211</p> <p>1 Q That's the first half of it. I'm going to    2 try to do -- all right.</p> <p>3 In the situation you described where you    4 would have moved someone's car, did that incident    5 start with you observing that person inside of    6 their car?</p> <p>7 <b>A I think I stated, when I gave an example,</b>    8 <b>if someone was driving on a suspended or revoked</b>    9 <b>license.</b></p> <p>10 Q Right. I guess I'm trying to contrast    11 that situation where you have observed someone    12 driving their car to see if there were any    13 situations where you remember where you moved a    14 civilian's car where the incident from your point    15 of view started with the car being unoccupied    16 completely?</p> <p>17 <b>A As I'm sitting here today, I don't recall.</b></p> <p>18 Q You don't recall doing that?</p> <p>19 <b>A Sitting here today, I do not recall doing</b>    20 <b>that.</b></p> <p>21 Q Were you involved in proceedings relating    22 to Mr. McDaniels' arrest at all after    23 November 21st, 2008?</p> <p>24 <b>A From the best of my memory, no.</b></p>
<p>210</p> <p>1 you personally would get in their car, you'd drive    2 it to the station, and then it would be towed from    3 the station?</p> <p>4 <b>A Yes. And it's not uncommon from my</b>    5 <b>experience as a law enforcement officer.</b></p> <p>6 Q And what I want to know is are there any    7 other situations other than that one that you can    8 think of when you, as an officer, would have been    9 driving a civilian's car?</p> <p>10 <b>A As I stated before, I can't think of any</b>    11 <b>right now, but it's not uncommon to drive</b>    12 <b>someone's car in to tow the vehicle.</b></p> <p>13 Q Drive it in so that it can be towed?</p> <p>14 <b>A Yes.</b></p> <p>15 Q Do you remember ever driving in someone's    16 car so that it can be towed when the car was    17 unoccupied when you went there?</p> <p>18 <b>A I don't understand your question.</b></p> <p>19 Q So the example that you gave, I think, is    20 you pulled someone over, and you find out they    21 don't have insurance and a license; right? So    22 when you saw them at first, they were in the car;    23 correct? Is that right?</p> <p>24 <b>A I don't understand your question.</b></p>	<p>212</p> <p>1 Q Do you remember Frank Saunders?</p> <p>2 <b>A As I'm sitting here today, no, I do not.</b></p> <p>3 Q Do you remember Catrina Bonner?</p> <p>4 <b>A As I'm sitting here today, no, I do not.</b></p> <p>5 (Smith Deposition Exhibit 7 marked for    6 identification and attached to the transcript.)</p> <p>7 Q We're going to mark Exhibit 7, DO-JOINT    8 006076 through 6080.</p> <p>9 Do you see the picture up in the top    10 right-hand corner of this report?</p> <p>11 <b>A Yes, I do.</b></p> <p>12 Q Do you recognize the person in that    13 picture?</p> <p>14 <b>A As of today, no.</b></p> <p>15 Q This is a report of an arrest from    16 March 28th, 2007.</p> <p>17 Do you see that?</p> <p>18 <b>A Yes, I do.</b></p> <p>19 Q Do you have any memory of being involved    20 in this arrest at all?</p> <p>21 <b>A No, I do not. As of today, I do not have</b>    22 <b>a memory of this arrest.</b></p> <p>23 Q You don't have any way to determine what    24 role, if any, you had in the arrest?</p>

## Transcript of Elsworth Smith, Jr.

54 (213 to 216)

Conducted on February 17, 2020

	213	215
1    A As of today, from my memory, I do not 2 other than looking at the report, which states 3 that I'm an assisting officer.		1 just because you work with someone don't mean that 2 you get along with them.
4    Q And that can mean many things, including 5 that you didn't see it at all?		3    Q That's just a general observation about 4 your experience as a police officer, not anything 5 specific about the Watts team?
6    A It can mean many things. Like I said, I 7 do not recall.		6    A That's just my experience, not anyone 7 else's.
8       (Smith Deposition Exhibit 8 marked for 9 identification and attached to the transcript.)		8    Q Do you remember you having any tension 9 with any members of the Watts team?
10    Q All right. We're going to mark the vice 11 case report as Exhibit 8, and that's PL JOINT 12 026998 to PL JOINT 026999.		10    A I'm sure I have. I can't recall anything 11 that in particular stands out in my mind.
13    Do you know why your name is not listed on 14 this report at all?		12    Q Do you recall any people who you had 13 tension with on the Watts team?
15    A No, I do not.		14    A Yeah, I could recall a few people.
16    Q If you had seen any part of the arrest or 17 the incident described in the narrative, should 18 your name have been listed in the report?		15    Q Tell me which people you recall having 16 tension with on the Watts team.
19    MR. MICHALIK: Object to form.		17    A Probably everyone on the team.
20    A If I'm listed as an assisting officer -- 21 as I stated before, and I did not write this 22 report -- does not mean that I witnessed the exact 23 events as it occurred. It might mean that I 24 witnessed at some point in time something		18    Q But do you remember any reasons for the 19 tension?
214		20    A No, I don't. Sitting here today, I don't 21 recall any particular incidents or moments that 22 occurred.
1 involving the nature of this arrest.		23    Q Did you have more tension with members of 24 the Watts team than you did with other coworkers
2       But there again, I did not author this 3 report, I do not recall this incident, and I 4 cannot speak for Kallatt Mohammed or Officer 5 Lewis.		216
6       MR. STEFANICH: Let's take a break.		1 over the years on the police force?
7       MR. RAUSCHER: Yeah, of course.		2    A I wouldn't say any more or less.
8       THE VIDEOGRAPHER: Off the record, 2:52.		3    Q Have you always had tension with 4 colleagues on the CPD?
9       (A recess was taken from 2:52 p.m. to 10 2:58 p.m.)		5    A I'm not going to say how many incidents 6 I've had occur. Yes, I've had moments of tension 7 with other police officers.
11       THE VIDEOGRAPHER: Back on the record 12 2:58.		8    Q Do you remember Shaun James or Taurus 9 Smith?
13 BY MR. RAUSCHER:		10    A Yes, I do.
14    Q When you were on the Watts team, were 15 there any members of the team that did not get 16 along with each other?		11    Q And what do you remember about Shaun James 12 and Taurus Smith?
17    A To the best of my memory, not that I 18 recall.		13    A From what I remember of them, they were 14 drug dealers.
19    Q Do you recall any tension between team 20 members while you were on the Watts team?		15    Q Do you remember anything specific about 16 them?
21    A As I sit here today, I don't recall, but 22 there might have been.		17    A Sitting here today, nothing in particular.
23    Q Why do you think there might have been?		18    Q Can you describe either of them?
24    A Just my experience as a police officer,		19    A It's been many years ago, vaguely. Shaun 20 James, I think, his nickname was Smoke. I think 21 he's about 5-foot-7, 5-foot-9, African-American, I 22 think medium complexion. I think he wore his hair 23 like in a box style fade or hairdo. I don't think 24 he weighed no more than 150 pounds.

## Transcript of Elsworth Smith, Jr.

55 (217 to 220)

Conducted on February 17, 2020

	217		219
1	Q	What about Taurus Smith?	1 the 2nd District for April 3rd, 2004?
2	A	<b>Taurus Smith at that time -- I'm sure his appearance might have changed. I think he was much younger. I think he was in his teens or possibly early 20s, African-American male. From what I remember him at that time, he was light complected, wore his hair in some type of braids. I don't think he was -- I think he was between the height of 5-foot-5 and 5-foot-7, weighing no more than 170 pounds.</b>	2 <b>A No. As I stated before, in April 2004, I did not know Sergeant Watts or any members of the 264 team.</b>
3	Q	Do you remember arresting either of them?	3 Q So your knowledge of Taurus Smith and
4	A	<b>Sitting here as -- at this moment, I don't know, possibly.</b>	4 Shaun James came sometime after April of 2004?
5	Q	Do you remember ever seeing either Shaun	5 <b>A From the best of my memory, it would have</b>
6		James or Taurus Smith engage in any drug-related	6 <b>to be.</b>
7		16 activity?	7 Q Did you know any people involved in the
8	A	<b>As I'm sitting today, I don't recall any specific moments, but I'm certain possibly I may have.</b>	8 drug trade in Ida B. Wells before you worked in
9	Q	What does it mean to say "I'm certain	9 Ida B. Wells?
10		possibly I may have"?	10 <b>A No, sir.</b>
11	A	<b>It's possible that I may have.</b>	11 Q Do you know who Christopher Scott is?
12	Q	You might or might not have?	12 <b>A As I'm sitting here today, to the best of</b>
13	A	<b>I don't recall at this particular moment.</b>	13 <b>my memory, I do not.</b>
			14 (Smith Deposition Exhibit 10 marked for
			15 identification and attached to the transcript.)
			16 Q All right. We're going to mark Exhibit
			17 10, CITY-BG-032187 through 032191.
			18 Have you had a chance to look at this
			19 report?
			20 <b>A Yes, I did.</b>
			21 Q Have you seen this report before today?
			22 <b>A I think I -- I believe I did.</b>
	218		220
1	Q	What's the basis for your belief that	1 Q And did looking at this report refresh
2		Shaun James and Taurus Smith were involved in the	2 your recollection about the arrest of Christopher
3		drug trade?	3 Scott on April 4th, 2006?
4	A	<b>From the best of my memory, I recall them being -- I had a prior knowledge or from members of my team that they sold drugs.</b>	4 <b>A No, it does not.</b>
5	Q	Do you remember any conversations you had	5 <b>But prior to looking at this report, when</b>
6		with any particular team members about them	6 <b>you asked me did I remember Christopher Scott,</b>
7		9 selling drugs?	7 <b>without looking at his photo, I was unaware of</b>
8	A	<b>Nothing in particular stands out in my mind at this moment.</b>	8 <b>him. But I am aware who he is now; and looking at</b>
9			9 <b>his name and his street name, Greedy, I am aware</b>
10			10 <b>of who he is.</b>
11			11 Q All right. And did looking at his photo
12			12 on City-BG-032187 refresh your recollection?
13			13 <b>A It does not refresh my recollection of the</b>
14			14 <b>arrest.</b>
15			15 Q It does not, you said?
16	A	<b>No, it does not.</b>	16 <b>A No, it does not.</b>
17	Q	Did it refresh your recollection about	17 Q Did it refresh your recollection about
18		18 just knowing who he was generally?	19 he was.
19			20 Q And in what way did it refresh your
20	A	<b>No, I was not. I was assigned to the 3rd District.</b>	21 recollection about Mr. Scott?
21	Q	And I think we've already covered this, at	22 <b>A Mr. Scott, as I recall, like I said, his</b>
22		least generally; but is there any way you were	23 <b>street name was Greedy. He was a drug dealer in</b>
23		detailed or assigned to or even temporarily put in	

## Transcript of Elsworth Smith, Jr.

56 (221 to 224)

Conducted on February 17, 2020

	221	
<p>1 <b>Ida B. Wells.</b></p> <p>2 Q How do you know he was a drug dealer in</p> <p>3 Ida B. Wells?</p> <p>4 <b>A From either prior experience with him or</b></p> <p>5 <b>from other members of my team.</b></p> <p>6 Q Do you remember having any experience with</p> <p>7 him personally?</p> <p>8 <b>A Personally, no.</b></p> <p>9 Q And do you remember anyone on your team</p> <p>10 telling you Mr. Scott was a drug dealer?</p> <p>11 <b>A As I stated before, yes, either from</b></p> <p>12 <b>personal experience or from other members,</b></p> <p>13 <b>possibly, on my team.</b></p> <p>14 Q But you already said you didn't have</p> <p>15 personal experience; right?</p> <p>16 <b>A Personal meaning in what regards?</b></p> <p>17 Q Well, what do you mean when you say</p> <p>18 personal experience -- from personal experience</p> <p>19 you knew he was a drug dealer?</p> <p>20 <b>A My personal experience is -- that would be</b></p> <p>21 <b>the only personal experience I would have with him</b></p> <p>22 <b>in coming in contact with him as a police officer.</b></p> <p>23 <b>I wouldn't have any other personal experience with</b></p> <p>24 <b>him. If you mean was I a personal friend with him</b></p>	223	<p>1 A As I'm sitting here today, I don't recall</p> <p>2 specifically; but, like I said, I do recall from</p> <p>3 prior experience working on -- also possibly from</p> <p>4 other members of my team, that Mr. Scott sold</p> <p>5 drugs in the Ida B. Wells.</p> <p>6 Q All right. Is it fair to say that your</p> <p>7 answer is you either -- you knew he was a drug</p> <p>8 dealer either because you saw him selling drugs or</p> <p>9 because someone on your team told you he was a</p> <p>10 drug dealer, but you don't remember which of those</p> <p>11 two, as you sit here today?</p> <p>12 <b>A As I'm sitting here today, I don't recall</b></p> <p>13 <b>specifically. It was either through my personal</b></p> <p>14 <b>experience or from what someone else on my team</b></p> <p>15 <b>told me.</b></p> <p>16 Q And when you say it was either through my</p> <p>17 personal experience --</p> <p>18 <b>A I don't recall one way or the other.</b></p> <p>19 Q What does it mean to say it was through</p> <p>20 your personal experience? What would that mean?</p> <p>21 <b>A Well, just looking at this report, that</b></p> <p>22 <b>would describe the personal experience that I had</b></p> <p>23 <b>with Mr. Scott. Although, I don't recall this</b></p> <p>24 <b>incident from this arrest.</b></p>
	222	
<p>1 <b>or associated with him in any type of way, no.</b></p> <p>2 Q What I mean is you said you either -- you</p> <p>3 knew he was a drug dealer either from personal</p> <p>4 experience or from other members of your team</p> <p>5 telling you he was a drug dealer; right?</p> <p>6 <b>A Yes.</b></p> <p>7 Q And then I asked if you had any personal</p> <p>8 interactions with him, and you said no.</p> <p>9 <b>A Well, I misunderstood your question then.</b></p> <p>10 Q Okay. Have you had any personal</p> <p>11 interactions with Christopher Scott?</p> <p>12 <b>A Other than as a police officer pertaining</b></p> <p>13 <b>to my prior experience with him or possibly other</b></p> <p>14 <b>members of my team, no.</b></p> <p>15 Q What does that mean?</p> <p>16 <b>A Other than my personal experience with him</b></p> <p>17 <b>as a police officer or from other members of my</b></p> <p>18 <b>team, I did not have a personal relationship with</b></p> <p>19 <b>him other than as a police officer.</b></p> <p>20 Q Maybe I can try to clarify. I'm not --</p> <p>21 when I said "personal experience," I did not mean</p> <p>22 were you friends with him outside of work. I</p> <p>23 meant did you ever have any interactions with him</p> <p>24 that you remember as a police officer.</p>	224	<p>1 Q So an example of a personal experience</p> <p>2 would be seeing him involved in a drug</p> <p>3 transaction.</p> <p>4 <b>A And as I sit here today, I do not recall</b></p> <p>5 <b>seeing him.</b></p> <p>6 Q Do you recall how you got the information</p> <p>7 that made you comfortable to be the attesting</p> <p>8 officer relating to Mr. Scott's arrest?</p> <p>9 <b>A Like I said, I do not recall the specifics</b></p> <p>10 <b>of this arrest.</b></p> <p>11 Q Do you know why Jones is the first</p> <p>12 arresting officer and the victim and you are the</p> <p>13 attesting officer?</p> <p>14 <b>A Like I said, going back over this report,</b></p> <p>15 <b>I do not know, although Officer Jones is listed as</b></p> <p>16 <b>the first arresting officer. I have no memory of</b></p> <p>17 <b>this incident, and I don't know why I am listed as</b></p> <p>18 <b>the attesting officer. Maybe I was assisting him</b></p> <p>19 <b>writing this report.</b></p> <p>20 Q Do you know why he would have needed your</p> <p>21 assistance writing a report?</p> <p>22 <b>A We were partners at some point in time.</b></p> <p>23 <b>So I'm just assuming. I do not have a memory.</b></p> <p>24 Q Did the same person who created the vice</p>

