

EXHIBIT 52



**Transcript of the Deposition of
Jon Shane, Ph.D.**

Case: Alvin Waddy v. City of Chicago; et al.
Taken On: August 29, 2023

Royal Reporting Services, Inc.
Phone: 312.361.8851
Email: info@royalreportingservices.com
Website: www.royalreportingservices.com

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

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

The videotaped deposition of JON SHANE, Ph.D. taken via videoconference before Amie Panagakos, Registered Professional Reporter, taken pursuant to the provisions of the Illinois Code of Civil Procedure and the Rules of the Supreme Court thereof pertaining to the taking of depositions for the purpose of discovery, commencing at 10:01 a.m. on the 29th day of August, A.D., 2023.

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1 APPEARANCES (via videoconference):

2 LOEVY & LOEVY
3 MS. THERESA H. KLEINHAUS
4 311 North Aberdeen Street
5 3rd Floor
6 Chicago, Illinois 60607
7 Phone: (312) 243-5900
8 Email: tess@loevy.com

9 On behalf of the Plaintiff;

10 JOHNSON & BELL, LTD.
11 MR. BRIAN P. GAINER
12 MS. ALEEZA F. MIAN
13 33 West Monroe Street
14 Suite 2700
15 Chicago, Illinois 60603
16 Phone: (312) 372-0770
17 E-mail: gainerb@jbltd.com
18 miana@jbltd.com

19 On behalf of the Defendant Ronald Watts;

20 MOHAN GROBLE SCOLARO
21 MR. SEAN SULLIVAN
22 55 West Monroe Street
23 Suite 1600
24 Chicago, Illinois 60603
Phone: (312) 422-9999
E-mail: ssullivan@mohangroble.com

On behalf of the Defendant Kallatt Mohammed;

REITER BURNS
MR. DANIEL M. NOLAND
311 South Wacker Drive
Suite 5200
Chicago, Illinois 60606
Phone: (312) 982-0090
E-mail: dnoland@reiterburns.com

On behalf of the Defendants City of Chicago
(and all supervisory CPD personnel);

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1 APPEARANCES (via videoconference): Continued

2 HALE & MONICO, LLC
3 MR. WILLIAM E. BAZAREK
4 53 West Jackson Boulevard
5 Suite 337
6 Chicago, Illinois 60604
7 Phone: (312) 341-9646
8 Email: web@halemonico.com

