

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.
Conducted on February 17, 2020

1 (1 to 4)

1	3
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	4
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

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2 (5 to 8)

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3 ERIC PALLES, ESQUIRE	3 By Mr. Rauscher 10
4 RAVITZ & PALLES, PC	4 By Mr. Flaxman 264
5 203 North LaSalle Street	5
6 Suite 2100	6 E X H I B I T S
7 Chicago, Illinois 60601	7 (Attached to transcript.)
8 312.558.1689	8
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3 (9 to 12)

9	<p style="text-align: center;">P R O C E E D I N G S</p> <p>THE VIDEOGRAPHER: This is the video deposition of Ellsworth Smith, Jr., taken by Loevy & Loevy in the matter of the Watts coordinated pretrial proceedings, Master Docket No. 19-cv-0171, held at Loevy & Loevy, 311 North Aberdeen Street, Chicago, Illinois.</p> <p>Today is February 17th, 2020. The time is 10:09. The court reporter is Joanne Ely. The videographer is Rick Kosberg.</p> <p>The counsel can now introduce themselves, and Joanne is free to administer the oath.</p> <p>MR. RAUSCHER: Scott Rauscher for the plaintiffs represented by Loevy & Loevy in the coordinated Watts proceedings.</p> <p>MS. KLEINHAUS: Theresa Kleinhaus for the Loevy plaintiffs.</p> <p>MR. FLAXMAN: Joel Flaxman for the Flaxman Plaintiffs.</p> <p>MR. PALLES: Eric Palles for Kallatt Mohammed.</p> <p>MR. KOSOKO: Ahmed Kosoko on behalf of Ronald Watts.</p> <p>MR. MICHALIK: Paul Michalik on behalf of</p>	11
10	<p>Defendants City and certain supervisory officials.</p> <p>MR. STEFANICH: Brian Stefanich for Officer Smith and the other defendant officers.</p> <p>MR. SCHALKA: And Michael Schalka for Defendants Spaargaren and Cadman.</p> <p>ELSWORTH SMITH, JR., having been duly sworn, testified as follows:</p> <p>EXAMINATION BY COUNSEL FOR THE LOEVY PLAINTIFFS BY MR. RAUSCHER:</p> <p>Q Say and spell your name, please.</p> <p>A My name is Elsworth Smith. My first name is E-l-s-w-o-r-t-h, Smith, S-m-i-t-h.</p> <p>Q Are you on duty today?</p> <p>A Yes, I am.</p> <p>Q What are your responsibilities today?</p> <p>A I am currently on administrative desk duty. I work inside the radio room in the 2nd District.</p> <p>Q What specifically are you doing for the police department today, this day?</p> <p>A Today, right now, I'm doing this deposition.</p> <p>Q Will you be going to work after this deposition?</p>	12
	<p>A To my knowledge, after speaking to my supervisors, they're going to count this as a tour of duty for me.</p> <p>Q So this is the only thing you're doing for the police department today?</p> <p>A Yes.</p> <p>Q How come you wore your uniform today?</p> <p>A I felt more comfortable wearing my uniform.</p> <p>Q Did you -- you were for a while on the Watts tactical team?</p> <p>A Yes, I was.</p> <p>Q Did you wear a uniform during that time?</p> <p>A Sometimes.</p> <p>Q How frequently did you wear a uniform or not wear a uniform during that time period?</p> <p>A I don't remember how many times we wore a uniform.</p> <p>Q Were you more commonly wearing a uniform or in plainclothes when you were on the Watts tactical team?</p> <p>A More commonly in plainclothes.</p> <p>Q Were there specific occasions when you'd wear uniforms during that time period?</p> <p>A Yes.</p> <p>Q What occasions would you wear uniforms while you were in the -- on the Watts tactical team?</p> <p>A On occasions, if we had to work special functions or details, or sometimes they would come from the request from the chief of patrol.</p> <p>Q Why would the chief of patrol request that your tactical team wear a uniform?</p> <p>MR. MICHALIK: Objection; foundation.</p> <p>MR. STEFANICH: Join.</p> <p>You can answer.</p> <p>A I don't know.</p> <p>Q Do you remember the chief of patrol ever requesting that you put a uniform on when you were on the Watts tactical team?</p> <p>A As of this moment, no.</p> <p>Q What did you do to prepare for your deposition today?</p> <p>A I looked over some case reports, arrest reports pertaining to the individuals who are falsely accusing me of these allegations.</p> <p>Q You said individuals who are falsely accusing you?</p>	

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4 (13 to 16)

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

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5 (17 to 20)

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

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6 (21 to 24)

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

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7 (25 to 28)

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

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Conducted on February 17, 2020

8 (29 to 32)

<p style="text-align: right;">29</p> <p>1 since I've been in 2 has been in the patrol unit.</p> <p>2 Q What was the other tactical unit?</p> <p>3 A I believe it was the 263 team.</p> <p>4 Q About how long were you on the 263 team?</p> <p>5 A Again, I don't recall specifically. I</p> <p>6 don't think it was more than a year.</p> <p>7 Q Who was the leader of the 263 team when</p> <p>8 you were on that tactical team?</p> <p>9 A The sergeant was Nathan Silas.</p> <p>10 Q And currently on desk duty, are you in a</p> <p>11 uniform, or what's your dress for that role?</p> <p>12 A I'm in uniform.</p> <p>13 Q And what are your responsibilities on desk</p> <p>14 duty?</p> <p>15 A I strictly work in the radio room passing</p> <p>16 out keys and other equipment to the officers that</p> <p>17 are working in patrol.</p> <p>18 Q Has that been your sole responsibility</p> <p>19 since you've been on desk duty?</p> <p>20 A Yes, it has.</p> <p>21 Q Have you ever asked to get taken off desk</p> <p>22 duty?</p> <p>23 A I've questioned it.</p> <p>24 Q Who have you questioned it to?</p>	<p style="text-align: right;">31</p> <p>1 A People that are currently assigned to</p> <p>2 desk -- to the desk that I work with.</p> <p>3 Q What are their names?</p> <p>4 A It varies from day-to-day.</p> <p>5 Q I'm sorry. Just to be -- I'm not asking</p> <p>6 for every name of a person you work with on desk</p> <p>7 duty. I just want to know which people you've</p> <p>8 questioned while you're on desk duty.</p> <p>9 A I don't remember specifically every person</p> <p>10 I spoke to, but, like I said, at our -- there are</p> <p>11 certain people that are assigned to the desk. And</p> <p>12 I have not spoken to anyone -- to any individual</p> <p>13 that I've worked the desk with anything particular</p> <p>14 about this -- these individual cases or anything</p> <p>15 pertaining to the Watts investigation.</p> <p>16 The only the thing I've questioned is why</p> <p>17 I've been on -- placed on administrative desk</p> <p>18 duty.</p> <p>19 Q And when you say you've questioned why</p> <p>20 you're placed on administrative desk duty, what do</p> <p>21 you say to those people?</p> <p>22 A I don't remember specifically what I said</p> <p>23 but I've questioned -- basically, I've questioned</p> <p>24 as to why am I put in this position.</p>
<p style="text-align: right;">30</p> <p>1 A I don't recall -- I believe I've</p> <p>2 questioned my captain, Captain Mark Moore. I've</p> <p>3 questioned supervisors and other officers who I've</p> <p>4 worked with.</p> <p>5 Q Which supervisors have you questioned?</p> <p>6 A I don't remember specifically all of the</p> <p>7 supervisors, but I have spoken to some supervisors</p> <p>8 about this.</p> <p>9 Q Do you remember any of the supervisors</p> <p>10 you've spoken to?</p> <p>11 A I don't remember specifically.</p> <p>12 Q Were they supervisors -- what were the</p> <p>13 supervisors' jobs?</p> <p>14 A Sergeants.</p> <p>15 Q And then you said people you worked with?</p> <p>16 A Yes.</p> <p>17 Q Which people?</p> <p>18 A On the desk.</p> <p>19 Q People you work with on the desk.</p> <p>20 A Yes.</p> <p>21 Q People from your tac team, your old tac</p> <p>22 team?</p> <p>23 A No.</p> <p>24 Q Which people?</p>	<p style="text-align: right;">32</p> <p>1 Q Do you think the people you work with on</p> <p>2 the desk will have answers to that question?</p> <p>3 A I don't have -- I have no clue. I can't</p> <p>4 speak for anyone else.</p> <p>5 Q Well, why are you asking the people you</p> <p>6 work with on the desk if -- why you're on desk</p> <p>7 duty?</p> <p>8 A Because I think it's unfair that I am on</p> <p>9 administrative desk duty.</p> <p>10 Q Is it that you're basically complaining to</p> <p>11 them about it?</p> <p>12 A No.</p> <p>13 Q So you are asking -- like, I'm just -- is</p> <p>14 it literally you'll say to someone on desk duty</p> <p>15 with you, Why am I on desk duty?</p> <p>16 A I've been questioned as to why I've</p> <p>17 been -- why I work -- why am I assigned to the</p> <p>18 desk; and all I've said I -- you know, I can't</p> <p>19 give you any specific information. The only thing</p> <p>20 I can tell you is that I'm on administrative desk</p> <p>21 duty.</p> <p>22 Q So people ask -- let me just -- I'm not</p> <p>23 sure I am understanding this correctly, and I want</p> <p>24 to make sure I don't misstate what you are saying.</p>

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9 (33 to 36)

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

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10 (37 to 40)

<p>37</p> <p>1 Q Do you still have a gun?</p> <p>2 A Yes, I do.</p> <p>3 Q A Chicago -- CPD-issued gun?</p> <p>4 A Yes, I do.</p> <p>5 Q Are you still allowed to arrest people?</p> <p>6 A As far as I know. I'm not for certain.</p> <p>7 Q Have you arrested anyone since you were</p> <p>8 placed on desk duty?</p> <p>9 A No. I don't even carry my weapon with me.</p> <p>10 Q Do you carry the weapon while you're at</p> <p>11 work?</p> <p>12 A No, I do not.</p> <p>13 Q Where is your weapon?</p> <p>14 A It's at home locked in my gun case.</p> <p>15 Q Did someone tell you not to carry your</p> <p>16 weapon?</p> <p>17 A No. Like I said, I don't recall having</p> <p>18 any specific conversations with anyone clearly</p> <p>19 detailing or defining my role.</p> <p>20 Q Is it fair to say you're frustrated with</p> <p>21 how you were placed on desk duty?</p> <p>22 A Yes, I am.</p> <p>23 Q What do you think the process should have</p> <p>24 looked like inside the CPD?</p>	<p>39</p> <p>1 A I am definitely comfortable saying that.</p> <p>2 Q Are you comfortable suggesting any steps</p> <p>3 that you think should have fairly been taken in an</p> <p>4 investigation by CPD?</p> <p>5 MR. MICHALIK: Object to the form.</p> <p>6 A Yes.</p> <p>7 Q All right. Tell me what steps you think</p> <p>8 should have been taken by CPD.</p> <p>9 A First and foremost, I have not talked to</p> <p>10 anyone other than my civil attorneys and the COPA</p> <p>11 investigation -- investigators and yourself as far</p> <p>12 as these allegations falsely brought against me.</p> <p>13 I haven't spoke to anyone from internal affairs or</p> <p>14 any other agencies.</p> <p>15 Q And so you mentioned internal affairs.</p> <p>16 Who else do you think should have come</p> <p>17 spoken to you, if anyone?</p> <p>18 A Well, whoever was doing the investigation.</p> <p>19 I don't know if that was -- if that would be the</p> <p>20 FBI or any other federal agencies, but I have not</p> <p>21 spoken to anyone.</p> <p>22 Q All right. Are there any other steps,</p> <p>23 other than coming to talk to you, that you think</p> <p>24 CPD should have taken?</p>
<p>38</p> <p>1 MR. MICHALIK: Object to the form.</p> <p>2 A I can't -- I cannot answer it, but I do</p> <p>3 feel that this is unfair.</p> <p>4 BY MR. RAUSCHER:</p> <p>5 Q Do you think that when faced with all of</p> <p>6 the complaints relating to Watts and the tactical</p> <p>7 team, CPD should have done anything to</p> <p>8 investigate?</p> <p>9 MR. MICHALIK: Objection to the form.</p> <p>10 Q And when I say "the complaints," I'm</p> <p>11 talking about these -- the recent civil complaints</p> <p>12 and all the exonerations.</p> <p>13 MR. STEFANICH: Object to the form.</p> <p>14 A I'm sure that some investigations should</p> <p>15 have taken place.</p> <p>16 Q And what do you think that investigation</p> <p>17 should have looked like?</p> <p>18 A I have no clue. I'm not in a command</p> <p>19 position, so I have no idea.</p> <p>20 Q Well, we know that one thing you think</p> <p>21 should not have happened is you shouldn't have</p> <p>22 been placed on desk duty; right?</p> <p>23 A Yes.</p> <p>24 Q You're comfortable saying that.</p>	<p>40</p> <p>1 MR. MICHALIK: Object to the form.</p> <p>2 A Like I said, I think they should have did</p> <p>3 a little bit more research as far as investigating</p> <p>4 these allegations.</p> <p>5 Q Anything else?</p> <p>6 A No, sir, not that I can think of at this</p> <p>7 moment.</p> <p>8 Q What research should CPD have done to</p> <p>9 investigate the allegations before placing you --</p> <p>10 and you understand there are others on desk duty</p> <p>11 as well; right?</p> <p>12 A Yes, I am.</p> <p>13 Q What research should CPD have done before</p> <p>14 placing you and others on desk duty?</p> <p>15 MR. MICHALIK: Object to form, foundation.</p> <p>16 MR. STEFANICH: Join.</p> <p>17 You can answer.</p> <p>18 A Okay. I think they should have spoken to</p> <p>19 all the officers that are being falsely accused.</p> <p>20 They should have taken more time to probably</p> <p>21 investigate these individual cases and research</p> <p>22 the -- all the pertinent facts involving these</p> <p>23 arrests.</p> <p>24 Q And you said they should have talked to</p>