## Transcript of Elsworth Smith, Jr.

57 (225 to 228)

Conducted on February 17, 2020

	225		227
1	case report typically write the arrest reports?	1	<b>A No. My only speculation would probably be</b>
2	MR. MICHALIK: Object to form.	2	<b>from monetary gain.</b>
3	<b>A As I'm sitting here today, I don't recall</b>	3	<b>BY MR. RAUSCHER:</b>
4	<b>from this particular arrest, but it would not be</b>	4	Q You think that the state's attorney's
5	<b>uncommon.</b>	5	office dismissed a bunch of charges and the courts
6	<b>BY MR. RAUSCHER:</b>	6	have vacated convictions for someone's monetary
7	Q Would it be typically how it's done, the	7	gain?
8	person who writes the vice case report also writes	8	<b>A Based on some of the allegations or</b>
9	the arrest report?	9	<b>affidavits that I read and the accusations against</b>
10	MR. MICHALIK: Object to form.	10	<b>10 us, yes, because I know most of these accusations</b>
11	Q While you were on the Watts tac team.	11	<b>11 are false.</b>
12	<b>A As I'm sitting here today, I don't recall,</b>	12	Q You would think -- you would think that
13	<b>sir. As I said, it would not be uncommon if your</b>	13	the plaintiffs were seeking monetary gain.
14	<b>partner and yourself were writing a report.</b>	14	<b>A Yes.</b>
15	Q You said you remember the nickname Greedy?	15	Q Do you have any -- any basis or any
16	<b>A Yes.</b>	16	explanation for why they were able to get all
17	Q What do you remember about the nickname	17	their convictions vacated?
18	Greedy?	18	MR. STEFANICH: Objection; form.
19	<b>A I remember hearing that name from other</b>	19	You can answer.
20	<b>members, possibly, on the 264 team that he was a</b>	20	<b>A I have no clue. You would have to ask the</b>
21	<b>drug dealer in the Ida B. Wells.</b>	21	<b>state's attorney's office.</b>
22	Q He was arrested at 575 East Browning	22	Q How were you able to get up to the third
23	Avenue?	23	floor without being noticed?
24	<b>A That's what's stated in this report.</b>	24	<b>A As I said, I don't recall this particular</b>
	226		228
1	Q What type of building was that?	1	<b>1 arrest; but there were ways that we could do that.</b>
2	<b>A It was a CHA building.</b>	2	<b>2 It's not impossible for us to have done that.</b>
3	Q Was it another one of the mid-rise ones?	3	Q What are the ways for how you could get up
4	<b>A Yes, to the best of my memory.</b>	4	to the third floor without being noticed?
5	Q Those are the bigger buildings in Ida B.	5	<b>A I said I don't recall each particular</b>
6	Wells?	6	<b>6 time. We would sneak into the building.</b>
7	<b>A Yes, sir, from my knowledge -- from my</b>	7	Q How would you sneak into the building?
8	<b>memory, yes.</b>	8	<b>A As I'm sitting here today, I don't recall</b>
9	Q Is this report saying that you got up to	9	<b>9 each -- each incident that occurred, but there</b>
10	the third-floor landing and observed Christopher	10	<b>10 have been many times that we have done it. I</b>
11	Scott handing off drugs?	11	<b>11 don't recall the particular -- the specifics of</b>
12	<b>A Like I said, I don't recall the arrest;</b>	12	<b>12 how we did it. It took a lot of ingenuity, I</b>
13	<b>13 but what's in this report, I have no doubt that</b>	13	<b>13 would say, to do it.</b>
14	<b>14 this was a factual report.</b>	14	Q What did you typically wear when you were
15	Q Why do you have no doubt that it's a	15	15 out on -- well, when you remember working on the
16	factual report?	16	16 tac team?
17	<b>A Because I wouldn't have attested to this</b>	17	<b>A Civilian clothes.</b>
18	<b>18 report if any information in this report was</b>	18	Q What kind -- what civilian clothes?
19	<b>19 false.</b>	19	<b>A As I'm sitting here today, I can't</b>
20	Q Do you have any explanation for why so	20	<b>20 remember what type of clothing that myself or</b>
21	many convictions have been vacated?	21	<b>21 other officers that were assigned to the 264 team</b>
22	MR. KOSOKO: Objection; calls for legal	22	<b>22 were wearing at that time. It depends on the</b>
23	conclusion, vague, ambiguous, foundation, and	23	<b>23 season.</b>
24	form.	24	Q What would you typically wear in the

## Transcript of Elsworth Smith, Jr.

58 (229 to 232)

Conducted on February 17, 2020

229	231
1 spring? 2     A Like I said, I don't recall the particular 3     outfits or clothing, articles of clothing that we 4     wore that particular day. Like I said, we were 5     wearing civilian clothing. 6     Myself, I would try to dress as the drug 7     dealers were dressed. 8     Q And what was that, just generally? 9     A I'll give you a perfect example. During 10    that time, from the best of my memory, in the 11    spring and summertime, a lot of guys at that time, 12    I think, that was, like, in the early 2000s, were 13    wearing baggy jeans, Timberland boots, or, you 14    know, sneakers and long white T-shirts -- long 15    baggy white T-shirts. 16    I wore the same type of clothing in the 17    spring or the summer. Most of the time, not 18    always, but I would wear some type of baggy 19    clothing, especially the shirts and stuff which 20    were popular at that time, from the best of my 21    memory, because it was easy to conceal your vest 22    and your weapons. 23    Q When officers approached -- when officers 24    on your tac team would approach buildings in Ida	1 a baseball cap or whatever, might wear a hood over 2 our head. Something to try to, you know, blend in 3 or, you know, as I said, move within the shadows. 4 There was all types of different methods that we 5 used. 6     Q What were the lights like inside the 7     buildings? 8     A From the best of my memory, it was -- it 9     varied from building-to-building. Some buildings 10    didn't have lights in the lobby. Some of them 11    did. Some of them didn't have lights on certain 12    floors. Some of them did. 13    Q Would you say they were overall pretty 14    dimly lit? 15    A From the best of my knowledge, I can't 16    recall. Some were. Some wasn't. Some were. 17    Some wasn't. 18    Q Do you remember what the lighting was like 19    at 575 East Browning in April 2006? 20    A As of today, I can't recall. 21    Q Looking at the arrest report, can you tell 22    what time Mr. Scott was arrested on April 4th, 23    2006? 24    A According to this report, it says 1300
230	232
1 B. Wells, did people commonly yell out "clean up"? 2     A Sometimes. 3     Q And what did clean up mean? 4     A It means that the police are on their way 5     or they're here. 6     Q Did that usually happen? 7     A A lot of times. 8     MR. MICHALIK: Object to the form. 9     A A lot of times it did. 10    Q You said it required a lot of ingenuity to 11    get up to the third floor without being noticed? 12    A That's correct. 13    Q Can you tell me what did you do? Like, 14    what kind of ingenuity? 15    A Sir, like I said, it was a long time ago. 16    We would just try to sneak in the best way we 17    could. To give you an example, like I said, I 18    don't remember the specifics, at nighttime it was 19    a lot easier. You know, we could blend in because 20    of the shadows and the darkness because a lot of 21    lights -- it was not a highly lit area. 22    So we used the darkness as our ally, or, 23    you know, as some type of form of concealment to 24    sneak into the building. Sometimes we might wear	1 hours, which would make that 1:00 in the 2 afternoon. 3     Q All right. What are the ways that you 4     could get up to the third floor of 575 East 5     Browning at 1:00 in the afternoon without being 6     noticed? 7     A As I'm sitting here today, I don't recall 8     for that particular day. 9     Q What about any other day at 1:00 in the 10    afternoon? 11    A Like I said, it's hard to remember, but it 12    could be done. I'm just guessing. I don't -- 13    couldn't tell you. 14    Q Well, how could it be done? What's your 15    best guess? 16    MR. MICHALIK: I'll object to form. 17    A A lot of times if we -- if someone spotted 18    us coming into the buildings and stuff like that, 19    we'd tell them, you know, don't say nothing. You 20    better not yell -- you know, give away our 21    position. You know, because that would be 22    interference with what we are doing as far as our 23    operations. So that's what we would tell them. 24    You know, don't call us out. You better not say

## Transcript of Elsworth Smith, Jr.

59 (233 to 236)

Conducted on February 17, 2020

	233		235
1 <b>nothing.</b>		1 Q Is there any other way you could figure	
2 <b>BY MR. RAUSCHER:</b>		2 out what investigation was being conducted?	
3 Q Did that work?		3 <b>A At the present moment, as I'm sitting here</b>	
4 <b>A A lot of times it did. Some people would</b>		4 <b>today, no, I could not.</b>	
5 <b>run from us. Some people would still while</b>		5 Q Is there anywhere you could look to see	
6 <b>they -- as they're running away, yell, you know,</b>		6 how you got up to the third floor without being	
7 <b>"51s" are here, whatever, "clean up," whatever</b>		7 noticed?	
8 <b>they would use -- say at that particular point in</b>		8 <b>A As I'm sitting here today, no, I do not.</b>	
9 <b>time.</b>		9 Q What's the third-floor landing?	
10 Q Other than tell people on the way up don't		10 <b>A As I'm sitting here today, I do not</b>	
11 say anything because you'd be interfering with an		11 <b>recall.</b>	
12 investigation, any other ways you could think that		12 (Smith Deposition Exhibit 11 marked for	
13 you'd get up to the third floor at 1:00 in the		13 identification and attached to the transcript.)	
14 afternoon without being noticed?		14 Q All right. We're going to mark the vice	
15 <b>A As I'm sitting here today, I can't think</b>		15 case report as Exhibit 11, CITY-BG-032195 to 96.	
16 <b>of anything right now. I'm certain there probably</b>		16 Have you had a chance to look this over?	
17 <b>are, but I can't remember how we did it at that</b>		17 <b>A Yes, I have.</b>	
18 <b>particular time.</b>		18 Q Is this a vice case report of the same	
19 Q What did the stairs look like in 575 East		19 arrest of Christopher Scott that we were just	
20 Browning in April 2006?		20 looking at?	
21 <b>A From the best of my knowledge, they were</b>		21 <b>A I don't understand your question.</b>	
22 <b>concrete steps.</b>		22 Q This is the -- this vice case report is	
23 Q Was it quiet walking up them?		23 describing the same arrest as the report -- the	
24 <b>A I don't recall at this particular moment.</b>		24 arrest report we just looked at; correct?	
	234		236
1 Q When you would go up on a mission or		1 <b>A It appears so, yes.</b>	
2 investigation, would you walk or run?		2 Q Does the vice case report list a number of	
3 <b>A Sitting here today, I don't recall. It</b>		3 other individuals arrested?	
4 <b>may have varied.</b>		4 <b>A Yes, it does.</b>	
5 Q This says it's an on-view arrest.		5 Q And do you know why it is that the arrest	
6 <b>A That's what's stated in the report.</b>		6 report doesn't list everybody who was arrested?	
7 Q What is an on-view arrest?		7 MR. STEFANICH: Objection; foundation.	
8 <b>A To the best of my knowledge, an arrest</b>		8 Q Let me try to clarify.	
9 <b>that occurred while some -- one or two of the</b>		9 Do you know why the arrest report that's	
10 <b>officers made this observation.</b>		10 Exhibit No. 10 doesn't list everybody who was	
11 Q And it says it was done while conducting a		11 arrested as listed in Exhibit No. 11, the vice	
12 narcotics investigation?		12 case report?	
13 <b>A That's what's stated in the report.</b>		13 <b>A As I'm sitting here today, no, I do not.</b>	
14 Q What does it mean when it says conducting		14 Q Do you know who David Mayberry is?	
15 a narcotics investigation?		15 <b>A From the best of my memory, no, I do not.</b>	
16 <b>A That we were doing some type of</b>		16 Q And I know you mentioned at the beginning	
17 <b>investigation as far as the narcotics being sold</b>		17 you know an Angelo Shenault, but you're not sure	
18 <b>in that particular building or in that area.</b>		18 if it's a Jr. or Sr.?	
19 Q Do you know what investigation was being		19 <b>A That is correct.</b>	
20 conducted?		20 Q Does looking at the vice case report	
21 <b>A As I'm sitting here today, from this</b>		21 refresh your recollection about the arrests on	
22 <b>incident, from this arrest, no, I do not.</b>		22 April 4, 2006?	
23 Q It doesn't say on the report, does it?		23 <b>A No, it does not.</b>	
24 <b>A No.</b>		24 Q Look at the narrative on the second page,	

