

EXHIBIT 41

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

7
8
9
10 IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS
11
12
13
14
15
16
17
18
19
20
21
22

23 DEPONENT: GARRY MCCARTHY
24 DATE: JUNE 14, 2023
25 REPORTER: SYDNEY LITTLE

1 APPEARANCES
2

3 ON BEHALF OF THE PLAINTIFFS, RICKY HENDERSON, SHAUN
4 JAMES, JAMAR LEWIS, TAURUS SMITH:

5 Joshua Tepfer, Esquire

6 Loevy & Loevy

7 311 North Aberdeen Street,

8 Third Floor

9 Chicago, Illinois 60607

10 Telephone No.: (312) 243-5900

11 E-mail: josh@loevy.com

12
13 ON BEHALF OF THE PLAINTIFFS, FLAXMAN PLAINTIFFS:

14 Joel Flaxman, Esquire

15 Collin Gill, Esquire

16 Kenneth N. Flaxman, P.C.

17 200 South Michigan Avenue

18 Suite 201

19 Chicago, Illinois 60604

20 Telephone No.: (312) 427-3200

21 E-mail: jaf@kenlaw.com

22 cjg@kenlaw.com

1 APPEARANCES (CONTINUED)
2

3 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:

4 Eric Palles, Esquire

5 Daley Mohan Groble

6 55 West Monroe Street

7 Suite 1600

8 Chicago, Illinois 60603

9 Telephone No.: (312) 422-9999

10 E-mail: epalles@daleymohan.com

11 (Appeared via Videoconference)

12
13 ON BEHALF OF THE DEFENDANT CITY OF CHICAGO:

14 Terrence Burns, Esquire

15 Reiter Burns

16 311 South Wacker Drive

17 Suite 5200

18 Chicago, Illinois 60606

19 Telephone No.: (312) 982-0090

20 E-mail: tburns@reiterburns.com

1 APPEARANCES (CONTINUED)
2

3 ON BEHALF OF THE DEFENDANTS, MATTHEW CADMAN, MICHAEL
4 SPAARGARN:

5 Megan McGrath, Esquire
6 Leinenweber Baroni & Daffada LLC
7 120 North LaSalle Street
8 Suite 2000
9 Chicago, Illinois 60602
10 Telephone No.: (866) 786-3705
11 E-mail: mkm@ilesq.com
12 (Appeared via Videoconference)

13
14 ON BEHALF OF THE DEFENDANT, RONALD WATTS:

15 Lisa McElroy, Esquire
16 Johnson & Bell
17 33 West Monroe Street
18 Suite 2700
19 Chicago, Illinois 60603
20 Telephone No.: (312) 372-0770
21 E-mail: mcelroyl@jbltd.com
22 (Appeared via Videoconference)

1 APPEARANCES (CONTINUED)
2

3 ON BEHALF OF THE DEFENDANTS, ROBERT GONZALEZ, MANUEL
4 LEANO, DOUGLAS NICHOLS, JR., CALVIN RIDGELL, GEROME
5 SUMMERS, JR., LAMONICA LEWIS, JOHN RODRIGUEZ, ELSWORTH
6 SMITH, ALVIN JONES, DARRYL EDWARDS, REBECCA BOGARD,
7 BRIAN BOLTON, MIGUEL CABRALES, FRANKIE LANE:

8 Anthony Zecchin, Esquire

9 Hale & Monico

10 Monadnock Building

11 53 West Jackson Boulevard

12 Suite 337

13 Chicago, Illinois 60604

14 Telephone No.: (312) 500-2951

15 E-mail: azecchin@HaleMonico.com

16 (Appeared via Videoconference)

17
18 Also Present: Krystal Barnes, Videographer

1 INDEX

	Page
3 PROCEEDINGS	8
4 DIRECT EXAMINATION BY MR. TEPFER	10
5 EXAMINATION BY MR. FLAXMAN	80
6 REDIRECT EXAMINATION BY MR. TEPFER	86
7 CROSS-EXAMINATION BY MR. BURNS	88
8 REEXAMINATION BY MR. FLAXMAN	97
9 CONFIDENTIAL PORTION REDACTED	62

10 EXHIBITS

12 Exhibit	Page
13 1 - Transcript of the Testimony of Garry 14 McCarthy; Case: King vs. Evans	23
15 2 - City's Answer to Plaintiff Clarissa 16 Glenn's June 7, 2017, Interrogatories to 17 Defendant's City of Chicago 18 (CONFIDENTIAL)	61
19 4 - AmericanRhetoric.com Rahm Emanuel 20 Chicago City Council Address 21 (CONFIDENTIAL)	62
22 5 - More Officers Under Investigation in 23 Drug Probe: Sources Article June 2, 2023	72

1 STIPULATION
2
3

4 The VIDEO deposition of DANIEL ECHEVERRIA was taken at
5 WILLOW SPRINGS POLICE DEPARTMENT 8255 WILLOW SPRINGS
6 ROAD, WILLOW SPRINGS, ILLINOIS, in person and via
7 videoconference in which some participants attended
8 remotely, on WEDNESDAY the 14th day of JUNE 2023 at 1:08
9 p.m.; said VIDEO deposition was taken pursuant to the
FEDERAL Rules of Civil Procedure.

10
11 It is agreed that SYDNEY LITTLE, being a Notary Public
12 and Court Reporter for the State of ILLINOIS, may swear
13 the witness and the reading and signing of the
14 transcript is not waived.

1 PROCEEDINGS
2

3 THE VIDEOGRAPHER: My name is Krystal Barnes.
4 I'm the videographer today. and Sydney Little is
5 the court reporter. Today is the 14th day of June,
6 2023, and the time is 1:19 a.m. Central Time.
7 We're at the Willow Springs Police --

8 MR. TEPFER: P.M.

9 MR. FLAXMAN: P.M.

10 THE VIDEOGRAPHER: Pardon?

11 MR. FLAXMAN: You said A.M. It's P.M.

12 THE VIDEOGRAPHER: I'm so sorry. 1:19 p.m.
13 Central Time. We're at the Willow Springs Police
14 Department to take the deposition of Garry
15 McCarthy, In Re: the Watts Coordinated Pretrial
16 proceedings pending in the United States District
17 Court for the Northern District of Illinois, the
18 Eastern Division, Master Docket Case Number 19-CV-
19 01717. Will the Counsel please identify themselves
20 for the record?

21 MR. TEPFER: Sure. Afternoon. I'm Josh
22 Tepfer for the Loevy Plaintiffs.

23 MR. FLAXMAN: Joel Flaxman for the Flaxman
24 Plaintiffs.

25 MR. BURNS: Terrence Burns on behalf of the

1 deponent to begin with, Mr. McCarthy, as well as
2 the Reiter Burns Defendants.

3 MR. PALLE: Eric Palles on behalf of Kallatt
4 Mohammed.

5 MS. MCELROY: Good afternoon. Lisa --

6 MR. ZECCHIN: Good afternoon -- go ahead.

7 MS. MCELROY: Good afternoon. Thank you. Good
8 afternoon, Lisa McElroy on behalf of Defendant
9 Sergeant Watts.

10 MR. ZECCHIN: Go ahead, Megan.

11 MS. MCGRATH: I'm Megan McGrath on behalf of
12 Defendants Cadman and Spaargarn.

13 MR. ZECCHIN: And Anthony Zecchin from Hale &
14 Monico on behalf of all individual Defendant
15 officers, other than Cadman and Spaargarn.

16 MR. GILL: Collin Gill, also for the Flaxman
17 Plaintiffs.

18 THE VIDEOGRAPHER: All right. Sir, will you
19 please raise your right hand so the court reporter
20 can swear you in.

21 THE REPORTER: Do you solemnly swear or affirm
22 that the testimony you're about to give will be the
23 truth, the whole truth and nothing but the truth?

24 THE WITNESS: I do.

25 THE REPORTER: Thank you. Counsel may begin.

1 DIRECT EXAMINATION

2 BY MR. TEPFER:

3 Q. Good afternoon, Superintendent, Director?

4 A. Now it's Chief.

5 Q. Chief, I apologize.

6 A. But I have been a director, superintendent.

7 Q. All right. Well, I'm going to call you chief
8 since that's your current --

9 A. I've been a chief and assistant chief and the
10 commissioner, too.

11 Q. Terrific. Well, it's nice to meet you. My
12 name's Josh Tepfer. I represent the plaintiffs in these
13 coordinated proceedings. I assume you've been briefed
14 on this and I know you have given a deposition before,
15 so I'm just going to cut to the chase. I know you're
16 probably a very busy man and try to make this as
17 painless and quick as possible. Does that work for you?

18 A. Absolutely. Thank you.

19 Q. All right. No, no problem at all. If you --
20 can you just kind of very broad strokes just sort of
21 take me through your law enforcement background when you
22 became a sworn police officer and --

23 A. Sure.

24 Q. And what you've done?

25 A. Sure. I started with the NYPD as a police

1 officer in July of 1981. I was with the NYPD for 25
2 years. I was a sergeant, lieutenant, and captain all on
3 patrol. I spent a year in the Emergency Service Unit as
4 a lieutenant, which was a fantastic job that I messed up
5 by getting promoted to captain. As a captain, I spent
6 two years in the Internal Affairs Division after the
7 Mollen Commission hearings in the NYPD back in the day.
8 I had three precinct commands, 20, the 33, and the 70 in
9 Brooklyn after the Abner Louima scandal.

10 **Q. I'm sorry, what did you call the scandal?**

11 A. Abner Louima. He was the Haitian immigrant
12 who got sodomized in the bathroom. I was sent there
13 after the incident to clean the place up. After that, I
14 was promoted to Deputy Commissioner Operations where I
15 spent seven years. Primary function was to create,
16 implement, and oversee New York City's crime strategy.
17 After that in 2006, I went to Newark, New Jersey, took
18 over that department as the Director of Police for five
19 years. In 2011, May of 2011, I came to Chicago, took
20 over the Chicago Police Department as Superintendent,
21 where I worked until December of 2015, the end of --
22 actually the end of 2015. Then I went into private
23 industry, security, consulting, and -- and
24 investigations firm. I've been here in Willow Springs
25 as the Police Chief since April of last year. So what

1 are we? 14 or so months back in policing.

2 Q. Just -- you used a few terms I don't know. You
3 already clarified the Louima scandal, if I got that
4 right. And then you talked about the Mollen Commission
5 Hearings. Can you tell me what that is?

6 A. Yeah, the Mollen Commission Hearings was a
7 response to there was a -- there was a police officer
8 named Michael Dowd who worked in the 75th Precinct and
9 he was a very corrupt officer. It's unknown, he might
10 have actually done some hits for drug dealers as far as
11 how involved he was in criminal activity. And the short
12 story is there was complaint after complaint after
13 complaint about that officer. And the Mollen Commission
14 was created on -- Judge Mollen, I forget what his first
15 name was, headed up the -- the inquest, if you
16 will, into how that happened when an officer kept
17 getting all these complaints. At the time, Ray Kelly
18 was the First Deputy Commissioner. He was tasked by the
19 police commissioner at the time, I think it was Benjamin
20 Ward or -- no, it was Lee -- Lee Brown was the police
21 commissioner. He was tasked by Commissioner Brown to
22 investigate the systems and structure of the internal
23 component of the NYPD, specifically the Field Internal
24 investigative -- Investigation Unit and the Internal
25 Affairs Division and figure out what was wrong. And Ray

1 Kelly wrote a - - a really very thought-provoking, very
2 excellent report on it, and sent it up to the police
3 commissioner. At which time the police commissioner
4 left. Ray Kelly became the police commissioner and
5 received his report, said it was brilliant, and
6 implemented all the structural changes that he
7 recommended in that report. And one of them was
8 basically infusing the Internal Affairs Division with
9 working police officers, which is how I ended up in
10 Internal Affairs at the time. I oversaw an internal
11 group there for two years, basically working in Northern
12 Manhattan.

13 **Q. So you're -- if I'm understanding correctly,
14 please correct me if I'm wrong, you didn't actually have
15 a role in the Mollen Commission Hearing?**

16 **A. No.**

17 **Q. But you had a role in implementing the report?**

18 **A. Well, the report from Ray Kelly.**

19 **Q. For Ray Kelly, I'm sorry, yes.**

20 **A. The internal report.**

21 **Q. And was it --**

22 **A. And it -- and it was in response to the
23 scandal that came out of Michael Dowd and -- and the
24 Mollen Commission.**

25 **Q. And you spoke about how Commissioner Kelly**

1 loved the report. Is it fair to say that you also were
2 a big fan of the report?

3 A. Yeah, yeah. It was very well done.

4 Q. All right. And you headed that up for two
5 years in IAD?

6 A. Correct.

7 Q. All right. And when you were Deputy
8 Commissioner of Operations in New York, is that the
9 second highest position in the NYPD?