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11 (41 to 44)

<p style="text-align: right;">41</p> <p>1 all the investigators who were falsely accused. 2 They should have spoken to all the 3 officers regardless of whether they were falsely 4 accused; right? 5 MR. MICHALIK: Objection; form, misstates 6 his testimony. 7 A I think they should have -- they -- 8 someone should have done an interview or some type 9 of investigation with the people, like myself and 10 others, who are being accused. 11 Q And you said research the pertinent facts? 12 A Yes. 13 Q What facts should CPD have looked at to do 14 that research? 15 A They should have looked at all of the 16 reports involved and also they should have -- like 17 I said, from doing the interviews with the 18 officers involved in these arrests. 19 Q Should they have interviewed 20 third-parties? 21 A Certainly, yes. But I don't think that 22 they have done -- I don't think that they've done 23 their -- excuse me -- I'm trying to think of the 24 correct way to phrase this.</p>	<p style="text-align: right;">43</p> <p>1 Q Would you agree that officers can do 2 things that are wrong? 3 A That's possible, but I know that I've 4 never done anything wrong. Anything that these -- 5 any of these individuals, what they are alleging, 6 I have not done what they are accusing me of 7 doing. 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 A I'm not aware of that. I know that the 12 officers that I have worked with while I was a 13 member of the tactical team under Sergeant Watts' 14 supervision or any of my partners, I never 15 witnessed them do anything that -- especially 16 anything that these individuals are alleging. 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 A From what I know of them based off of 22 their character and the amount of years that I've 23 worked with them, I would be surprised if they did 24 anything criminal.</p>
<p style="text-align: right;">42</p> <p>1 I don't think they've done -- handled this 2 correctly or done their job properly. 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 A My knowledge and experience as a police 9 officer, I think that's what you are supposed to 10 do, especially when someone is being falsely 11 accused of something that they did not do. 12 Q Why is it important to conduct a thorough 13 investigation when someone allegedly has been 14 falsely accused of something? 15 A Because they need to find the truth. 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 A That's correct. 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 A I would agree with you.</p>	<p style="text-align: right;">44</p> <p>1 Q How do you explain Watts and Mohammed 2 then? 3 A I was surprised myself. I have no answer 4 for that. 5 Q Did it make you think that maybe I didn't 6 see everything that happened? 7 A Yes, I did think that; but like I said, I 8 never witnessed them doing that. 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 A Yes, I did think that. 16 Q Do you think it? 17 A The thought has entered my mind; but like 18 I said, there again, I've never witnessed it, but 19 it made me think. 20 Q Have you ever talked about that thought 21 with anyone else? 22 A As I sit here today, no one, especially 23 not the police. 24 Q Why do you say "especially not the</p>

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12 (45 to 48)

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

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13 (49 to 52)

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

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14 (53 to 56)

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

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15 (57 to 60)

<p>57</p> <p>1 A I bid it to come to the 2nd District. I</p> <p>2 completed a PAR form and transferred.</p> <p>3 Q A what form?</p> <p>4 A A PAR form.</p> <p>5 Q What's a PAR form?</p> <p>6 A I forget what the acronym stands for, it's</p> <p>7 the personnel -- personnel form that you fill out</p> <p>8 when you request to be transferred to a different</p> <p>9 district.</p> <p>10 Q Why did you want to move to the</p> <p>11 2nd District?</p> <p>12 A I wanted to transfer to the 2nd District</p> <p>13 because I heard that -- eventually that the</p> <p>14 district was going to change once all of the</p> <p>15 housing developments were taken down.</p> <p>16 And the talk within the department at that</p> <p>17 time was that it was going to be like the land of</p> <p>18 milk and honey or meaning that it was going to be</p> <p>19 not that much crime and it would be a lot -- an</p> <p>20 easy district to work in. So that was one of the</p> <p>21 reasons why I transferred there.</p> <p>22 Q Did it work out like that?</p> <p>23 A For the most part.</p> <p>24 Q So in your experience, being in the</p>	<p>59</p> <p>1 A Eventually after the projects were torn</p> <p>2 down.</p> <p>3 Q Was that after you were done being on the</p> <p>4 264 tactical team?</p> <p>5 A Well, I left the 264 team prior to the</p> <p>6 housing projects or developments that were in the</p> <p>7 district were torn down.</p> <p>8 Q Was there a lot of crime in the</p> <p>9 2nd District while you were on the 264 Watts team?</p> <p>10 A There was a lot of crime prior to me</p> <p>11 becoming a member of Watts team. Like I said,</p> <p>12 before I was a member of Watts team, I was there</p> <p>13 in July.</p> <p>14 Q There was a lot of crime when you got</p> <p>15 there?</p> <p>16 A From what I recall, yes.</p> <p>17 Q Did that continue through your time on the</p> <p>18 Watts team?</p> <p>19 A Yes, it did.</p> <p>20 Q How long were you in the 2nd District</p> <p>21 before you became a member of the 264 team?</p> <p>22 A I don't remember specifically. My best</p> <p>23 guess is, I believe, it was about three months.</p> <p>24 Q Did you ask to become a member of the</p>
<p>58</p> <p>1 2nd District has been a relatively easy job?</p> <p>2 A Somewhat.</p> <p>3 Q Easier than the 3rd and 6th District as a</p> <p>4 patrolman?</p> <p>5 A I don't have much recollection of my time</p> <p>6 in the 6th district because I was a -- still a</p> <p>7 probationary police officer.</p> <p>8 And, like I said, the 3rd district,</p> <p>9 although I liked the 3rd District, I wanted to</p> <p>10 change.</p> <p>11 Q Why did you want to change when you were</p> <p>12 in the 3rd District?</p> <p>13 A Because the 3rd District was becoming</p> <p>14 extremely busy; and, like I said, I heard the</p> <p>15 rumors about, you know, what the 2nd District</p> <p>16 might become. So I was looking for a change as</p> <p>17 far as working as hard.</p> <p>18 Q And you said it pretty much worked out the</p> <p>19 way that you heard it would work out in the</p> <p>20 2nd District; right?</p> <p>21 A That's correct.</p> <p>22 Q Was it -- when did it become like that,</p> <p>23 where it became kind of an easy job, not as much</p> <p>24 crime?</p>	<p>60</p> <p>1 Watts team?</p> <p>2 A No, I did not.</p> <p>3 Q Did you want to be a member of the team?</p> <p>4 A No, I did not.</p> <p>5 Q Why did you not want to be a member of</p> <p>6 Watts team?</p> <p>7 A Because I did not ask to be a member of</p> <p>8 his team.</p> <p>9 Q Why didn't you want to do it?</p> <p>10 A Because I didn't want to be a tactical</p> <p>11 officer when I transferred to the 2nd District.</p> <p>12 Q What was it about being a tactical officer</p> <p>13 that you didn't like?</p> <p>14 A It was nothing specifically. I just</p> <p>15 didn't want to be a tactical officer at that time.</p> <p>16 Q There wasn't anything about the tactical</p> <p>17 officer job that made you not want to do it?</p> <p>18 A No. As I sit here, nothing. And the only</p> <p>19 reason why I was placed on Watts team is because</p> <p>20 of reverse seniority.</p> <p>21 Q What does that mean?</p> <p>22 A Because I did not have enough years or</p> <p>23 enough time on the job, the district commander at</p> <p>24 that time put me on Watts team.</p>

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16 (61 to 64)

<p>61</p> <p>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.</p>	<p>63</p> <p>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?</p>
<p>62</p> <p>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?</p>	<p>64</p> <p>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.</p>

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17 (65 to 68)

<p>65</p> <p>1 Q Do you think that didn't happen, or you 2 don't recall one way or the other?</p> <p>3 A I don't recall one way or the other.</p> <p>4 Q Did you learn how to do the job of a 5 tactical officer by watching Ronald Watts do 6 the job?</p> <p>7 MR. KOSOKO: Objection; form of the 8 question.</p> <p>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.</p> <p>14 MR. RAUSCHER: Could you read back that 15 question, please.</p> <p>16 (Pending question read.)</p> <p>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.</p> <p>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?</p>	<p>67</p> <p>1 Sergeant Silas did spend some time with the 263 2 team, but I couldn't tell you comparing him to 3 Watts.</p> <p>4 Q How would you compare the two as bosses, 5 Silas verse Watts?</p> <p>6 A Comparing in what way?</p> <p>7 Q Did you like one of them more?</p> <p>8 A I didn't have a preference either way.</p> <p>9 Q Were they both effective leaders?</p> <p>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.</p> <p>13 A As far as being an effective leader, I 14 guess so. I had to -- you know, I guess so.</p> <p>15 Can you rephrase that question for me 16 because I don't completely understand it?</p> <p>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?</p> <p>20 MR. KOSOKO: Object to the form of the 21 question.</p> <p>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</p>
<p>66</p> <p>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.</p> <p>4 Q Was he out on the street with the team 5 frequently?</p> <p>6 MR. KOSOKO: Object to the form of the 7 question.</p> <p>8 A To the best of my memory, yes.</p> <p>9 Q Was he out with his team more than other 10 sergeants in your experience?</p> <p>11 MR. KOSOKO: Object to the form of the 12 question, foundation.</p> <p>13 A Again, based on my knowledge, probably 14 more so than some other sergeants.</p> <p>15 Q You said Sergeant Silas was a sergeant for 16 your other team?</p> <p>17 A Yes.</p> <p>18 Q Your other tactical team?</p> <p>19 A Yes.</p> <p>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?</p> <p>24 A As I sit here today, I couldn't guess.</p>	<p>68</p> <p>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.</p> <p>5 BY MR. RAUSCHER:</p> <p>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.</p> <p>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.</p> <p>14 Q Do you recall having any disagreements 15 with Sergeant Watts?</p> <p>16 MR. KOSOKO: Object to the form of 17 question.</p> <p>18 A As I sit here today, I can't recall too 19 many disagreements that I've had with him.</p> <p>20 Q Do you recall any?</p> <p>21 A As I sit here today, I don't recall 22 specifically. I'm sure I have had some 23 disagreements with him.</p> <p>24 Q You're just saying generally it would be</p>

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18 (69 to 72)

<p style="text-align: right;">69</p> <p>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</p>	<p style="text-align: right;">71</p> <p>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</p>
<p style="text-align: right;">70</p> <p>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?</p>	<p style="text-align: right;">72</p> <p>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</p>

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>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.</p>	<p style="text-align: right;">75</p> <p>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.</p>
<p style="text-align: right;">74</p> <p>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.</p>	<p style="text-align: right;">76</p> <p>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</p>

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20 (77 to 80)