## Transcript of Elsworth Smith, Jr.

60 (237 to 240)

Conducted on February 17, 2020

	237		239
1	it says, "R/O, upon reaching the third-floor	1	<b>A As I'm sitting here today, I don't recall</b>
2	landing, observed Off No. 1 give Off No. 2 small	2	<b>this incident but if I -- if I gave him</b>
3	Ziploc baggies with suspect narcotics."	3	<b>authorization to sign my name on the report, then</b>
4	Do you see that?	4	<b>perhaps I did at that time.</b>
5	<b>A Yes.</b>	5	Q So I think that there are two options
6	Q "From a clear plastic bag that he was	6	here, and tell me if I'm wrong, on the signature.
7	holding," do you see that?	7	One option is that Jones signed your name
8	<b>A Yes.</b>	8	without your permission. The other option is you
9	Q And then it says, "Off No. 2 had given Off	9	gave him your permission to sign your name, which
10	10 No. 1 paper U.S.C. for the suspect narcotics."	10	means that you reviewed the report and you agreed
11	Do you see that?	11	11 with the contents of the report at the time.
12	<b>A Yes.</b>	12	<b>A As I stated before, I did not give anyone</b>
13	Q And is Offender No. 1 Christopher Scott?	13	<b>any authorization to sign any reports without my</b>
14	<b>A That's what's stated in the report.</b>	14	<b>authorization. Just because I do not remember a</b>
15	Q Is Offender No. 2 David Mayberry?	15	<b>15 report from April 4th, 2006, does not mean that I</b>
16	<b>A That's what's listed in the report.</b>	16	<b>16 have reviewed the report --</b>
17	Q Do you know why it is written in past	17	MR. STEFANICH: He's not asking you
18	tense, the sentence Off No. 2, Offender No. 2 had	18	18 that, so.
19	given Offender No. 1 paper U.S. currency for the	19	Q I'm not sure what that means actually.
20	suspect narcotics?	20	I'm trying to -- so --
21	MR. STEFANICH: Objection; foundation.	21	<b>A To answer your question --</b>
22	<b>A As I'm sitting here today, no, I do not.</b>	22	MR. STEFANICH: So let him --
23	Q Do you know who created this vice case	23	<b>A -- as I stated --</b>
24	report?	24	MR. STEFANICH: Elsworth, let him ask you
	238		240
1	<b>A Sitting here today, just looking at the</b>	1	the question again. Okay.
2	<b>report, no.</b>	2	BY MR. RAUSCHER:
3	Q Do you see your name and a signature of	3	Q I'm going to try to break it down. Okay.
4	your name on this report?	4	It is -- you don't remember today whether
5	<b>A Yes, I do.</b>	5	you gave anyone permission to sign your name on
6	Q Is that -- did you -- is that your	6	this report that's Exhibit 11; correct?
7	handwriting?	7	<b>A As I'm sitting here today, no, I do not.</b>
8	<b>A That's not my actual handwriting but it</b>	8	Q So either Jones signed it without your
9	<b>appeared -- like I said, I haven't worked with</b>	9	permission, that's a possibility. You don't
10	<b>Officer Jones in many years. It appears to be his</b>	10	remember. I'm not saying that it happened.
11	<b>hand -- his signature.</b>	11	I'm just saying it's a possibility; right?
12	Q Do you know if you gave Officer Jones	12	<b>A That is a possibility.</b>
13	permission to sign this report for you?	13	Q And then the other possibility is if you
14	<b>A If he signed the report in my name, then I</b>	14	14 did give him permission, you only would have given
15	<b>apparently gave him the authorization to do so.</b>	15	15 him permission after you reviewed the report and
16	Q Or he did it without your authorization.	16	16 were comfortable with the contents.
17	<b>A Well, as I stated earlier, I would not</b>	17	<b>A Yes.</b>
18	<b>have given him authorization if I had not had any</b>	18	Q Okay. Thank you.
19	<b>prior knowledge of this incident where I felt</b>	19	Looking at the report, can you tell who of
20	<b>comfortable with this arrest report or this vice</b>	20	20 the officers saw which of the events described in
21	<b>case report.</b>	21	21 here?
22	Q So if you gave him authorization to sign	22	<b>A As I'm sitting here today, no, I cannot.</b>
23	it, it means that you reviewed it and you're	23	Q Was it common for officers to recover
24	comfortable with the report.	24	24 heroin and crack cocaine in the same location at

## Transcript of Elsworth Smith, Jr.

61 (241 to 244)

Conducted on February 17, 2020

	241		243
1 the same time?		1 landing at 575 Browning where you could stand and	
2 <b>A Based on my -- as I'm sitting here today,</b>		2 observe drugs being sold without being seen?	
3 <b>based off the best of my memory, no, it was not</b>		3 <b>A Like I said, sitting here today, from the</b>	
4 <b>uncommon.</b>		4 <b>best of my memory, I don't recall. It's been many</b>	
5 Q It was not uncommon?		5 <b>years ago, and those buildings have been torn</b>	
6 <b>A No, it was not.</b>		6 <b>down. And I don't remember the layouts of each</b>	
7 Q Was it common?		7 <b>one of the buildings.</b>	
8 <b>A Yes, it was common.</b>		8 Q Do you remember any buildings where you	
9 Q Was it common for people to sell crack		9 could stand at the third-floor landing and observe	
10 cocaine and heroin together?		10 drugs being sold without being seen?	
11 <b>A Yes, it was.</b>		11 <b>A I'm certain it could have been, but, like</b>	
12 Q And did certain buildings sell crack		12 <b>I said, I do not recall at this present moment.</b>	
13 cocaine and others sell heroin or did -- were they		13 Q What was the process for inventorying	
14 both sold at all the buildings?		14 drugs and money that you seized when you were a	
15 MR. KOSOKO: Objection; form, foundation.		15 member of the Watts tac team?	
16 <b>A As I'm sitting here today, I don't</b>		16 <b>A I don't understand your question.</b>	
17 <b>remember exactly; but I'm certain that at some</b>		17 Q Well, so you confiscated drugs or	
18 <b>point in time crack cocaine and heroin were sold</b>		18 suspected narcotics money from people.	
19 <b>at the same time in probably numerous of the</b>		19 What did you do with that -- with the	
20 <b>buildings.</b>		20 drugs or the money?	
21 Q Yeah. All the buildings wasn't -- that		21 <b>A In the 2nd District, there was a separate</b>	
22 was not a great question actually.		22 <b>safe for both. There was a safe where you'd place</b>	
23 Do you remember the name Ricki Lake as a		23 <b>the money, and there was a safe where you would</b>	
24 drug term?		24 <b>place the narcotics.</b>	
	242		244
1 <b>A Now that you've mentioned it, yes.</b>		1 <b>From the best of my memory, the narcotics</b>	
2 Q And what did Ricki Lake signify?		2 <b>was sent to the evidence and recovery property</b>	
3 <b>A That was one of the drugs that was sold</b>		3 <b>section or the Illinois State -- the Illinois</b>	
4 <b>there.</b>		4 <b>State Police Crime Lab for forensic tests, and the</b>	
5 Q Do you remember -- sorry, go ahead.		5 <b>money went to the evidence and recovery property</b>	
6 <b>A I was about to say as of this moment, as</b>		6 <b>section.</b>	
7 <b>of today, I don't recall if it was for heroin or</b>		7 Q And did you personally bring the money or	
8 <b>crack cocaine, but I do remember hearing that</b>		8 the drugs there when you confiscated that?	
9 <b>name.</b>		9 <b>A No. The money that was sent to ERPS, it</b>	
10 Q Was there a particular location or		10 <b>had to be over a specific number, a specific</b>	
11 locations in Ida B. Wells buildings where drugs		11 <b>amount to be hand carried to the evidence and</b>	
12 were sold, meaning like in the lobby, inside		12 <b>recovery property section.</b>	
13 apartments, outside the buildings?		13 <b>And at this moment, I don't recall what</b>	
14 MR. KOSOKO: Objection; form, foundation.		14 <b>the amount is. I don't recall for certain. It's</b>	
15 <b>A From the best of my memory and my</b>		15 <b>been many years ago since I've made any narcotics</b>	
16 <b>experience, it was sold in numerous locations. It</b>		16 <b>arrests, but I believe it would have to be over</b>	
17 <b>could have been sold in the lobbies. It could</b>		17 <b>\$5,000.</b>	
18 <b>have been sold within the stairwells, and</b>		18 Q What did you do with the money if it was	
19 <b>definitely as well as other people's apartments.</b>		19 less than \$5,000?	
20 Q Were there locations at the third-floor		20 <b>A It was placed in the safe inside the</b>	
21 landing where you could -- at 559 Browning -- I'm		21 <b>2nd District.</b>	
22 sorry -- at 575 Browning -- I'll start that		22 Q Where was the safe located in the 2nd	
23 question over.		23 District?	
24 Were there locations at the third-floor		24 <b>A Usually that was in the -- near the front</b>	

## Transcript of Elsworth Smith, Jr.

62 (245 to 248)

Conducted on February 17, 2020

	245		247
1 <b>desk inside the 2nd District.</b>		1 Q Okay. Did he have a nickname?	
2 Q Could you go and put money in the safe on		2 A <b>I don't know if that was his nickname</b>	
3 your own?		3 <b>associated by residents or people who hung out in</b>	
4 A <b>You had to get a key from the desk</b>		4 <b>Ida B. Wells, but he was known as -- by members of</b>	
5 <b>sergeant.</b>		5 <b>my team as No Neck.</b>	
6 Q And was there any written record kept of		6 Q Why did your team call him No Neck?	
7 when the key was given out?		7 A <b>Because it looked like he didn't have a</b>	
8 A <b>To the best of my memory, yes.</b>		8 <b>neck.</b>	
9 Q Did you have to sign for it?		9 Q Was that a derogatory term?	
10 A <b>Yes, from the best of my knowledge.</b>		10 A <b>Perhaps.</b>	
11 Q Did you sign something on paper?		11 Q It was a derogatory term; right?	
12 A <b>Yes, I believe so. I don't have a clear</b>		12 MR. STEFANICH: Objection; asked and	
13 <b>memory, but I believe so.</b>		13 answered.	
14 MR. RAUSCHER: Actually, just give us a		14 A <b>If he wants to call it that, yes.</b>	
15 second.		15 Q Well, it wasn't supposed to be a	
16 MR. FLAXMAN: Can we just go off the		16 compliment, was it?	
17 record for a second.		17 A <b>No.</b>	
18 THE VIDEOGRAPHER: What was that?		18 Q Do you remember having any interactions	
19 MR. FLAXMAN: We're just going off the		19 with him over the years?	
20 record briefly.		20 A <b>Other than him being involved with some</b>	
21 THE VIDEOGRAPHER: Off the record, 3:34.		21 <b>type of form of narcotics activities, no, I do</b>	
22 (A recess was taken from 3:34 p.m. to		22 <b>not.</b>	
23 3:42 p.m.)		23 Q Do you remember him being involved in any	
24 THE VIDEOGRAPHER: Back on the record,		24 narcotics activities?	
	246		248
1 3:42.		1 A <b>Based off of my memory, I don't know of me</b>	
2 BY MR. RAUSCHER:		2 <b>personally, but I do remember hearing from other</b>	
3 Q Do you remember Jamell Sanders?		3 <b>members of the 264 team that he was involved in</b>	
4 A <b>At this moment, not offhand.</b>		4 <b>drugs.</b>	
5 Q Did you ever harass Jamell Sanders?		5 Q What did they tell you about him?	
6 A <b>I never harassed anyone that I recall.</b>		6 A <b>From the best of my memory, I believe that</b>	
7 Q Do you remember an Ida B. Wells resident		7 <b>he sold drugs.</b>	
8 or someone who was around Ida B. Wells nicknamed		8 Q Did you or other members of the team ever	
9 No Neck?		9 steal juice from him?	
10 A <b>Yes, I do.</b>		10 A <b>No.</b>	
11 Q Do you remember that person's name?		11 Q Did you ever call him No Neck?	
12 A <b>Without looking at a report, not offhand,</b>		12 A <b>No, not that I'm aware of.</b>	
13 <b>no.</b>		13 Q Did you ever hear anyone on your team call	
14 (Smith Deposition Exhibit 12 marked for		14 him No Neck?	
15 identification and attached to the transcript.)		15 A <b>I remember hearing the name, but I don't</b>	
16 Q All right. We're going to mark		16 <b>remember who specifically called him No Neck.</b>	
17 Exhibit 12, DO-JOINT 006042 to 006046.		17 Q Do you remember hearing someone say it	
18 Have you had a chance to look at this		18 to him?	
19 report?		19 A <b>Sitting here today, I don't recall if I</b>	
20 A <b>Yes, I did.</b>		20 <b>did or -- if I did or did not.</b>	
21 Q After looking at this, do you recognize		21 Q Would you consider it harassment to call a	
22 the person pictured in the top-right corner of the		22 civilian No Neck as a derogatory term?	
23 first page?		23 A <b>If that was the term used toward him,</b>	
24 A <b>I do now.</b>		24 <b>probably so; but looking over this report, I don't</b>	

## Transcript of Elsworth Smith, Jr.

63 (249 to 252)