9 On behalf of the Defendant Officers.

10 ALSO PRESENT:

11 Mr. Kenneth N. Flaxman
12 Law Offices of Kenneth N. Flaxman, P.C.

13 Mr. Lohith Ramanujam (Paralegal)
14 Hale & Monico, LLC

15 Mr. Daniel Neville (Paralegal)
16 Reiter Burns

17 Mr. Matthew Sandelin (Videographer)
18 Video Instanter

19 * * * * *

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Page 5	1 THE VIDEOGRAPHER: For the record, my name is Matt 2 Sandelin of Video Instanter. I am the video recording 3 device operator and officer -- operator for this 4 deposition. Our business address is 134 North LaSalle 5 Street, Suite 1400, Chicago, Illinois 60602. This 6 remote deposition is being video recorded pursuant to 7 Illinois Supreme Court 206 and all other applicable 8 state and local rules. This is the deposition of Jon 9 Shane being taken -- sorry -- being taken in the matter 10 of Alvin Waddy versus City of Chicago, et al., Case 11 No. 19 L 10035 in the Circuit Court of Cook County, 12 Illinois, County Department, Law Division. Today's date 13 is August 29th, 2023, and the time is 10:01 a.m. 14 Will the witness please identify yourself for 15 the record by stating your full name and location, 16 please. 17 THE WITNESS: This is Jon Shane. My location is 18 116 Central Avenue in Caldwell, New Jersey. 19 THE VIDEOGRAPHER: This deposition is being video 20 recorded at the instance of the defendant and is being 21 taken on behalf of the defendant. 22 Would you attorneys present please introduce 23 themselves for the record by stating their name, 24 location, and who they represent, please.	Page 7	1 today. 2 MR. NOLAND: So, Tess, is it your position that 3 this deposition applies to the coordinated proceedings? 4 MS. KLEINHAUS: No, it's my position that it only 5 applies in the Alvin Waddy case. Mr. Flaxman would like 6 to observe it. And I think that there is no prejudice 7 to you for him observing this deposition. So there's no 8 issue. 9 MR. NOLAND: Yeah, I did -- Well, I -- I guess I 10 wouldn't have minded a little advance notice so I could 11 have consulted with co-counsel. 12 Do any of the other defendants have an 13 objection to Mr. Flaxman's attendance observing this 14 deposition? 15 MR. BAZAREK: Yeah, I don't have any objection to 16 him observing the deposition. 17 MR. GAINER: Assuming that there are no questions 18 asked, I don't either. 19 MR. SULLIVAN: I don't have any objection. 20 MR. NOLAND: Okay. Let's proceed. 21 THE REPORTER: Amie Panagakos with Royal Reporting. 22 (Witness sworn.) 23 24
Page 6	1 MS. KLEINHAUS: Theresa Kleinhaus on behalf of 2 Alvin Waddy appearing remotely from Chicago. 3 MR. NOLAND: Daniel Noland on behalf of the City of 4 Chicago appearing remotely from Chicago. 5 MR. SULLIVAN: Sean Sullivan for defendant Kallatt 6 Mohammed appearing remote from Chicago. 7 MR. GAINER: Brian Gainer for defendant Watts, 8 Ronald Watts appearing from Chicago remotely. 9 MR. BAZAREK: William Bazarek. I'm in Chicago. I 10 represent the police officers that are represented by 11 Hale & Monico. 12 MR. FLAXMAN: I'm Kenneth Flaxman. I represent the 13 Flaxman plaintiffs in the coordinated federal 14 litigation. 15 THE VIDEOGRAPHER: Would the court reporter please 16 introduce yourself and please swear in the witness. 17 MR. NOLAND: Can I just -- Before we get started, 18 so I don't know that Mr. Flaxman has an appearance in 19 this Waddy case. I don't recall any discussion 20 about ... 21 MS. KLEINHAUS: He doesn't have an appearance. 22 He's here to observe. Obviously the issues raised in 23 this case are related to the coordinated proceedings. 24 So he's here to observe. He won't be asking questions	Page 8	1 WHEREUPON: 2 JON SHANE, Ph.D., 3 called as a witness herein, having been first duly 4 sworn, was examined and testified remotely as follows: 5 EXAMINATION 6 BY MR. NOLAND: 7 Q. Dr. Shane, as I said, I'm Dan Noland. I 8 represent the City of Chicago. I'm going to have a 9 series of questions for you today. This deposition is 10 taken pursuant to notice and -- and subpoena -- or 11 acceptance of a subpoena by counsel for the plaintiff on 12 your behalf, and all applicable rules of the Supreme 13 Court of Illinois and the Illinois Code of Civil 14 Procedure. Do you understand all that, Dr. Shane? 15 A. Yes. 16 Q. And you've given depositions before, correct? 17 A. I have, yes. 18 Q. About how many times as a retained disclosed 19 expert witness? 20 A. Maybe I'd say 12 or 15. 21 Q. And then did you also -- you've also 22 testified, I would presume, in connection with your 23 experience as a police officer? 24 A. At deposition?