<p style="text-align: right;">77</p> <p>1 investigate?</p> <p>2 A As again, like I stated, I don't recall</p> <p>3 specifically; but Ronald Watts was the sergeant,</p> <p>4 and being under his command as a sergeant, he did</p> <p>5 give us the -- we were supposed to follow his</p> <p>6 orders as far as certain things.</p> <p>7 So he had a lot of info -- a lot of people</p> <p>8 where he received information from. I don't know</p> <p>9 everyone who Ronald Watts spoke to, where he got</p> <p>10 his information from. From time to time, I do --</p> <p>11 from the best of my memory, he would give us</p> <p>12 information based off of what was conveyed to him</p> <p>13 or told to him.</p> <p>14 Q And when he would do that, give you</p> <p>15 information based on what he had learned or what</p> <p>16 he knew, did he tell you where the information</p> <p>17 came from?</p> <p>18 A As I sit here today, I don't recall.</p> <p>19 Q You don't recall one way or the other?</p> <p>20 A No. Like I said, I don't have -- I don't</p> <p>21 recall exactly. He may have, and as I just</p> <p>22 stated, I don't recall.</p> <p>23 Q As your sup- -- well, as Watts was your</p> <p>24 superior officer, did you have to follow his</p>	<p style="text-align: right;">79</p> <p>1 arrest that guy over there, he's got drugs; and</p> <p>2 you found out that that guy didn't actually have</p> <p>3 drugs, would you have still effectuated the</p> <p>4 arrest?</p> <p>5 A As I sit here today, I would have asked</p> <p>6 him -- may have asked him, you know, how did he</p> <p>7 observe this. And if I wrote the report, maybe I</p> <p>8 would probably document, you know, the reason in</p> <p>9 my report why I was arresting this individual,</p> <p>10 based on the observations of Ronald Watts or maybe</p> <p>11 another member of my team.</p> <p>12 Q But if Watts told you, Go arrest that</p> <p>13 person, he has drugs, and you found out that</p> <p>14 person didn't actually have drugs, you're saying</p> <p>15 you still might arrest him?</p> <p>16 A No.</p> <p>17 MR. KOSOKO: Objection to the form, calls</p> <p>18 for a speculative response, incomplete</p> <p>19 hypothetical.</p> <p>20 A No. If Sergeant Watts told me to arrest</p> <p>21 someone and they did not have any drugs on them, I</p> <p>22 would not arrest them.</p> <p>23 Q Is what you were saying before, that if</p> <p>24 Sergeant Watts asked you to arrest someone and you</p>
<p style="text-align: right;">78</p> <p>1 commands?</p> <p>2 A To a certain degree.</p> <p>3 Q When would you not have to follow his</p> <p>4 commands?</p> <p>5 A If his commands were to tell me to do</p> <p>6 something criminal.</p> <p>7 Q Other than that, though, other than</p> <p>8 criminal, you'd have to follow his commands?</p> <p>9 A Well --</p> <p>10 MR. MICHALIK: Objection to the form.</p> <p>11 MR. KOSOKO: Join.</p> <p>12 A Or if I felt his commands were unethical.</p> <p>13 Q Did you ever have a time where you</p> <p>14 disobeyed one of Ronald Watts's commands?</p> <p>15 A As I sit here today, I don't recall.</p> <p>16 Q Have you ever, in your career as a police</p> <p>17 officer, disobeyed a superior officer's commands?</p> <p>18 MR. KOSOKO: Object to the form of the</p> <p>19 question.</p> <p>20 A As I sit here today, I don't think so. I</p> <p>21 never received discipline -- disciplinary action</p> <p>22 as a result of that. So to the best of my</p> <p>23 knowledge, I would say no.</p> <p>24 Q If Ronald Watts would have said to you, Go</p>	<p style="text-align: right;">80</p> <p>1 hadn't firsthand seen what had happened, you would</p> <p>2 ask Watts for the basis?</p> <p>3 A Yes.</p> <p>4 Q And did that happen frequently?</p> <p>5 A As I sit here today, I don't recall</p> <p>6 specifically, but I'm certain it might have.</p> <p>7 Q Why are you certain that it might have</p> <p>8 happened?</p> <p>9 A I can't -- as I said, I don't -- I'm not</p> <p>10 for certain, but I'm certain it might have.</p> <p>11 Q But what I'm saying is why do you think</p> <p>12 that it happened, where you were told to arrest</p> <p>13 someone even though you hadn't seen what that</p> <p>14 person did?</p> <p>15 A I don't recall.</p> <p>16 Q You don't recall why you think that?</p> <p>17 A No, sir.</p> <p>18 Q And if you were --</p> <p>19 A That's a hypothetical question you asked</p> <p>20 me, so I'm giving you an answer.</p> <p>21 Q Right. But I'm trying to find out if you</p> <p>22 actually think that it happened.</p> <p>23 A As I sit here today, I don't recall if</p> <p>24 that happened one way or the other.</p>

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21 (81 to 84)

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

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22 (85 to 88)

<p>85</p> <p>1 Q You don't have any bad feelings toward</p> <p>2 Dorian Smith?</p> <p>3 A Oh, no, no, definitely not.</p> <p>4 Q All right. Did any of the people you just</p> <p>5 named on the Watts team have nicknames that you're</p> <p>6 aware of?</p> <p>7 A When I worked with, I believe Ronald</p> <p>8 Watts, he was called Big Smooth.</p> <p>9 Q Big Smooth?</p> <p>10 A Uh-huh.</p> <p>11 Q Is that a nickname he gave to himself?</p> <p>12 A I don't know where he got the nickname</p> <p>13 from.</p> <p>14 Q Did he refer to himself as Big Smooth?</p> <p>15 A Yes. I've heard him refer to himself as</p> <p>16 Big Smooth.</p> <p>17 Q Did you ever hear anyone other than him</p> <p>18 refer to Watts as Big Smooth?</p> <p>19 A As of this time, I don't recall.</p> <p>20 Q Do you know why he called himself Big</p> <p>21 Smooth?</p> <p>22 A I have no idea.</p> <p>23 Q Did you ever ask him?</p> <p>24 A As I sit here today, I don't recall.</p>	<p>87</p> <p>1 Q Did team members call her Co-Co or people</p> <p>2 who lived at Ida B. Wells or both?</p> <p>3 A I am not certain, as I sit here today, but</p> <p>4 I'm aware that -- I think she did -- when she</p> <p>5 first became a member of our team, did ask her to</p> <p>6 call her Co-Co. I'm not for certain. I can't</p> <p>7 remember 100 percent.</p> <p>8 During her time working with me while I</p> <p>9 was on Watts team, I think people in the Ida B.</p> <p>10 Wells may have started calling her Co-Co once they</p> <p>11 heard other members call her Co-Co.</p> <p>12 Q Do you know Officer Cadman or Spaargaren?</p> <p>13 A No, I do not.</p> <p>14 Q What about Shannon Spalding?</p> <p>15 A No, I do not.</p> <p>16 Q Daniel Echeverria?</p> <p>17 A Yes, I do.</p> <p>18 Q How do you know him?</p> <p>19 A I knew him from -- when I was in the</p> <p>20 2nd District, I would see him in passing.</p> <p>21 Q Have you ever talked to him about the</p> <p>22 Watts team?</p> <p>23 A No, I did not.</p> <p>24 Q Did you ever socialize with any of the</p>
<p>86</p> <p>1 Q All right. Did anyone else on the team,</p> <p>2 that you remember, have a nickname?</p> <p>3 A I remember that people from the Ida B.</p> <p>4 Wells called Manny Leano Chinaman.</p> <p>5 Q Did anyone on the team call Leano</p> <p>6 Chinaman?</p> <p>7 A As I sit here today, I don't recall. I</p> <p>8 know I personally -- I never called him Chinaman.</p> <p>9 I don't recall anyone else calling him that.</p> <p>10 Q Did people call you Smitty?</p> <p>11 A That's a nickname I don't like. Other</p> <p>12 people call me that, mainly people within Ida B.</p> <p>13 Wells and other police officers.</p> <p>14 Q You said you do not like that nickname?</p> <p>15 A No, I do not.</p> <p>16 Q Do you think or have any reason to believe</p> <p>17 that people in Ida B. Wells called you Smitty</p> <p>18 because you didn't like it? Like, did you make</p> <p>19 that clear to them?</p> <p>20 A I don't recall stating to people that I</p> <p>21 didn't like the nickname or not, and I'm not aware</p> <p>22 of what other people may have felt or thought.</p> <p>23 Q Was Lamonica Lewis known as Co-Co?</p> <p>24 A Yes.</p>	<p>88</p> <p>1 members of the Watts team?</p> <p>2 A Yes, I have.</p> <p>3 Q Do you know what, let me -- before we do</p> <p>4 that, did Al Jones have a nickname that you</p> <p>5 know of?</p> <p>6 A Not that I -- as I sit here today, not</p> <p>7 that I'm aware of.</p> <p>8 Q Do you remember citizens calling him AJ or</p> <p>9 anything like that?</p> <p>10 A No, not -- to the best of my memory, no.</p> <p>11 Q All right. Tell me about socializing with</p> <p>12 other members of the Watts team.</p> <p>13 A Well, I didn't socialize that often, to</p> <p>14 the best of my memory, with too many of them, but</p> <p>15 I have from time to time.</p> <p>16 Q Did you consider any of them friends?</p> <p>17 A One person that I considered a friend at</p> <p>18 that time and who I hung out with probably more</p> <p>19 often than the other people on the team was</p> <p>20 Kallatt Mohammed.</p> <p>21 Q What sort of things did you do with</p> <p>22 Kallatt Mohammed outside of work?</p> <p>23 A I don't recall him ever coming over to my</p> <p>24 house. Mainly, to the best of my knowledge, I've</p>

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23 (89 to 92)

<p style="text-align: right;">89</p> <p>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.</p>	<p style="text-align: right;">91</p> <p>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.</p>
<p style="text-align: right;">90</p> <p>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</p>	<p style="text-align: right;">92</p> <p>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.</p>

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24 (93 to 96)

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

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25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 Q And what was the second-watch shift for</p> <p>2 tactical units?</p> <p>3 A To the best of my knowledge, I believe the</p> <p>4 starting times at that time was 10:00 o'clock in</p> <p>5 the morning to 8:00 -- I'm sorry -- 6:00 o'clock</p> <p>6 in the evening.</p> <p>7 Q And you said every 28 days it would rotate</p> <p>8 between second and third watch?</p> <p>9 A Yes.</p> <p>10 Q What was the third-watch hours?</p> <p>11 A To the best of my knowledge, third watch</p> <p>12 or the evening shift for the tactical teams were</p> <p>13 1600 hours to -- or that's 4:00 o'clock in the</p> <p>14 afternoon to 2:00 o'clock in the morning.</p> <p>15 Q Did you have a preference for one shift</p> <p>16 over another?</p> <p>17 A I prefer the evening shift.</p> <p>18 Q Why did you prefer the evening shift?</p> <p>19 A For me personally I -- I'm not much of</p> <p>20 a -- excuse me -- a morning person. I felt</p> <p>21 working afternoons or evening, it gave me more</p> <p>22 time to do personal things that I needed to take</p> <p>23 care of like laundry, whatever grocery shopping,</p> <p>24 things of that nature. And also it just give you</p>	<p style="text-align: right;">99</p> <p>1 Q What -- when you were on patrol after you</p> <p>2 left the Watts team, what shift were you on?</p> <p>3 A I went to first watch.</p> <p>4 Q When is first watch?</p> <p>5 A Well, at the time -- at that time, our</p> <p>6 schedules are changed because I believe at that</p> <p>7 time when I left Watts team, we were still working</p> <p>8 on the six-to-two schedule, meaning working six</p> <p>9 days consecutively and had two days off.</p> <p>10 Q That's -- when you were on the Watts team,</p> <p>11 you had six on and two off?</p> <p>12 A Yes. I believe at that time the whole</p> <p>13 entire department was still working the</p> <p>14 six-and-two schedule.</p> <p>15 Q Okay.</p> <p>16 A And those days were like eight-hour days,</p> <p>17 from the best of my knowledge.</p> <p>18 Q And then when you moved over -- when you</p> <p>19 left the Watts team to get back on patrol, were</p> <p>20 you still six on, two off?</p> <p>21 A To the best of my knowledge, as I sit here</p> <p>22 today, I don't recall what our schedule was.</p> <p>23 Q Do you recall what hours that you worked,</p> <p>24 though, on patrol?</p>
<p style="text-align: right;">98</p> <p>1 more free time, to me personally, to do other</p> <p>2 things.</p> <p>3 Q And where did you go when you left the</p> <p>4 Watts team? Did you go straight to the other</p> <p>5 tactical team, or did you go back to being a</p> <p>6 patrol officer?</p> <p>7 A I went back to being a patrol officer.</p> <p>8 Q I'm sorry if I've already asked you this,</p> <p>9 but do you know how much time elapsed between then</p> <p>10 and when you joined the 263 tac team?</p> <p>11 A As I sit here today, I don't recall</p> <p>12 specifically.</p> <p>13 Q Do you remember how you ended up on the</p> <p>14 263 team?</p> <p>15 A Again, I don't recall specifically, but I</p> <p>16 think I had a conversation with Nathan Silas, like</p> <p>17 I said, who I knew a little bit about at that</p> <p>18 time; and he knew me, of course, while I was</p> <p>19 working for Sergeant Watts team. And I'm not for</p> <p>20 certain. I believe he approached me about coming</p> <p>21 to his team.</p> <p>22 Q Did you go to his team voluntarily?</p> <p>23 A Yes. Right after I had a conversation</p> <p>24 with him, to the best of my knowledge.</p>	<p style="text-align: right;">100</p> <p>1 A When I went back to patrol after I left</p> <p>2 Watts team?</p> <p>3 Q Yeah.</p> <p>4 A Like I said, I think at that time we were</p> <p>5 still working the six-and-two schedule. So I</p> <p>6 believe at that time, and, like I said, I'm not</p> <p>7 for certain, I think I was working -- the start</p> <p>8 time was either at 11 -- 11:00 p.m. or midnight,</p> <p>9 and I'm not 100 percent certain.</p> <p>10 Q That was the first shift?</p> <p>11 A Yes. And, like I said, I'm not 100</p> <p>12 percent certain --</p> <p>13 Q Okay.</p> <p>14 A -- because many years have passed when I</p> <p>15 was on that schedule.</p> <p>16 Q It was like an overnight shift?</p> <p>17 A Yes.</p> <p>18 Q About what time did you finish?</p> <p>19 A To the best of my knowledge, either 7:00</p> <p>20 o'clock or 8:00 o'clock in the morning.</p> <p>21 Q So was the patrol -- even though you had</p> <p>22 six days on and two days off, you were</p> <p>23 consistently on the first watch, though?</p> <p>24 A From the best of my knowledge, yes.</p>