Conducted on February 17, 2020

	249		251
<b>1</b> see my name listed in this report anywhere.		<b>1</b> <b>A To the best of my knowledge, I do not</b>	
2 Q Yeah. Your name is not listed in this		<b>2</b> <b>believe so.</b>	
3 report.		3 Q Do you know where that -- where 5422 South	
4 So I was going to ask do you have any		4 Seeley Avenue is?	
5 recollection of dealing with Jamell Sanders		<b>5</b> <b>A Just looking at this report now, that's</b>	
6 at all?		<b>6</b> <b>Beat 932.</b>	
<b>7</b> <b>A As I'm sitting here today, I can't say for</b>		7 Q And where did Beat 932 cover in 2007?	
<b>8</b> <b>certain, but I'm sure I probably have had some</b>		<b>8</b> <b>A I don't know the district boundaries of</b>	
<b>9</b> <b>type of interaction with Mr. Sanders.</b>		<b>9</b> <b>the 9th District.</b>	
10 Q Do you have any recollection of being		10 Q But not the 2nd District?	
11 involved in any arrests of Mr. Sanders?		<b>11</b> <b>A No. It states here that that would be in</b>	
<b>12</b> <b>A As I'm sitting here today, no, I do not.</b>		<b>12</b> <b>the 9th District, Beat 932.</b>	
13 Q Do you know who Marcus Gibbs is?		13 Q And do you remember who on your team told	
<b>14</b> <b>A Sitting here today offhand without looking</b>		14 you that Marcus Gibbs was involved in the drug	
<b>15</b> <b>at a photo or a report, I don't recall.</b>		15 trade?	
16 Q Would you agree that even if you knew in		<b>16</b> <b>A As of today, I don't recall specifically</b>	
17 your heart, you believed someone was a drug		<b>17</b> <b>who told me.</b>	
18 dealer, it would not be appropriate for a police		18 Q Can you narrow it down at all?	
19 officer to create a false report attributing drugs		<b>19</b> <b>A No, I cannot.</b>	
20 to that person?		20 Q Did you ever tell members of your team	
<b>21</b> <b>A Yes, I do.</b>		21 that people were involved in the drug trade?	
22 (Smith Deposition Exhibit 13 marked for		<b>22</b> <b>A As I'm sitting here today, I don't recall</b>	
23 identification and attached to the transcript.)		<b>23</b> <b>if I did or did not.</b>	
24 Q We're going to mark Exhibit 13 DO-JOINT		24 Q Do you remember anything about Marcus	
	250		252
1 005272 to 005276.		1 Gibbs arrest on January 7, 2007?	
2 Are you aware of any police officers		<b>2</b> <b>A As of -- sitting here today, no.</b>	
3 creating false reports attributing drugs to people		3 Q After you read the report, was your	
4 that those people didn't have?		4 recollection refreshed?	
<b>5</b> <b>A To the best of my knowledge, no.</b>		<b>5</b> <b>A No, it was not.</b>	
6 Q You had a chance to look at this report.		6 Q Looking at the report, can you tell what	
<b>7</b> <b>A Yes, I have.</b>		7 you did or didn't observe?	
8 Q Do you recognize the person in the picture		<b>8</b> <b>A Looking at this report, no, it does not.</b>	
9 in the top right-hand corner of the first page?		9 Q Can you tell why you're listed as the	
<b>10</b> <b>A I do now.</b>		10 second arresting officer?	
11 Q And does seeing that picture refresh your		<b>11</b> <b>A Other than just looking at this report,</b>	
12 recollection about Marcus Gibbs?		<b>12</b> <b>no. It just states that I was working 264.</b>	
<b>13</b> <b>A Yes.</b>		<b>13</b> <b>Probably because I was partnered with Alvin Jones.</b>	
14 Q How does it refresh your recollection		14 Q The report says you're the second	
15 about Marcus Gibbs?		15 arresting officer, but it doesn't say why you're	
<b>16</b> <b>A I remember from either Sergeant Watts or</b>		16 listed in that role; correct?	
<b>17</b> <b>possibly other members of the 264 team that he was</b>		<b>17</b> <b>A No, it does not.</b>	
<b>18</b> <b>involved in some type of drug activity in the</b>		18 Q The report looks like it says that there	
<b>19</b> <b>Ida B. Wells.</b>		19 was a pursuit with A/O.	
20 Q What do you remember about him being		20 Is that arresting officer?	
21 involved in drug activity in Ida B. Wells?		<b>21</b> <b>A Yes.</b>	
<b>22</b> <b>A I don't recall specifically.</b>		22 Q That one is not plural; correct?	
23 Q Is 5422 South Seeley Avenue in Chicago in		<b>23</b> <b>A In this report, no, it is not.</b>	
24 Ida B. Wells?		24 Q Does that mean that only Jones pursued?	

## Transcript of Elsworth Smith, Jr.

64 (253 to 256)

Conducted on February 17, 2020

	253		255
1 <b>A Well, I have no --</b>		1    Q It probably was not the case that as you	
2        MR. STEFANICH: Objection; foundation.		2    got to the building, Gibbs ran to the building;	
3 <b>A Well, I have no idea because I don't</b>		3    right?	
4 <b>recall authoring this report, and it does not --</b>		4 <b>A Like I said, not having a memory of the</b>	
5 <b>it does not specify in the report.</b>		5 <b>incident, I can't state as of today.</b>	
6        (Smith Deposition Exhibit 14 marked for		6    Q You see there's a reference to R/O giving	
7    identification and attached to the transcript.)		7    chase as the offender ran up the stairs to the	
8    BY MR. RAUSCHER:		8    sixth floor?	
9    Q All right. Let's mark the vice case		9 <b>A Yes, I do.</b>	
10 report as Exhibit 14. That's CITY-BG-031447 to		10    Q Who ran up the stairs?	
11 448.		11 <b>A Sitting here today, I don't know.</b>	
12    Do you recognize this document?		12    Q Why doesn't it say which R/O ran up the	
13 <b>A Yes, I do.</b>		13    stairs?	
14    Q Is your name in Box 46?		14    MR. STEFANICH: Objection; foundation.	
15 <b>A Yes, it is.</b>		15 <b>A I have no clue. Sitting here today, I</b>	
16    Q And is your signature below Box 46?		16 <b>couldn't answer that question.</b>	
17 <b>A Yes, it is.</b>		17    Q You signed the report with your	
18    Q Does that look like it's your signature in		18    handwriting; right?	
19    your handwriting, or did someone else sign that		19 <b>A It appears to be my handwriting. That is</b>	
20 for you?		20    correct.	
21 <b>A It looks like my handwriting.</b>		21    Q Why didn't you insist that it said who	
22    Q And what about the signature to the left?		22    did what?	
23 Is that your handwriting or someone else's		23 <b>A Sitting here today, I could not give you</b>	
24 handwriting?		24    an answer.	
	254		256
1 <b>A I'm not certain. That doesn't look it's</b>		1    Q Do you remember ever seeing Al Jones run	
2    in Alvin Jones' handwriting.		2    up six flights after a suspect?	
3    Q It looks like Alvin Jones' handwriting?		3 <b>A Sitting here as of today, I don't recall.</b>	
4 <b>A Like I said, I don't recall that it looks</b>		4    Q Do you remember yourself chasing anybody	
5    like his handwriting.		5    up six flights of stairs ever?	
6    Q Did Jones ever authorize you to sign for		6 <b>A Again, I don't recall. It wouldn't be</b>	
7    him on a report?		7    uncommon.	
8 <b>A I can't speak for Officer Jones; but if</b>		8    Q You commonly chased people up six flights	
9    I've authorized him to sign for myself, then he		9    of stairs and arrested them?	
10 may have authorized me to sign for him.		10 <b>A I'm not saying that it is, but I'm not</b>	
11    Q Do you see in here, it says, "As R/Os		11 <b>saying that it would be uncommon or oncommon. It</b>	
12 arrived at the above location, R/O observed the		12 <b>could have happened. If it's described in this</b>	
13 offender start to run toward the above location."		13 <b>report, I have no doubt that this information in</b>	
14 <b>A Yes.</b>		14 <b>this report is factual.</b>	
15    Q Do you know what that means?		15    Q So you think you commonly chased people up	
16 <b>A In the way this is written, no. It</b>		16    six flights of stairs and arrested them, but you	
17 appears it might be some type of unintentional		17    don't remember?	
18 error.		18    MR. MICHALIK: Objection; form.	
19    Q It says -- it looks like -- is it saying		19    MR. STEFANICH: Mischaracterizes his	
20 that as you and Officer Jones arrived at 559 East		20 testimony.	
21 Browning, Mr. Gibbs ran toward 559 East Browning?		21 <b>A That's not what I said, sir.</b>	
22 <b>A As I said, in this report, I can't make</b>		22    Q All right. I don't mean to	
23 out -- I don't recall what -- what happened and		23 mischaracterize it. That's how I heard it.	
24 can't make it out based on this writing.		24    So can you tell me what you mean?	

## Transcript of Elsworth Smith, Jr.

65 (257 to 260)

Conducted on February 17, 2020

257	259
<p>1    <b>A</b> No. I'm saying it would not be uncommon  2    for a police officer to chase anyone up six  3    flights of stairs. We did have to pass -- we do  4    have to pass physical fitness tests to get onto  5    this job, so. And at that time, I was much  6    younger, and I was in better shape than I am now.</p> <p>7    Q So we agree that it is physically possible  8    for you to run up six flights of stairs.</p> <p>9    But the question is do you remember ever  10 doing that and arresting anybody?</p> <p>11   <b>A</b> As I stated before, I do not have any  12 memory of this particular arrest on this date, on  13 January 7th, 2007.</p> <p>14   Q Do you remember ever chasing anybody up  15 six flights of stairs, while you were on the Watts  16 team, and then arresting them?</p> <p>17   <b>A</b> I don't remember chasing anybody up six  18 flights of steps -- stairs, from the best of my  19 memory, but I do remember chasing people up the  20 steps, and I couldn't tell you how many floors  21 I've chased them.</p> <p>22   Q Two? Three? One?</p> <p>23   <b>A</b> I could not give you an answer on how many  24 steps or stairwells that I've chased them up, but</p>	<p>1    (Smith Deposition Exhibit 15 marked for  2    identification and attached to the transcript.)</p> <p>3    Q All right. Let's mark Exhibit 15,  4    DO-JOINT 005795 to 99.</p> <p>5    MR. KOSOKO: This is 15, Scott?</p> <p>6    MR. RAUSCHER: I'm sorry. What?</p> <p>7    MR. KOSOKO: This is 15?</p> <p>8    MR. RAUSCHER: 15, yeah.</p> <p>9    Q Have you had a chance to review this  10 document?</p> <p>11   <b>A</b> Yes, I have.</p> <p>12   Q Do you recognize the person pictured in  13 the top right-hand corner of the first page?</p> <p>14   <b>A</b> No, I do not.</p> <p>15   Q Does seeing this document refresh your  16 recollection as to whether you were involved in  17 arresting Andre McNairy on September 15, 2008?</p> <p>18   <b>A</b> No, it does not, other than seeing my name  19 as an assisting officer.</p> <p>20   Q And seeing your name as an assisting  21 officer doesn't tell you what role, if any, you  22 had in the arrest; correct?</p> <p>23   <b>A</b> No, it does not.</p> <p>24   Q So as you sit here today, you can't tell</p>
258	260
<p>1   <b>I</b> do remember chasing people up stairs.</p> <p>2   Q Do you remember ever chasing anybody on  3   more than one flight of stairs?</p> <p>4   <b>A</b> Again, sir, I could not tell you how many  5   flights of steps I have chased an offender up the  6   steps. I have chased many people during my time  7   as a police officer whether I was assigned to the  8   tactical unit or in regular patrol. And I can't  9   give you an exact number of how many people I have  10 chased, but I have chased many people.</p> <p>11   Q Do you ever remember chasing anybody while  12 you were working in the Ida B. Wells development  13 from lobby up to the top of the building?</p> <p>14   <b>A</b> As I sit here today, I do not.</p> <p>15   Q Okay. Do you ever remember seeing Jones  16 chase someone from the lobby to the top of the  17 building at Ida B. Wells?</p> <p>18   <b>A</b> Again, sitting here today, I do not.</p> <p>19   Q Do you know who Andre McNairy is?</p> <p>20   <b>A</b> At the present moment, I do not.</p> <p>21   Q Do you remember being involved in  22 arresting Andre McNairy?</p> <p>23   <b>A</b> To the best of my memory right as of now,  24 I do not recall.</p>	<p>1   us what role you had in arresting Mr. McNairy.</p> <p>2   <b>A</b> At the present moment, no.</p> <p>3   Q Are there any documents that you can think  4   of that would help refresh your recollection about  5   this arrest of Mr. McNairy or any of the other  6   specific arrests we talked about today?</p> <p>7   <b>A</b> Not at the present moment.</p> <p>8   Q Where is 657 East 40th Street?</p> <p>9   <b>A</b> 657 East 40th Street -- to the best of my  10 memory, that was the Washington Park Homes.</p> <p>11   (Smith Deposition Exhibit 16 marked for  12 identification and attached to the transcript.)</p> <p>13   Q I'm going to mark I think one more  14 exhibit, 16, DO-JOINT 005805 to 5807.</p> <p>15   Do you see the narrative here talks about  16 a premise check?</p> <p>17   <b>A</b> Yes.</p> <p>18   Q What's a premise check?</p> <p>19   <b>A</b> To the best of my memory, you would do  20 a -- would walk down checking premises or the --  21 of that area.</p> <p>22   Q Did premise checks often result in  23 arrests?</p> <p>24   <b>A</b> Sometimes, yes, to the best of my memory.</p>

## Transcript of Elsworth Smith, Jr.

66 (261 to 264)