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Page 9 1 Q. Testified anywhere. 2 A. I've testified in court. I -- I don't recall 3 testifying at deposition. I -- I may have over the 4 course of time. But I've testified in court. 5 Q. How many times approximately as a -- as a 6 police officer did you testify? 7 A. I really don't know. Not -- Not -- Not all 8 that many. Prob- -- Less than ten, I would say. 9 Q. Okay. Dr. Shane, without consulting or 10 referring to your report, please summarize your -- the 11 opinions that you're offering in this case. 12 MS. KLEINHAUS: Objection to form. 13 You can answer. 14 BY THE WITNESS: 15 A. I'm offering an opinion as to the internal 16 affairs policies and practices related to the Waddy 17 matter. 18 Q. And what about those internal affairs policies 19 or practices are you offering? 20 MS. KLEINHAUS: I'll just object to form. It's 21 vague and ambiguous. 22 You can answer if you understand it. 23 BY THE WITNESS: 24 A. Well, consistent with my report, I notice that	Page 11 1 You can answer. 2 BY THE WITNESS: 3 A. I didn't make any credibility determinations 4 as to truthfulness. 5 Q. Yeah, so you're not -- you didn't -- And my 6 question was slightly different, so I would ask you to 7 listen to the question and answer my question. 8 You didn't make any evaluation, review, 9 analysis, or opinions about whether any of the 10 allegations against the police officer defendants in 11 this case are actually true, that they actually 12 committed the misconduct alleged against them? 13 MS. KLEINHAUS: Objection to form. It's compound. 14 You can answer. 15 BY THE WITNESS: 16 A. Related to whether the -- to -- I guess I 17 got -- I got lost in that -- in that question. Are you 18 talking about whether the officers committed particular 19 violations or whether the -- the complainants were -- 20 were being truthful? 21 Q. I'm -- I'm pretty sure I said the police 22 officers, the allegations against the police officers 23 were my question. You don't understand the question? 24 A. No. Can you say it again, please?
Page 10 1 there were patterns that -- that emerged that should 2 have been addressed that were not addressed, and that 3 the police officers involved in this case certainly had 4 a pattern of issues that emerged, and supervisors in the 5 Chicago Police Department didn't act according to 6 accepted practices to identify those patterns. 7 MR. BAZAREK: I'm going to object to that answer 8 and move to strike the answer. It's nonresponsive. 9 BY MR. NOLAND: 10 Q. So would I be correct that you -- you're 11 talking about a pattern of allegations; is that right? 12 A. Yes. 13 MS. KLEINHAUS: Objection to form. 14 Go ahead. 15 BY MR. NOLAND: 16 Q. You didn't -- 17 MR. NOLAND: I'm sorry, Tess, were you done? 18 MS. KLEINHAUS: Yes. 19 BY MR. NOLAND: 20 Q. You didn't conduct a review analysis or 21 evaluation with respect to whether the allegations 22 against the police officers were -- were true or not 23 true; is that -- is that accurate? 24 MS. KLEINHAUS: Objection, form.	Page 12 1 Q. Yeah, yeah, I can say it again. So isn't it 2 true that you are not offering any opinion in this case 3 one way or the other whether or not any of the 4 allegations against the police officer defendants in 5 this -- in this Waddy case actually committed any of the 6 misconduct alleged against them? 7 A. Yes, that's correct. 8 MR. NOLAND: So now, my paralegal, I think, is on, 9 Dan Neville. 10 Dan, are you here? 11 MR. NEVILLE: Yeah, I'm here, Dan. 12 MR. NOLAND: Thank you. Dan, can you pull up 13 the -- the group exhibit with Dr. Shane's invoices that 14 were produced. 15 (A document was viewed.) 16 MR. NOLAND: If you can, Dan, can you -- can you 17 blow that up just a little bit so Dr. Shane has an 18 opportunity to -- to see what it is. 19 BY MR. NOLAND: 20 Q. So I'm showing a group exhibit. 21 MR. NOLAND: And the first couple pages, Dan, if 22 you can scroll through. 23 BY MR. NOLAND: 24 Q. I think, Dr. Shane, your agreement with the --