10 A. Not really. It's a little bit fuzzy. It's --
11 it's -- on the -- on the -- technically on the org
12 chart, the top four are the police commissioner, the
13 first deputy commissioner, the chief of department, and
14 the deputy commissioner of operations.

15 Q. Okay. So --

16 A. And not necessarily in that order, it's kind
17 of odd. I was -- I was very close confident of the
18 police commissioner.

19 Q. Okay. And just the way you described it, you
20 talked about the Mollen Commission, is it fair to say
21 when you came into the Chicago Police Department,
22 Internal Affairs was something of an expertise and
23 something actually just really important to you in
24 running a police department?

25 A. Very much so. And just to -- to put a point

1 on that, when I looked at the organizational chart for
2 the CPD, when I got here, there were two things that
3 struck me. First of all, it didn't look like a pyramid.
4 It looked like the periodic chart that we all had in
5 high school chemistry. And the Internal Affairs
6 Division was about four steps away from the police
7 superintendent, which made no sense to me because it was
8 such an important component. And I put Internal Affairs
9 directly under me as the superintendent.

10 Q. And did you do that almost from day one when
11 you started?

12 A. Pretty much, yeah. I also eliminated a couple
13 of positions that I saw were redundant and political and
14 pointless.

15 Q. Okay. And when you say just -- and let's just
16 jump there because that's really what we're also going
17 to be talking about. So you started at the CPD in May
18 of 2011; is that right?

19 A. Correct.

20 Q. Okay. And so when you say you immediately put
21 IAD directly under you, does that just essentially mean
22 -- well, what does that mean exactly?

23 A. Well, the -- the -- the organizational chart
24 was not going to facilitate what I wanted to do, which
25 was quickly moving information up and down through the

1 chain of command. There were too many layers involved.
2 And if Internal Affairs was three steps away from the
3 police superintendent, I felt that that was, first of
4 all, symbolically a pretty bad thing. I think it was
5 important that people know that it was that important to
6 have a professional, functional police Internal Affairs
7 component. So it was really important, not only
8 symbolically, but certainly for my knowledge of
9 possibility of corruption within a job that they would
10 be that close without three or four people having to
11 find out information before it got to me.

12 **Q. And this is probably super obvious, but like,
13 can you explain why this was so important to you and as
14 in your -- in a role of running a police department?**

15 A. Well, the integrity of the -- of the
16 department is -- is paramount. There's a -- there's a
17 couple of things that in my mind are the most important
18 things in policing. Legitimacy, integrity are -- are
19 two of them.

20 **Q. And it's -- is it fair to characterize that a
21 functional IED [sic] department is essential to
22 legitimacy and integrity?**

23 A. Absolutely, and a discipline system that
24 reflects it.

25 **Q. So when -- with the organizational chart**

1 restructured and IAD directly under the superintendent
2 when you came in, does that mean that the director of
3 the IAD would report directly to you?

4 A. Yes.

5 Q. Okay.

6 A. Chief, actually, not the director, the chief.

7 Q. I'm sorry, the chief, right.

8 A. No, just making sure we get the terms.

9 Q. Sure, and why don't we just jump there? When
10 you became the superintendent in May of 2011, do you
11 remember who the chief of IAD was?

12 A. Yeah, it was Juan Rivera.

13 Q. Juan Rivera. And was he there -- was he the
14 chief the entire time you were there?

15 A. Pretty sure, yeah.

16 Q. Okay. So what did you -- let me go to -- and
17 needless to say, this is obvious, but in -- when you
18 became the superintendent of Chicago Police Department,
19 you were running the Chicago Police Department, correct?

20 A. Yes.

21 Q. All right. And you were reporting directly to
22 the mayor?

23 A. Yes.

24 Q. Prior to your arrival in the Chicago Police
25 Department, prior to day one, had you ever heard of an

1 individual named Ronald Watts?

2 A. No.

3 Q. Okay. Never came up in any of like the
4 interview process or anything along those lines?

5 A. Not to my recollection, no.

6 Q. Do you know who Ronald Watts is now?

7 A. Yes.

8 Q. Okay. Do you recall when the first time you
9 heard the name Ronald Watts?

10 A. I don't. I -- I do remember hearing about the
11 investigation into it at some point.

12 Q. Okay. Do you -- just a little bit different a
13 question. Do you recall who it was that first alerted
14 you of the name Ronald Watts?

15 A. It might have been -- it might have been
16 Klimas, Bob Klimas, right? First name? Yeah.

17 Q. He was a commander, right?

18 A. He was a commander, yeah.

19 Q. Okay. I've seen -- I mean, I've seen it as
20 Robert Klimas, but probably Bob is -- works. Do you
21 recall what Commander Klimas said to you in the context
22 of Watts the first time you heard about it?

23 A. No. I -- I just remember hearing about the
24 investigation, which, you know, honestly over the course
25 of how many years, these types of investigations would

1 go on frequently. So it wasn't that unusual to have an
2 investigation like was happening into Sergeant Watts and
3 his crew.

4 Q. Okay. So you described it as an investigation
5 into Sergeant Watts and his crew. Is that how you would
6 characterize it to this day or is that -- that's how you
7 understood the investigation, not just Watts, but also
8 other members of his team?

9 A. I thought it was an investigation into his
10 team.

11 Q. Okay. And did you have an -- did you -- when
12 you had this first conversation with Commander Klimas,
13 if you recall, did you understand who was conducting the
14 investigation?

15 A. Yes. That -- that's why -- that's why I'm
16 pretty certain it was Klimas brought it to my attention
17 because Bob was an FBI agent who came on from -- became
18 commander in CPD.

19 Q. Okay. So who did you understand was
20 conducting the investigation?

21 A. The FBI.

22 Q. Okay. And was IAD involved in the
23 investigation?

24 A. I don't think so. I think it was more of we
25 had some officers or investigators on the -- on the task

1 force with the FBI.

2 Q. Do you remember who those people were?

3 A. No.

4 Q. Do you remember the name Shannon Spalding?

5 A. Is that -- is that the female officer who made
6 the allegations about whistleblowing?

7 Q. Correct.

8 A. Yeah. No, I don't -- I don't remember her in
9 that context. I remembered her as a whole separate
10 issue. I -- I'm pretty certain that happened before I
11 got there.

12 Q. Okay. So you -- if I -- if I'm just
13 clarifying, you remember the name Shannon Spalding. I
14 mean, you looked like you were struggling a little, in
15 the context of a lawsuit or allegations about being
16 retaliated against in whistleblowing, correct?

17 A. Yes.

18 Q. And she had a partner named Daniel Echevarria.
19 Do you remember that?

20 A. Yeah, yeah.

21 Q. Okay. And do you recall Daniel Echevarria at
22 all or not? Do you recall Mr. -- Officer Echevarria at
23 all?

24 A. I mean, not -- I -- I remember the name. It
25 goes together with Spalding.

1 Q. Okay. But you do not recall those two
2 officers beyond the whistleblowing context; is that
3 correct?

4 A. That's correct.

5 Q. So you don't recall them being involved in any
6 sort of investigation into Watts or his team?

7 A. No, I don't.

8 Q. Okay. Do you recall -- so Commander Klimas
9 alerted you of this -- it's your recollection of this
10 day and you recall that because he used to work for the
11 FBI, but then became a commander at CPD?

12 A. Yes.

13 Q. How was it that he had particular knowledge of
14 this investigation of what was being conducted by the
15 FBI?

16 A. He was -- I -- I presume he was a liaison with
17 the FBI having come from there before, and that --
18 that's really a function that he that he fulfilled. I
19 don't know if we would have called him that at the time,
20 but he was pretty much the bridge to the FBI with us.

21 Q. I got it. For that investigation or for all
22 investigations?

23 A. For -- for overall. Now -- now mind you, I
24 just want to make it clear, that doesn't mean that I
25 wasn't talking to the head of the FBI at any -- or the

1 Chicago office at any given time.

2 Q. **About any investigation?**

3 A. About anything.

4 Q. **Or the Watts investigation?**

5 A. About anything.

6 Q. Okay. So what you're saying is just because
7 there was a liaison to the FBI doesn't mean that you
8 wouldn't have your own conversations with them about
9 their investigations?

10 A. Correct. And -- and Bob would get into the
11 details where, you know, he and I talk about policies
12 and directions that we were going in.

13 Q. Do you remember anyone named Sergeant Tom
14 Chester?

15 A. No. Not particularly.

16 Q. Do you remember any Sergeant Al Boehmer?

17 A. I'm thinking of a female named Kathy Bomer,
18 not Al Boehmer. No, I don't.

19 Q. You don't have any recollection of either of
20 those individuals ever with the title of CPD Liaison
21 during this Watts FBI investigation?

22 A. No, not particularly.

23 Q. Going back a little bit more, you -- I'm not
24 even going to bring it up for you to exhibit, but you
25 testified previously, I think you used the words when

1 you came in and examined the -- I don't want to mess
2 this up, but I can bring it up. Let me -- hold on for
3 one second. I'll use the exhibit so I don't use the
4 wrong terminology.

5 MR. TEPFER: This is going to be marked as
6 Exhibit 1. This is what Joel just gave today.
7 It's Plaintiff Joint -- F Plaintiff Joint 11472,
8 472 to 498. I can give you a copy, Terrence.

9 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

10 BY MR. TEPFER:

11 Q. All right, Chief, this is a deposition you
12 gave in a case called Rita King v. Glenn Evans back in
13 January of 2016. And I'm not going to ask anything
14 substantive about that case. I'll just make that clear.
15 But do you recall testifying in this deposition at all?
16 It's like seven years ago, a while, so --

17 A. I -- I may have been in more than one with
18 Glenn Evans, so I want to make sure I'm looking at the
19 right one. Yeah, I remember this.

20 Q. Okay. And I think what I was just looking at
21 is page 16 of the deposition. So I guess it's
22 Plaintiff's -- not fully marked, Joel. Oh, no, that's
23 because it's there. Sorry. It's -- yeah, it's page --
24 can I just use those little numbers on the corner there?

25 A. Sure.

1 Q. Page 16 of the actual deposition, and I think
2 you talked about in that when you came in that you
3 thought that the police accountability system in the
4 Chicago Police Department, you called it a dysfunctional
5 disciplinary system. And I'm not -- I don't want to
6 take that out of context. I believe what you were
7 referring to is sort of that while the buck stopped with
8 the superintendent, the Chicago Police Board actually
9 got to overrule you and really was the final decision
10 maker and that -- that's what you found. Is that a fair
11 characterization of what you found dysfunctional about
12 it?

13 A. Yes.

14 Q. Okay. And I mean, did you take any -- do you
15 still feel that way as well today?

16 A. Absolutely.

17 Q. Okay. And tell me why that creates a
18 dysfunctional environment?

19 A. It's not that it creates a dysfunctional
20 environment. I don't -- that -- that's not really what
21 I'm saying.

22 Q. Okay. Sorry.

23 A. No, that's okay. The -- the way that we
24 manage, one of one of the best things that the NYPD did
25 and still does is they send a number of executives every

1 year to Columbia University School of Business to learn
2 about business management. And when Bill Bratton came
3 to New York City, they started using business management
4 to run police departments rather than the hierarchical
5 paramilitary kind of, I don't know what the right words
6 are, so I'm not going to throw too many out at you, but
7 a different method of managing. And what you do is you
8 structure your internal systems and policies to provide
9 the outputs that you're looking to create. And what are
10 the outputs that you're looking to create? You're
11 looking to create less crime, less complaints against
12 officers, less police-related shootings, increased
13 citizen satisfaction, and you structure your internal
14 mechanisms to make that happen. And that there was -- I
15 -- I -- I call it dysfunction in that your department
16 wasn't structured in that fashion period to produce
17 those outputs. We had three separate departments. And
18 when we had the "I answer the radio" police, which were
19 the officers who worked in the districts. We had the "I
20 do enforcement" police, which were specialized units
21 that had no connection to any particular community in
22 the city. They would go on the South Side one day, the
23 West Side the next, depending on who was hot, where the
24 violence was happening. And then we had the "I make
25 people feel good" police, which was CAPS. And it's my

1 contention, the two police officers riding in beat every
2 single day in the same beat can provide all three of
3 those things and they get to know the community. So
4 they could tell five kids who are coming from basketball
5 practice on that corner versus the five kids who are
6 always standing on the other corner because they're up
7 to no good in some fashion. They could also do
8 enforcement. They could also address specific conditions
9 within their beats, which may be quality of life
10 conditions or the lower level things. And to answer the
11 radio all at the same time. So beat integrity was
12 important. So I had to restructure the department to do
13 that. Another level of dysfunction is what we talk
14 about right here. As superintendent, I couldn't fire an
15 officer and I couldn't suspend him for 30 days or more.
16 I could only make a recommendation to the civilian
17 police group. And during my tenure, my separation
18 recommendations were overturned 75 percent of the time,
19 until, got to give Lori a little bit of credit here.
20 When Lori took over -- when Lori Lightfoot took over the
21 police board, the disciplinary system was more in tune
22 to what my recommendations were. But the other thing
23 that goes along with this is the fact that we weren't in
24 charge of our own uses of force investigations. So here
25 I am, as you said, the buck stops here at the police

1 superintendent, but I'm not in charge of the
 2 investigations and I certainly can't fire police
 3 officers. So that's called accountability without
 4 authority, which is a failed business model, which goes
 5 back to what I was talking about, business management. I
 6 like to say that I was running I think it was
 7 \$1.3 billion was the budget for the department at the
 8 time. So I like to say that I was running a \$1.3 billion
 9 corporation, and to get the outputs and the things that
 10 I've been looking to do, which we did during my five-
 11 year tenure, we had all-time lows, 1964 murder rates in
 12 the city as far as crime is concerned. Every year that
 13 I was superintendent complaints against officers went
 14 down. And that happened because of policies, training,
 15 and those structures that I talked about. Upgrading the
 16 investigative capacity of -- of the Internal Affairs,
 17 created things called career paths, unlike the chutes
 18 and the ladders that were accustomed here in Chicago,
 19 which has more to do with who you know than your work
 20 ethic and your talent level. So all of those things
 21 came together with less crime, less complaints against
 22 officers. I think there was a 41 percent reduction in
 23 police-related shootings over my five-year tenure. So
 24 and -- and Dennis Rosenbaum, who was a professor at UIC,
 25 was doing citizen satisfaction surveys across the city

1 and found that we had an 80 percent positive -- what
2 would you call it?