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26 (101 to 104)

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

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27 (105 to 108)

<p style="text-align: right;">105</p> <p>1 as of today, to the best of my memory, some of</p> <p>2 them may have been conversations I've had with</p> <p>3 Sergeant Watts or possibly other members of the</p> <p>4 264 team.</p> <p>5 Q So without getting into details on anyone</p> <p>6 other than Big Shorty, can you just tell me which</p> <p>7 ones are from personal knowledge and which ones</p> <p>8 came from Watts or other sources?</p> <p>9 A I don't recall every individual's name who</p> <p>10 I gave you and --</p> <p>11 Q I can tell you, if you want, if that would</p> <p>12 help.</p> <p>13 A Okay.</p> <p>14 Q By the way -- sorry. I didn't mean to cut</p> <p>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</p> <p>19 right here, I might have heard that from Watts or</p> <p>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</p> <p>23 had interactions with him.</p> <p>24 Q Leonard Gipson, Fuzz?</p>	<p style="text-align: right;">107</p> <p>1 O from Sergeant Watts and possibly other members</p> <p>2 of the 264 team.</p> <p>3 Q All right. What do you remember learning</p> <p>4 about Big Shorty?</p> <p>5 A As I sit here today, to the best of my</p> <p>6 memory, all I remember is that he sold drugs or he</p> <p>7 controlled the drugs that were sold in the Ida B.</p> <p>8 Wells.</p> <p>9 Q And did he control a specific building or</p> <p>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</p> <p>13 Shorty?</p> <p>14 A As again I stated, it might have been</p> <p>15 through Sergeant Watts or other members of the</p> <p>16 264 team.</p> <p>17 Q Which other members of the 264 team do you</p> <p>18 remember getting information from about who the</p> <p>19 players were in the drug trade other than Watts?</p> <p>20 A As I sit here today, I don't recall</p> <p>21 specifically, and probably a combination of</p> <p>22 everyone that I worked with. Like I said,</p> <p>23 possibly Alvin Jones.</p> <p>24 And I just had a flashback. When you were</p>
<p style="text-align: right;">106</p> <p>1 A And as I sit here today, to the best of my</p> <p>2 memory, I think I've had interactions with him</p> <p>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</p> <p>6 recall, it might have been from either Sergeant</p> <p>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</p> <p>10 today, I believe I might have had some personal</p> <p>11 interaction and possibly hearing from other</p> <p>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</p> <p>15 knowledge, I remember hearing Ben Baker through</p> <p>16 Sergeant Watts and possibly other members of the</p> <p>17 264 team.</p> <p>18 Q Torlorn Fumbanks?</p> <p>19 A From the best of my knowledge, I do</p> <p>20 remember having some interaction with him.</p> <p>21 Q And then Harry O, I think, was the last</p> <p>22 name.</p> <p>23 A And to the best of my knowledge, as I'm</p> <p>24 sitting here today, I believe I heard about Harry</p>	<p style="text-align: right;">108</p> <p>1 asking about members who I worked with during my</p> <p>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</p> <p>5 was Kenneth Young.</p> <p>6 Q How long did you work with Young? Do you</p> <p>7 remember?</p> <p>8 A As I sit here today, I don't recall the</p> <p>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</p> <p>12 the team, not that much; but toward the end of his</p> <p>13 tenure working under Sergeant Watts, I did have a</p> <p>14 relationship with him. But I didn't recall -- I</p> <p>15 don't recall hanging out with him outside of work.</p> <p>16 Q When you say you had a relationship with</p> <p>17 him, you mean with -- what do you mean?</p> <p>18 A More so I was friendly with him. I've had</p> <p>19 conversations with him over the phone, to the best</p> <p>20 of my knowledge, with him. I don't remember the</p> <p>21 extent of our conversations, but Kenny was someone</p> <p>22 that I liked also.</p> <p>23 Q Did he leave the team -- the Watts team</p> <p>24 before you did?</p>

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28 (109 to 112)

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

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29 (113 to 116)

<p style="text-align: right;">113</p> <p>1 Q Did you ever -- do you think you knew at 2 the time when you heard it what the beef was? 3 A As I sit here today, I don't recall. 4 Q Do you remember who told you that she had 5 a beef with Watts? 6 A Again, I don't recall who told me that. 7 Q Do you think it was Mohammed? 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. 15 Q How frequently did the Watts team conduct 16 reverse stings when you were on the team? 17 A As I sit here today, I don't recall. 18 Q Was it a weekly occurrence? 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. 22 Q How frequently did the Watts team conduct 23 covert operations while you were on the team? 24 A As again, as I sit here today, I don't</p>	<p style="text-align: right;">115</p> <p>1 when we did covert operations, it would depend on 2 what the mission was or the -- what our assignment 3 was, whatever the intended specifics of that 4 mission. 5 Q You said it was almost impossible to act 6 like a drug dealer in Ida B. Wells? 7 A Yes. 8 Q Tell me why it was almost impossible for a 9 police officer to act as a drug dealer in Ida B. 10 Wells? 11 A From the best of my knowledge, from my 12 experience working with Ronald Watts and the 264 13 team, after a while, a lot of people knew us in 14 the Ida B. Wells. 15 Q What types of covert operations, then, did 16 the Watts team conduct while you were on the team? 17 A As I sit here today, I don't remember the 18 specific covert missions that we did. There are 19 some areas in the district that we would do covert 20 operations; and, again, I don't recall the 21 specifics and the exact time and date of those 22 missions. 23 Q Do you remember any types of covert 24 operations that the Watts team ran in Ida B.</p>
<p style="text-align: right;">114</p> <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. 5 Q And how frequently did the Watts team 6 conduct surveillance operations? 7 A There again, I couldn't give you an exact 8 amount, but we did do surveillance quite often. 9 Q More than reverse stings? 10 A To the best of my knowledge, yes. 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? 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. 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. 24 And from what I recall about missions is</p>	<p style="text-align: right;">116</p> <p>1 Wells? 2 A As I sit here today, I don't recall at 3 this time. 4 Q Did you do covert missions more outside of 5 Ida B. Wells? 6 A As, again, I'm sure we did some covert 7 missions. I can't give you an exact count. We 8 might have done more outside of the Ida B. Wells. 9 I'm not -- and, again, as of this date, I'm not 10 certain. 11 Q Tell me what a surveillance operation is. 12 A A surveillance is where you just try to 13 see if anyone is selling drugs basically. 14 Q How did you conduct surveillance 15 operations? 16 A We did many different ways. 17 Q Tell me the different ways while you were 18 on the Watts team. 19 A It would vary from time-to-time. 20 Sometimes we would hide in vacant apartments. We 21 would relocate to all the areas within the Ida B. 22 Wells, whether we were on foot or in the squad 23 cars that we were assigned to work to. Sometimes 24 we would use binoculars.</p>

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Conducted on February 17, 2020

30 (117 to 120)

<p style="text-align: right;">117</p> <p>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. 5 Q How did you get into the vacant apartments 6 when you were using them for surveillance 7 operations? 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. 14 Q Did you ever just walk into the units? 15 A From the best of my knowledge, no, not 16 that I recall. 17 Q Did you ever conduct surveillance 18 operations from an occupied apartment? 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. 23 Q You think you might have gotten a search 24 warrant and then used the search warrant to</p>	<p style="text-align: right;">119</p> <p>1 information. 2 Q Do you remember any CIs from Ida B. Wells 3 at all? 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? 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? 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 Q Goatee you said? 16 A Yes. 17 Q Okay. 18 A There was another guy -- 19 Q Sorry. Do you know Charlie's last name? 20 A No, I don't recall. 21 Q Do you know if Charlie was his real name? 22 A The best of my knowledge, I believe so. I 23 don't recall. 24 Q Do you know if he lived in Ida B. Wells?</p>
<p style="text-align: right;">118</p> <p>1 conduct a surveillance operation? 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. 7 Q Do you remember ever doing a surveillance 8 operation from an occupied apartment in Ida B. 9 Wells at all? 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. 13 Q Did you develop any confidential 14 informants over the years while you were on the 15 Watts team? 16 A From the best of my knowledge, no. 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? 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</p>	<p style="text-align: right;">120</p> <p>1 A And as I sit here today, I don't recall. 2 Q Do you know if you ever got information 3 from Charlie? 4 A Again, as I stated, I don't recall. 5 Probably, but I don't recall at this time. 6 Q Was Charlie given anything in exchange for 7 giving information? 8 A Not that I'm aware of. 9 Q Do you know why Charlie gave information? 10 A Again, I don't know. 11 Q Was he registered as a CI with the Chicago 12 Police Department? 13 A As I sit here today, I have no 14 information, and I'm unaware of that. 15 Q Okay. And you were going to say someone 16 else. 17 A There was a guy. I don't recall his real 18 name. He called himself Fantasia. I believe his 19 first name was Bobby. 20 Q What do you remember about Fantasia? 21 A I don't know if he would -- I -- today, 22 I'm trying to be politically correct, I don't know 23 if he would identify himself as a transgender 24 person or if he was just a homosexual. I don't</p>

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31 (121 to 124)

<p style="text-align: right;">121</p> <p>1 know if that's the correct word to use today</p> <p>2 or not, but that's what I remember about him.</p> <p>3 Q Can you describe Fantasia's appearance?</p> <p>4 A From what I recall, the best of my memory,</p> <p>5 I believe Fantasia was probably between the height</p> <p>6 of 5-foot-7 and 5-foot-9, male African-American.</p> <p>7 Excuse me. I think he -- he wore -- his</p> <p>8 hairstyle, from the best of my memory, would vary</p> <p>9 because I think he would change it from time to</p> <p>10 time, to the best of my knowledge. He was dark</p> <p>11 complected, and he may have been 150 pounds,</p> <p>12 160 pounds.</p> <p>13 Q Do you remember anything else about</p> <p>14 Fantasia?</p> <p>15 A Not at this point.</p> <p>16 Q Did you ever get information from</p> <p>17 Fantasia?</p> <p>18 A As I sit here today, I'm not certain, but</p> <p>19 I believe I may have.</p> <p>20 Q Okay. And why do you believe you may have</p> <p>21 gotten information from Fantasia?</p> <p>22 A As, again, I'm not certain, but I do</p> <p>23 remember being present around him and other</p> <p>24 members of my team, and I do recall, I'm not</p>	<p style="text-align: right;">123</p> <p>1 from your time on the Watts tac team?</p> <p>2 A As I sit here today, I don't recall. I'm</p> <p>3 sure there's probably more, but those are the two</p> <p>4 that I can remember.</p> <p>5 Q Do you know if Fantasia lived in Ida B.</p> <p>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</p> <p>10 alive today?</p> <p>11 A To the best of my knowledge, I'm not</p> <p>12 certain.</p> <p>13 Q Do you remember the last time you saw</p> <p>14 either of them?</p> <p>15 A From what I recall, a few years ago, I ran</p> <p>16 into Charlie, and I couldn't tell you what year</p> <p>17 that was. It's probably been more than a couple</p> <p>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,</p> <p>21 sorry -- near Cottage Grove. I was going to the</p> <p>22 Popeyes restaurant before I came into work; and as</p> <p>23 I was leaving out, I saw Charlie.</p> <p>24 Q Did you talk to Charlie?</p>
<p style="text-align: right;">122</p> <p>1 certain exactly when, that he may have shared</p> <p>2 information with us.</p> <p>3 Q Was Fantasia given anything for the</p> <p>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</p> <p>7 Chicago Police Department?</p> <p>8 A To the best of my knowledge, I'm unaware</p> <p>9 if he was or not.</p> <p>10 Q Do you know why Fantasia shared</p> <p>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,</p> <p>15 Charlie was; and as I sit here today, I don't</p> <p>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</p> <p>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</p> <p>21 addicted to?</p> <p>22 A To the best of my knowledge, I'm not</p> <p>23 certain. I don't recall.</p> <p>24 Q Are there any other CIs that you remember</p>	<p style="text-align: right;">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</p> <p>4 that was it.</p> <p>5 Q Did Charlie recognize you?</p> <p>6 A Yeah. He recognized me before I</p> <p>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,</p> <p>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</p> <p>19 whole appearance looked much different. He looked</p> <p>20 healthier, cleaner. He had new teeth. He looked</p> <p>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 --</p> <p>24 excuse me -- yes.</p>

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32 (125 to 128)

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

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33 (129 to 132)