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1 with the Loevy firm; is that right? 2 A. Yes, that's correct. 3 MR. NOLAND: So that's page 2. So can you go to 4 page 3, Dan. 5 BY MR. NOLAND: 6 Q. And by the way, that -- that agreement I think 7 was -- without getting into any type of consulting 8 privilege, I take it you -- were you retained as an 9 expert consulting witness for the Loevys in the Watts 10 coordinated proceedings? 11 MS. KLEINHAUS: I'm just going to object on work 12 product grounds as to any other Watts proceedings beyond 13 Alvin Waddy and direct him not to answer that. 14 MR. NOLAND: So, Tess, I'm just -- 15 All right. Go back to the contract, will you, 16 Dan? 17 BY MR. NOLAND: 18 Q. So on page 1 under matter, Dr. Shane, it says 19 that you're retained on Ronald Watts and Chicago Police 20 Department. There's no mention at all on pages 1 or 2 21 about the Waddy litigation, is there? 22 MS. KLEINHAUS: Objection to form. 23 You can answer. 24	1 the name, Alvin Waddy, or was it before that? 2 MS. KLEINHAUS: Objection to form, foundation. 3 You can answer. 4 BY THE WITNESS: 5 A. It -- It may have been late '22 or -- or early 6 '23. 7 MR. NOLAND: Okay. Dan, can you scroll down in 8 this group exhibit to page 3. 9 THE WITNESS: Can you raise the zoom level on that 10 just a little bit? The print is small on my end. Yeah, 11 that's -- Yeah, that's better. Thank you. 12 BY MR. NOLAND: 13 Q. And, Dr. Shane, I should tell you, any time -- 14 yeah, with these Zoom deps, I don't know if -- I think 15 you maybe have given some before -- any time you need to 16 see the exhibit bigger, you need us to take -- slow down 17 with looking at something, please speak up. It's -- You 18 have a complete right to look at what's on that screen 19 and take your time looking at it. 20 Okay. So page 3 of this group exhibit, you 21 know, I guess we'll call this -- 22 MR. NOLAND: Dan, did we -- did we prelabel this 23 one? 24 MR. NEVILLE: Yeah, I think I prelabeled it 4,
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1 BY THE WITNESS: 2 A. No. 3 Q. So this agreement has to do with some other 4 case, pages 1 and 2? 5 MS. KLEINHAUS: Objection to form, foundation, 6 mischaracterizes. 7 You can answer. 8 BY THE WITNESS: 9 A. It has to do with being retained for Watts and 10 Waddy. 11 Q. Do you have any separate agreement that 12 mentions Mr. Waddy? 13 A. No. 14 Q. When was the first time you heard the name, 15 Alvin Waddy? 16 A. When we began talking about retaining me as -- 17 as an expert in this matter. 18 Q. Right. When? 19 MS. KLEINHAUS: Objection to form, foundation. 20 You can answer if you know. 21 BY THE WITNESS: 22 A. No, I don't remember when. It's be- -- It's 23 been a while, I can tell you that. 24 Q. Was it in the year 2023 that you first heard	1 but ... 2 MR. NOLAND: Yeah, it's 4 then. This is Group 3 Exhibit 4. 4 BY MR. NOLAND: 5 Q. All right. So, Dr. Shane, this is the first 6 invoice. It's dated April 12th, 2023. 7 MR. NOLAND: And then, Dan, if you can scroll down 8 to the next page, the next invoice dated June 2nd, 2023. 9 BY MR. NOLAND: 10 Q. These are the only two invoices that we saw in 11 response to our subpoena -- or the individual defendant 12 officers' subpoena. Does that mean that these are the 13 only two offic- -- two invoices that you've submitted 14 for the Waddy case? 15 MS. KLEINHAUS: Objection to form, foundation. 16 You can answer. 17 BY THE WITNESS: 18 A. Up to this time. Up to the -- Up to the time 19 that you're showing me, yes. 20 Q. Okay. There -- There -- There'll be a -- In 21 the future, you might submit another invoice? 22 A. Yes, correct. 23 Q. But there was no invoice before -- there was 24 no invoice for the Waddy case before April 12th of 2023;