3 **Q. Approval rating?**

4 A. Approval rating in -- in some of the worst
5 neighborhoods in the city, which is pretty good to me.
6 That means we've done something right.

7 **Q. So, and if I'm understanding this correctly,
8 you're trying a direct connection between the changes
9 you made in IAD in particular and investigation into the
10 violent -- the lowering of violent crime as well, too?**

11 MR. ZECCHIN: Objection.

12 MR. BURNS: Objection. Form of the question.

13 A. Yeah, I'm not sure I understand. It -- it --
14 I think you -- you asked if -- if changing Internal
15 Affairs had something to do with violent crime?

16 BY MR. TEPFER:

17 **Q. Yes.**

18 A. It did. It does. Everything matters because
19 it's the -- the legitimacy of the department is critical
20 and a fair disciplinary system, a fair promotion system,
21 you have to -- you have to have internal legitimacy
22 before -- before you can have external legitimacy,
23 right?

24 **Q. Uh-huh.**

25 A. We have to treat our people the way that they

1 deserve to be treated. Good workers get treated well
2 while poor workers are going to get pushed a lot. It
3 all matters. It builds on each other.

4 Q. Would it -- would -- do the lengths of
5 Internal Affairs investigations in any way affect all
6 the things you're talking about as far as the success of
7 the police department?

8 MR. BURNS: Objection. Form. Foundation.

9 A. They do affect, yes.

10 BY MR. TEPFER:

11 Q. So was it one of your concerns -- did you have
12 a concern at all, and I think you maybe even talked
13 about it briefly, about the lengths of internal
14 investigations that were happening in the Chicago Police
15 Department when you came in?

16 A. I -- I -- I probably did because that's true.
17 I -- I have an overall concern about the length of
18 investigations, internal investigations, like justice
19 denied, justice -- come on, you guys are the lawyers.
20 Justice --

21 Q. Justice delayed --

22 A. -- delayed is justice denied. Thank you.

23 Sorry.

24 Q. No problem. I screw that up all the time.

25 A. But it's -- it's the same concept. You know,

1 if a different officer is sitting a callback for three
2 years waiting for a disposition on their case, how do we
3 expect to get anything out of them when we take them out
4 of that position, because guess what? Now they're going
5 to have a -- a bad experience.

6 Q. So that -- that's an example of it being bad
7 for the individual police officer if they're ultimately
8 exonerated, correct? Could the reverse be true, too? If
9 the -- if an officer is engaged in some sort of
10 misconduct, but remains a police officer on the force,
11 is that a concern to you from a chief perspective?

12 MR. BURNS: Objection. Form of the question.

13 A. Well, yes, except for -- except for the -- the
14 -- the way that -- if an officer has a serious enough
15 allegation, they're not going to be on the street.
16 That's the whole idea of having these administrative
17 positions, like a callback waiting for a disposition in
18 the case. So it -- it -- it does cut both ways. But
19 there's a caveat there that we're not going to leave bad
20 cops on the street if we know they're bad.

21 BY MR. TEPFER:

22 Q. Okay. How does that apply when you know
23 there's -- if -- how did that apply when you were chief
24 or, I'm sorry, superintendent of the Chicago Police
25 Department when there was an external investigation such

1 as the FBI conducting?

2 A. I -- I'm -- I'm not sure what you're asking
3 me. How does it --

4 Q. Well --

5 A. Just narrow it for me a little bit?

6 Q. Yeah, sure. So I mean, I'm just really
7 talking about Watts, for example. So you testified that
8 you understood that the Watts investigation was an FBI
9 investigation, correct?

10 A. Yes.

11 Q. Okay. And then you also said when there were
12 serious allegations of misconduct when the IAD was
13 investigating it, the officer would be taken. He
14 wouldn't be interacting with the community or acting as
15 a police officer while that investigation was ongoing,
16 correct?

17 A. If we could do it, yeah.

18 Q. If you could do it, okay. I assume when an
19 external organization is like the FBI is -- well, maybe
20 I shouldn't assume. When an external investigation, an
21 external law enforcement agency like the FBI, is
22 conducting the investigation, are you able to take the
23 officer off the force?

24 A. We would be compliant with whatever they
25 wanted. I shouldn't say whatever. We would be

1 compliant if we could in a practical sense with whatever
2 the investigators wanted to do.

3 Q. Okay. Would it concern you -- did it concern
4 you if an investigation of criminal allegations, serious
5 criminal allegations, were ongoing against an officer,
6 but they were -- they needed that officer on the force
7 while they were investigating?

8 A. Yes. Obviously, yes.

9 Q. Okay. Would you have made efforts to -- would
10 you communicate the seriousness of that problem to the
11 law enforcement agents?

12 A. Yes.

13 Q. And how did you do that?

14 A. I'm sure I had conversations with -- well, █
15 █ was the supervising agent in charge at the time.
16 I'm sure that we would have had conversations to try and
17 move the cases along. It's been my experience in the
18 past where federal investigations can go on for years
19 and I really, really don't like that.

20 Q. Yeah. Was it a cause of frustration for you?

21 A. Sure, yeah.

22 Q. Do you -- and we talked a little bit about
23 what you had --

24 A. Just an example. I'm sorry to interrupt.

25 Q. No, no, please.

1 A. Just to clarify my thought process. There was
2 a federal investigation into a narcotics group, which I
3 believe was on the West Side, and I don't even remember
4 which one it was, but there was something like
5 30 subjects of the investigation. And during the
6 investigations, ten of them or 12 of them got shot. And,
7 you know, I remember going to, I think it was the DEA
8 task force at the time saying, "Can we please get this
9 thing done before more people get killed?" So it --
10 it's -- that's just the mindset, and it's the same thing
11 with internal investigations into police officers.

12 Q. Right. Right. And that makes a lot of sense.
13 And just -- so you came in in May of 2011 and then, just
14 to -- do you recall when Watts was arrested?

15 A. I recall it happening. I don't recall what
16 the time frame was.

17 Q. Okay. It's pretty much a record. So it's
18 February of 2012. Does that sound about right?

19 A. Okay. Yes. Yeah, that's about seven or eight
20 months after I got here.

21 Q. Right. So that's pretty quick, you tied it
22 up.

23 A. I mean, I don't know -- I don't -- I don't
24 know how far back the investigation goes.

25 Q. Well, let me ask you that. Do you recall -- I

1 know I asked you some initial questions about what you
2 originally learned. Do you recall learning, upon
3 becoming chief -- or superintendent, I'm sorry -- of how
4 long the investigations or -- had been ongoing into
5 Watts and his team?

6 A. No, I do not.

7 Q. Okay. Do you recall ever learning that they
8 had started at least in 2004?

9 A. No, I don't remember that.

10 Q. Right. And you obviously had no authority
11 over the Chicago Police Department from 2004 to May of
12 2011, correct?

13 A. That is correct.

14 Q. Okay. If you had learned that the
15 investigation had been ongoing at least off and on, upon
16 you coming in on these serious allegations -- and I know
17 you don't have a specific memory, do you think that you
18 would've been communicating to, for example, [REDACTED]
19 [REDACTED] of the necessity of concluding this
20 investigation?

21 MR. BURNS: Objection to form of the question.

22 Speculation.

23 A. I -- I -- if I were presented with that group
24 of facts today, I would definitely say, can we move this
25 thing along? Official cut date, whatever it is we're

1 going to do, let's get it -- one way or the other, get
2 it done. But there's nothing worse, in my mind, than an
3 unsubstantiated allegation. I want the allegations to
4 come to a conclusion, either guilty, exonerated, or some
5 other finality to it. Unsubstantiated allegations drive
6 me absolutely nuts.

7 BY MR. TEPFER:

8 Q. Okay.

9 A. And that's an out for investigators who I -- I
10 don't like it.

11 Q. Yeah. Do you -- okay. Why don't we just do
12 this really broadly? What can you remember at all from
13 the time period of when you started as CPD
14 superintendent in May of 2011 up until February of 2012,
15 when Watts and another guy named Kallatt Mohammed were
16 arrested? What do you recall, as you sit here today,
17 learning about the investigation that led to their
18 arrest?

19 A. I really don't recall much at all, except I
20 remember a conversation with [REDACTED] -- well, let me just
21 back up for a second. I think that this was the case
22 where there was -- or maybe it was a different
23 investigation, where there were boxes of investigative
24 evidence that the FBI was in possession of that we
25 wanted to go through to find out if there were

1 administrative violations that we could charge other
2 people with. And -- and that was the process that we
3 would undertake any time there was an investigation. I
4 don't remember if it was this case or if it was another
5 case that - that I was talking to Klimas, Bob Klimas,
6 and - and Juan Rivera about, over and over again, trying
7 to get clearance to get those things and the U.S.
8 attorney wouldn't let us have them.

9 **Q. Oh, so there were boxes, but you didn't have**
10 **access to them?**

11 A. Correct.

12 **Q. Okay. And did you ever get access to them?**

13 A. Not to my recollection. That's the point.

14 **Q. Okay. But you were communicating to Commander**
15 **Klimas and Chief Rivera about your desire to get access**
16 **to those documents so you could determine whether**
17 **administrative procedures needed to be involved about**
18 **any of the tar -- regarding the -- any of the targets of**
19 **the investigation; is that true?**

20 A. Yes, if there was any other misconduct.

21 **Q. And did that take place while -- prior to the**
22 **arrest of Watts and Mohammed, or after the arrest of**
23 **Watts and Mohammed?**

24 A. After.

25 **Q. Okay. And you -- and just to clarify, I'm**

1 sorry, you never got access, even after the arrest of
2 Watts and Mohammed, to those boxes that you're
3 referencing?

4 A. To my recollection, we did not.

5 Q. Okay.

6 A. The other thing that -- that goes along with
7 it was the fact that I remember asking [REDACTED]
8 specifically what else they had, and he told me nothing.
9 It's just these two officers, that's all there is to it.

10 Q. These two officers meaning Watts and Mohammed?

11 A. Uh-huh. Yes.

12 Q. And that was different than your understanding
13 when you came in, when you said it was Watts and his
14 team, or was it not different?

15 A. You know, I don't remember if I was told
16 specifically it was Watts and his team.

17 Q. Okay.

18 A. It was -- it was really an assumption of mine.
19 It -- it could have been an assumption or it could have
20 been told, I really don't recall.

21 Q. Okay.

22 A. It -- it's -- could go either way.

23 Q. Okay. You -- okay. So you started to tell me
24 about a conversation that you remembered with Robert
25 [REDACTED] Did you just talk about that, or was there

1 another conversation that you were talking about?

2 A. I don't --

3 Q. When I asked you what you specifically
4 remember about learning about the Watts investigation
5 during that total -- that time period from May 2011 to
6 February 2012, I thought you started to say you
7 remembered a conversation with [REDACTED] Am I
8 remembering that wrong?