<p style="text-align: right;">129</p> <p>1 arrest of Big Shorty?</p> <p>2 A From the best of my memory, I think he</p> <p>3 asked me why did I lock him up, and I'm not 100</p> <p>4 percent certain.</p> <p>5 Q What did you say to Watts when he asked</p> <p>6 you why did you lock him up?</p> <p>7 A I don't recall exactly what I said to</p> <p>8 Watts, other than, and, like I said, I don't</p> <p>9 recall, probably just said that I arrested him for</p> <p>10 trespassing.</p> <p>11 Q And what did Watts say to you in response?</p> <p>12 A As, again, as I sit here today, I don't</p> <p>13 recall the exact conversation that I had</p> <p>14 pertaining to Wilbert Moore's arrest with Sergeant</p> <p>15 Watts.</p> <p>16 Q Who else -- well, did Watts ever ask you</p> <p>17 any other times why you arrested people for</p> <p>18 trespassing?</p> <p>19 A As I sit here today, to the best of my</p> <p>20 memory, I don't recall.</p> <p>21 Q You don't recall him ever doing that?</p> <p>22 A To the best of my memory, no.</p> <p>23 Q Do you remember anyone else specifically</p> <p>24 who you arrested for trespassing over the years?</p>	<p style="text-align: right;">131</p> <p>1 A Like I said, I don't want to speculate,</p> <p>2 but I'm certain I may have. I'm not 100 percent</p> <p>3 certain.</p> <p>4 Q I'm not asking you to speculate, but do</p> <p>5 you think it's more likely than not that you saw</p> <p>6 him at Ida B. Wells at some point after you</p> <p>7 arrested him for trespassing?</p> <p>8 A It's probably more likely than not.</p> <p>9 Q That you saw him again --</p> <p>10 A Yes.</p> <p>11 Q -- at Ida B. Wells.</p> <p>12 Did you ever arrest him again for</p> <p>13 trespassing at Ida B. Wells?</p> <p>14 A To the best of my knowledge, as I sit here</p> <p>15 today, I don't recall.</p> <p>16 Q You don't recall one way or the other?</p> <p>17 A No.</p> <p>18 Q Do you think you would remember if you</p> <p>19 would have arrested him for trespassing more than</p> <p>20 once?</p> <p>21 A Probably so, but as I sit here today, I</p> <p>22 don't recall or don't remember ever locking him up</p> <p>23 for anything after that point in time.</p> <p>24 Q Can you think of any reasons why you</p>
<p style="text-align: right;">130</p> <p>1 A As I sit here today, no, I don't.</p> <p>2 Q Do you know why you remember the Big</p> <p>3 Shorty arrest?</p> <p>4 A Yes. From the best of my knowledge, I</p> <p>5 remember it because I locked him up because -- and</p> <p>6 I don't remember the specific details. I knew who</p> <p>7 he was because I was -- from, like I said, from</p> <p>8 receiving information from either Sergeant Watts</p> <p>9 or possibly other members of my team that he was</p> <p>10 the main guy who sold drugs in Ida B. Wells.</p> <p>11 Q Did you see Big Shorty at Ida B. Wells</p> <p>12 more than once?</p> <p>13 A Again, sitting here today, I couldn't give</p> <p>14 you an estimate how many times I saw him.</p> <p>15 Q But do you know that it was more than</p> <p>16 once?</p> <p>17 A To the best of my knowledge, it was more</p> <p>18 than once. I couldn't tell you specifically how</p> <p>19 many times.</p> <p>20 Q Did you see him after the time when you</p> <p>21 arrested him for trespassing?</p> <p>22 A Again, I'm not certain, but I may have.</p> <p>23 I'm not 100 percent certain.</p> <p>24 Q Do you think you did?</p>	<p style="text-align: right;">132</p> <p>1 wouldn't have arrested him for trespassing again</p> <p>2 if you would have seen him at Ida B. Wells?</p> <p>3 A I'm not certain. I can't give you an</p> <p>4 answer for that.</p> <p>5 Q Did Watts ever tell you that you shouldn't</p> <p>6 arrest Big Shorty?</p> <p>7 A As I stated before, I don't recall Ronald</p> <p>8 Watts ever telling me who I could and could not</p> <p>9 arrest.</p> <p>10 Q Did he ever suggest to you in any way that</p> <p>11 you shouldn't arrest Big Shorty?</p> <p>12 A To the best of my knowledge, I don't</p> <p>13 recall him ever suggesting anyone I should arrest</p> <p>14 or should not arrest.</p> <p>15 Q How many people do you think, to your best</p> <p>16 estimate of how many people you've arrested for</p> <p>17 trespassing over the years?</p> <p>18 A As I sit here today, I don't know. I</p> <p>19 couldn't give you an answer.</p> <p>20 Q Was it common for people to get arrested</p> <p>21 for trespassing at Ida B. Wells when you were on</p> <p>22 the tac team?</p> <p>23 A I wouldn't say it was common, but I'm</p> <p>24 certain we have locked up individuals for</p>

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34 (133 to 136)

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

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35 (137 to 140)

<p style="text-align: right;">137</p> <p>1 confidential informants that you know of being 2 registered with the City, though? 3 A Not that I'm aware of. 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? 9 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. 18 Q And what -- I think what I'm -- let me 19 rephrase. 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? 24 A To the best of my knowledge, there's</p>	<p style="text-align: right;">139</p> <p>1 because they don't want some type of retaliation 2 against them. 3 Q A report, though, could use concerned 4 citizen or CI interchangeably; is that fair? 5 MR. MICHALIK: Objection; form, 6 foundation. 7 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. 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. 14 THE WITNESS: I'm good. 15 MR. STEFANICH: How about if we go for, 16 like, a half hour and then break. 17 MR. RAUSCHER: Sure. 18 BY MR. RAUSCHER: 19 Q Do you think that the Chicago Police 20 Department has a code of silence? 21 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. 24 Q What do you think of when you hear the</p>
<p style="text-align: right;">138</p> <p>1 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. 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? 9 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. 14 Q Do you think the terms "concerned citizen" 15 and "anonymous citizen" are interchangeable with 16 CI, confidential informant? 17 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. 22 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</p>	<p style="text-align: right;">140</p> <p>1 phrase "code of silence"? What does that mean 2 to you? 3 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. 8 Q You said criminal, or was there something 9 else in there? 10 A I said unethical. 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 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. 22 Q Do you think a code of silence is a good 23 thing or a bad thing? 24 A It's a bad thing.</p>

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36 (141 to 144)

<p style="text-align: right;">141</p> <p>1 Q Why is the code of silence a bad thing?</p> <p>2 A Because if someone is doing something</p> <p>3 unethical or criminal, then it should be reported.</p> <p>4 Q Tell me about the rumors you've heard of</p> <p>5 CPD having a code of silence.</p> <p>6 MR. MICHALIK: Object to the form.</p> <p>7 A I can't give you any specific because</p> <p>8 there have been many cases or instances about the</p> <p>9 reports of -- mainly, what I've learned about the</p> <p>10 code of silence within the police department has</p> <p>11 come through the media from the Jason Van Dyke</p> <p>12 trial and also -- that's the main one I can think</p> <p>13 of, the Jason Van Dyke trial, and, like I said,</p> <p>14 it's from the media.</p> <p>15 Q So when you say "rumors," you're talking</p> <p>16 about media reports?</p> <p>17 A Absolutely. From my experience as a</p> <p>18 police officer, I have never heard anyone within</p> <p>19 the police department discuss or say anything</p> <p>20 about the code of silence.</p> <p>21 Q Have you ever heard anyone discuss</p> <p>22 retribution for telling on another police officer?</p> <p>23 A As I stated before, I have never</p> <p>24 experienced a code of silence myself, other than</p>	<p style="text-align: right;">143</p> <p>1 A Yes. To the best of my knowledge, yes.</p> <p>2 Q Do you remember what subjects those tests</p> <p>3 or that test covered?</p> <p>4 A As I sit here today, I don't remember</p> <p>5 every single test that I was given.</p> <p>6 Q Do you remember any of them?</p> <p>7 A Yes, I can remember a few. There was a</p> <p>8 state certification test that we had to take, and</p> <p>9 there was about basic law, and I don't recall what</p> <p>10 else was in there. We had to pass a firearm</p> <p>11 certification course, training course.</p> <p>12 And I don't remember all the other</p> <p>13 training classes that -- from my time in the</p> <p>14 academy.</p> <p>15 Q Did you receive any on-the-job training on</p> <p>16 writing police reports after you left the academy?</p> <p>17 A As I sit here today, I'm certain we</p> <p>18 probably have, but I don't recall specifically.</p> <p>19 Q Why are you certain you probably got</p> <p>20 on-the-job training about writing reports?</p> <p>21 A There again, I'm not 100 percent certain;</p> <p>22 but from time to time, we do have to do monthly</p> <p>23 training. You either do the computer, or there</p> <p>24 are some times that we are sent to take training</p>
<p style="text-align: right;">142</p> <p>1 what I've observed or what I've heard on -- I'm</p> <p>2 sorry -- what I've heard through the media.</p> <p>3 Q Do you think the code of silence allowed</p> <p>4 Ronald Watts and Kallatt Mohammed to go unchecked?</p> <p>5 MR. STEFANICH: Objection --</p> <p>6 MR. MICHALIK: Objection.</p> <p>7 MR. STEFANICH: -- form and foundation.</p> <p>8 You can answer.</p> <p>9 A I have no idea.</p> <p>10 Q Before you became a patrol officer, did</p> <p>11 you receive any training on how to write police</p> <p>12 reports?</p> <p>13 A Yes, I did.</p> <p>14 Q Tell me about the training that you</p> <p>15 received on how to be -- how to write police</p> <p>16 reports?</p> <p>17 A Any training that I've had about writing</p> <p>18 reports would have been while I was in the police</p> <p>19 academy, which was 20 years ago. And as I sit</p> <p>20 here today, I don't remember the specific training</p> <p>21 that I received from any classes in the police</p> <p>22 academy.</p> <p>23 Q Did you take any written tests on your</p> <p>24 training while you were at the academy?</p>	<p style="text-align: right;">144</p> <p>1 at other -- at other colleges or go back to the</p> <p>2 training academy.</p> <p>3 Q Did you ever receive training on</p> <p>4 conducting narcotics investigations?</p> <p>5 A From the best of my knowledge, I don't</p> <p>6 recall.</p> <p>7 Q You don't recall one way or the other, or</p> <p>8 you don't recall ever receiving it?</p> <p>9 A To the best of my knowledge, I don't</p> <p>10 recall one way or the other.</p> <p>11 Q Did you ever receive training on</p> <p>12 conducting investigations annually?</p> <p>13 A From the best of my knowledge, I don't</p> <p>14 recall.</p> <p>15 Q When you were on the Watts tactical team,</p> <p>16 did you ever go out into the field alone?</p> <p>17 A To the best of my knowledge, I don't</p> <p>18 recall. Let me rephrase that -- sorry -- to</p> <p>19 answer your question.</p> <p>20 I wouldn't say -- there have been times</p> <p>21 that we have been by ourselves for a brief moment</p> <p>22 of time. I wouldn't say we were completely alone</p> <p>23 because we have had -- we are in a situation where</p> <p>24 we are by ourself, we are in constant radio</p>

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37 (145 to 148)

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

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38 (149 to 152)

<p style="text-align: right;">149</p> <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. 8 Q You're giving a situation where one 9 officer maybe didn't see the entire thing from 10 start to finish? 11 A Sometimes that might happen. 12 Q And if that's the case then you -- that's 13 when you discuss who goes in Box 1. 14 A Yes. 15 Q But if an officer sees everything from 16 start to finish, they are in Box 1. 17 MR. MICHALIK: Object to the form, 18 foundation. 19 A From the best of my memory, yes. 20 Q Do you know what Box 1 is supposed to 21 indicate to a reader of a police report? 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 style="text-align: right;">151</p> <p>1 recovery? 2 MR. KOSOKO: Objection; incomplete 3 hypothetical. 4 A From the best of my knowledge, yes. 5 BY MR. RAUSCHER: 6 Q What would be the purpose of listing your 7 partner in Box 2 even if they didn't see anything? 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. 15 Q Is it your recollection that there was -- 16 that the form, the vice case report actually said 17 in Box 2 partner? 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>
<p style="text-align: right;">150</p> <p>1 mean -- it has many different reasons. 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. 11 Q So the vice case report, the second box 12 was just supposed to indicate who your partner 13 was? 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. 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 style="text-align: right;">152</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. 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. 9 Then I would put who I was working with that day. 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? 13 A Yes. 14 Q What's the purpose of doing that if Jones 15 didn't see anything, using Jones as an example? 16 MR. MICHALIK: Object to the form. 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. 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>

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39 (153 to 156)