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Page 17	1 is that true? 2 A. Well, let me just take a quick look at my 3 records. I don't -- I don't think so. Just bear with 4 me a moment, please. Just one second. I'm pulling it 5 up. The invoice is No. 309 and 323, and I think those 6 are the ones you showed me. 7 Q. Yes, sir. 8 A. Those are the only ones. 9 Q. Thank you for clarifying. 10 MR. NOLAND: So, Dan, if you could go to the next 11 page. 12 BY MR. NOLAND: 13 Q. So this is an -- this is an e-mail, 14 November 28th, 2022 in this group exhibit. And it 15 references Invoice 289 for the work to date. That 16 invoice was not produced. And based upon your -- your 17 last answer, am I correct in presuming that that invoice 18 is not for work on the Waddy litigation? 19 A. I would presume that, yes. 20 Q. Well, is it correct? 21 A. I would have to look up 289. Can I do that? 22 Q. So we did -- The officers sent you a subpoena, 23 and all of this was supposed to be provided. In 24 response to that subpoena, did you conduct a thorough	Page 19	1 date and you can manually change it. But -- But there 2 was no work in -- in between the time it was created and 3 the dates you see here. 4 Q. Got it. Okay. 5 MR. NOLAND: So, Dan, if you can go down -- back 6 down to the -- go down to the total balance due. 7 BY MR. NOLAND: 8 Q. So you got \$7,050.75 on this invoice. And was 9 that paid? 10 A. I'd have to look at that. I think there -- I 11 think there might be -- there might be one outstanding, 12 but I don't know if it's this one or the other one. 13 Q. But you're -- you're confident that the -- 14 the -- the -- Waddy's lawyers will pay you for this 15 work? 16 A. Yes, please. 17 Q. Okay. Go going to the next -- 18 MS. KLEINHAUS: We're good for it. 19 BY MR. NOLAND: 20 Q. I'm helping you out, Doc. 21 A. Yes, thank you. 22 Q. Okay. The next invoice is dated June 2nd of 23 2023 and Invoice No. 323. And then Dan Neville is 24 showing you on the screen the entries, which are all
Page 18	1 search of your records and produce everything in 2 response? 3 MS. KLEINHAUS: Objection to form and foundation. 4 BY THE WITNESS: 5 A. To the best of my recollection, yes. 6 Q. Okay. With that answer, yes, go ahead and 7 please -- please confirm, if you can look at Invoice 8 289, that it does not relate to the Waddy case. 9 A. Take a quick look. No, that's not related to 10 Waddy. 11 Q. Okay. That's fine. 12 MR. NOLAND: All right. So, Dan, if you can go 13 back to the -- the -- the April -- the invoice dated 14 April 12th, 2003 -- 2023, and scroll down to the middle 15 so that the doctor can see the entries. There you go. 16 BY MR. NOLAND: 17 Q. So even though it's dated April 12th, 2003 18 [sic], obviously you have -- you have work that you 19 completed in May and June of 2023; is that correct? 20 A. Yes. 21 Q. So the date is simply a -- is like a 22 typographical error or something? 23 A. Well, I think what happens when sometimes you 24 start the system, it may pick up on a -- on a previous	Page 20	1 from July, right? 2 A. Okay. Yes. 3 MR. NOLAND: And, Dan, if you can go down to the 4 total. 5 BY MR. NOLAND: 6 Q. The total is \$8,690. And you expect to get -- 7 Have you been paid for that one? 8 A. That might be the one that's outstanding. 9 Q. Okay. It's not -- It's not too much in 10 arrears yet. And -- And then the additional work -- So 11 since -- since -- 12 MR. NOLAND: If you can go up to the last date on 13 there, Dan, July 25th. 14 BY MR. NOLAND: 15 Q. Since July 25th, 2023, have you -- have you 16 done anything else on the Waddy case? 17 A. The only thing I did is deposition 18 preparation. 19 Q. And approximately how much time did you spend 20 prepping for the dep? 21 A. Maybe -- Maybe two or three hours. 22 Q. Okay. So -- So I -- In the two invoices -- 23 and take as much time as you need -- but I -- I added up 24 the totals, and it appeared -- it appears that you, in