Conducted on February 17, 2020

	261		263
1    Q Did sometimes premise checks not result in 2 arrests?		1    depends on who witnessed the -- made the 2 observation at the time of the arrest or probably 3 made the recovery, if there was a recovery, 4 involved with the arrest.	
3    A I'm sure they probably did.		5    BY MR. RAUSCHER:	
4    Q Do you know who Jose Lopez is, the 5 approving supervisor on this report?		6    Q Would it ever be the case that someone who 7 didn't witness anything would testify?	
6    A To the best of my knowledge, I believe he 7 was a sergeant at the 2nd District. I can't -- I 8 don't recall exactly.		8    A Offhand I can't recall, but I'm certain 9 there might have been a time.	
9    Q Do you recall ever working with him?		10   Q And why would it be the case that someone 11 who didn't witness any of the events would be the 12 person testifying?	
10   A To the best of my knowledge, at this 11 present time, no, I do not.		13   A I have no clue. Sitting here today, I 14 have no answer.	
12   Q Do you know why Watts is listed as the 13 supervisor on scene, but he's not one of the 14 approving supervisors?		15   Q Would it be appropriate to testify as to 16 what somebody else saw without saying that you 17 were explaining what somebody else saw?	
15   A No, I do not.		18   MR. MICHALIK: Objection; form, 19 foundation.	
16   Q Do you know what it means to say he's the 17 supervisor on scene?		20   A I don't understand your question.	
18   A That he was on scene from -- based off of 19 what this report said.		21   Q Say, you were the one testifying in a 22 criminal case, would it be appropriate to get up 23 there and say Offender X did these three things 24 even if you didn't see any of them?	
20   Q When it says that this is an on-view 21 arrest by 264 housing tactical team, do you know 22 who that refers to?			264
23   A In the narrative -- by reading the 24 narrative, no. The only way I would know who the			
1    arresting officers were if I read -- went down 2 further, the first arresting officer was Doug 3 Nichols, and the second arresting officer was 4 Manny Leano.	262	1    MR. MICHALIK: Objection; form.	
5    Q And you see there's a number of suspects 6 listed in the report?		2    MR. KOSOKO: Objection; form, also 3 incomplete hypothetical. If he says fine and 4 agrees to your prelim, then that might be 5 appropriate versus something else.	
7    A Yes.		6    MR. FLAXMAN: Why don't you let the 7 witness answer the question.	
8    Q Do you know who any of those other people 9 are?		8    A Are you asking me if I -- would it be 9 acceptable for me to testify to something that I 10 did not witness?	
10   A No, I do not.		11   Q Yes.	
11   Q And does looking at this report refresh 12 your recollection at all about the events of 13 September 15, 2008?		12   A Based off of that question, no. If I 13 didn't witness something, I wouldn't have 14 testified.	
14   A No. Because I'm listed as an assisting 15 officer. I don't recall.		15   MR. RAUSCHER: I don't have any other 16 questions for today.	
16   Q Do you know how -- well, have you heard 17 the phrase or used the phrase "case officer"?		17   (An off-the-record discussion was held.)	
18   A I don't believe I'm familiar with it.		18   EXAMINATION BY COUNSEL FOR CERTAIN PLAINTIFFS	
19   Q How did you decide or did you decide who 20 of the team would testify at trial in a criminal 21 proceeding extending from one of your arrests?		19   BY MR. FLAXMAN:	
22   MR. KOSOKO: Objection; form of the 23 question.		20   Q Good afternoon.	
24   A Like I said -- I stated earlier, it		21   A Good afternoon.	
		22   Q My name is Joel Flaxman. I'm going to ask 23 you a few questions about some other arrests.	
		24   Do you understand that?	

## Transcript of Elsworth Smith, Jr.

67 (265 to 268)

Conducted on February 17, 2020

	265		267
1 <b>A Yes, sir.</b>		1 <b>I was apprehended by Sergeant Watts, and I recovered</b>	
2    Q Okay. We've been here for a long time		2 <b>a weapon, I don't recall what make and model, and</b>	
3    today.		3 <b>then he was placed in custody and advised of his</b>	
4       Are you still comfortable answering		4 <b>Miranda rights.</b>	
5       questions?		5       Q And did you create a report for that	
6 <b>A Yes, sir. Yes, I am.</b>		6       arrest?	
7       Q Okay. There's nothing now or earlier that		7 <b>A From the best of my knowledge, yes, I did.</b>	
8       would make it hard for you to truthfully and		8       Q Did you also testify in court proceedings	
9       accurately answer questions; right?		9       about Mr. Lockett?	
10 <b>A No. There would not be.</b>		10 <b>A I don't recall, but I'm certain I probably</b>	
11    Q Okay. I wanted to ask you about the		11 <b>did.</b>	
12    arrest of Jessie Lockett on May 12th, 2005.		12    Q Why are you certain?	
13       Do you remember that arrest?		13 <b>A If it went to trial, then I probably did</b>	
14 <b>A Yes. I somewhat remember that arrest.</b>		14 <b>testify.</b>	
15    Q What do you remember?		15    Q Why are you sure that you would have been	
16 <b>A That he was arrested for UUW.</b>		16    the one to testify?	
17    THE REPORTER: What was that?		17 <b>A If I'm not mistaken, I believe I was</b>	
18    THE WITNESS: For a UUW.		18 <b>listed as the first arresting officer.</b>	
19    Q Okay. And what's UUW?		19    Q And that was the usual practice, that the	
20 <b>A Unlawful -- what are the acronyms?</b>		20    first arresting officer would testify?	
21 <b>Unlawful use of a weapon.</b>		21 <b>A Yes.</b>	
22    Q Did you arrest Mr. Lockett?		22    Q Going back to the -- your recollections,	
23 <b>A Yes, I did.</b>		23    the first thing I think you said was that there	
24    Q And what happened before you arrested him?		24    was a call of shots fired.	
	266		268
1 <b>A To the best of my knowledge, if I recall,</b>		1       What does that mean?	
2 <b>on that -- I don't remember what the date or time</b>		2 <b>A There was a call of shots fired.</b>	
3 <b>was. There was a call at some point in time -- a</b>		3       Q Well, what does that mean? Did you hear	
4 <b>call shots fired. We responded to the call for</b>		4    something over the radio?	
5 <b>shots fired.</b>		5 <b>A Yes. It had to be -- it had to come</b>	
6       We received information from an anonymous		6    through OEMC. It was a call on our radio that was	
7    source that the possible shooter was someone that		7    dispatched or it was a flash message or relayed	
8    went by the street name JJ.		8    that there was shots in -- wherever the shots were	
9       To the best of my memory, having knowledge		9    supposedly taking place at.	
10    of JJ, Jessie Lockett, his whereabouts, where he		10    Q Do you remember where you were when you	
11    hung out at, we relocated to the area. I can't		11    heard that call or read that flash message?	
12    remember exactly what I stated in the report		12 <b>A As I sit here today, I don't have recall</b>	
13    without looking at it but I believe we -- myself		13    where exactly I was at when the call came out.	
14    and Sergeant Watts relocated to 37th and		14    Q Okay. You said that after responding,	
15    Vincennes.		15    officers received information that the shooter may	
16       At that time we -- as we were approaching		16    have been someone named JJ.	
17    Jessie Lockett, we observed him standing with a		17    Do you remember that?	
18    group of other individuals. At that time, as we		18 <b>A From the best of my knowledge, that's what</b>	
19    were approaching him, myself or Sergeant Watts		19    I recall.	
20    announced our office and I believe after --		20    Q Did you get that information?	
21    shortly after that, Jessie Lockett began to flee.		21 <b>A I don't recall who received the</b>	
22       And at that point in time, I pursued him		22    information.	
23    on foot, and Sergeant Watts followed him in the		23    Q Do you recall who they got that	
24    police vehicle. After a short foot pursuit, he		24    information from?	

## Transcript of Elsworth Smith, Jr.

68 (269 to 272)

Conducted on February 17, 2020

	269		271
1 <b>A As I sit here today, no, I do not.</b>		1   Q And just you and Sergeant Watts?	
2   Q Okay. And did whoever got that		2 <b>A Yes.</b>	
3 information get it from somebody near the location		3   Q Okay.	
4 where the call came from?		4 <b>A To the best of my memory, yes.</b>	
5 <b>A Sitting here today, I don't recall, but</b>		5   Q Who was driving?	
6 <b>perhaps it was in that area.</b>		6 <b>A Sergeant Watts was.</b>	
7   Q Did you have any knowledge of Jessie		7   Q Okay. How often were you in a squad car	
8 Lockett before this incident?		8 with only Sergeant Watts?	
9 <b>A Sitting here today, I don't recall at the</b>		9 <b>A I don't recall how many times I have</b>	
10 <b>time; but if I stated that in my report, which I</b>		10 <b>been -- worked with Sergeant Watts.</b>	
11 <b>believe I did, I probably did have prior knowledge</b>		11   Q Was he your partner that day?	
12 <b>to Jessie Lockett at that time.</b>		12 <b>A I don't recall. Perhaps he was.</b>	
13   Q Based on what's in your report, you		13   Q So even though he was the sergeant, there	
14 believe you did have prior knowledge --		14 were some days where you would consider him your	
15 <b>A Yes. I don't have a copy of my report</b>		15 partner?	
16 <b>right here, and I don't recall, and I don't</b>		16 <b>A Yes.</b>	
17 <b>remember what date that arrest occurred.</b>		17   Q How often would that happen?	
18   Q So were you present at the location of		18 <b>A Again, I couldn't give you an exact</b>	
19 where the call of shots fired came from?		19 <b>guesstimate or how many times I actually worked</b>	
20 <b>A Present where?</b>		20 <b>with Sergeant Watts. But I know from that</b>	
21   Q Well, I believe you said that officers		21 <b>particular day, because I remember this incident,</b>	
22 relocated to where the call of shots fired was; is		22 <b>that I was with Sergeant Watts.</b>	
23 that right?		23   Q You said that you got out of the vehicle	
24 <b>A I said we responded to an area. I believe</b>		24 and pursued Mr. Lockett on foot; is that right?	
	270		272
1 <b>that's what I stated.</b>		1 <b>A Yes, I did.</b>	
2   Q Okay.		2   Q And how far did you pursue him?	
3 <b>A Like I say, without my reports in front of</b>		3 <b>A I don't know. It was a short foot</b>	
4 <b>me, I don't recall specifically. But there was a</b>		4 <b>pursuit.</b>	
5 <b>call of shots fired, I believe, that I reported.</b>		5   Q Okay. And I think you said that it was	
6   Q And got some information at that location;		6 Sergeant Watts who actually got Mr. Lockett?	
7 correct?		7 <b>A Yes, he did.</b>	
8 <b>A Yes.</b>		8   Q Okay. How did he get him? Did he tackle	
9   Q And then you went to the location where		9 him?	
10 you believe that JJ would be hanging out; right?		10 <b>A I didn't see the apprehension of Jessie</b>	
11 <b>A Yes.</b>		11 <b>Lockett. All I know, that he was apprehended by</b>	
12   Q Do you know how far apart those two		12 <b>Sergeant Watts.</b>	
13 locations were?		13   Q Where were you when he was apprehended?	
14 <b>A Sitting here today, I do not recall.</b>		14 <b>A I was running through the set of row</b>	
15   Q Do you know how you traveled from one		15 <b>houses which Jessie was fleeing through.</b>	
16 location to the second?		16   Q So how did you learn that Sergeant Watts	
17 <b>A Again, I don't have knowledge; but as</b>		17 apprehended him?	
18 <b>stated in the report, I would assume that it was</b>		18 <b>A Because when I caught up to -- finally got</b>	
19 <b>by -- we were in the squad car.</b>		19 <b>up to catching JJ, he was already in custody.</b>	
20   Q Okay. Do you know who was in the squad		20   Q Do you know if Mr. Lockett fell to the	
21 car with you?		21 ground before Sergeant Watts apprehended him?	
22 <b>A Yes.</b>		22 <b>A At this time, I don't recall exactly, but</b>	
23   Q Who was in the squad car with you?		23 <b>I believe he was on the ground.</b>	
24 <b>A Sergeant Watts.</b>		24   Q But you don't know how he got there?	

## Transcript of Elsworth Smith, Jr.

69 (273 to 276)

Conducted on February 17, 2020

	273		275
1    A Sitting here at this moment, I do not		1    A Because I did not have a clear target, a	
2    recall.		2    sight of Mr. Lockett.	
3    Q Was he on the ground when you first saw		3    Q If you had had a clear target, would you	
4    him in custody?		4    have fired your weapon?	
5    A Yes.		5    MR. STEFANICH: Objection --	
6    Q Was he in --		6    MR. MICHALIK: Objection.	
7    A From the best of my knowledge, he was.		7    MR. STEFANICH: -- form, foundation.	
8    Q Was he in handcuffs?		8    A Perhaps, maybe.	
9    A Yes, he was.		9    Q What else would you need to know to answer	
10   Q Okay. Was he on his stomach?		10 definitively?	
11   A From the best of my knowledge, yes, he was.		11   A I can't give you a reason. If he had	
12   Q And Sergeant Watts was there?		12 turned and pointed the gun in my direction, maybe	
13   A Yes, he was.		13 I would have shot him.	
14   Q Were any other officers there?		14   Q If you had had a clear target and he did	
15   A From my -- the best of my memory, I don't		15 not point the gun in your direction, would you	
16 recall. I'm certain at some point in time -- the		16 have shot at him?	
17 officers did arrive at some point in time.		17   MR. KOSOKO: Objection; form, foundation,	
18   Q Were any other officers there before you		18 incomplete hypothetical.	
19 arrived other than Sergeant Watts?		19   A I can answer that question because I	
20   A From the best of my memory, no.		20 remember specifically chasing him, and the reason	
21   Q Did you recover a weapon?		21 why I did not shoot Jessie Lockett that day is	
22   A Yes, I did.		22 because I did not have a clear target of him	
23   Q When did you recover the weapon?		23 because, like I said, he was running away from me.	
24   A I think after Jessie Lockett was placed in		24   And it was either in the spring or the	
	274		276
1 custody.		1 summer when this incident occurred, and there was	
2    Q Had you seen that weapon before?		2 other -- there was many kids out there, which I	
3    A Sitting here, yes, I did while I was		3 didn't describe in the report because that is	
4 chasing him.		4 something that you -- other information that's not	
5    Q Okay. What did you see while you were		5 pertinent to the arrest, that you can't put every	
6 chasing him?		6 detail in the arrest report or your case report.	
7    A As I -- from what I recall, and I think		7    And I remember specifically I could not	
8 it's stated in my report, but I don't have my		8 shoot at him because there was other kids out	
9 report in front of me -- stated as I was chasing		9 there standing around, and I didn't want to take a	
10 him, I saw him reach underneath his sweatshirt and		10 chance of shooting at Jessie Lockett and shoot	
11 pull a handgun out and start running with it by		11 some innocent bystander. That's why I did not	
12 his side.		12 shoot Jessie Lockett.	
13   Q That was before you lost sight of		13 BY MR. FLAXMAN:	
14 Mr. Lockett?		14   Q My question was if you had had a clear	
15   A Yes, it was.		15 shot, would you have shot Mr. Lockett?	
16   Q Did you ever take out your weapon while		16   MR. MICHALIK: Objection; asked and	
17 you were chasing Mr. Lockett?		17 answered.	
18   A Yes, I did.		18   A And I think I stated earlier probably.	
19   Q Why did you do that?		19   Q You mentioned the kids that were in the	
20   A Because I observed him with a handgun, and		20 area.	
21 I received information that he was shooting.		21   A Yes.	
22   Q Did you ever fire your weapon that day?		22   Q What other details do you remember that	
23   A No, I did not.		23 are not in the reports?	
24   Q Why not?		24   A That's the only thing I can remember	