<p style="text-align: right;">153</p> <p>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. 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?</p>	<p style="text-align: right;">155</p> <p>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 Q Would it have been better to write down 6 the description of what everyone did -- 7 MR. KOSOKO: Objection. 8 Q -- in the report? 9 A Again, like I said, yes, it would be; and, 10 again, like I said, generally, that's what we 11 would try to do, write the report and put down 12 what each person did perhaps. But, again, like I 13 said, the reports are just a general summary of 14 the event. 15 Q Is there supposed to be a record that's a 16 complete summary of the event? 17 MR. STEFANICH: Objection; form. 18 A As I sit here today, based on what I was 19 trained in the police academy, yes. I'm sure you 20 probably are supposed to indicate -- make a 21 complete description of what's going on. But from 22 what I remember from my training, like I said, 23 you're supposed to make a summary of the report. 24 The arrest -- I mean, the case report</p>
<p style="text-align: right;">154</p> <p>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 U UW 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</p>	<p style="text-align: right;">156</p> <p>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.</p>

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40 (157 to 160)

<p style="text-align: right;">157</p> <p>1 But generally, you know, you try to be as 2 descriptive or detailed as possible. 3 BY MR. RAUSCHER: 4 Q Did you look at some vice case reports to 5 prepare for your deposition today? 6 A Yes, I did. 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? 11 A As I sat here -- as I sit here today, I 12 don't remember. I've looked at a lot of reports. 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? 17 A As I sit here today, going back, most of 18 the case reports, some of them are 14 to 15 years 19 ago, and I can't remember a lot of the reports; 20 and I'm not going to speculate what I may have 21 thought from that long -- back at that particular 22 time. 23 Q And I'm not trying to ask you right now if 24 you remember every single report that you wrote.</p>	<p style="text-align: right;">159</p> <p>1 that training? 2 A As I stated earlier, I don't remember 3 specifically -- 4 Q That was - 5 A -- that -- 6 Q Go ahead. I'm sorry. 7 A As I stated before, I don't remember 8 specifically, and to the best of my knowledge; but 9 there again, as I said, if you listed your 10 partner, that does not mean that he witnessed or 11 witnessed everything that you did. 12 Q It sounds like it doesn't mean he 13 witnessed anything necessarily. 14 A Like I said, it does not. But, like I 15 said, generally, you would try to convey that in 16 the narrative of your report. 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 A When you are in patrol or as a tactical 23 officer, not always in patrol, you are assigned a 24 person to work with on a daily basis. So that's</p>
<p style="text-align: right;">158</p> <p>1 I'm trying to ask something, I think, is slightly 2 different. 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. 9 A I don't know what I was thinking at that 10 time. 11 Q You don't -- 12 A As I sit here today, I can't recall what I 13 was thinking at any time when I made a report 14 while I worked for Sergeant Watts -- Ronald Watts. 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? 21 MR. KOSOKO: Object to the form. 22 A From the best of my memory, from what I 23 was -- my training, yes. 24 Q And do you remember any specifics about</p>	<p style="text-align: right;">160</p> <p>1 why you would list your partner on the reports 2 that you make. 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? 6 A Because that's who you were assigned to 7 work with. 8 Q So what? 9 A And as I stated before, that was based -- 10 based on my memory and my training in the police 11 academy, that's what I was told to do when you 12 make your report. 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? 17 MR. STEFANICH: Objection -- 18 MR. KOSOKO: Objection; form. 19 MR. STEFANICH: -- form, asked and 20 answered. 21 A As I -- I stated, I don't know. But if 22 you're working with some partner -- if it's your 23 partner, at some point in time, you may have 24 witnessed some aspect of the incident which took</p>

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41 (161 to 164)

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

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42 (165 to 168)

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

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43 (169 to 172)

<p>169</p> <p>1 memory, he was.</p> <p>2 Q Do you know if he was affiliated with a</p> <p>3 gang at the time? When I say "at the time," I</p> <p>4 mean while you worked on the Watts team.</p> <p>5 A As I sit here today, I don't recall.</p> <p>6 (Smith Deposition Exhibit 2 marked for</p> <p>7 identification and attached to the transcript.)</p> <p>8 Q We're going to mark Exhibit 2, which is</p> <p>9 PL JOINT 041862 to 863. Just let me know when</p> <p>10 you've had a chance to look this over.</p> <p>11 A I've had a chance to look it over.</p> <p>12 Q Do you recognize this document?</p> <p>13 A Yes, I do.</p> <p>14 Q Can you please tell me what it is?</p> <p>15 A It's a vice case report.</p> <p>16 Q Is it a vice case report of an arrest --</p> <p>17 or of Allen Jackson's arrest on January 16, 2006?</p> <p>18 A Yes, it is.</p> <p>19 Q And was Mr. Jackson arrested at 7:15 that</p> <p>20 night?</p> <p>21 A According to this report, yes.</p> <p>22 Q And was the address where he was arrested</p> <p>23 574 East 36th Street?</p> <p>24 A According to the report, yes.</p>	<p>171</p> <p>1 A Based off of the times on the report, it</p> <p>2 would have been on third watch.</p> <p>3 Q And were you on third watch at this time</p> <p>4 just because of the rotation?</p> <p>5 A Again, without seeing the A&A sheets from</p> <p>6 that work date -- but based off the reports, I</p> <p>7 would say that we were working third watch on</p> <p>8 January 16, 2006.</p> <p>9 Q Do you know why you were working third</p> <p>10 watch?</p> <p>11 A As I sit here today, no.</p> <p>12 (Smith Deposition Exhibit 3 marked for</p> <p>13 identification and attached to the transcript.)</p> <p>14 Q Why don't we just go ahead and mark the</p> <p>15 A&A sheets as Exhibit 3. The Bates range for this</p> <p>16 is CITY-BG-053978 to 053981.</p> <p>17 I may be able to help you if you haven't</p> <p>18 found your name. It's on the third page, fifth</p> <p>19 from the bottom.</p> <p>20 A Okay.</p> <p>21 Q Do you see on page labeled CITY-BG-053980,</p> <p>22 your name?</p> <p>23 A Yes, I do.</p> <p>24 Q Can you just tell me what this document</p>
<p>170</p> <p>1 Q Do you remember the 5 -- that building</p> <p>2 from Ida B. Wells?</p> <p>3 A I have a vague memory of it.</p> <p>4 Q What do you remember about 574 East 36th</p> <p>5 Street?</p> <p>6 A It was a CHA development, housing</p> <p>7 building.</p> <p>8 Q Was it a high-rise?</p> <p>9 A A mid-size complex.</p> <p>10 Q Was it one of the bigger buildings in the</p> <p>11 Ida B. Wells development?</p> <p>12 A At that time, yes.</p> <p>13 Q There were mid-size and then row houses;</p> <p>14 is that right?</p> <p>15 A At this time, from my memory, this was</p> <p>16 like the biggest building. There was low-rise</p> <p>17 buildings.</p> <p>18 Q Were you still on the Watts team at the</p> <p>19 time of this arrest?</p> <p>20 A At this time, I believe I was.</p> <p>21 Q Who was your partner in January 2006?</p> <p>22 A According to this report, Alvin Jones.</p> <p>23 Q And were you working the second shift or</p> <p>24 the third shift at this time or the first?</p>	<p>172</p> <p>1 is?</p> <p>2 A It's the attendance & assignment record</p> <p>3 from January 16, 2006.</p> <p>4 Q This is the same day that Allen Jackson</p> <p>5 was arrested?</p> <p>6 A Yes, it was.</p> <p>7 Q What's the purpose of an attendance &</p> <p>8 assignment record?</p> <p>9 MR. KOSOKO: Objection.</p> <p>10 MR. MICHALIK: Objection; foundation.</p> <p>11 A Based on my knowledge, it's to keep a</p> <p>12 record of the officers who were either working or</p> <p>13 on furlough or vacation. It's an attendance</p> <p>14 sheet.</p> <p>15 Q Have you become familiar with attendance &</p> <p>16 assignment records over the years as a police</p> <p>17 officer?</p> <p>18 A Yes, I have.</p> <p>19 Q And how have you become familiar with the</p> <p>20 attendance & assignment records?</p> <p>21 A Just has been on-the-job training for</p> <p>22 quite a long time and heard about it. I don't</p> <p>23 think I've ever been responsible for filling these</p> <p>24 out.</p>

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44 (173 to 176)

<p>173</p> <p>1 Q Did you write on here at all? Is any of</p> <p>2 the writing on here -- do you check yourself, or</p> <p>3 did someone else put you down?</p> <p>4 A This is not my handwriting. I don't know</p> <p>5 whose handwriting it is. This is prepared by</p> <p>6 another officer, and I'm not responsible. So I</p> <p>7 don't know who would be responsible for doing the</p> <p>8 A&A sheets.</p> <p>9 Q Do you know who is -- can you read whose</p> <p>10 signature it is down there?</p> <p>11 A I'm sorry?</p> <p>12 Q Can you read whose signature that is on</p> <p>13 the bottom right-hand corner?</p> <p>14 MR. STEFANICH: The first page.</p> <p>15 A No, I can't make that out.</p> <p>16 Q Does anything on this attendance &</p> <p>17 assignment record indicate why you were working</p> <p>18 the particular shift that you were working?</p> <p>19 A No, it does not. It just gives the time</p> <p>20 that I was working.</p> <p>21 Q All right. Can you take a look back at</p> <p>22 Exhibit 2, which is the vice case report.</p> <p>23 And before I ask you questions about the</p> <p>24 report, do you have any recollection of Allen</p>	<p>175</p> <p>1 A From what I recall, yes.</p> <p>2 Q It says in the narrative description,</p> <p>3 among other things, "In summary, R/Os received</p> <p>4 information from a certain citizen that a M/B</p> <p>5 named 'Allen J' was on his way to pick up the</p> <p>6 remaining narcotics and money from sales at the</p> <p>7 above location."</p> <p>8 Do you see that?</p> <p>9 A Yes, I do.</p> <p>10 Q Can you tell me what that means?</p> <p>11 A Our roles would imply for -- but that does</p> <p>12 not mean -- and, like I said, I did not author</p> <p>13 this report, so I don't know why it was written</p> <p>14 that way. But if you're reading just from the</p> <p>15 report, it would mean both officers. But then as</p> <p>16 I stated before earlier, does that mean that both</p> <p>17 officers made the same observation.</p> <p>18 Q It does not mean that.</p> <p>19 A No, it does not.</p> <p>20 Q R/Os is reporting officers?</p> <p>21 A That's what it states here. R/Os meaning</p> <p>22 plural. But, like I said, I don't have a --</p> <p>23 sitting here today, I do not have an independent</p> <p>24 recollection of this event or this incident from</p>
<p>174</p> <p>1 Jackson's arrest on January 6 -- on January 16,</p> <p>2 2006?</p> <p>3 A No, I do not.</p> <p>4 Q Did reviewing the report refresh your</p> <p>5 recollection in any way about the arrest?</p> <p>6 A No, it doesn't.</p> <p>7 Q Can you determine by looking at this</p> <p>8 report what involvement you had with the arrest?</p> <p>9 A Other than seeing my name listed as a</p> <p>10 reporting officer, I don't know what my role was</p> <p>11 at this particular time other than being partnered</p> <p>12 with Alvin Jones.</p> <p>13 Q And we had talked earlier, and you had</p> <p>14 given some general descriptions about what it</p> <p>15 means to be in Box 1 or Box 2.</p> <p>16 Can you tell me, looking at this report,</p> <p>17 what's Box 1 and what's Box 2?</p> <p>18 A On this report, it doesn't specifically</p> <p>19 say Box 1 and 2. Box 45 and 46 asks -- or states</p> <p>20 reporting officer's name. And in Box 45, it has</p> <p>21 Alvin Jones; and in Box 46, it has my name as</p> <p>22 reporting officer.</p> <p>23 Q Does your testimony about Box 1 and Box 2</p> <p>24 apply to Boxes 45 and 46 in this vice case report?</p>	<p>176</p> <p>1 this date.</p> <p>2 Q You said that you didn't write this</p> <p>3 report?</p> <p>4 A Based on -- if I'm listed as the second</p> <p>5 officer, that does not mean that I wrote this</p> <p>6 report. That does not state the fact that I</p> <p>7 was -- that I'm not denying that I was at work. I</p> <p>8 don't have a recollection of this report.</p> <p>9 But based off of the report, the way it's</p> <p>10 written and assuming that from looking at Box 45,</p> <p>11 my partner was listed in the first box.</p> <p>12 But also if I point your direction to Box</p> <p>13 No. 12 where it says victim, slash, complainant.</p> <p>14 If you look at that box, it says, State of</p> <p>15 Illinois/P.O. Jones, Star No. 14662 [sic].</p> <p>16 Now, generally, the person that is listed</p> <p>17 in Box 12 list themselves as the victim, if it's a</p> <p>18 police officer or the complainant. That is the</p> <p>19 person who either wrote the report or made the</p> <p>20 observations or the recovery.</p> <p>21 Q Who wrote the report and made the</p> <p>22 observations or made the recovery?</p> <p>23 A It could have been a combination of one or</p> <p>24 the other.</p>

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45 (177 to 180)