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Page 21 1 the Waddy case, reviewed materials for approximately ten 2 and a half hours; is that -- is that correct? 3 A. Well, I'll -- I'll defer to you. I didn't -- 4 I didn't add them. But if you did, I mean, I'll -- I'll 5 accept that it's probably something around that. 6 Q. All of the time you spent reviewing materials 7 for the Waddy case are contained on these two invoices 8 that are before you, Invoice 309 and 323; is that right? 9 MS. KLEINHAUS: Objection to form, foundation, and 10 to the extent it invades any work product for the 11 federal proceedings, you know, restrict your answer. 12 But with that caveat, you can answer. 13 MR. NOLAND: So, Tess, I don't -- so I don't -- 14 that's a bit of an issue because to the extent he's 15 reviewing materials that are applicable to this case 16 that he has listed on his report in this case, I believe 17 we're entitled to know -- know that, like what he -- 18 what he did to review them. I don't think that that is 19 subject to -- And we're not trying to get into work 20 product for the coordinated proceedings, but -- but I 21 think we're entitled to know that for the Waddy case. 22 MS. KLEINHAUS: I agree with you. I was just 23 adding that caveat as to the federal case. It sounds 24 like we're in agreement.	Page 23 1 MS. KLEINHAUS: Objection to form. 2 You can answer. 3 THE WITNESS: Sorry. 4 BY THE WITNESS: 5 A. Yes, that's correct. 6 Q. And then there are approximately nine hours 7 that I totaled up on Invoices 309 and 323 for video 8 calls with plaintiff's lawyers in this case. Does that 9 sound about -- about right of the amount of time you 10 spent talking to them on -- on Zoom calls? 11 A. I never personally added those numbers up, but 12 I'll -- I'll defer to you if you -- if you added up 13 nine. I mean, unless it's drastically different. 14 Q. Yeah, that's kind of what I'm asking you. 15 Does that sound -- Does that sound about right, about 16 the amount of time you spent with them on -- on Zoom 17 calls? 18 A. That sounds reasonable, yes. 19 Q. And then the -- you spent, adding this up, 20 approximately 21 hours drafting your report. Does that 21 sound about right? 22 A. Yeah, that sounds about right. 23 Q. Okay. And so is there anything else you did 24 relative to the Waddy case that we have not discussed?
Page 22 1 So go ahead. You can answer. 2 BY THE WITNESS: 3 A. There were probably instances where I didn't 4 bill for things that I did review. 5 Q. Tess is smiling again. 6 MS. KLEINHAUS: Sorry. I'm looking -- I'm looking 7 down at any pen, which stopped working as all my pens 8 seem to do, so I'm sorry. 9 MR. NOLAND: That was a joke. 10 MR. GAINER: Dan, this is Brian Gainer. I'm sorry 11 to interrupt. Just Aleeza Mian from my firm is about to 12 jump on. I just wanted to give everyone a heads-up 13 there would be an extra person. That's who's jumping 14 on, so everybody knows. 15 MR. NOLAND: Thanks. 16 BY MR. NOLAND: 17 Q. But I appreciate that, Dr. Shane, you might 18 have given some freebies to the -- the Loevy firm. 19 But -- But the -- the materials -- the time you spent 20 reviewing materials for the Waddy case are listed on 21 Invoices 309 and 323 except for maybe a few isolated 22 incidences of things you reviewed that you did not bill 23 them for? 24 A. That's correct.	Page 24 1 MS. KLEINHAUS: Objection to form. 2 BY MR. NOLAND: 3 Q. Other -- Yeah, other than, of course, 4 preparing for your deposition, which you did mention? 5 A. No, nothing I can think of. 6 Q. Thank you. Have you been retained -- 7 MR. NOLAND: You can take that exhibit down, Dan. 8 BY MR. NOLAND: 9 Q. Dr. Shane, have you been retained by the Loevy 10 firm on other matters? 11 MS. KLEINHAUS: Objection to the consulting expert 12 privilege and any work product related to the Watts 13 coordinated proceeding. 14 With that caveat, you can answer. 15 BY THE WITNESS: 16 A. Well, I consider the -- my retention 17 consistent with Watts cases. 18 Q. Okay. So separate and apart from Watts cases, 19 have you been retained by the Loevy firm on any other 20 litigation matters where you've been disclosed as a -- 21 where you know that you've been disclosed as an expert? 22 A. No, just the Watts matters. 23 Q. Now, this question is going to be, have you 24 ever been retained by the Loevy firm on any cases where