9 A. I -- I'm not --

10 MR. BURNS: Is this the one you were just
11 talking about, where you said --

12 MR. TEPFER: Definitely clarifying -- I'm
13 sorry, go ahead.

14 MR. BURNS: No one but these two? Are we
15 talking about that? I -- I'm a little confused, so
16 BY MR. TEPFER:

17 Q. Yeah, sorry. Bad question. Do you remember
18 when I was asking you that broad question about what you
19 remember learning about the Watts investigation during
20 that eight to nine month time period from May 2011 to
21 February 2012? All I'm asking.

22 A. Say that one more time, please? I'm sorry.

23 Q. I asked you a broad question and I'm -- right
24 now, I'm just asking, do you remember me asking you that
25 question about what you remembered learning about --

1 A. Oh, yes.

2 Q. -- the Watts --

3 A. I'm sorry. Yes. Yes.

4 Q. Okay. And I thought I understood that one of
5 the things you started to say is one of the things you
6 remembered was a conversation that you had with [REDACTED]

7 [REDACTED]
8 A. Right.

9 Q. Okay. Is that conversation the one where he
10 told you that there was only two people involved?

11 A. Yes.

12 Q. Okay. Do you remember -- did you remember
13 anything else about conversations you had with Robert
14 [REDACTED] during that time period?

15 A. Not during -- not -- not from when I got there
16 to the arrest. I remember -- I remember meeting him,
17 and I remember us talking about working together, but I
18 don't recall anything specifically about this case.

19 Q. Do you recognize the name, he was an officer
20 in IAD, named Peter -- Pete Koconias?

21 A. No.

22 Q. Okay. He's testified previously of meeting
23 directly with you about the Watts investigation as well
24 as the whistleblowing allegations of Spalding and
25 Echevarria. Do you have any memory of that?

1 A. No. I -- if I see a picture of him, I might
2 recognize him, but the name -- the name doesn't really
3 ring a bell to me.

4 Q. Okay. What -- you know, I might as well jump
5 there. What do you specifically remember about the
6 whistleblowing allegations of Spalding and Echevarria,
7 if anything?

8 A. Nothing, really. Just that they alleged that
9 they were retaliated against with some sort of
10 whistleblowing. I didn't even know it had anything to
11 do with this case, quite frankly.

12 Q. Okay.

13 A. Well, maybe I did know, but I don't remember
14 knowing. Let's put it that way.

15 Q. No, I understand the difference. Okay. Do
16 you know Deborah Kirby?

17 A. Oh, sure.

18 Q. Do you recall ever -- and how do you know
19 Deborah Kirby?

20 A. She was a -- she might have been a deputy
21 superintendent when I got to CPD, but I eliminated that
22 position and made them all chiefs, moved them down a
23 rank because it seemed like another layer that didn't
24 make sense. And Deb, her -- her background had it -- I
25 believe she's an -- she's an attorney. And she, at one

1 point, was involved in internal investigations in some
2 capacity, when it was called something else. I don't
3 remember what it was. It was before my time. But she
4 had a background in investigations.

5 **Q. Do you recall having any conversation -- do**
6 **you recall if or any conversations you had with Deborah**
7 **Kirby regarding the Watts investigation?**

8 A. No.

9 Q. Okay. Do you know of someone named Tina
10 Skahill?

11 A. Oh, yes.

12 Q. Okay. How do you know Tina Skahill?

13 A. Tina was the chief, I believe, when I got
14 here, and I don't remember what her position was. I
15 think it was more of an administrative position.

16 Q. Do you recall that she was the chief of IAD
17 prior to Juan Rivera?

18 A. Well, no, I don't.

19 Q. Okay. Do you recall having any conversations
20 with Tina Skahill about the Watts investigation at all?

21 A. No.

22 Q. Okay. Do you recall any specific
23 conversations with Juan Rivera?

24 A. Not particularly.

25 Q. I asked that in a very --

1 A. I -- I'm saying not particularly because I --
2 I -- I don't. And, you know, if -- if something would
3 have jogged my memory, I don't know.

4 Q. And I should have asked, in regard to Watts,
5 so we're talking --

6 MR. BURNS: In regards to Watts?

7 BY MR. TEPFER:

8 Q. Yeah, I was about to say that. Let me clarify
9 so the record's clear. Do you recall any specific
10 conversations with Juan Rivera in regards to the Watts
11 investigation while you were CPD Superintendent?

12 A. No, not specifically, but -- but here, just to
13 be clear, one of the things I did with in -- Internal
14 Affairs was I would have a weekly briefing with them,
15 and Juan and --

16 MR. FLAXMAN: (sneezes.)

17 THE WITNESS: -- God bless you --

18 MR. TEPFER: Bless you.

19 A. -- Juan, and Chief Rivera, and -- and
20 Commander Klimas would generally do those briefings.
21 They would come, and -- and then, I think Eddie Welch
22 also. I think I put Eddie Welch into Internal Affairs
23 eventually, as the number two --

24 BY MR. TEPFER:

25 Q. Number two under Chief Rivera?

1 A. Correct. Yes.

2 Q. Okay.

3 A. But yeah, they would -- they would brief me
4 weekly, and that -- I'm sure there were conversations
5 there that I just don't recall.

6 Q. Certainly. So when you're saying they would
7 brief you weekly, these were briefs specific to Internal
8 Affairs investigations going on, correct?

9 A. Yes. Yes.

10 Q. So if IAD -- and I know you don't have a
11 specific memory of it, IAD was at all involved in the
12 investigation into Watts, would you expect that these
13 weekly briefings could involve updates on the Watts
14 investigation?

15 MR. BURNS: Objection. Form of the question.

16 A. They -- they --

17 MR. BURNS: Foundation. Sorry.

18 A. Yes. My -- I'm sorry. Now, you have to ask
19 me the question again.

20 Q. Sure.

21 MR. BURNS: Do I have to object again, though?

22 BY MR. TEPFER:

23 Q. We're used to it. I know he doesn't always
24 love my questions. Let me actually start somewhere
25 else. Did you institute these weekly briefings with

1 Juan Rivera, and Klimas, and IAD -- administrative high-
2 ups, and IAD upon -- almost immediately upon starting as
3 superintendent?

4 A. I don't recall. I -- there were so many
5 changes that we made. You know, the first thing that I
6 did was look at the organizational chart and, as I
7 talked about, make sure that it was structured to
8 produce the results that we were looking for. At the
9 same time, I was assessing capabilities of -- of who was
10 where, and whether or not we had round pegs in round
11 holes. So it -- it was probably near the top of the
12 list, and it would've been something that since, like I
13 explained already, I think the integrity of the
14 department was paramount to. I would've done that
15 quickly. So I -- I -- it didn't take six or eight
16 months, let's put it that way.

17 Q. Okay.

18 A. It would've happened within the first month or
19 two.

20 Q. Got it. So it was certainly happening before
21 Watts's arrest?

22 A. Yes.

23 Q. Okay.

24 A. It had to be.

25 Q. And the question that -- wait for Mr. Burns to

1 object, but the question is, do you -- if you were
2 having these meetings -- weekly meetings with Rivera,
3 and Klimas, and IAD, I think you called them briefings,
4 would you expect that they would be updating you on the
5 Watts investigation if IAD was involved?

6 MR. BURNS: Objection. Form. Just for the
7 record.

8 A. Yes. They -- they would have been updated. I
9 -- I -- I do recall that there was not a lot of updates
10 to that case, though.

11 BY MR. TEPFER:

12 Q. What do you mean?

13 A. In other words, it wasn't like some a-ha
14 happening until the arrest was imminent. It was -- it
15 was almost like it was just out there, and nothing
16 really to update me on.

17 Q. Okay. So you don't recall getting super
18 substantive updates, you just recall knowing about it
19 more in a general sense?

20 A. Yes.

21 Q. That said, you're aware, as you sit here
22 today, what the arrest and result of the invest -- the
23 federal charges were, correct?

24 A. I -- yes.

25 Q. Okay. Well, what is your understanding of it?

1 A. It had to do with stealing money.

2 Q. Do you consider that, as you sit here today, a
3 serious charge in regards to a sergeant and officers in
4 the Chicago Police Department?

5 A. Of course.

6 MR. BURNS: Objection. Form.

7 A. Of course I do.

8 BY MR. TEPFER:

9 Q. Okay. And why is that serious?

10 A. It's -- police officers are paid to uphold the
11 law, not to break it. And, I mean, I have personally
12 arrested officers, so I don't have any issue with doing
13 it when they deserve it.

14 Q. Okay. And I guess I sort of made an
15 assumption. Is it fair to say that the briefings that
16 you were having with IAD upon your arrival or when you
17 started -- the weekly briefings when you started
18 instituting them, you were asking them to update you on
19 the most significant investigations that were going on
20 in IAD; is that correct?

21 MR. BURNS: Objection. Form. Foundation.

22 A. Yes. The -- the -- the updates on
23 investigations and the progress of the changes that we
24 were making, because, as I say, we -- we haven't really
25 flushed it out, but I created a career path inside

1 Internal Affairs where, if you're a detective and you
2 get promoted to sergeant, if you want to go back to an
3 investigative component, Internal Affairs had the
4 opportunity to take you into Internal Affairs for two
5 years before you go back to that investigative
6 assignment. So we were trying to make sure that we had
7 our best investigators doing investigations of police
8 officers, and I created that career path. They also
9 took Brendan Deenihan, which obviously was not early on.
10 It was later. He was one of the best investigators,
11 hardest working, most talented individuals I found in
12 the Chicago Police Department, and put him into Internal
13 Affairs and promoted him to commander, which was outside
14 the scope of the normal progression that I had created
15 for career path, which was through District Command. It
16 was so important that I took the best guy that I thought
17 I had -- or woman -- in this case, it was a guy, and put
18 him in a commander's position in Internal Affairs.

19 BY MR. TEPFER:

20 Q. I'm really glad you clarified that. So --
21 okay. So -- and I'm trying to unpack it, so I make sure
22 I understand. Detective is an investigative position,
23 correct?

24 A. Yes.

25 Q. Okay. And then sergeant -- I -- I'm sorry I'm

1 so ignorant, but is that an investigative position or
2 not?

3 A. It can be.

4 Q. **It can be?**

5 A. So there's -- there -- there are -- there are
6 supervisors in investigations, and sergeants,
7 lieutenants, captains.

8 Q. Okay. And so what you're saying is -- and
9 please correct me when I get this wrong, but if you had
10 individuals who wanted to be promoted to a supervisory
11 capacity yet still wanted to be involved in
12 investigations, you created a career path where those
13 individuals could go to IAD so that they could be -- not
14 only get supervisory experience, but continue to be --
15 to be involved in day-to-day investigations; is that
16 accurate?

17 A. Pretty much so, except for one component,
18 which I really didn't explain. I apologize. We created
19 a board where the bosses in the Detective Bureau,
20 Narcotics, and Internal Affairs, those are the three
21 primary investigative components that we have, would sit
22 down. If -- if Garry McCarthy was a detective, and I
23 wanted -- and I -- and I was an investigator in Area
24 South, or North, or 3, or 5, whatever they're called
25 today, and I got promoted to sergeant instead of --

1 well, first of all, everybody went to patrol first.

2 It's kind of like a rite of passage.

3 **Q. Okay.**

4 A. They would go to patrol for a while, but if
5 they wanted to go back into the Detective Bureau, they
6 would have to get in front of the Supervisory Assignment
7 Board, it was called. And if Internal Affairs wanted to
8 take Garry McCarthy versus the chief of detectives,
9 Garry McCarthy would go to Internal Affairs. Internal
10 Affairs had the first pick in every one of the
11 lotteries.

12 **Q. Okay. And that -- if I'm characterizing this**
13 **correctly, you instituted this career path, as you**
14 **described it, because you wanted the very best**
15 **investigators involved in IAD. It was that important to**
16 **you?**

17 A. Yes. And -- and -- you know, going to
18 Internal Affairs would not have been my first choice as
19 a captain, but having done it, it was an -- an eye
20 opening experience to find out just how important it is
21 to have competent people doing these investigations.
22 And, I mean, I -- I have story after story. I locked up
23 a whole bunch of police officers for two -- over a two-
24 year period and had a number of them terminated.

25 **Q. This is when you were a captain?**

1 A. In New York. Yeah. Yeah.

2 Q. And I'm not going to -- I'd be very interested
3 personally, but I don't want to waste your time and --

4 A. Thank you.

5 Q. But so, if I'm characterizing --

6 A. I'll tell you afterwards if you want.

7 Q. Sure, we can go get a beer, but I think your
8 lawyer might want to be there.

9 A. I'll bring my wife.

10 MR. BURNS: Are we done?

11 BY MR. TEPFER:

12 Q. So if I'm understanding correctly, you wanted
13 these officers to get the experience that you had, and
14 you also in some ways wanted to incentivize or give this
15 idea that this could be a good assignment, IAD as well;
16 is that --

17 A. Correct.

18 Q. Okay.

19 A. Correct.

20 Q. And you did --

21 A. And it -- and it's a good rounding experience
22 for them to see it. That's kind of the -- the three
23 ideas. You wanted to make sure that there was not a
24 stigma with going to Internal Affairs, you wanted to
25 upgrade the capacity of Internal Affairs for their

1 investigations, and give them a good rounding experience
2 on their perspective.