## Transcript of Elsworth Smith, Jr.

70 (277 to 280)

Conducted on February 17, 2020

<p>1 specifically.</p> <p>2 Q Where was the weapon when you recovered</p> <p>3 it?</p> <p>4 <b>A I don't recall exactly, but it was on the</b></p> <p>5 <b>ground.</b></p> <p>6 Q Up close to Mr. Lockett?</p> <p>7 <b>A I don't recall, sir.</b></p> <p>8 Q What did you do with the weapon after you</p> <p>9 recovered it?</p> <p>10 <b>A I think it's -- I don't have the report in</b></p> <p>11 <b>front of me; but as I stated, the weapon was</b></p> <p>12 <b>recovered and inventoried in the 2nd District.</b></p> <p>13 <b>There should be an inventory report that reflects</b></p> <p>14 <b>that.</b></p> <p>15 Q Did you transport Mr. Lockett to the</p> <p>16 2nd District?</p> <p>17 <b>A I don't recall if I personally transported</b></p> <p>18 <b>him myself or if there was another unit that</b></p> <p>19 <b>transported him.</b></p> <p>20 Q I think you said that you gave Miranda</p> <p>21 warnings to Mr. Lockett?</p> <p>22 <b>A To the best of my knowledge --</b></p> <p>23 MR. MICHALIK: Objection; there's no such</p> <p>24 testimony.</p>	277	<p>1 <b>report in front of me, I believe that's what was</b></p> <p>2 <b>stated in the report.</b></p> <p>3 Q Okay. And I'm going to show you the</p> <p>4 report in a little bit.</p> <p>5 I just want to know do you have a personal</p> <p>6 recollection of that or is that -- you're relying</p> <p>7 on your report?</p> <p>8 <b>A From the best of my memory, I don't</b></p> <p>9 <b>recall; but if I reported that -- stated that in</b></p> <p>10 <b>my report that was what -- the weapon that he had.</b></p> <p>11 Q You meant the ammunition that he had;</p> <p>12 right?</p> <p>13 <b>A Yes.</b></p> <p>14 <b>The fact of the matter is, like I said,</b></p> <p>15 <b>the thing I'm -- I am definitely certain of is he</b></p> <p>16 <b>had a handgun. He had a weapon in his hand when I</b></p> <p>17 <b>was chasing him.</b></p> <p>18 Q And you have an absolute personal</p> <p>19 recollection of that; correct?</p> <p>20 <b>A I do recall that. Yes, I do.</b></p> <p>21 Q What did the handgun look like that you</p> <p>22 recall seeing Mr. Lockett holding?</p> <p>23 <b>A That I don't recall. I remember seeing</b></p> <p>24 <b>it, and I think it's stated in my report also that</b></p>	279
<p>1 <b>A From the best of my knowledge, I believe I</b></p> <p>2 <b>did state that in my report; and, again, I don't</b></p> <p>3 <b>have my report in front of me.</b></p> <p>4 <b>BY MR. FLAXMAN:</b></p> <p>5 Q Do you remember giving Miranda warnings to</p> <p>6 Mr. Lockett?</p> <p>7 <b>A Sitting here today, as I recall, I don't</b></p> <p>8 <b>recall, but it's stated in my report; and if I put</b></p> <p>9 <b>that in my report, then I stand by my report.</b></p> <p>10 Q Did Mr. Lockett ever fire his weapon on</p> <p>11 the day -- I'm sorry.</p> <p>12 Starting with the time that you first saw</p> <p>13 Mr. Lockett and to the time that he was placed in</p> <p>14 custody, did Mr. Lockett ever fire the weapon?</p> <p>15 <b>A I don't know.</b></p> <p>16 Q Do you remember how much ammunition you</p> <p>17 recovered when you recovered the weapon?</p> <p>18 <b>A Again, I don't have my report in front of</b></p> <p>19 <b>me; but I believe in my report, I said the weapon</b></p> <p>20 <b>was recovered with 10 live 9 mill -- 9-millimeter</b></p> <p>21 <b>rounds.</b></p> <p>22 Q And that's a detail that you remember from</p> <p>23 reviewing your report; right?</p> <p>24 <b>A To the best of my memory, without my</b></p>	278	<p>1 <b>it may have been a black object that was in his</b></p> <p>2 <b>hand.</b></p> <p>3 <b>And without my report, I don't recall</b></p> <p>4 <b>specifically but I do -- like I said, I stated</b></p> <p>5 <b>seeing him retrieve an object underneath his</b></p> <p>6 <b>sweatshirt that he was wearing and pull it out and</b></p> <p>7 <b>began running with it by his side, and it looked</b></p> <p>8 <b>like a handgun.</b></p> <p>9 Q Without your report, you can't describe</p> <p>10 what it looked like; is that right?</p> <p>11 <b>A No. I can't -- I don't remember how I</b></p> <p>12 <b>described it in my report but I -- from the best</b></p> <p>13 <b>of my memory, I do remember putting that</b></p> <p>14 <b>information in my report.</b></p> <p>15 THE WITNESS: I'm missing pages from this</p> <p>16 report.</p> <p>17 MR. STEFANICH: Yeah. So am I.</p> <p>18 MR. FLAXMAN: Let's take a break.</p> <p>19 THE VIDEOGRAPHER: Off the record, 4:24.</p> <p>20 (A recess was taken from 4:24 p.m. to</p> <p>21 4:29 p.m.)</p> <p>22 THE VIDEOGRAPHER: Back on the record,</p> <p>23 4:29.</p>	280

## Transcript of Elsworth Smith, Jr.

71 (281 to 284)

Conducted on February 17, 2020

	281		283
1     (Smith Deposition Exhibit 17 marked for		1 <b>A Meaning that you may have made some</b>	
2 identification and attached to the transcript.)		2 <b>observation firsthand.</b>	
3 BY MR. FLAXMAN:		3     Q The next sentence says, "R/Os were	
4     Q Now that we've gotten the full exhibits,		4 responding to a 'shots fired' call at 559 East	
5 you have Exhibit No. 17 in front of you?		5 Browning" and then in parentheses it says, ref,	
6 <b>A Yes, I do.</b>		6 period, Event No. 11121."	
7     Q Is that all five pages of the arrest		7     Do you see that?	
8 report of Mr. Lockett on May 12th, 2005?		8 <b>A Yes, I do.</b>	
9 <b>A Yes, it is.</b>		9     Q Ref, period, what does that stand for?	
10    Q Is that one of the documents you reviewed		10 <b>A Reference event number.</b>	
11 to prepare for today's deposition?		11    Q And what was that, event number?	
12 <b>A Yes, it is.</b>		12 <b>A I would put that in there to reference the</b>	
13    Q And is there anything in this arrest		13 <b>event number for the call of shots fired that came</b>	
14 report that's incorrect?		14 <b>out.</b>	
15 <b>A No, there is not.</b>		15    Q How would you reference that event number?	
16    Q And did you prepare this arrest report?		16 <b>A You can pull it up by the information from</b>	
17 <b>A Yes, I did.</b>		17 <b>the PCAD detailing the event of the calls that was</b>	
18    Q On the first page of the arrest report,		18 <b>called in that area. The PCAD, I forgot what the</b>	
19 there's a section for felony review.		19 <b>acronym stands for, but it lists the information</b>	
20    Do you see that?		20 <b>pertaining to a call.</b>	
21 <b>A Yes, I do.</b>		21    THE REPORTER: How do you spell it?	
22    Q And that was the name of what I think is		22    THE WITNESS: PCAD.	
23 an assistant state's attorney?		23    Q P-C-A-D?	
24 <b>A Yes.</b>		24 <b>A Yeah. P-C-A-D.</b>	
	282		284
1     Q Do you remember speaking to that assistant		1     Q And through that system, you could get	
2 state's attorney?		2 information about the shots fired call?	
3 <b>A As of today, I don't recall.</b>		3 <b>A Yes.</b>	
4     Q As the attesting officer on a case that		4     Q And would that say whether it was a radio	
5 underwent felony review, would you be in		5 call or a flash message?	
6 communication with the state's attorney's office?		6 <b>A Yes. And probably detail who the call was</b>	
7 <b>A From the best of my experience and my</b>		7 <b>given out to.</b>	
8 <b>knowledge, yes.</b>		8     Q The next sentence says, "R/Os received	
9     Q Well, let me ask you -- on the second		9 info that the possible shooter was an individual	
10 page, the narrative section begins Event		10 that goes by the street name 'JJ.'	
11 No. 11625.		11    Do you see that?	
12    Do you see that?		12 <b>A Yes, I do.</b>	
13 <b>A Yes.</b>		13    Q Were you one of the officers who received	
14    Q Do you know why this arrest report has an		14 that information?	
15 event number listed in the incident narrative?		15 <b>A It doesn't state whom but it says -- but</b>	
16 <b>A Because to the best of my memory, we were</b>		16 <b>it does say -- it is in plural, R/Os. So I'm</b>	
17 <b>supposed to list the event number in your case --</b>		17 <b>assuming -- I don't have any prior knowledge of</b>	
18 <b>in the arrest report.</b>		18 <b>that particular part of this incident. I believe</b>	
19    Q The next line says, This is an on-view		19 <b>I had to.</b>	
20 arrest by second tactical -- I'm sorry -- "This is		20    Q Why do you believe that?	
21 an on-view arrest by 2nd District tactical unit."		21 <b>A Because it's in my report.</b>	
22    Do you see that?		22    Q You don't have a personal recollection of	
23 <b>A Yes, I do.</b>		23 getting that information?	
24    Q What's an on-view arrest?		24 <b>A No, not at that particular moment.</b>	

## Transcript of Elsworth Smith, Jr.

72 (285 to 288)

Conducted on February 17, 2020

	285		287
1	Q You said that R/Os is plural; is that	1	Q The subject fled eastbound on 37th Street;
2	right?	2	is that right?
3	<b>A Yes.</b>	3	<b>A That's correct.</b>
4	Q And what do you understand that to mean?	4	Q Were both you and Watts exiting the
5	<b>A Myself and another partner.</b>	5	vehicle?
6	Q Okay. And based on the second page of	6	<b>A I don't -- I don't recall at this</b>
7	this, it refers to Ronald Watts as the second	7	<b>particular time, but that's what it states in this</b>
8	arresting officer.	8	<b>report.</b>
9	You understand R/Os to refer to yourself	9	Q Do you think that you were both exiting
10	10 and Watts?	10	10 because you wrote R/Os plural?
11	<b>A Yes. Based off this report, yes.</b>	11	<b>A At this particular time, I don't have a</b>
12	Q The next sentence says, "R/Os went to 37th	12	<b>memory of if we were both exiting the vehicle.</b>
13	Street, right off Vincennes, having prior	13	Q The next sentence says that you pursued
14	knowledge of subject's whereabouts."	14	14 the subject on foot, and Watts followed in the
15	Do you see that?	15	15 police vehicle; right?
16	<b>A Yes, I do.</b>	16	<b>A That is correct.</b>
17	Q Did you have knowledge of JJ's	17	Q How did you decide that you would follow
18	whereabouts?	18	18 on foot?
19	<b>A As I stated, I don't recall at this</b>	19	<b>A From the best of my memory, I don't think</b>
20	<b>particular point in time; but if that's in my</b>	20	<b>we had a conversation about you go get him or, you</b>
21	<b>report, I probably did have knowledge of his</b>	21	<b>know, I was instructed to chase after him or</b>
22	<b>whereabouts at that particular time.</b>	22	<b>something.</b>
23	Q The next sentence says, "R/Os observed the	23	<b>To the best of my knowledge, it was just</b>
24	24 subject standing at location standing among a	24	<b>instinctual. Watts was driving. I exited the</b>
	286		288
1	group of people."	1	<b>vehicle, and I decided to take after -- from the</b>
2	Do you see that?	2	<b>best of my memory, I just took after him on foot.</b>
3	<b>A Yes, I do.</b>	3	Q Did you see anybody -- excuse me.
4	Q Okay. Do you know who the other people	4	Did you see anyone else from the group of
5	were?	5	people run as you were approaching?
6	<b>A At this time, I do not recall.</b>	6	<b>A At that particular point in time, I'm</b>
7	Q Did you recognize any of them at the time?	7	<b>going to say I don't have a clear memory, but I</b>
8	<b>A At this time, I do not have any memory of</b>	8	<b>think my -- just my attention or my focus was</b>
9	<b>the other people.</b>	9	<b>on him.</b>
10	Q The next sentence says, R/Os approached	10	Q Why was your focus on him?
11	11 the subject -- well, is s-u-b-j subject?	11	<b>A Because I saw him pull out an object that</b>
12	<b>A Yes.</b>	12	<b>appeared to be a gun.</b>
13	Q So it says, "R/Os approached the subject	13	Q Did he pull out the object before he
14	14 in an unmarked police vehicle."	14	started running?
15	Did I read that right?	15	<b>A As I stated -- in this report, if you're</b>
16	<b>A That's correct.</b>	16	<b>looking at the arrest report, it may look like he</b>
17	Q Okay. When you were in the 2nd District	17	<b>ran first; but I think in my vice case report, I</b>
18	18 tactical team, would you normally be in an	18	<b>think I put that he pulled out the gun, and I</b>
19	19 unmarked police vehicle?	19	<b>started to chase him at that particular point in</b>
20	<b>A From the best of my memory, yes.</b>	20	<b>time.</b>
21	Q The next sentence says, R/Os -- As R/Os	21	<b>So there was a slight error in this</b>
22	22 were exiting the v-e-h, period -- does that mean	22	<b>particular wording when I've used that phrase, but</b>
23	23 vehicle?	23	<b>that does not mean that the information in this</b>
24	<b>A Yes.</b>	24	<b>report was falsified or not true.</b>