<p>177</p> <p>1 Q So it doesn't really drill down on exactly 2 what No. 12 saw or did either then?</p> <p>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.</p> <p>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.</p> <p>12 Q You can't answer what for him?</p> <p>13 A Can't answer to how he had written this 14 report or the observations that he made or 15 anything.</p> <p>16 Q Did you review this report?</p> <p>17 A Yes, I have.</p> <p>18 Q Did you review it at the time -- around 19 the time it was made?</p> <p>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.</p> <p>23 Q Would your standard practice have been to 24 review all reports that listed you?</p>	<p>179</p> <p>1 as I stated, if I gave them -- if they signed my 2 name, it would have been with my authorization.</p> <p>3 Q How would you know that they didn't sign 4 your name without your authorization?</p> <p>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.</p> <p>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.</p> <p>12 Q I'm just asking you a question.</p> <p>13 A And I'm trying to answer your question.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>178</p> <p>1 A As I sit here today, I don't recall what 2 my standard practice was.</p> <p>3 Q Did you ever authorize Jones to sign your 4 name on a report?</p> <p>5 A If he signed my name on a report, it 6 probably would have been with my authorization.</p> <p>7 Q I'm just asking if you remember --</p> <p>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.</p> <p>13 Q Do you remember one way or the other 14 whether -- I'm not talking about this specific 15 report.</p> <p>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?</p> <p>19 A As I stated before, if they signed my name 20 on any reports, it would have been with my 21 authorization.</p> <p>22 Q I just want to know if you remember if 23 that ever happened.</p> <p>24 A As I sit here today, I don't recall; but</p>	<p>180</p> <p>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.</p> <p>4 Q You would not have given authorization for 5 someone else to sign your name on a report.</p> <p>6 A No, I would not.</p> <p>7 Q Why would you have not given authorization 8 for someone else to sign your name on a report?</p> <p>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.</p> <p>16 Q So now I am confused.</p> <p>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 --</p> <p>20 THE WITNESS: I thought I've answered it.</p> <p>21 MR. RAUSCHER: I think we're talking past 22 each other.</p> <p>23 THE WITNESS: Okay. As I stated before --</p> <p>24 MR. STEFANICH: So let him ask a question.</p>

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46 (181 to 184)

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

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47 (185 to 188)

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

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48 (189 to 192)

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

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49 (193 to 196)

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

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50 (197 to 200)

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

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51 (201 to 204)

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

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52 (205 to 208)

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

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53 (209 to 212)

<p style="text-align: right;">209</p> <p>1 having a memory of this arrest or this incident, I 2 can't state -- say at this particular time. 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? 6 A As I stated, there are probably several 7 reasons. I can't think of any other reasons at 8 this particular time that I can think of, but 9 there are particular moments where you can tow the 10 person's car. 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. 15 Is that what you're saying? 16 A Well, repeat your questions. I'm not 17 exactly certain what you were trying to state. 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? 23 A I was giving you an example. 24 Q Right. You're saying in that situation,</p>	<p style="text-align: right;">211</p> <p>1 Q That's the first half of it. I'm going to 2 try to do -- all right. 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? 7 A I think I stated, when I gave an example, 8 if someone was driving on a suspended or revoked 9 license. 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? 17 A As I'm sitting here today, I don't recall. 18 Q You don't recall doing that? 19 A Sitting here today, I do not recall doing 20 that. 21 Q Were you involved in proceedings relating 22 to Mr. McDaniels' arrest at all after 23 November 21st, 2008? 24 A From the best of my memory, no.</p>
<p style="text-align: right;">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? 4 A Yes. And it's not uncommon from my 5 experience as a law enforcement officer. 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? 10 A As I stated before, I can't think of any 11 right now, but it's not uncommon to drive 12 someone's car in to tow the vehicle. 13 Q Drive it in so that it can be towed? 14 A Yes. 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? 18 A I don't understand your question. 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? 24 A I don't understand your question.</p>	<p style="text-align: right;">212</p> <p>1 Q Do you remember Frank Saunders? 2 A As I'm sitting here today, no, I do not. 3 Q Do you remember Catrina Bonner? 4 A As I'm sitting here today, no, I do not. 5 (Smith Deposition Exhibit 7 marked for 6 identification and attached to the transcript.) 7 Q We're going to mark Exhibit 7, DO-JOINT 8 006076 through 6080. 9 Do you see the picture up in the top 10 right-hand corner of this report? 11 A Yes, I do. 12 Q Do you recognize the person in that 13 picture? 14 A As of today, no. 15 Q This is a report of an arrest from 16 March 28th, 2007. 17 Do you see that? 18 A Yes, I do. 19 Q Do you have any memory of being involved 20 in this arrest at all? 21 A No, I do not. As of today, I do not have 22 a memory of this arrest. 23 Q You don't have any way to determine what 24 role, if any, you had in the arrest?</p>

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54 (213 to 216)

<p style="text-align: right;">213</p> <p>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. 4 Q And that can mean many things, including 5 that you didn't see it at all? 6 A It can mean many things. Like I said, I 7 do not recall. 8 (Smith Deposition Exhibit 8 marked for 9 identification and attached to the transcript.) 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. 13 Do you know why your name is not listed on 14 this report at all? 15 A No, I do not. 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? 19 MR. MICHALIK: Object to form. 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</p>	<p style="text-align: right;">215</p> <p>1 just because you work with someone don't mean that 2 you get along with them. 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 That's just my experience, not anyone 7 else's. 8 Q Do you remember you having any tension 9 with any members of the Watts team? 10 A I'm sure I have. I can't recall anything 11 that in particular stands out in my mind. 12 Q Do you recall any people who you had 13 tension with on the Watts team? 14 A Yeah, I could recall a few people. 15 Q Tell me which people you recall having 16 tension with on the Watts team. 17 A Probably everyone on the team. 18 Q But do you remember any reasons for the 19 tension? 20 A No, I don't. Sitting here today, I don't 21 recall any particular incidents or moments that 22 occurred. 23 Q Did you have more tension with members of 24 the Watts team than you did with other coworkers</p>
<p style="text-align: right;">214</p> <p>1 involving the nature of this arrest. 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. 6 MR. STEFANICH: Let's take a break. 7 MR. RAUSCHER: Yeah, of course. 8 THE VIDEOGRAPHER: Off the record, 2:52. 9 (A recess was taken from 2:52 p.m. to 10 2:58 p.m.) 11 THE VIDEOGRAPHER: Back on the record 12 2:58. 13 BY MR. RAUSCHER: 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? 17 A To the best of my memory, not that I 18 recall. 19 Q Do you recall any tension between team 20 members while you were on the Watts team? 21 A As I sit here today, I don't recall, but 22 there might have been. 23 Q Why do you think there might have been? 24 A Just my experience as a police officer,</p>	<p style="text-align: right;">216</p> <p>1 over the years on the police force? 2 A I wouldn't say any more or less. 3 Q Have you always had tension with 4 colleagues on the CPD? 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. 8 Q Do you remember Shaun James or Taurus 9 Smith? 10 A Yes, I do. 11 Q And what do you remember about Shaun James 12 and Taurus Smith? 13 A From what I remember of them, they were 14 drug dealers. 15 Q Do you remember anything specific about 16 them? 17 A Sitting here today, nothing in particular. 18 Q Can you describe either of them? 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.</p>

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55 (217 to 220)

<p style="text-align: right;">217</p> <p>1 Q What about Taurus Smith?</p> <p>2 A Taurus Smith at that time -- I'm sure his</p> <p>3 appearance might have changed. I think he was</p> <p>4 much younger. I think he was in his teens or</p> <p>5 possibly early 20s, African-American male. From</p> <p>6 what I remember him at that time, he was light</p> <p>7 complected, wore his hair in some type of braids.</p> <p>8 I don't think he was -- I think he was between the</p> <p>9 height of 5-foot-5 and 5-foot-7, weighing no more</p> <p>10 than 170 pounds.</p> <p>11 Q Do you remember arresting either of them?</p> <p>12 A Sitting here as -- at this moment, I don't</p> <p>13 know, possibly.</p> <p>14 Q Do you remember ever seeing either Shaun</p> <p>15 James or Taurus Smith engage in any drug-related</p> <p>16 activity?</p> <p>17 A As I'm sitting today, I don't recall any</p> <p>18 specific moments, but I'm certain possibly I may</p> <p>19 have.</p> <p>20 Q What does it mean to say "I'm certain</p> <p>21 possibly I may have"?</p> <p>22 A It's possible that I may have.</p> <p>23 Q You might or might not have?</p> <p>24 A I don't recall at this particular moment.</p>	<p style="text-align: right;">219</p> <p>1 the 2nd District for April 3rd, 2004?</p> <p>2 A No. As I stated before, in April 2004, I</p> <p>3 did not know Sergeant Watts or any members of the</p> <p>4 264 team.</p> <p>5 Q So your knowledge of Taurus Smith and</p> <p>6 Shaun James came sometime after April of 2004?</p> <p>7 A From the best of my memory, it would have</p> <p>8 to be.</p> <p>9 Q Did you know any people involved in the</p> <p>10 drug trade in Ida B. Wells before you worked in</p> <p>11 Ida B. Wells?</p> <p>12 A No, sir.</p> <p>13 Q Do you know who Christopher Scott is?</p> <p>14 A As I'm sitting here today, to the best of</p> <p>15 my memory, I do not.</p> <p>16 (Smith Deposition Exhibit 10 marked for</p> <p>17 identification and attached to the transcript.)</p> <p>18 Q All right. We're going to mark Exhibit</p> <p>19 10, CITY-BG-032187 through 032191.</p> <p>20 Have you had a chance to look at this</p> <p>21 report?</p> <p>22 A Yes, I did.</p> <p>23 Q Have you seen this report before today?</p> <p>24 A I think I -- I believe I did.</p>
<p style="text-align: right;">218</p> <p>1 Q What's the basis for your belief that</p> <p>2 Shaun James and Taurus Smith were involved in the</p> <p>3 drug trade?</p> <p>4 A From the best of my memory, I recall them</p> <p>5 being -- I had a prior knowledge or from members</p> <p>6 of my team that they sold drugs.</p> <p>7 Q Do you remember any conversations you had</p> <p>8 with any particular team members about them</p> <p>9 selling drugs?</p> <p>10 A Nothing in particular stands out in my</p> <p>11 mind at this moment.</p> <p>12 (Smith Deposition Exhibit 9 marked for</p> <p>13 identification and attached to the transcript.)</p> <p>14 BY MR. RAUSCHER:</p> <p>15 Q I'll mark as Exhibit 9 City-BG-052340.</p> <p>16 This is a report of an arrest from April 3rd,</p> <p>17 2004.</p> <p>18 Were you working on the Watts team in</p> <p>19 April of 2004?</p> <p>20 A No, I was not. I was assigned to the 3rd</p> <p>21 District.</p> <p>22 Q And I think we've already covered this, at</p> <p>23 least generally; but is there any way you were</p> <p>24 detailed or assigned to or even temporarily put in</p>	<p style="text-align: right;">220</p> <p>1 Q And did looking at this report refresh</p> <p>2 your recollection about the arrest of Christopher</p> <p>3 Scott on April 4th, 2006?</p> <p>4 A No, it does not.</p> <p>5 But prior to looking at this report, when</p> <p>6 you asked me did I remember Christopher Scott,</p> <p>7 without looking at his photo, I was unaware of</p> <p>8 him. But I am aware who he is now; and looking at</p> <p>9 his name and his street name, Greedy, I am aware</p> <p>10 of who he is.</p> <p>11 Q All right. And did looking at his photo</p> <p>12 on City-BG-032187 refresh your recollection?</p> <p>13 A It does not refresh my recollection of the</p> <p>14 arrest.</p> <p>15 Q It does not, you said?</p> <p>16 A No, it does not.</p> <p>17 Q Did it refresh your recollection about</p> <p>18 just knowing who he was generally?</p> <p>19 A Just reflect -- refresh my memory of who</p> <p>20 he was.</p> <p>21 Q And in what way did it refresh your</p> <p>22 recollection about Mr. Scott?</p> <p>23 A Mr. Scott, as I recall, like I said, his</p> <p>24 street name was Greedy. He was a drug dealer in</p>

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56 (221 to 224)

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

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57 (225 to 228)

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

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

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

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

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61 (241 to 244)

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

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62 (245 to 248)

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

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

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64 (253 to 256)

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

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65 (257 to 260)