3 Q. Okay. And it sort of hits all three?

4 A. Yeah.

5 Q. Okay. You talked about how you thought real
6 highly of Deenihan, if I'm --

7 A. Correct.

8 Q. And what was your -- or what's your opinion,
9 as you stand here today, of Chief Rivera?

10 A. Juan was good. Juan was good. He -- yeah, he
11 -- Juan -- Juan was good. I mean, I have no qualms
12 about Juan. I -- you know, a lot of -- a lot of people
13 in supervisory capacities will, instead of telling you
14 what they want to do, will ask you what you want them to
15 do, and Juan kind of did both. He wasn't one who did
16 one or the other. So I had no problems at all working
17 with Juan.

18 Q. Okay. Same question for Deborah Kirby. Do
19 you have an opinion of her abilities as a --

20 A. Highly competent. Highly competent.

21 Q. And Tina Skahill?

22 A. Tina? I -- I still don't have a strong
23 opinion either way about Tina, as I sit here.

24 Q. So you did interact with her plenty, you just
25 haven't developed, like, a --

1 A. I can't say I loved her or hated her, it --
2 it's just, she -- she's okay.

3 Q. Okay. What about Robert Klimas?

4 A. Robert's good.

5 Q. Jumping away from the CPD, what about [REDACTED]

6 [REDACTED]
7 MR. BURNS: Just asking for --

8 MR. TEPFER: Yeah --

9 MR. BURNS: Reputation or opinion, what are we
10 asking?

11 BY MR. TEPFER:

12 Q. I'm not asking for reputation. I'm asking
13 your -- from your experiences, your personal opinion of
14 his abilities and his role as an FBI -- what was he? The
15 FBI Chief of the Chicago office?

16 A. Yes.

17 Q. Okay.

18 A. Bob -- Bob was very competent at what he does.

19 Q. Okay.

20 A. Or did.

21 Q. And I'm assuming, since you don't remember
22 much, but do you have any opinion about his work in the
23 Watts investigation?

24 A. Not really.

25 Q. Okay. Do you recall ever meeting any of the

1 special agents who were involved in the Watts
2 investigation?

3 A. I don't.

4 Q. [REDACTED]?

5 A. No.

6 Q. I think probably not, but before your time,
7 but [REDACTED]? [REDACTED]?

8 A. No.

9 Q. Do you recall at any time learning that
10 certain special agents from the FBI were involved in the
11 investigation, but then had left and it got taken over
12 by a different agent?

13 A. I don't recall that.

14 Q. Do you know Beatrice Cuello?

15 A. Oh, Bea Cuello? Yes.

16 Q. Did I say it wrong? Cuello? Cuello, that
17 makes sense.

18 A. Cuello, if you're speaking English.

19 Q. No, I'm going to do it right. Cuello.

20 A. Right.

21 Q. All right. I can speak a little Spanish. Bea,
22 and what was her role?

23 A. Bea was also a -- a deputy superintendent or
24 assistant superintendent, I forget what the titles were,
25 but I got rid of them when I got here. I made her the

1 chief of administration, as I recall. Bea was very,
2 very competent at administration. I don't know how good
3 she was in, you know -- you know, policing matters on
4 the street and things like that. Very competent.

5 **Q. And I just got to go through this, I'm going**
6 **to do this for a few more, but do you recall any**
7 **specific conversations you had related to the Watts**
8 **investigation with Bea Cuello, if any?**

9 A. No.

10 Q. Okay. So you don't recall even if you had
11 any?

12 A. I don't know why I would have.

13 Q. Okay.

14 A. Well, maybe she was -- maybe she was over
15 investigations or something before I got there. I don't
16 know.

17 Q. Okay. You don't recall her being -- it -- and
18 it may very well have never happened, but do you recall
19 her ever being present during any of the Internal
20 Affairs briefings that you would have with Rivera and
21 Klimas?

22 A. No, I don't.

23 Q. Okay. Barbara West? Do you know that name?

24 A. Oh, yeah. Barbara.

25 Q. Okay. What was her role while you were there?

1 A. Well, she was -- she might have come in as a
2 lieutenant, and I promoted her to commander. And I
3 think I gave her the 15th District on the West Side, and
4 she excelled. And, you know, I used to go out on patrol
5 and there was always a certain cadre of commanders that,
6 whenever I was out on patrol, I would find them out on
7 patrol. In other words, being a leader, having hands on
8 and being on the ground, instructing the officers and
9 supervisors what to do. I think the world of Barbara.
10 She was fantastic.

11 **Q. And do you recall --**

12 A. And a dynamo for being a little woman. Just,
13 you know, she probably took police officers by surprise.

14 **Q. Yeah? She was short?**

15 A. Short, yeah.

16 **Q. Okay. Do you recall --**

17 A. Big personality.

18 **Q. Okay. Do you recall any specific
19 conversations, if any, you had with Barbara West
20 regarding the Watts investigation?**

21 A. No.

22 **Q. Okay. You ever heard of Ginessa Lewis?**

23 A. I don't think so.

24 **Q. Okay. A commander, potentially?**

25 A. Where? I don't remember.

1 Q. Sure. Okay.

2 A. Not -- not under my tenure, I don't think. As
3 a matter of fact, I'm sure.

4 Q. Okay. Do you -- how many commanders at the
5 time were there? You did some restructuring, so I guess
6 at any one time, not, like, during the course of your
7 entire time there. But at any one time, what -- how
8 many commanders were you overseeing?

9 A. Probably about 30. I -- I went from 25
10 districts to 22. We consolidated 6 into 3.

11 Q. So there would be a commander of each
12 district, and then there would be other offshoot
13 commanders, so to speak?

14 A. Correct. In narcotics, and detectives, and
15 Internal Affairs, and so on and so forth.

16 Q. Okay. Is commander equivalent of chief?

17 A. No.

18 Q. Oh, I'm sorry. Clarify -- is there chiefs of
19 the districts too?

20 A. No.

21 Q. Okay. So there's commanders of districts, but
22 Juan Rivera would've overseen, for example, as chief of
23 IAD, the commander of IAD. Is that --

24 A. Correct.

25 Q. Okay. Okay. Have you ever heard or recall a

1 lieutenant named Ken Mann?

2 A. No.

3 Q. Fred Waller?

4 A. Oh, yeah.

5 Q. Okay. Can you tell me about your relationship
6 -- or what was Fred Waller's role while you were there?

7 A. I think Fred was a lieutenant in narcotics
8 when I got there, and I definitely gave him two
9 different districts. I promoted him at least twice to
10 both commander and deputy chief. I really think the
11 world of Fred. Hardworking, what you see is what you
12 get. He's the type of guy, he's a good street officer.
13 Knows how to take care of himself and his people, and is
14 not afraid to do the things that need to be done to keep
15 civilians and police officers in the places where you
16 want them to be. I like Fred a lot.

17 Q. And I had asked you this question about NYPD,
18 but my understanding, and please correct me if I'm
19 wrong, is deputy chief the second in command at this --
20 Chicago Police Department? Am I --

21 A. No.

22 Q. Oh, I'm way off. Okay. Tell me, what is the
23 deputy chief in the structure?

24 A. Okay. So it goes -- start from the bottom,
25 right? Police officer, sergeant, lieutenant, captain,

1 commander, deputy chief, chief, first deputy chief,
2 first deputy commissioner, first deputy superintendent.
3 I keep forgetting which department I'm in.

4 Q. Okay. I think that's where I get caught up,
5 because there's the chief in IAD and I didn't realize
6 that was different than commander. This is helpful.
7 Thank you.

8 A. Yeah.

9 Q. So he's -- okay. And so do you recall any
10 specific conversations that you ever had with Fred
11 Waller regarding the Watts investigation?

12 A. No.

13 Q. Okay. Do you know -- do you recall an officer
14 named Alvin Jones?

15 A. I don't think it was -- I -- I don't think so.

16 Q. Okay. You don't recall him being a team
17 member or a part of the Watts team at any time?

18 A. I -- maybe that's why it sounds vaguely
19 familiar, but I don't -- I can't place it.

20 Q. Okay. But you -- as you sit here today, you
21 don't have any -- do you have any recollection of him
22 being of any interest or a target in the law
23 enforcement's investigation into Watts's team?

24 A. I don't.

25 Q. Okay. And here's a loaded one, but do you

1 recall any specific conversations you had with Rahm
2 Emanuel regarding the Watts investigation?

3 MR. BURNS: What was that name again?

4 MR. TEPFER: Rahm Emanuel. Is that a joke?

5 MR. BURNS: No, I --

6 MR. TEPFER: You just really didn't hear me?

7 Okay.

8 MR. BURNS: And I'm sorry, may I hear the
9 question again?

10 BY MR. TEPFER:

11 Q. Sure. Do you recall, as you sit here today,
12 any specific conversations you had with Mayor Rahm
13 Emanuel about the Watts investigation?

14 A. I do not.

15 Q. Okay. Do you recall ever meeting with anyone
16 from the U.S. Attorney's Office regarding the Watts
17 investigation?

18 A. I don't think so. We might have done a press
19 conference. I don't recall, though.

20 Q. But beyond the press conference to announce
21 charges -- I assume you used a press conference to
22 announce the charges, is that what you're talking about?

23 A. I don't even remember if we did one.

24 Q. Yeah.

25 A. But I presume we did one.

1 Q. Sure. But putting aside that presumption, do
2 you don't recall anything other than that, potentially?

3 A. No.

4 Q. Okay. What about the Cook County State's
5 Attorney's Office? Do you recall ever having any
6 conversations with anyone there regarding the Watts
7 investigation?

8 A. No.

9 Q. And was Anita Alvarez the state's attorney the
10 entire time --

11 A. Yes.

12 Q. -- that you were superintendent?

13 A. Yes.

14 Q. You don't recall ever meeting someone named
15 Dave Navarro who's not a judge?

16 A. No.

17 Q. How often would you meet the State's Attorney
18 during your period of -- Cook County State's Attorney
19 during your period as the superintendent?

20 MR. BURNS: Objection. Foundation. Go ahead.

21 A. How often would I meet with Anita Alvarez?

22 BY MR. TEPFER:

23 Q. Yeah.

24 A. Or just people in the --

25 Q. Just Anita Alvarez?

1 A. Probably once every couple of months.

2 Q. And how often would you meet with the US
3 Attorney's Office during your term of -- as
4 superintendent?

5 A. Less than that.

6 Q. Less than that?

7 A. Yeah.

8 Q. Twice a year?

9 A. Sure. Three times a year.

10 MR. TEPFER: You guys going to keep going for
11 a little bit --

12 MR. BURNS: Sure.

13 MR. TEPFER: -- and get through this? I don't
14 think we have that much more. All right. I'm
15 going to show you now what I'm going to mark as
16 Exhibit 2.

17 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

18 BY MR. TEPFER:

19 Q. This is the City's answer to Plaintiff
20 Clarissa Glenn's, June 7, 2017 interrogatories to
21 Defendant City of Chicago. It's a -- well, it's not
22 fully numbered. It's a 31 page -- at least the
23 pagination is 31 pages. I'm not going to ask you about
24 all 31 pages. Don't worry. You can go to -- oh, I
25 don't.

1 MR. BURNS: It's all right.

2 MR. TEPFER: I gave my other one -- Oh, this
3 is a confidential portion of the --

4 MR. BURNS: It is. I'm just getting to it. It
5 is so designated, so --

6 THE REPORTER: Do you want the transcript
7 confidential right now?

8 MR. TEPFER: Yes, please. Sorry.

9 THE REPORTER: Okay. Can you just let me know
10 when you want to go back off?

11 MR. TEPFER: Yeah. Can we do it as a team and
12 try to remind me? So --

13 THE REPORTER: Yes. Thank you.

14 MR. TEPFER: I notoriously forget.

15 (CONFIDENTIAL PORTION REDACTED)

16 BY MR. TEPFER:

17 Q. Yeah. This is a transcript of a speech that
18 Rahm Emanuel gave in December 9, 2015. So it was, I
19 think, just shortly after you left the Chicago Police
20 Department; is that correct?

21 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

22 A. No.

23 BY MR. TEPFER:

24 Q. Okay. No? When did you leave?

25 A. December 31st.

1 Q. December 31st, I'm sorry. Okay. So it was in
2 the last month of the Chicago Police Department. Do you
3 know when you announced that you were leaving?