## Transcript of Elsworth Smith, Jr.

73 (289 to 292)

Conducted on February 17, 2020

289

291

1 Q Which report are you referring to?

2 A **The vice case report.**3 (Smith Deposition Exhibit 18 marked for  
4 identification and attached to the transcript.)5 Q Okay. That's -- is that marked as  
6 Exhibit 18?7 A **That's -- yes, Exhibit 18.**8 Q Okay. Is that a general offense case  
9 report?10 A **The vice case -- yes, I'm sorry -- the  
11 general offense case report. I'm sorry. It looks  
12 similar.**13 Q And was there some information in the  
14 general offense case report that you're relying  
15 on?16 A **Yes. Go to the second page beginning with  
17 the line that said the offender did -- I'm  
18 sorry -- R/Os approached the subject, announced  
19 their office.**

20 Do you see that correct?

21 Q I see that, yes.

22 A **Yes. Then the next sentence, "The  
23 offender then fled eastbound on 37th Street with  
24 R/Os in pursuit. R/Os observed the subject reach**1 **foot. Sergeant Ronald Watts, Star No. 2640  
2 followed the pursuit in the police vehicle.**3 **As the subject was attempting to make good  
4 his escape on foot, P.O. Smith observed the  
5 subject reach underneath his sweatshirt and pull  
6 out a black object that R/Os observed to be a  
7 handgun. The subject was placed in the --  
8 sorry -- the subject placed the object in his  
9 right hand and was running with it down by his  
10 side. After a brief foot pursuit, the subject was  
11 apprehended by Sergeant Watts at 56th -- at 563  
12 East 37th Street.**13 **Then it goes to state that P.O. Smith  
14 recovered a semiautomatic handgun that was lying  
15 on the ground at the same address.**16 Q And what was the inconsistency that you  
17 were pointing out to me between the reports?18 A **Well, I thought you were trying to point  
19 out an inconsistency whether or not that he  
20 produced a handgun immediately when we first  
21 announced our office and approached him.**22 **So I was just trying to make the clear  
23 distinction whether the fact that he ran first or  
24 not and that we pursued him or not. At some point**

290

292

1 **underneath his sweatshirt and retrieve a black  
2 handgun and continued to flee with the handgun in  
3 his right hand."**4 Q Based on that portion of the general  
5 offense case report, you believe that Mr. Lockett  
6 took the gun out before he started running?7 A **No. According to this I -- you know, I --  
8 but the fact of the matter, he ran; and then as he  
9 was running, he did produce the weapon. He did  
10 pull it out while he was running, and it states  
11 that in the report. So at some point in time, he  
12 did produce a handgun.**13 Q And what did you say in the arrest report  
14 that was --15 A **I don't think there's too much of a  
16 difference, but let me look back at that.**17 **Because in this report, it says he fled  
18 first, and I think it's the same thing basically,  
19 that R/Os observed the subject standing at the  
20 location among a group of people. R/Os approached  
21 the subject in an unmarked police vehicle.**22 **As R/Os were exiting the vehicle, the  
23 subject fled eastbound on 37th Street. P.O. E.  
24 Smith, my Star No. 11737, pursued the subject on**1 **in time, Mr. Lockett did produce a handgun, and  
2 the handgun was recovered.**3 Q Did you see him take the handgun out  
4 before he started running or after he started  
5 running?6 A **As is stated in the report, based off of  
7 my memory too, as we approached him, when he  
8 started running, I saw him reach underneath his  
9 sweatshirt and pull out an object that appeared to  
10 be a handgun, and then he started running with  
11 that object by his side.**12 Q There's two things that I'm asking  
13 questions about. One is Mr. Lockett sort of  
14 running. The other is that he pulled out a gun.15 Did they happen at the same time, or did  
16 one happen first?17 A **No. As I stated in the report, he ran  
18 first and then as -- while he was running, he  
19 pulled the weapon out from underneath his  
20 sweatshirt, and it's described in the report, and  
21 I've stated that several times also.**22 Q Did you see anyone else from the group of  
23 people in that area run?24 A **I don't recall anybody else running. My**

## Transcript of Elsworth Smith, Jr.

74 (293 to 296)

Conducted on February 17, 2020

293	295
<p>1 <b>attention was focused on Jessie Lockett.</b></p> <p>2 Q So they might have, but you wouldn't have</p> <p>3 seen it?</p> <p>4 <b>A At this time, as I recall, I don't recall</b></p> <p>5 <b>anyone else running.</b></p> <p>6 Q And at the time you saw Mr. Lockett</p> <p>7 running, did you know that he was JJ who you were</p> <p>8 looking for?</p> <p>9 <b>A Yes, I did.</b></p> <p>10 Q How did you know that?</p> <p>11 <b>A Like I said, having prior knowledge of who</b></p> <p>12 <b>he was.</b></p> <p>13 Q And had you arrested Mr. Lockett before?</p> <p>14 <b>A Prior to this date -- I do not recall if I</b></p> <p>15 <b>had arrested him prior to this date on May 12th,</b></p> <p>16 <b>2005.</b></p> <p>17 Q Had you ever spoken to Mr. Lockett before</p> <p>18 May 12th, 2005?</p> <p>19 <b>A I don't have -- sitting here today, I</b></p> <p>20 <b>don't recall prior to this date if I did or not.</b></p> <p>21 Q The arrest report stated that Mr. Lockett</p> <p>22 fled as the reporting officers were exiting the</p> <p>23 vehicle; is that right?</p> <p>24 <b>A The arrest report stated. What was</b></p>	<p>1 Q You saw him with a gun before --</p> <p>2 <b>A Yes, sir. Yes --</b></p> <p>3 Q I'm sorry. Please let me finish my</p> <p>4 question.</p> <p>5 You saw him with a gun before he started</p> <p>6 running?</p> <p>7 <b>A No, I did not see him with a gun before he</b></p> <p>8 <b>started running. As I stated in the report and</b></p> <p>9 <b>from my memory, I saw him running after -- I saw</b></p> <p>10 <b>him running and then pull a gun from underneath</b></p> <p>11 <b>his sweatshirt while he was running and then</b></p> <p>12 <b>run -- and then he pulled it out and began running</b></p> <p>13 <b>with it by his side.</b></p> <p>14 Q Were you chasing him at the time he pulled</p> <p>15 the gun out?</p> <p>16 <b>A Yes. As stated in my report and I've</b></p> <p>17 <b>stated that several times, sir.</b></p> <p>18 Q But at the time you started chasing him,</p> <p>19 had you seen the gun?</p> <p>20 MR. MICHALIK: Objection; asked and</p> <p>21 answered.</p> <p>22 MR. STEFANICH: Join.</p> <p>23 <b>A Yes, I did see him with the gun because I</b></p> <p>24 <b>was chasing him. I was running --</b></p>
294	296
<p>1 <b>your -- what was your -- trying -- I'm sorry.</b></p> <p>2 <b>Where were you at?</b></p> <p>3 Q It's at the end of that fourth line, "As</p> <p>4 R/Os were exiting the vehicle, the subject fled."</p> <p>5 <b>A Yes, I see that.</b></p> <p>6 Q Okay. And then in the vice case report,</p> <p>7 on that second page, at the end of the first line,</p> <p>8 it says, "R/Os approached the subject and</p> <p>9 announced their office."</p> <p>10 <b>A Yes, I see that.</b></p> <p>11 Q Are both of those right or is there --</p> <p>12 does one of those need to be corrected?</p> <p>13 <b>A Basically, it's the same thing. It's just</b></p> <p>14 <b>written differently.</b></p> <p>15 Q So when did you announce your office?</p> <p>16 <b>A I don't have a prior recollection to this;</b></p> <p>17 <b>but, like I said, at the end of the report -- at</b></p> <p>18 <b>the end of one report it says I approached and</b></p> <p>19 <b>announced my office. One report says -- report</b></p> <p>20 <b>says something different.</b></p> <p>21 <b>The fact of the matter is that Jessie</b></p> <p>22 <b>Lockett had a handgun when I began chasing him.</b></p> <p>23 <b>That's undisputable, and I remembered that</b></p> <p>24 <b>clearly.</b></p>	<p>1 <b>BY MR. FLAXMAN:</b></p> <p>2 Q Sir, at the time you started chasing him,</p> <p>3 had you seen the gun?</p> <p>4 MR. STEFANICH: Objection; asked and</p> <p>5 answered.</p> <p>6 <b>A At the time that I started chasing him,</b></p> <p>7 <b>not initially; but at some point in time, I did</b></p> <p>8 <b>see him with the handgun.</b></p> <p>9 Q I'm looking at the narrative on the arrest</p> <p>10 report and it states -- it gives a description of</p> <p>11 the handgun and the ammunition that you recovered.</p> <p>12 Do you see that?</p> <p>13 <b>A Yes, I do.</b></p> <p>14 Q Okay. What does it mean that it was</p> <p>15 loaded with 1-10 shot capacity, 9-milli-</p> <p>16 magazine -- 9-millimeter magazine?</p> <p>17 <b>A It was one magazine containing 10</b></p> <p>18 <b>9-millimeter rounds, a 10-shot capacity magazine.</b></p> <p>19 Q Oh, I'm sorry. Okay.</p> <p>20 So it was a single 10-shot capacity</p> <p>21 9-millimeter magazine?</p> <p>22 <b>A That's correct.</b></p> <p>23 Q And we'll look at the inventory report in</p> <p>24 a moment. Let me ask you the next -- the next</p>

## Transcript of Elsworth Smith, Jr.

75 (297 to 300)

Conducted on February 17, 2020

297	299
<p>1 sentence states, "R/Os placed the subject into 2 custody per Miranda."</p> <p>3 Do you see that?</p> <p>4 <b>A Yes, I do.</b></p> <p>5 Q Does that mean that you read Miranda 6 rights to Mr. Lockett?</p> <p>7 <b>A Yes, it does.</b></p> <p>8 Q And did you do that at the scene of his 9 arrest?</p> <p>10 <b>A Yes.</b></p> <p>11 Q Did you -- how did you -- did you read the 12 Miranda rights from anything?</p> <p>13 <b>A From the best of my knowledge, sitting 14 here today, I don't recall; but normally if I read 15 Miranda to a subject that I was placing into 16 custody, I would read the preprinted form from my 17 FOP book.</b></p> <p>18 Q The next -- well, that sentence concludes 19 that Mr. Lockett was transported to the 20 2nd District for processing; right?</p> <p>21 <b>A Yes, it does.</b></p> <p>22 Q And I think you said you don't recall how 23 he was transported?</p> <p>24 <b>A No. As I read further, looking ahead in</b></p>	<p>1 <b>A At the present moment, no, but that's 2 what's stated in my report.</b></p> <p>3 Q Can you tell from your report where 4 Mr. Lockett was when he said that?</p> <p>5 <b>A According to the report, no, I do not.</b></p> <p>6 Q And based on your practice of writing 7 reports, would you have included that if you had 8 not heard Mr. Lockett make that statement?</p> <p>9 <b>A Based on my -- I'm sorry. Repeat the 10 question.</b></p> <p>11 Q If another officer had told you that 12 Mr. Lockett made the statement that's reflected in 13 the arrest report, would you have put it in the 14 report?</p> <p>15 <b>A I would -- no, but I probably would have, 16 but I would have stated that officer. But from 17 the best of my knowledge, I remember this arrest. 18 I don't remember all the particular details, but I 19 do remember at some point in time him making this 20 admission.</b></p> <p>21 <b>I don't -- I didn't put it in quotes or 22 anything or paraphrase exactly what he said; but I 23 do remember him saying something to that effect, 24 that he was carrying a weapon for his protection</b></p>
298	300
<p>1 <b>this report, it states that the transport unit -- 2 let me to go to Page No. 4. It says, transport 3 details was 5 -- Beat 211.</b></p> <p>4 Q Do you know who beat 211 is?</p> <p>5 <b>A That what it appears to be, a two-man 6 unit, B211, May 12th, 2005, at 1625 hours.</b></p> <p>7 Q Do you know what officers were assigned to 8 Beat 211?</p> <p>9 <b>A As of today, no, I do not. It does not 10 list the officers who were working Beat 211.</b></p> <p>11 Q And it's your understanding that if you 12 would have been the one to transport Mr. Lockett 13 to the station, your beat would be listed in the 14 box we're looking at on page 4?</p> <p>15 <b>A That is correct.</b></p> <p>16 Q The narrative says -- are you back on 17 page 2 with me?</p> <p>18 <b>A Yes.</b></p> <p>19 Q "Subject stated to R/Os that he carried 20 the gun for protection because he was beat up by 21 rival drug dealers in the Wells housing buildings."</p> <p>22 Do you see that?</p> <p>23 <b>A Yes, I do.</b></p> <p>24 Q Do you recall Mr. Lockett saying that?</p>	<p>1 <b>because he was beaten up by other rival drug 2 dealers.</b></p> <p>3 Q And the way that you put it in the report 4 reflects that you were somebody who heard him say 5 that; correct?</p> <p>6 <b>A Yes. It says "R/Os." It doesn't state 7 whether or not myself or Ronald Watts or meaning 8 both of us heard him at some point in time.</b></p> <p>9 Q You believe both of you heard him?</p> <p>10 <b>A I'm not certain as of today; but in the 11 report, I state "R/Os." And this is a report that 12 I've written, and I don't recall anyone telling me 13 how to write this report, from the best of my 14 knowledge.</b></p> <p>15 Q You say you don't recall anyone telling 16 you how to write it?</p> <p>17 <b>A No. This is a report that I wrote. To 18 the best of my memory, this is the report that I 19 made.</b></p> <p>20 Q Were there times when somebody told you 21 how to write a report?</p> <p>22 <b>A To the best -- I did not say that. I'm 23 saying for this particular report, no. And to the 24 best of my memory, I don't recall anybody ever</b></p>