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Page 25 1 you have not been disclosed as a -- as a retained 2 expert? I would just like to know -- And answer that 3 question yes or no, not the identity of any such case. 4 MS. KLEINHAUS: I'll just object to that question 5 and direct you not to answer it. 6 You know, I don't think you're entitled to 7 know cases where he hasn't been disclosed as an expert 8 or where he's acted as a consulting expert. 9 MR. NOLAND: Right, that's why I excluded that 10 thing in my question. I don't want to know the case. 11 Just whether or not it's -- it's happened. Whether he's 12 been -- Whether Dr. Shane has been retained by the Loevy 13 firm and not disclosed as an expert. 14 MS. KLEINHAUS: Right, I don't think you're 15 entitled to that information, whether he's been retained 16 and not disclosed. So I'm directing him not to answer. 17 BY MR. NOLAND: 18 Q. And you've been -- Other cases in Chicago, you 19 were retained by Jennifer Bonjean in a Guevara case or 20 two; is that right? 21 A. Yes, that's correct. 22 Q. And I think you've given depositions in -- in 23 a case or two or three, right? 24 A. I think I was deposed at least once, yes.	Page 27 1 Q. So can you iden- -- Can you recall -- Well, 2 strike that. 3 Have you ever been retained in a alleged 4 wrongful conviction case by a defense attorney and 5 disclosed as an expert witness? 6 MS. KLEINHAUS: Objection to form. 7 You can answer. 8 BY THE WITNESS: 9 A. I wouldn't know without looking at my files. 10 I have several cases that I've done over the years. But 11 that doesn't sound to me like something that I have 12 going at the moment. 13 Q. Yeah, and I'm asking ever. 14 MR. NOLAND: So why don't we -- Maybe to help out, 15 Dan, can you pull up, I think it is -- is the case list 16 attached to the report? 17 MR. NEVILLE: Are you talking about Dr. Shane's 18 expert report? 19 MR. NOLAND: Yeah, correct. I think his case list 20 is attached to the report, like page 59. 21 (A document was viewed.) 22 BY MR. NOLAND: 23 Q. You may want to -- Dr. Shane, do you need to 24 see the first page of this just so you know what we're
Page 26 1 Q. What are the names, to your recollection, of 2 the cases that Ms. Bonjean has -- has retained you on 3 against the City of Chicago? 4 A. I believe the plaintiff's name was Maysonet. 5 When you're asking for names, are you asking me for 6 the -- for the plaintiff's name? 7 Q. Yeah, thank you. 8 A. Yes. 9 Q. Is there any other case that you've been 10 retained and disclosed as an expert against the City of 11 Chicago? 12 A. There was a case quite a long ti- -- actually 13 but I think it may have been in favor of the City. 14 Many, many years ago, I -- I submitted a report on 15 behalf of the City for something that was related to, I 16 believe, property practices. It's been so long. I'm 17 just trying to remember off the top of my head without 18 looking at my files, but I seem -- 19 Q. Yeah. And so my question is -- relates to 20 cases -- any other cases where you've been retained as 21 an expert by the plaintiff's attorney who is suing the 22 City of Chicago. 23 A. Not -- Not that I -- Not that I can recall off 24 the top of my head.	Page 28 1 showing you, which is your report? 2 A. No, I'm -- I'm looking at it. I'm looking at 3 it simultaneously on my side as well. 4 Q. Thank you. All right. So yeah, here we go. 5 So -- So deposition and trial experience, is it page -- 6 MR. NOLAND: Dan, if you don't mind scrolling down 7 just so we can see the page so everybody -- So we're 8 showing you what's been marked as Exhibit 1, which is 9 Dr. Shane's report, and specifically page 59. And it 10 may go on, Dan, to the next page and page 60. 11 BY MR. NOLAND: 12 Q. So, Dr. Shane, I'd ask you to look at that 13 list of disclosed cases and let me know if any of those 14 cases were cases where you were hired by a def- -- a 15 defense attorney on a case in which a plaintiff was 16 alleging a wrongful conviction or a false arrest? 17 MR. NOLAND: Dan, if you can scroll up to page 59, 18 although I think Dr. Shane is looking at a separate one 19 on his screen. 20 THE WITNESS: I am doing that. 21 BY MR. NOLAND: 22 Q. Yeah, Doc, can you just confirm that for the 23 record just so it's not choppy, Dr. Shane? You're 24 looking at pages 59 and 60 of your report?