4 A. I never announced I was leaving.

5 Q. Okay. I kind of promised I wasn't going to
6 ask you much questions about that, so let's just -- but
7 you did leave at the end of December of 2015, correct?

8 A. That's correct.

9 Q. Okay. And the middle of - well, let me -- oh,
10 it does say eventually on the bio, confidential, right.

11 MR. BURNS: So we'll continue it for whatever
12 reason, it's been marked. We -- we'll figure it
13 out. I don't think it's going to hurt.

14 MS. MCELROY: We'll just go back on it.

15 MR. BURNS: Yeah, we'll have to work it out.
16 The other one turned out confidential was the right
17 thing for Exhibit 3, so we'll leave it there. You
18 and I'll figure it out, Josh. How's that work?

19 MR. TEPFER: Sure. I mean I got, I think --
20 okay. Just for the record, I'm pretty sure we
21 transcribed this from something on the internet, so
22 it'd be hard to argue that this is confidential,
23 but we'll go ahead.

24 MR. BURNS: But this stamp -- that's what --
25 I'm a little confused, too.

1 MR. TEPFER: Yeah. I'm sure it was just an
2 error on our part.

3 MR. BURNS: I'm sorry. You said what? An
4 error on your part?

5 MR. TEPFER: I'm - well, didn't they say on
6 the record that you were stealing from drug
7 dealers?

8 MR. BURNS: I hope not.

9 THE WITNESS: That was a hypothetical.

10 MR. TEPFER: I know. I'm just joking. I'm
11 just joking. Okay. Back to serious business.

12 MR. FLAXMAN: Those allegations were not
13 proven.

14 BY MR. TEPFER:

15 Q. All right. We're joking. This -- do you
16 remember Rahm Emanuel giving a speech to the Chicago
17 City Council that referenced the code of silence?

18 A. No.

19 Q. Okay. I'm going to look at page 6. It's
20 Plaintiff Joint 069865. And I'm going to read this into
21 the record. It's the one, two, three, fourth full
22 paragraph. All right. It's, "As we move forward, I am
23 looking for a new leader of the Chicago Police
24 Department to address the problems at the very heart of
25 the policing profession. The problem is sometimes

1 referred to as the thin blue line. The problem is other
2 times referred to as the code of silence. It is the
3 tendency to ignore, it is the tendency to deny, it is
4 the tendency in some cases to cover up the bad actions,
5 like colleague or colleagues. No officers should be
6 allowed to behave as if they were above the law, just
7 because they're responsible for upholding the law." Do
8 you see that?

9 A. Yes.

10 Q. Okay. You don't recall Rahm Emanuel giving
11 this speech or making these statements?

12 A. I can assure you that during December of 2015,
13 I didn't listen to Rahm Emanuel.

14 Q. And why is that?

15 MR. BURNS: I thought we weren't going to get
16 into a lot of this.

17 A. I don't mind -- I don't mind doing this. I --
18 I actually want to do it. First of all, this is typical
19 of something that he would say because he didn't
20 understand the idea of a dead blue line versus what
21 people refer to as code of silence. Second of all, on
22 December 1, 2015, Rahm Emanuel called me in and told me
23 that he thought that I should resign, and I told him no.
24 And I left his office and he left his office. Went out
25 and told the press that he asked for and received my

1 resignation. Which -- what is that called? It's called
2 a lie. And on December 17, after this went on for 17
3 days, his chief of staff called me and said, okay, we
4 know you're not going to resign. Would you like a letter
5 of termination? And I said no, but if that's what you
6 choose to do. So be it. So Eileen Mitchell, who's
7 chief of staff, signed and sent me a letter of
8 termination, thanking me for my services with the City
9 of Chicago and that I would be running my time through
10 December 31st, my time due. And that's how I left the
11 Chicago Police Department.

12 BY MR. TEPFER:

13 Q. Okay. I appreciate that and I'm not going to
14 ask you any more questions about that, but is it fair to
15 say that -- and I think the inference from this is that
16 your tenure during the -- as superintendent, that you
17 were not taking the thin blue -- or I'm sorry, the code
18 of Silence as he describes it seriously, do you dispute
19 that inference that's stated here?

20 A. Absolutely, I do.

21 Q. And would you agree that the fact that you
22 began getting updates certainly of the Watts
23 investigation, certainly no sooner than when you arrived
24 at the Chicago Police Department as superintendent in
25 May 2011, and that investigation ultimately culminated

1 in eight months after being ongoing for eight years
2 supports that contention that you took police
3 accountability and criminal acts of police officers
4 seriously during your time?

5 MR. BURNS: I'm going to object to the form of
6 the question.

7 A. Are you saying that because -- from the time I
8 got there until the time that the arrest occurred,
9 that's supports that I take it seriously?

10 BY MR. TEPFER:

11 Q. It was a far shorter time, only eight months
12 as opposed to an eight-year investigation from some of
13 the documents that we've seen previously. Would you
14 agree that that supports the contention that you took
15 the Watts investigation seriously?

16 MR. BURNS: Objection. Form of the question.

17 Foundation.

18 A. I -- I'd like to accept that as a compliment,
19 but it's not necessarily the case.

20 BY MR. TEPFER:

21 Q. Why not?

22 A. Because it was not my investigation. It was
23 the FBI's investigation. I would've handled it perhaps
24 the same way, perhaps differently. I would -- hindsight
25 is almost 20-20, but at the same time, but I didn't have

1 a role in that investigation.

2 Q. Okay. You talked about these boxes earlier
3 that you wanted to get access to, and I think you said
4 because you wanted to see if there should be some sort
5 of discipline against any other officers after the
6 arrest; is that right?

7 MR. BURNS: Objection. Form of the question.

8 Mischaracterizes. Go ahead and answer.

9 A. Yes. We wanted to make sure that there were
10 any administrative charges that could be brought against
11 the officers.

12 BY MR. TEPFER:

13 Q. Okay. And you said you were never able to get
14 access to those boxes, right?

15 A. That's what I recall, yes.

16 Q. Do you recall -- what? Sure. Mr. Flaxman's
17 asking me to ask you, what do you mean by investigative
18 charges?

19 A. Administrative.

20 Q. I'm sorry. Administrative charges.

21 A. Well, there's criminal charges, which are
22 obviously criminal, and there's administrative charges
23 like -- like I talked about. In New York, we call them
24 White Sox and White Sox means we're investigating two
25 hypothetical officers for ripping off drug dealers and

1 we find out that they're out of uniform. So we charged
2 them with being out of uniform. Those are
3 administrative charges, which they could get up to a 30-
4 day suspension for.

5 Q. Okay. But essentially what you mean is an --
6 correct me if I'm wrong, but an investigation as to
7 whether there's any other members, any other -- any --
8 an investigation into whether individuals should be
9 police officers or should face some sort of discipline
10 as police officers; is that correct?

11 MR. BURNS: Objection. Form.

12 MR. ZECCHIN: Anthony Zecchin. Join.

13 A. That's correct.

14 BY MR. TEPFER:

15 Q. That's correct, okay. Now you said you tried
16 to get access to these boxes for that purpose; is that
17 correct?

18 A. Yes.

19 Q. Did you recall ever trying to get access for
20 the same purpose to complaints made against these
21 officers to the CPD or Internal Affairs?

22 MR. BURNS: Object to the form of question.

23 A. I -- I don't remember trying to get that
24 information and I don't recall if I ever actually
25 received it, but it's something that would -- would --

1 when -- when an investigation would be commenced against
2 a police officer, just like a criminal investigation
3 against a civilian, the first thing you do is you look
4 at their background and, you know, if somebody has ten
5 allegations that are all the same, obviously you would
6 take it a lot more seriously, just like if somebody has
7 committed ten robberies and now you are investigating a
8 robbery. So I presume I would've received their
9 internal histories, allegations, and complaints and fact
10 founded and unfounded.

11 BY MR. TEPFER:

12 Q. Okay. And when you say you, you mean you
13 personally or do you mean something different?

14 A. Well, first of all, an investigator would be
15 doing that, so that's obviously -- you know, we delegate
16 our -- our authority. When you're in charge of, I don't
17 know, 17,000 people, you have to trust your bosses, but
18 if Juan Rivera and -- and Bob Klimas came to me to tell
19 me about an investigation that was commencing, they
20 would surely fill me in on their background.

21 Q. And if they didn't have that information,
22 would you have suggested or ordered them to gather that
23 information?

24 MR. BURNS: Objection. Form of the question.

25 A. As a -- as a first step in an investigation,

1 I'm sure.

2 BY MR. TEPFER:

3 Q. Is that something that you would've done upon
4 learning of the Watts allegations or only post-arrest
5 after Watts and Mohammed were arrested?

6 MR. BURNS: One more time, please.

7 Q. Sure. Gathering or reviewing the prior
8 complaints or the scope of the prior complaints, in the
9 context of the Watts investigation, would you have
10 requested to review those or asked the investigators
11 under your command to review those upon learning that
12 there was an FBI investigation, or would you have waited
13 until after the completion of the federal investigation?

14 MR. PALLES: Palles. Object to the form.

15 MR. BURNS: Join.

16 MS. MCELROY: Join.

17 MR. ZECCHIN: Anthony Zecchin join as well.

18 A. It would've been part of the conversation when
19 I was informed of the investigation, whether it was Bob
20 Klimas or Juan Rivera, they would've said, and I'm sure
21 I would have asked if they didn't say what the
22 backgrounds of the officers were.

23 MR. TEPFER: All right. Thank you.

24 MR. BURNS: We've been going a couple of
25 hours. Do you want to take a short break? I don't

1 know how much you have left.

2 MR. TEPFER: Very little.

3 MR. BURNS: So do you want to just take a
4 short break then?

5 MR. TEPFER: Okay.

6 MR. BURNS: Finish it up?

7 THE REPORTER: All right. We're off the
8 record. The time is 3:15 pm.

9 (OFF THE RECORD)

10 THE REPORTER: We're back on the record. The
11 time is 3:26 p.m.

12 MR. TEPFER: All right. So I'm nearing the
13 end. I do really appreciate your time. We're on
14 Exhibit 5?

15 MR. BURNS: Yes.

16 MR. TEPFER: Chief. I keep screwing it up. I
17 said I was going to call you Chief while you're
18 here, and --

19 MR. BURNS: And I told you it doesn't matter.
20 I answer to all of them.

21 MR. TEPFER: Oh, sorry. This is the Plaintiff
22 Joint 082258 through 59, that's all.

23 (EXHIBIT 5 MARKED FOR IDENTIFICATION)

24 MR. BURNS: Thank you.

25 BY MR. TEPFER:

1 Q. I -- this is an article entitled "More
2 Officers under Investigation in Drug Probe: Sources,"
3 and it's by Bill Rogers. Do you see that on the top
4 there?

5 A. Yes. Yes.

6 Q. And it's undated, but if you look at the third
7 paragraph, there's a -- there -- it starts, "Mohammed
8 and Watts were arrested over the weekend." Do you see
9 that?

10 A. Yes.

11 Q. Okay. So it looks like it's fair to
12 characterize that this article is likely in February of
13 2012?

14 A. Sounds right.

15 Q. Okay. And there's a quote from you in the
16 middle of Plaintiff's Joint 082258. It starts, "'That
17 was a joint Chicago Police Department and FBI endeavor,'
18 said Police Superintendent Garry McCarthy, who brushed
19 off questions of a larger probe." That's not a quote
20 from you. "At this point, there's nobody involved
21 except the two officers who were arrested." Do you see
22 that?

23 A. Yes.

24 Q. The quoted portion, everything except for that
25 commentary, do you recall saying either of those things

1 at any point to the media?

2 A. It's -- it's likely I said it because that's
3 what I was told by [REDACTED].

4 Q. Okay. This does quote you as saying that it
5 was a joint CPD and FBI endeavor, correct?

6 A. Yes.

7 Q. Okay. Do you view that as an accurate
8 statement?

9 A. Well, how accurate would you like it to be?
10 What does that mean to you? Because we had officers
11 assigned to the task force.

12 Q. Sure.

13 A. However, it was an FBI investigation with all
14 the trappings of, you know, federal investigations,
15 including 6E, Title IIIs, and so on and so forth.

16 Q. I'm sorry, all the trappings of a federal
17 investigation, including what? I'm sorry?

18 A. 6E. Is that what it's called?

19 Q. I don't know what 6E means.

20 A. As I recall --

21 Q. Federal rules --

22 A. Federal rules --

23 Q. -- of that 6E. Oh, sorry. Grand jury.

24 A. -- of privacy and so on and so forth.

25 Q. Right.

1 A. Which is -- which is critical to the fact that
2 I couldn't -- I couldn't take steps. I certainly could
3 have, but I don't know what the outcome would have been
4 for me, if I -- if I had violated those rules.