<p style="text-align: right;">257</p> <p>1 A 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. 7 Q So we agree that it is physically possible 8 for you to run up six flights of stairs. 9 But the question is do you remember ever 10 doing that and arresting anybody? 11 A As I stated before, I do not have any 12 memory of this particular arrest on this date, on 13 January 7th, 2007. 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? 17 A 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. 22 Q Two? Three? One? 23 A I could not give you an answer on how many 24 steps or stairwells that I've chased them up, but</p>	<p style="text-align: right;">259</p> <p>1 (Smith Deposition Exhibit 15 marked for 2 identification and attached to the transcript.) 3 Q All right. Let's mark Exhibit 15, 4 DO-JOINT 005795 to 99. 5 MR. KOSOKO: This is 15, Scott? 6 MR. RAUSCHER: I'm sorry. What? 7 MR. KOSOKO: This is 15? 8 MR. RAUSCHER: 15, yeah. 9 Q Have you had a chance to review this 10 document? 11 A Yes, I have. 12 Q Do you recognize the person pictured in 13 the top right-hand corner of the first page? 14 A No, I do not. 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? 18 A No, it does not, other than seeing my name 19 as an assisting officer. 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? 23 A No, it does not. 24 Q So as you sit here today, you can't tell</p>
<p style="text-align: right;">258</p> <p>1 I do remember chasing people up stairs. 2 Q Do you remember ever chasing anybody on 3 more than one flight of stairs? 4 A 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. 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? 14 A As I sit here today, I do not. 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? 18 A Again, sitting here today, I do not. 19 Q Do you know who Andre McNairy is? 20 A At the present moment, I do not. 21 Q Do you remember being involved in 22 arresting Andre McNairy? 23 A To the best of my memory right as of now, 24 I do not recall.</p>	<p style="text-align: right;">260</p> <p>1 us what role you had in arresting Mr. McNairy. 2 A At the present moment, no. 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? 7 A Not at the present moment. 8 Q Where is 657 East 40th Street? 9 A 657 East 40th Street -- to the best of my 10 memory, that was the Washington Park Homes. 11 (Smith Deposition Exhibit 16 marked for 12 identification and attached to the transcript.) 13 Q I'm going to mark I think one more 14 exhibit, 16, DO-JOINT 005805 to 5807. 15 Do you see the narrative here talks about 16 a premise check? 17 A Yes. 18 Q What's a premise check? 19 A To the best of my memory, you would do 20 a -- would walk down checking premises or the -- 21 of that area. 22 Q Did premise checks often result in 23 arrests? 24 A Sometimes, yes, to the best of my memory.</p>

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66 (261 to 264)

<p style="text-align: right;">261</p> <p>1 Q Did sometimes premise checks not result in 2 arrests? 3 A I'm sure they probably did. 4 Q Do you know who Jose Lopez is, the 5 approving supervisor on this report? 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. 9 Q Do you recall ever working with him? 10 A To the best of my knowledge, at this 11 present time, no, I do not. 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 A No, I do not. 16 Q Do you know what it means to say he's the 17 supervisor on scene? 18 A That he was on scene from -- based off of 19 what this report said. 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? 23 A In the narrative -- by reading the 24 narrative, no. The only way I would know who the</p>	<p style="text-align: right;">263</p> <p>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. 5 BY MR. RAUSCHER: 6 Q Would it ever be the case that someone who 7 didn't witness anything would testify? 8 A Offhand I can't recall, but I'm certain 9 there might have been a time. 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? 13 A I have no clue. Sitting here today, I 14 have no answer. 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? 18 MR. MICHALIK: Objection; form, 19 foundation. 20 A I don't understand your question. 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?</p>
<p style="text-align: right;">262</p> <p>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. 5 Q And you see there's a number of suspects 6 listed in the report? 7 A Yes. 8 Q Do you know who any of those other people 9 are? 10 A No, I do not. 11 Q And does looking at this report refresh 12 your recollection at all about the events of 13 September 15, 2008? 14 A No. Because I'm listed as an assisting 15 officer. I don't recall. 16 Q Do you know how -- well, have you heard 17 the phrase or used the phrase "case officer"? 18 A I don't believe I'm familiar with it. 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? 22 MR. KOSOKO: Objection; form of the 23 question. 24 A Like I said -- I stated earlier, it</p>	<p style="text-align: right;">264</p> <p>1 MR. MICHALIK: Objection; form. 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. 6 MR. FLAXMAN: Why don't you let the 7 witness answer the question. 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? 11 Q Yes. 12 A Based off of that question, no. If I 13 didn't witness something, I wouldn't have 14 testified. 15 MR. RAUSCHER: I don't have any other 16 questions for today. 17 (An off-the-record discussion was held.) 18 EXAMINATION BY COUNSEL FOR CERTAIN PLAINTIFFS 19 BY MR. FLAXMAN: 20 Q Good afternoon. 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?</p>

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67 (265 to 268)

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

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68 (269 to 272)

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

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69 (273 to 276)

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

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70 (277 to 280)

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

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71 (281 to 284)

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

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72 (285 to 288)

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

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Conducted on February 17, 2020

73 (289 to 292)

<p>289</p> <p>1 Q Which report are you referring to?</p> <p>2 A The vice case report.</p> <p>3 (Smith Deposition Exhibit 18 marked for</p> <p>4 identification and attached to the transcript.)</p> <p>5 Q Okay. That's -- is that marked as</p> <p>6 Exhibit 18?</p> <p>7 A That's -- yes, Exhibit 18.</p> <p>8 Q Okay. Is that a general offense case</p> <p>9 report?</p> <p>10 A The vice case -- yes, I'm sorry -- the</p> <p>11 general offense case report. I'm sorry. It looks</p> <p>12 similar.</p> <p>13 Q And was there some information in the</p> <p>14 general offense case report that you're relying</p> <p>15 on?</p> <p>16 A Yes. Go to the second page beginning with</p> <p>17 the line that said the offender did -- I'm</p> <p>18 sorry -- R/Os approached the subject, announced</p> <p>19 their office.</p> <p>20 Do you see that correct?</p> <p>21 Q I see that, yes.</p> <p>22 A Yes. Then the next sentence, "The</p> <p>23 offender then fled eastbound on 37th Street with</p> <p>24 R/Os in pursuit. R/Os observed the subject reach</p>	<p>291</p> <p>1 foot. Sergeant Ronald Watts, Star No. 2640</p> <p>2 followed the pursuit in the police vehicle.</p> <p>3 As the subject was attempting to make good</p> <p>4 his escape on foot, P.O. Smith observed the</p> <p>5 subject reach underneath his sweatshirt and pull</p> <p>6 out a black object that R/Os observed to be a</p> <p>7 handgun. The subject was placed in the --</p> <p>8 sorry -- the subject placed the object in his</p> <p>9 right hand and was running with it down by his</p> <p>10 side. After a brief foot pursuit, the subject was</p> <p>11 apprehended by Sergeant Watts at 56th -- at 563</p> <p>12 East 37th Street.</p> <p>13 Then it goes to state that P.O. Smith</p> <p>14 recovered a semiautomatic handgun that was lying</p> <p>15 on the ground at the same address.</p> <p>16 Q And what was the inconsistency that you</p> <p>17 were pointing out to me between the reports?</p> <p>18 A Well, I thought you were trying to point</p> <p>19 out an inconsistency whether or not that he</p> <p>20 produced a handgun immediately when we first</p> <p>21 announced our office and approached him.</p> <p>22 So I was just trying to make the clear</p> <p>23 distinction whether the fact that he ran first or</p> <p>24 not and that we pursued him or not. At some point</p>
<p>290</p> <p>1 underneath his sweatshirt and retrieve a black</p> <p>2 handgun and continued to flee with the handgun in</p> <p>3 his right hand."</p> <p>4 Q Based on that portion of the general</p> <p>5 offense case report, you believe that Mr. Lockett</p> <p>6 took the gun out before he started running?</p> <p>7 A No. According to this I -- you know, I --</p> <p>8 but the fact of the matter, he ran; and then as he</p> <p>9 was running, he did produce the weapon. He did</p> <p>10 pull it out while he was running, and it states</p> <p>11 that in the report. So at some point in time, he</p> <p>12 did produce a handgun.</p> <p>13 Q And what did you say in the arrest report</p> <p>14 that was --</p> <p>15 A I don't think there's too much of a</p> <p>16 difference, but let me look back at that.</p> <p>17 Because in this report, it says he fled</p> <p>18 first, and I think it's the same thing basically,</p> <p>19 that R/Os observed the subject standing at the</p> <p>20 location among a group of people. R/Os approached</p> <p>21 the subject in an unmarked police vehicle.</p> <p>22 As R/Os were exiting the vehicle, the</p> <p>23 subject fled eastbound on 37th Street. P.O. E.</p> <p>24 Smith, my Star No. 11737, pursued the subject on</p>	<p>292</p> <p>1 in time, Mr. Lockett did produce a handgun, and</p> <p>2 the handgun was recovered.</p> <p>3 Q Did you see him take the handgun out</p> <p>4 before he started running or after he started</p> <p>5 running?</p> <p>6 A As is stated in the report, based off of</p> <p>7 my memory too, as we approached him, when he</p> <p>8 started running, I saw him reach underneath his</p> <p>9 sweatshirt and pull out an object that appeared to</p> <p>10 be a handgun, and then he started running with</p> <p>11 that object by his side.</p> <p>12 Q There's two things that I'm asking</p> <p>13 questions about. One is Mr. Lockett sort of</p> <p>14 running. The other is that he pulled out a gun.</p> <p>15 Did they happen at the same time, or did</p> <p>16 one happen first?</p> <p>17 A No. As I stated in the report, he ran</p> <p>18 first and then as -- while he was running, he</p> <p>19 pulled the weapon out from underneath his</p> <p>20 sweatshirt, and it's described in the report, and</p> <p>21 I've stated that several times also.</p> <p>22 Q Did you see anyone else from the group of</p> <p>23 people in that area run?</p> <p>24 A I don't recall anybody else running. My</p>

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74 (293 to 296)

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

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75 (297 to 300)

<p>297</p> <p>1 sentence states, "R/Os placed the subject into 2 custody per Miranda." 3 Do you see that? 4 A Yes, I do. 5 Q Does that mean that you read Miranda 6 rights to Mr. Lockett? 7 A Yes, it does. 8 Q And did you do that at the scene of his 9 arrest? 10 A Yes. 11 Q Did you -- how did you -- did you read the 12 Miranda rights from anything? 13 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. 18 Q The next -- well, that sentence concludes 19 that Mr. Lockett was transported to the 20 2nd District for processing, right? 21 A Yes, it does. 22 Q And I think you said you don't recall how 23 he was transported? 24 A No. As I read further, looking ahead in</p>	<p>299</p> <p>1 A At the present moment, no, but that's 2 what's stated in my report. 3 Q Can you tell from your report where 4 Mr. Lockett was when he said that? 5 A According to the report, no, I do not. 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? 9 A Based on my -- I'm sorry. Repeat the 10 question. 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? 15 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. 21 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</p>
<p>298</p> <p>1 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. 4 Q Do you know who beat 211 is? 5 A That what it appears to be, a two-man 6 unit, B211, May 12th, 2005, at 1625 hours. 7 Q Do you know what officers were assigned to 8 Beat 211? 9 A As of today, no, I do not. It does not 10 list the officers who were working Beat 211. 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? 15 A That is correct. 16 Q The narrative says -- are you back on 17 page 2 with me? 18 A Yes. 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." 22 Do you see that? 23 A Yes, I do. 24 Q Do you recall Mr. Lockett saying that?</p>	<p>300</p> <p>1 because he was beaten up by other rival drug 2 dealers. 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? 6 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. 9 Q You believe both of you heard him? 10 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. 15 Q You say you don't recall anyone telling 16 you how to write it? 17 A No. This is a report that I wrote. To 18 the best of my memory, this is the report that I 19 made. 20 Q Were there times when somebody told you 21 how to write a report? 22 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</p>

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76 (301 to 304)

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

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77 (305 to 308)

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

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

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79 (313 to 316)

<p style="text-align: right; margin-right: 50px;">313</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3 I, ELSWORTH SMITH, JR., do hereby</p> <p>4 acknowledge that I have read and examined the</p> <p>5 foregoing testimony, and the same is a true,</p> <p>6 correct, and complete transcription of the</p> <p>7 testimony given by me and any corrections appear</p> <p>8 on the attached errata sheet signed by me.</p> <p>9</p> <p>10</p> <p>11</p> <p>12 _____</p> <p>13 (DATE) (SIGNATURE)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	
<p style="text-align: right; margin-right: 50px;">314</p> <p>1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC</p> <p>2</p> <p>3 I, Joanne Ely, Certified Shorthand</p> <p>4 Reporter No. 84-4169, CSR, RPR, and a Notary</p> <p>5 Public in and for the County of Kane, State of</p> <p>6 Illinois, the officer before whom the foregoing</p> <p>7 deposition was taken, do hereby certify that the</p> <p>8 foregoing transcript is a true and correct record</p> <p>9 of the testimony given; that said testimony was</p> <p>10 taken by me stenographically and thereafter</p> <p>11 reduced to typewriting under my direction; that</p> <p>12 review was requested; and that I am neither</p> <p>13 counsel for, related to, nor employed by any of</p> <p>14 the parties to this case and have no interest,</p> <p>15 financial or otherwise, in its outcome.</p> <p>16 IN WITNESS WHEREOF I have hereunto set my</p> <p>17 hand and affixed my notarial seal this 2nd day of</p> <p>18 March, 2020.</p> <p>19</p> <p>20 My commission expires: May 16, 2020</p> <p>21</p> <p>22 <i>Joanne E. Ely</i> </p> <p>23 Notary Public in and for the</p> <p>24 State of Illinois</p>	

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