## Transcript of Elsworth Smith, Jr.

76 (301 to 304)

Conducted on February 17, 2020

	301		303
1 <b>telling me to how to write any of my reports.</b>		1 Q The second page of the general offense	
2 Q If you go to the last page of this report,		2 case report after the narrative lists also	
3 which is page No. 5, the second box down is the		3 arresting, and then it lists the name of four	
4 movement log.		4 officers.	
5 Do you see that?		5 Do you see that?	
6 <b>A Yes.</b>		6 <b>A Yes, I do.</b>	
7 Q Do you see that it states Mr. Lockett was		7 Q Okay. Do you know what those officers did	
8 taken to Mercy because of a complaint of pain to		8 in relation to this arrest?	
9 hand?		9 <b>A At the present moment, I do not.</b>	
10 <b>A Yes, I do.</b>		10 Q Is there any way you could find out?	
11 Q Okay. Do you know why Mr. Lockett was		11 <b>A I'm certain there's probably some way you</b>	
12 taken to Mercy?		<b>12 could find out, but I do not recall at this</b>	
13 <b>A I have no idea.</b>		<b>13 particular moment.</b>	
14 Q As the arresting officer, is it your		14 Q What's the way that you could find out?	
15 responsibility to make sure the arrestee received		15 <b>A I don't know. Maybe -- it has Bolton,</b>	
16 medical treatment if they needed it?		<b>16 Gonzalez, Nichols, or Leano. Because I was</b>	
17 <b>A Yes, it is; but from the best of my</b>		<b>17 working with Sergeant Watts at some point in time,</b>	
<b>18 memory, I do not recall Jessie Lockett ever</b>		<b>18 maybe they were assisting me to do the complaint</b>	
<b>19 complaining about pain to his hand.</b>		<b>19 forms or the inventories. They assisted in some</b>	
20 Q So he might have complained to somebody		<b>20 other type of way as far as this arrest, but I</b>	
21 else?		<b>21 don't know what particular role that they played.</b>	
22 <b>A Obviously, he did because it's in this</b>		22 Q Underneath the narrative there's a section	
<b>23 report on page 5 under movement log.</b>		23 that says "For use by Bureau of Investigative	
24 Q You can put the arrest report aside.		24 Services only."	
	302		304
1 Exhibit No. 18, we looked at it briefly		1 Do you see that?	
2 before.		2 <b>A Yes.</b>	
3 It's the general offense case report; is		3 Q Is that material that you did not fill in?	
4 that right?		4 <b>A No. I have no clue what that is used for.</b>	
5 <b>A That's correct.</b>		5 <b>Obviously, it's used by someone in the Bureau of</b>	
6 Q Okay. Did you create this report, Exhibit		<b>6 Investigative Services.</b>	
7 No. 18?		7 (Smith Deposition Exhibit 19 marked for	
8 <b>A Yes, I did.</b>		8 identification and attached to the transcript.)	
9 Q Okay. At the bottom, your name is listed		9 Q All right. The next exhibit you have in	
10 as the Box No. 95, the reporting officer?		10 front of you is No. 19.	
11 <b>A That's correct.</b>		11 Do you know what Exhibit No. 19 is?	
12 Q Is that your signature to the right?		12 <b>A It's a property inventory form -- property</b>	
13 <b>A Yes, it is.</b>		<b>13 inventory form.</b>	
14 Q Do you know why no -- there's not another		14 Q Did you complete this property inventory	
15 reporting officer listed underneath your name?		15 form?	
16 <b>A As I'm sitting here today, no, I do not.</b>		16 <b>A I'm looking at the bottom of the report.</b>	
17 Q Ronald Watts is listed in Box 97 as the		17 <b>Created by, it's not my PC number. So it had to</b>	
18 supervisor approving.		<b>18 be one of the assisting officers.</b>	
19 Do you see that?		19 Q What's your PC number?	
20 <b>A Yes, I do.</b>		20 <b>A PC0U037.</b>	
21 Q Do you recognize Sergeant Watts' signature		21 Q Do you know whose PC number is PC0T093?	
22 underneath his name?		22 <b>A As of this time, no, I do not.</b>	
23 <b>A From the best of my memory, that is his</b>		23 Q And you don't have a recollection of who	
<b>24 handwriting.</b>		24 completed this inventory sheet; right?	

## Transcript of Elsworth Smith, Jr.

77 (305 to 308)

Conducted on February 17, 2020

	305		307
1	<b>A No, I do not.</b>	1	<b>A Yes, I do.</b>
2	Q This has a description -- well, the first	2	Q Okay. Do you recognize this as a
3	thing listed on here is a description of the	3	complaint for preliminary examination?
4	firearm; correct?	4	<b>A Yes.</b>
5	<b>A That's correct.</b>	5	Q And is this a document that you completed?
6	Q And then it lists the 10-round magazine;	6	<b>A Yes.</b>
7	is that correct?	7	Q Is that your signature on the line for
8	<b>A Yes.</b>	8	complainant's signature?
9	Q And then after that, it lists 10 rounds	9	<b>A Yes, it is.</b>
10	for that magazine?	10	Q And whose signature is on the line for
11	<b>A Yes.</b>	11	judge or clerk?
12	Q Is it your understanding that a gun like	12	<b>A I can't make that out, but I believe</b>
13	this -- well, I'm sorry. Let me ask that a	13	<b>that's Sergeant Brown, and it looks like it says</b>
14	different way.	14	<b>Star No. 916?</b>
15	Is this description of the firearm, the	15	(Smith Deposition Exhibit 21 marked for
16	magazine, and the ammunition consistent with	16	identification and attached to the transcript.)
17	Mr. Lockett having fired the gun shortly before he	17	BY MR. FLAXMAN:
18	was placed into custody?	18	Q Exhibit -- can you take a look at Exhibit
19	MR. MICHALIK: Object to the form,	19	19 No. 21?
20	foundation.	20	<b>A Yes.</b>
21	<b>A As I stated before, I have no idea if</b>	21	Q Do you recognize that as another complaint
22	<b>Jessie Lockett fired the weapon or not.</b>	22	22 for preliminary examination for Mr. Lockett?
23	Q Do you understand how a semiautomatic	23	<b>A Yes, I do.</b>
24	pistol works?	24	Q Okay. Did you complete Exhibit No. 21?
	306		308
1	<b>A Yes, I do.</b>	1	<b>A I signed it but the -- the handwritten</b>
2	Q Okay. If he had fired the weapon, would	2	<b>part of it doesn't look like it's my handwriting.</b>
3	there be 10 rounds in the magazine?	3	Q Do you know whose handwriting it is?
4	MR. KOSOKO: Objection; incomplete	4	<b>A No, I do not, probably one of the</b>
5	hypothetical, form.	5	<b>assisting officers.</b>
6	<b>A Sir, if it's a 10-round magazine, I -- the</b>	6	Q For Exhibit No. 20, it's not handwritten;
7	<b>weapon -- the weapons that we carry -- the weapon</b>	7	right?
8	<b>that I use has 15 rounds. It can hold 15 rounds</b>	8	<b>A No, it is not.</b>
9	<b>in the magazine, and then you can carry another</b>	9	Q Okay. Do you know who typed it?
10	<b>10 one in the chamber. So that would give you an</b>	10	<b>A Sitting here today, no, I do not. Perhaps</b>
11	<b>11 additional round.</b>	11	<b>I did. I don't know.</b>
12	Q Do you know if the firearm described on	12	Q But it also could have been one of the
13	the first line of this report is one that can have	13	assisting officers or somebody else?
14	another round in the chamber?	14	<b>A That is correct.</b>
15	<b>A I'm certain all weapons -- I'm not a gun</b>	15	Q On Exhibit No. 21, you said that's your
16	<b>expert, but I'm certain that they all operate and</b>	16	signature on complainant's signature for those two
17	<b>17 are used the same way. So like I said, without</b>	17	17 lines?
18	<b>18 testing this weapon, I don't have no clue, but I'm</b>	18	<b>A Yes, it is.</b>
19	<b>19 certain that it probably operates the same way as</b>	19	Q Okay. And can you make out whose
20	<b>20 a normal gun does.</b>	20	signature is on the judge or clerk line?
21	(Smith Deposition Exhibit 20 marked for	21	<b>A Again, it looks like it says Sergeant</b>
22	identification and attached to the transcript.)	22	<b>Brown, 916.</b>
23	Q Let me ask you about Exhibit No. 20.	23	Q Okay. Do you know Sergeant Brown?
24	Do you have that in front of you?	24	<b>A Yes, I do.</b>

## Transcript of Elsworth Smith, Jr.

78 (309 to 312)

Conducted on February 17, 2020

	309		311
1	Q What's Sergeant Brown's first name?	1	<b>A That's correct.</b>
2	<b>A Tony Brown and he's retired.</b>	2	Q Okay. Are you aware that Mr. Lockett says
3	Q Do you know why Sergeant Brown signed	3	he was falsely arrested on that day?
4	these two complaints?	4	<b>A No, I do not.</b>
5	<b>A Sitting here today, I have no independent</b>	5	Q I'm sorry?
6	<b>recollection.</b>	6	<b>A No, I do not.</b>
7	MR. FLAXMAN: I'm going to show you the	7	Q You didn't know that he says he was
8	grand jury papers. I only have three copies of	8	falsely arrested.
9	it. I don't think we need to mark it as an	9	<b>A No.</b>
10	exhibit, but I'll just read into the record what	10	Q Do you believe Mr. Lockett was lawfully
11	11 pages it is.	11	arrested on May 12th, 2005?
12	Q I'm showing you what is marked as	12	MR. STEFANICH: Objection; form,
13	13 F PL JOINT 02979 through 02982.	13	foundation.
14	Do you recognize that as papers from the	14	<b>A Yes, he was arrested lawfully because I</b>
15	15 grand jury indictment of Mr. Lockett?	15	<b>arrested him.</b>
16	<b>A I don't recall, but it does appear to</b>	16	Q Okay. And because you observed him with a
17	<b>be so.</b>	17	17 handgun?
18	Q Okay. And do you see that it says -- that	18	<b>A Yes, I did, and I made these reports.</b>
19	Sergeant Watts name is on the front page?	19	MR. FLAXMAN: Okay. I don't have any
20	<b>A Yes.</b>	20	20 other questions on Lockett. Stop there?
21	Q Does that refresh your recollection on	21	MR. STEFANICH: Yeah.
22	22 whether you testified at the grand jury about	22	MR. FLAXMAN: Okay. And we'll, by
23	23 Mr. Lockett's case?	23	23 agreement, do my other cases the next day?
24	<b>A According to this report, it doesn't</b>	24	MR. STEFANICH: Correct.
	310		312
1	<b>appear so.</b>	1	MR. FLAXMAN: Okay.
2	Q Do you know if Jessie Lockett says he was	2	MR. STEFANICH: And do my follow-up the
3	falsely arrested on July 10th 2004?	3	3 next day as well.
4	<b>A No, I was not aware of that.</b>	4	MR. RAUSCHER: Yeah. Well, just remember
5	Q Okay.	5	5 if you want to, once we get to the end of those
6	MR. STEFANICH: Is that a different date	6	6 cases, call it.
7	7 than the one we were talking about?	7	MR. STEFANICH: Yeah.
8	MR. FLAXMAN: Could be. I'll fix that.	8	THE VIDEOGRAPHER: This concludes the
9	Q Are you done looking at the grand jury	9	9 deposition of Elsworth Smith, Jr., at 5:03 p.m.
10	10 document?	10	(Off the video record.)
11	<b>A Just give me a second.</b>	11	MR. STEFANICH: I'll order the original
12	Q Sure.	12	12 today, and we will reserve signature.
13	<b>A Okay.</b>	13	(Off the record at 5:04 p.m.)
14	Q Just hold on a sec.	14	
15	Was there anything in there that you --	15	
16	16 that peaked your interest?	16	
17	<b>A No.</b>	17	
18	(Smith Deposition Exhibit 22 marked for	18	
19	19 identification and attached to the transcript.)	19	
20	MR. FLAXMAN: Okay. You know, I think we	20	
21	21 should just mark as Exhibit No. 22, but I have	21	
22	22 another question about it.	22	
23	Q We've been talking about this arrest of	23	
24	24 Mr. Lockett on May 12th, 2005; correct?	24	

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79 (313 to 316)

313

1 ACKNOWLEDGMENT OF DEPONENT  
23 I, ELSWORTH SMITH, JR., do hereby  
4 acknowledge that I have read and examined the  
5 foregoing testimony, and the same is a true,  
6 correct, and complete transcription of the  
7 testimony given by me and any corrections appear  
8 on the attached errata sheet signed by me.

9

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13 (DATE) \_\_\_\_\_ (SIGNATURE)

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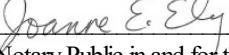
314

1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC  
23 I, Joanne Ely, Certified Shorthand  
4 Reporter No. 84-4169, CSR, RPR, and a Notary  
5 Public in and for the County of Kane, State of  
6 Illinois, the officer before whom the foregoing  
7 deposition was taken, do hereby certify that the  
8 foregoing transcript is a true and correct record  
9 of the testimony given; that said testimony was  
10 taken by me stenographically and thereafter  
11 reduced to typewriting under my direction; that  
12 review was requested; and that I am neither  
13 counsel for, related to, nor employed by any of  
14 the parties to this case and have no interest,  
15 financial or otherwise, in its outcome.16 IN WITNESS WHEREOF I have hereunto set my  
17 hand and affixed my notarial seal this 2nd day of  
18 March, 2020.

19

20 My commission expires: May 16, 2020

21

22   
23 Notary Public in and for the  
24 State of Illinois

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