5 **Q. Got it.**

6 A. They -- they -- they would take action very
7 quickly against me if I interfered with their
8 investigation.

9 **Q. Understood. But, just to clarify, sir, you**
10 **were the head of the Chicago Police Department at the**
11 **time?**

12 A. Yes.

13 **Q. And so they didn't have at least control over**
14 **your employment in the Chicago Police Department? You're**
15 **talking about something else?**

16 A. Yeah, I'm talking about criminal prosecution.

17 **Q. Okay. So you viewed -- if you took certain**
18 **steps, certain steps would -- that could be interpreted**
19 **as --**

20 A. Interference.

21 **Q. Interference with that -- the investigation,**
22 **that could subject you to your own criminal charges, is**
23 **what you're saying?**

24 A. Yes.

25 **Q. Okay. Okay. On the next page, looks like**

1 it's claiming to quote you again. I'm going to ask you
2 a similar line of questions. It starts, saying, "For
3 his part, McCarthy declared that action was being
4 taken," and then the quote is, "The fact is when
5 officers commit these horrible acts, we're going to do
6 everything we can to identify and arrest them." He
7 said, "It's really that simple." Do you recall making
8 that statement in -- to the media?

9 A. I don't, but it sounds like something I would
10 say.

11 Q. Okay. And if that -- if -- is it fair to
12 characterize -- that's consistent with much of what
13 you've said during the course of this deposition, that
14 you take allegations of corruption very simple, and the
15 most important thing is to resolve those and act on
16 that?

17 A. Very serious, not simple. You said simple.

18 Q. Did I say simple? Sorry.

19 A. You did. That's okay.

20 Q. Is it fair -- is this consistent with things
21 that you've said during this deposition, where you take
22 allegations of misconduct very seriously, and it's
23 important to act on them quickly?

24 A. Yes.

25 Q. Do you think it's accurate to describe the

1 allegations of the arrest as horrible acts, as it's
2 quoted as you saying so?

3 A. I'm sorry?

4 Q. Do you agree -- whether or not you recollect
5 saying it, do you agree that the allegations upon the
6 arrest of Watts and Mohammed are indeed horrible acts?

7 A. The criminal charges, sure. Certainly. The
8 allegations are allegations until they're proven. And
9 the -- the actual charges, yes, terrible, sir. Nobody I
10 ever would want to work with. Somebody who I wouldn't
11 want putting handcuffs on.

12 Q. Okay. You -- I already asked you, but just to
13 refocus you on you don't recall an officer, I believe,
14 by the name of Al Jones, or maybe you said it was
15 vaguely familiar to you; is that correct?

16 A. Vaguely.

17 Q. Okay.

18 A. I can't place it if I do remember it.

19 Q. Okay. Do you have any recollection of Al
20 Jones receiving a merit-based promotion in 2014?

21 A. No.

22 Q. What's the process -- were you involved in the
23 process during your term of superintendent of merit-
24 based promotions?

25 A. Yes.

1 **Q. What was your role?**

2 A. So the way -- the way the process worked, as I
3 said, officers would get recommended for promotion.
4 Those recommendations would go to the Merit Board, which
5 was comprised of a number of chiefs and headed up by the
6 first circuit commission. And then they would come in,
7 and I would personally interview everybody.

8 **Q. The person who was up for a promotion?**

9 A. Correct.

10 **Q. Okay.**

11 A. And from those interviews and that process, we
12 would select -- I would say we because I would take
13 input from the Merit Board and my staff, and including
14 my first deputy, my chief of staff, and the -- the chief
15 of crime control strategies.

16 **Q. Okay. In addition to the interview, did you
17 review any documents prior to conducting those
18 interviews?**

19 A. Yes.

20 **Q. What would you review?**

21 A. I would review their backgrounds. I would
22 review their arrest activities. I would look at where
23 they've worked. I would look at their evaluations.

24 **Q. Would you ever review their complaint history?**

25 A. It should be in their packet, yes.

1 Q. Oh, it would be?

2 A. Yes.

3 Q. Okay. Do you recall Fred Waller recommending
4 Alvin Jones for a merit-based promotion?

5 A. I don't.

6 Q. Okay. And you don't recall signing off on a
7 merit-based promotion for Alvin Jones, correct?

8 A. I do not. Would that have been for -- was he
9 promoted to detective?

10 Q. To sergeant. I'm sorry.

11 A. To sergeant?

12 Q. Yes.

13 A. I do not recall that.

14 Q. Okay. Would you -- and that's a good
15 clarification. Would you be involved in the merit-
16 based promotions to sergeant?

17 A. Yes.

18 Q. In the same way that you described?

19 A. Yes.

20 MR. BURNS: Just to be clear, though, this
21 occurred prior to his time. You're talking about
22 Jones?

23 MR. TEPFER: It's 2014.

24 MR. BURNS: Right. I mean, prior to the time
25 -- oh, in 2014. I just thought you were talking

1 about something separately with him. Thank you.

2 BY MR. TEPFER:

3 Q. Okay. So I guess, just to be clear, in case I
4 wasn't --

5 A. Yes, sir.

6 Q. -- do you recall in 2014 receiving a
7 recommendation for a promotion for Alvin Jones to
8 sergeant, by Fred Waller, and subsequently signing off
9 on it?

10 A. I do not.

11 MR. TEPFER: I don't have any further
12 questions. Mr. Flaxman might. I do appreciate
13 your time. Thank you.

14 MR. FLAXMAN: Yeah, I do. Do you want to give
15 me the mic?

16 MR. TEPFER: Oh, yeah.

17 EXAMINATION

18 BY MR. FLAXMAN:

19 Q. Going back very briefly about the merit
20 promotion, you said you would get a packet for each
21 candidate; is that right?

22 A. Yes.

23 Q. And you said it would include arrest activity?

24 A. Yes.

25 Q. And what do you mean by that?

1 A. How many arrests the officers made, -- their -
2 - their -- their arrest activity.

3 Q. Oh, okay. And would it include information
4 other than the numbers of arrests?

5 A. I don't know. I don't -- I don't recall
6 specifically.

7 Q. Was there any --

8 A. And --

9 Q. Oh, go ahead.

10 A. It would include, you know, their -- their
11 medals and citations, their arrest activity, you know,
12 for -- for significant events, like being in a shootout
13 or -- or something like that.

14 Q. And was there a name for the report about
15 arrest activity, if you can remember?

16 A. Activity report, I believe. Yeah.

17 Q. You talked earlier about having weekly
18 briefings with Internal Affairs. Do you remember that?

19 A. Yes.

20 Q. Was there a written record made of those
21 briefings?

22 A. No.

23 Q. Was there any kind of agenda given to you
24 before the meeting?

25 A. No.

1 Q. And why was that? Why was there nothing
2 written?

3 MR. BURNS: Objection. Form.

4 A. I -- I'm not a big paper person. I want to
5 hear it if I have questions about it. And then if
6 there's any paper, like a picture or something like
7 that, it all went back.

8 BY MR. FLAXMAN:

9 Q. And did you ever take notes about the
10 meetings?

11 A. No.

12 Q. You also talked about this issue where your
13 department was trying to get boxes from the federal
14 investigation every so often. You remember that?

15 A. Yes.

16 Q. Did you ever communicate with federal
17 authorities about the boxes?

18 A. I may have said something to [REDACTED]. I
19 don't recall. But I -- I do know this very
20 specifically. I asked [REDACTED], is there anything else
21 to this? And he said, absolutely not. It's just these
22 two officers. And when we tried to obtain more
23 information, we couldn't obtain it because federal
24 protections for the documents prevented that from
25 happening.

1 Q. And did you try to obtain that information
2 after [REDACTED] told you that it was just these two
3 officers?

4 A. I believe we tried for a while to -- to Bob
5 Klimas because there was some sort of a vetting that
6 they -- the feds were talking about. And, eventually, I
7 don't think we got anything.

8 Q. Well, when you say there was some sort of
9 vetting, what do you mean?

10 A. In other words, they would -- you know, they
11 would take them and redact things and things like that.
12 But they never did any of it for us. To my
13 recollection, we got absolutely nothing.

14 Q. And given that [REDACTED] had told you that
15 there's nothing else, it's just these two officers, why
16 did you want that other information?

17 A. To ensure that there was nothing else. And,
18 like I said, you know, the -- the FBI was looking at
19 criminal charges. That doesn't mean that we weren't
20 going to pursue administrative charges if there was
21 something there for that.

22 Q. And was it -- did you say that it was Klimas
23 who was the one who was mostly responsible for trying to
24 get that information?

25 A. I wouldn't say responsible. He was the guy

1 who was at the point of it. So, you know, if you want
2 to say responsible, yeah, he was the guy who was working
3 on the notes.

4 Q. Okay. The first exhibit you looked at was a
5 deposition in a case called Rita King v. Glenn Evans.
6 And I think you said you might have given depositions in
7 other cases about Commander Evans. Do you recall that?

8 A. Yeah. And I -- I don't know if I actually
9 did. I've been deposed a lot. And there was probably
10 at least another case. Yeah, I don't -- I don't
11 remember. But Glenn had a track record, and people, you
12 know, were making complaints against him. So I'm sure
13 at some point there was another deposition with Glenn.
14 I'm not positive.

15 Q. Okay. And have you given other depositions
16 related to your time as the superintendent of the
17 Chicago Police Department?

18 A. Oh, yeah.

19 Q. Oh, can you -- what -- what's the most recent
20 one you picked?

21 A. There was one about NATO, the NATO event in
22 2012, for sure. But I don't remember. There was one
23 that I did downtown, probably two -- maybe three years
24 ago. I -- I -- you know, I -- I -- I -- I still -- I
25 just got deposed for a case in Newark. So it's -- I

1 kind of dismissed them when I'm done with -- I -- I tape
2 over it, if you will. I -- I don't recall.

3 Q. **So the one --**

4 A. I would tell you if I knew, trust me.

5 Q. **Yeah. So -- and just to be clear, the one you**
6 **remember from downtown two or three years ago, you can't**
7 **remember what case that was?**

8 A. It might have been one where they alleged that
9 Glenn put his gun in somebody's mouth. It might have
10 been. I'm not sure.

11 MR. FLAXMAN: I don't have any other questions
12 for you. I'll turn it over to any other attorneys.

13 MR. BURNS: There may be people.

14 THE WITNESS: Are they people?

15 MR. BURNS: Is everyone listening? Do you --

16 MR. ZECCHIN: Hi, this is Anthony Zecchin. And
17 I have no questions of Chief McCarthy.

18 MR. BURNS: Does anyone else who's listening
19 in, participating via Zoom, have questions?

20 MR. PALLE: No, I have none. I thank you for
21 your time, Chief.

22 THE WITNESS: Thank you.

23 MS. MCGRATH: Megan McGrath, I have no
24 questions. Thank you for your time, Chief.

25 THE WITNESS: Thank you, Megan.

1 MS. MCELROY: This is Lisa McElroy. I have no
2 questions. Thank you for your time.

3 THE WITNESS: Thanks, Lisa.

4 MR. TEPFER: Can I just do one more minute? I
5 have one more.

6 MR. BURNS: Sure. And I want to clarify
7 something anyway, so go ahead.

8 MR. TEPFER: Oh, I'm sorry.

9 MR. BURNS: No, go on. You go ahead. Finish.

10 REDIRECT EXAMINATION

11 BY MR. TEPFER:

12 Q. I just want to -- this is just lawyer stuff,
13 sorry. But, needless to say, during the time that
14 predicated your arrival to the Chicago Police Department,
15 when the -- if there was a Watts investigation going on
16 then, you have no idea what authority the Chicago Police
17 superintendent at that time, or CPP, had in relation to
18 the FBI's investigation, correct?

19 A. No, that's not true.

20 Q. Oh.

21 A. Because the federal laws have it, that that's
22 the way it is, and that's the way it's been for all the
23 time that I've been involved in police.

24 Q. And you -- but you did see, in the course of
25 this deposition, some documents that reflect that there

1 **was a period of time where the FBI wasn't investigating,**
2 **where there was a reference to a declination of charges**
3 **and stuff, and then it re-upped, correct?**

4 A. Yes.

5 Q. And, during that time period, there would have
6 **been no federal law restrictions that you're**
7 **referencing, correct?**

8 A. No. If it -- it would have been the same
9 situation though, if they were trying to get the
10 information to pursue it.

11 Q. **Sure.**

12 A. Well, what I'm -- I -- I think what you're
13 saying is, should somebody else have investigated it
14 during that time frame? I -- I -- I can't say.

15 Q. But I guess what I'm saying is, it -- any
16 limitations you had of any sort of administrative
17 proceedings, in light of the federal investigation,
18 those wouldn't have occurred during any period where the
19 federal investigation was not ongoing, where it had
20 stopped; is that correct?

21 MR. BURNS: Objection to form of the question.

22 MR. ZECCHIN: Anthony Zecchin. I'll join in
23 that objection.

24 A. I'm not sure what you're asking, honestly.

25 BY MR. TEPFER:

Q. Okay. There was some documents, and I can bring them up again, then I'll just go fast, where there was a period of time where they said the federal investigation had stopped, and then there was another period -- and it picked up --

A. Got that. Yes.

Q. -- a year later?

A. Yes.

Q. During that period where -- the gap, so to speak, where there was no federal investigation, would there have been any federal laws that would preclude the Chicago Police Department to engage and investigate an administrative investigation?

A. No.

MR. TEPFER: Okay. That's all. Thank you.

MR. FLAXMAN: No? Sorry. I'll keep this on while you go.

MR. TEPFER: Terry --

MR. FLAXMAN: And I'll just object.

MR. TEPFER: -- your lawyer, has some questions.

CROSS-EXAMINATION

BY MR. BURNS:

Q. All right. So just to follow-up on that, you were asked questions by Mr. Tepfer relative to a period

1 of time in which the federal government had declined the
2 investigation. Do you recall it just now, as he's
3 finishing? Do you know the circumstances of what
4 happened during that time?

5 A. I do not.

6 Q. Do you know why they declined and then
7 reinstated the investigation later in the same year?

8 A. I do not.

9 Q. So perhaps is it possible that they -- that
10 is, the government needed more information before they
11 would be able to proceed further with their prosecution
12 and investigation?

13 MR. TEPFER: Objection, calls for speculation.

14 BY MR. BURNS:

15 Q. And in --

16 MR. FLAXMAN: Form and foundation.

17 MR. BURNS: Oh, sorry, you weren't done. I'm
18 sorry.

19 BY MR. BURNS:

20 Q. Did you hear my question?

21 A. Please do it again.

22 Q. Okay. Is it possible that the government was
23 asking for more information, investigation, before the
24 prosecution would continue -- or the investigation would
25 continue further?

1 MR. TEPFER: Objection, calls for speculation,
2 form, foundation. Go ahead.

3 A. Yes.

4 BY MR. BURNS:

5 Q. So it would be during that time then that
6 whatever information was requested, it would have been
7 gathered, correct?

8 MR. TEPFER: Objection.

9 BY MR. BURNS:

10 Q. And then were presented to the federal
11 government for further investigation?

12 MR. TEPFER: Again, just the continuing line
13 of questions. Objection, speculation.

14 A. Yes.

15 BY MR. BURNS:

16 Q. And that's based on your experience. This is
17 work that you have done before, whether it was in Newark
18 or in New York, and you're familiar with instances when
19 there may be disruptions of an investigation, or a time
20 when the investigation is not active, only to be
21 reinstated and pursued at a later point because
22 further information was needed, correct?

23 A. Yes.

24 Q. And are there other reasons -- that's one
25 example. Are there other reasons that an investigation

1 may pause and then be reinstated or received at a
2 later time, certainly within the same year?

3 A. Well, obviously the first one is further
4 information is unearthed. Let's say there's another
5 allegation that is quite similar. They might re-
6 implement the old investigation, rather than starting a
7 new one, because there might be valuable information in
8 the old investigation.

9 Q. All right. Let's move on. You had said that,
10 as a superintendent, and certainly anyone who's involved
11 in law enforcement, that you want criminal
12 investigations of the nature of the Watts investigation
13 to proceed as quickly as possible, correct?

14 A. Yes.

15 Q. And you also said, and I think you said it
16 more than one time, that this was a federal
17 investigation?

18 A. Correct.

19 Q. Federal investigation, in the sense that the
20 FBI was in control of the investigation?

21 A. Yes.

22 Q. Yet you said that you would comply with what
23 their directions were. Is that also correct?

24 A. Yes.

25 Q. You made reference to the fact that, if you

1 did something, for example, taking action separately
2 during their investigation, you may be held accountable
3 for interfering or obstructing with that investigation?

4 A. That is absolutely --

5 MR. FLAXMAN: Objection. Form, foundation.

6 MR. TEPFER: Leading.

7 BY MR. BURNS:

8 Q. Did I actually properly state what your
9 testimony is here today?

10 A. Yes. Yes. The -- the -- when -- when federal
11 authorities are investigating something, you do not
12 interject because it's very dangerous. They will charge
13 you criminal at the drop of a hat.

14 Q. Is that even if you feel as though the
15 investigation is going too long? Can't you just tell
16 them, "We won't do it anymore. We're going to proceed
17 with our own investigation"?

18 MR. FLAXMAN: Objection. Form, foundation,
19 leading.

20 A. I mean, we -- we -- we could have started a
21 new investigation, but that would have been treading on
22 some very thin ice.

23 BY MR. BURNS:

24 Q. And does that take us back to the issue of
25 obstructing or interfering?

1 A. Yes.

2 MR. FLAXMAN: Objection.

3 BY MR. BURNS:

4 Q. With --

5 MR. FLAXMAN: Form, foundation, leading.

6 BY MR. BURNS:

7 Q. With the federal investigation?

8 A. Correct.

9 MR. FLAXMAN: Objection. Form, foundation,
10 leading.

11 BY MR. BURNS:

12 Q. Is any of the information that was uncovered
13 during the federal investigation -- the investigation
14 led by the FBI, is that information available to the
15 Chicago Police Department whenever they wanted it,
16 during the duration of the investigation, or any time
17 thereafter?

18 MR. FLAXMAN: Objection. Foundation.

19 A. No, not to my knowledge.

20 BY MR. BURNS:

21 Q. Who's the owner of that materials? Owner, I'm
22 using generically. Who is the custodian? Who is
23 responsible for those materials?

24 MR. FLAXMAN: Objection. Foundation.

25 A. It's going to be the U.S. Attorney or the FBI.

1 BY MR. BURNS:

2 Q. And none of those materials --

3 A. Well, both.

4 Q. None of those materials though were made
5 available to you, even when you asked?

6 MR. FLAXMAN: Objection. Foundation, and --

7 A. That's correct.

8 BY MR. BURNS:

9 Q. You did say you spoke to -- was it [REDACTED]
10 who was -- what was his title during Chicago with the
11 FBI?

12 A. He was the supervising agent in charge of the
13 FBI Chicago office.

14 Q. And you said, at or about the time the charges
15 were brought against Watts and Mohammed, that you had a
16 conversation with him relative to that investigation?
17 Would you tell me what that conversation was again, what
18 he told you?

19 A. When I was informed about the arrest, if it
20 wasn't the same conversation, it was a follow-up
21 conversation, where I asked Bob outright -- I said, is
22 there anything else here? Is there anything hanging out
23 there? And he said, no, it's only these two officers,
24 criminally. And then that's when we started going after
25 -- trying to get the documents, so that if there was

1 something administratively, we could work with them.
2 And, just as an example, we ended up firing an officer
3 who -- during -- it was actually a federal
4 investigation. We got -- there was a -- a picture of
5 him acting inappropriately with a prisoner. And we
6 fired the officer based upon that. And that would be an
7 example of when I'm talking about administrative type
8 charges.

9 **Q. What's the practical effect of doing your own**
10 **investigation -- that is, the Chicago Police Department**
11 **doing their own investigation of a Chicago Police**
12 **officer, while there is an ongoing federal FBI**
13 **investigation?**

14 MR. TEPFER: Objection, speculation.

15 A. I mean, it's possible to do it, but it's --
16 it's not likely. And, you know, there are parallel
17 investigations that sometimes go on, but it's not a
18 really good idea. Because you want one investigation to
19 say one thing, not two investigations to say two
20 different things. And that's likely going to happen if
21 there's two investigations.

22 BY MR. BURNS:

23 **Q. Is the potential also that the target of the**
24 **investigation, he or she or them, would further become**
25 **aware of that investigation, and therefore the**

1 investigation could be compromised?

2 MR. TEPFER: Objection, leading, form.

3 A. Yes. These investigations get compromised
4 frequently, certainly through mistakes by investigators,
5 other times by witnesses being interviewed and going
6 back to the subjects and telling them about it and
7 things like that. So yes, that's a danger for sure.

8 BY MR. BURNS:

9 Q. And that would lead us back then to the issue
10 of interfering or obstructing with a federal
11 investigation, correct?

12 MR. TEPFER: Objection. Form.

13 A. If that were to occur, yes, that would be a
14 very clear example.

15 BY MR. BURNS:

16 Q. All right. One last area I wanted to ask you
17 about. You said earlier -- you didn't finish it.
18 Mr. Tepfer was asking you a question, and you said that
19 most IAD complaints about police officers -- you didn't
20 finish -- came from -- and you didn't say from who. He
21 started talking about another matter. Who do most, in
22 your experience, IAD complaints come from, about other
23 police officers?

24 A. They come from either anonymous sources or
25 within the department. And, generally, we -- we

1 determine that the anonymous sources are police
2 officers, by the way they articulated it.

3 MR. BURNS: Thank you. I have no further
4 questions.

5 REEXAMINATION

6 BY MR. FLAXMAN:

7 Q. Let me just clarify. What's an IAD complaint?

8 A. Complaint of criminal or misconduct.

9 Q. And, in your time as the superintendent, there
10 was an Internal Affairs Division. There was also a
11 separate investigatory body at the CPD, right?

12 MR. BURNS: Say that -- I'm sorry. May I hear
13 that again, please?

14 BY MR. FLAXMAN:

15 Q. Sure. While you were superintendent, there
16 was an Internal Affairs division, right?

17 A. Correct.

18 Q. There was also something called IPRA; is that
19 right?

20 A. Oh, yes.

21 Q. And when you talk about -- when you answered
22 your attorney's question about IAD complaints, were you
23 referring to complaints only to Internal Affairs, or did
24 you also include complaints that would go to IPRA?

25 A. I was -- I was talking about Internal Affairs

1 complaints.

2 Q. And what's your understanding of what
3 complaints would go to IPRA instead of Internal Affairs?

4 A. There's a -- there's an acronym for it that I
5 forget. It's use of force. It's courtesy. There's
6 a -- there's a couple of different categories.

7 Q. And would the majority of those complaints
8 come from officers?

9 A. No, use of force complaints generally came
10 from people who were arrested. And that's the -- the
11 -- probably the -- the majority of complaints that went
12 to IPRA, COPA, whatever you want to call it next.

13 MR. FLAXMAN: I don't have anything else.

14 MR. TEPFER: I just wanted to say for the
15 record any objections that Mr. Flaxman made, I just
16 joined. Didn't want to keep interrupting.

17 MR. BURNS: On the record and say that. Okay.
18 We'll reserve. Thank you. Thank you-all. We're
19 done.

20 THE REPORTER: Before we go off the record,
21 I'm just going to get orders. All right. Josh,
22 would you like a copy?

23 MR. TEPFER: Not at this time. Thank you.

24 THE REPORTER: How about the video?

25 MR. TEPFER: No, thank you.

1 THE REPORTER: Okay. Sorry. I have a long
2 list here, so it's going to take just a second.
3 Mr. Burns, would you like a copy?

4 MR. BURNS: Not at this time.

5 THE REPORTER: Okay. Who else do we have?
6 Megan, would you like a copy?

7 MS. MCGRATH: No, thank you. Not at this
8 time.

9 MR. TEPFER: Terry, he's reserving.

10 MR. BURNS: He's reserving, if I didn't say
11 that.

12 MR. TEPFER: I did --

13 THE REPORTER: Anthony, would you like a copy?

14 MR. ZECCHIN: Not at this time. Thank you,
15 though.

16 THE REPORTER: Okay. Let's just make this
17 short. Is anyone on the Zoom going to order a
18 copy?

19 MR. PALLE: No, thanks. I think I'm the
20 last.

21 THE REPORTER: Okay.

22 MR. PALLE: I'm of course the last. All
23 right.

24 THE VIDEOGRAPHER: All right. We are now off
25 the record. The time is 3:55.

1 (DEPOSITION CONCLUDED AT 3:55 P.M. (CT))
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2 STATE OF ILLINOIS

3

4 I do hereby certify that the witness in the foregoing

5 transcript was taken on the date, and at the time and

6 place set out on the Title page here of by me after

7 first being duly sworn to testify the truth, the whole

8 truth, and nothing but the truth; and that the said

9 matter was recorded digitally by me and then reduced to

10 typewritten form under my direction, and constitutes a

11 true record of the transcript as taken, all to the best

12 of my skill and ability. I certify that I am not a

13 relative or employee of either counsel, and that I am in

14 no way interested financially, directly or indirectly,

15 in this action.

16

17

18

19

20

21

22 SYDNEY LITTLE,

23 COURT REPORTER/NOTARY

24 COMMISSION EXPIRES: 03/18/2026

25 SUBMITTED ON: 07/05/2023