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1 A. Yes, I am. 2 Q. Thank you very much. 3 A. And just -- just so the record is clear, I'm 4 not -- I -- there is nothing on here that discusses 5 being retained by the defense in any cases alleging a 6 wrongful conviction. 7 Q. So, discusses, does that mean that -- does 8 that mean that you have never been retained by -- Well, 9 strike that. I'll just ask it again. 10 So after reviewing this document, isn't it 11 true that you have never been retained by an attorney 12 for a defendant police officer in a case where the 13 plaintiff was alleging an alleged wrongful conviction or 14 false arrest? 15 MS. KLEINHAUS: Objection, form and foundation. 16 You can answer. 17 BY THE WITNESS: 18 A. I may have something in my -- in my other 19 files, but not according to this list. And I -- I can 20 tell you, I don't -- I don't recall anything like that, 21 being retained by the defense. 22 Q. Okay. 23 MR. NOLAND: Okay. You can -- You may want to 24 leave that up, Dan, and go to -- go to Dr. Shane's CV,	1 without permission, and I received, I believe, a 2 warning. 3 Q. Can you explain -- provide some more detail 4 about the circumstances of -- of leaving your post 5 without permission? 6 A. Sure. I was -- excuse me -- I was a 7 lieutenant working the North District Station desk. 8 Lieutenants in Newark are assigned to work the desk. 9 And one of my responsibilities during that time was I 10 had command over the entire patrol force in the North 11 District Station. That means officers that were in the 12 field, officers that were assigned to the desk. And 13 during the course of the tour of duty, which I believe 14 if I remember correctly, was 2:00 p.m. to 10:00 p.m., I 15 went out into the field and left a sergeant on the desk 16 when I went out in the field. And I believe the captain 17 was looking for me -- the precinct captain that is, was 18 looking for me and didn't find me on the desk and was 19 told that I was out in the field. And when I came back 20 in, I was told to submit a report as to why I left the 21 desk. And then the captain charged me with failing to 22 adhere to a command-level memorandum that placed me -- 23 not just me but all lieutenants on -- on the desk and 24 were not permitted to go out into the field. And when I
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1 or resume. 2 BY MR. NOLAND: 3 Q. But you really don't have to refer to it. I'm 4 just going to ask you a few limited questions about your 5 background. 6 A. Okay. 7 MS. KLEINHAUS: Just for the record, Dan, his 8 report is exhibit -- what exhibit number are we using? 9 MR. NOLAND: 1. 10 MS. KLEINHAUS: Okay. Thank you. 11 BY MR. NOLAND: 12 Q. So, Dr. Shane, from what years, just from 13 start to retirement, were you a police officer in 14 Newark? 15 A. I started in the Newark Police Department 16 March 1989, and I retired in December of 2005. 17 Q. Why did you retire? 18 A. I went on to pursue my Ph.D. 19 Q. Were you ever -- Did you ever receive any 20 discipline as a Newark police officer? 21 A. Yes, I did. 22 Q. And what was the discipline that you received, 23 and what was the allegation? 24 A. The allegation was that I left my working post	1 wrote my report, I explained to him that his 2 command-level memo was in direct conflict with the 3 department policy, which was General Order 80-1, 4 responsibilities of command personnel, that I was 5 responsible to go out into the field and supervise the 6 personnel in the field. And he didn't realize that his 7 memo was in conflict with the organization's policy, 8 which supercedes any command-level memoranda. So that 9 resulted in what's known as a command-level disciplinary 10 conference. And at that conference, they issued me a 11 warning. And I explained to them that -- that his 12 warning was -- was in contrary to the department policy. 13 Q. Did you take any steps to appeal or challenge 14 the warning that this captain provided you to the 15 department? 16 A. No, I didn't. 17 Q. So the finding at the department is that you 18 violated this rule of leaving the desk; is that right? 19 A. I think that's correct, yes. 20 Q. So essentially, this captain found that you 21 failed to properly exercise your supervisory duties? 22 MS. KLEINHAUS: Object -- 23 MR. NOLAND: Hold on. 24

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1 BY MR. NOLAND:

2 **Q. -- as -- as the lieutenant with command over**

3 **the North District police officers on that particular**

4 **date?**

5 MS. KLEINHAUS: Objection to form,

6 mischaracterizes.

7 You can answer.

8 BY THE WITNESS:

9 A. Well, it's hard to say that what -- what he

10 found was consistent with the facts of the matter. I

11 would say that.

12 **Q. Of course that was not my question, I think as**

13 **you know.**

14 **Isn't it true that the captain found against**

15 **you that you vi- -- you violated your supervisory duties**

16 **and failu- -- failed to properly conduct your**

17 **supervisory duties as the lieutenant in charge of the**

18 **police officers in the entire North District of the**

19 **Newark Police Department on that watch?**

20 MS. KLEINHAUS: Objection to form, argumentative,

21 vague, compound, also foundation.

22 You can answer if you know.

23 BY THE WITNESS:

24 A. I think that's what he believed, yes.

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1 **Q. Did you have any other complaints against you,**

2 **as a police officer, sustained?**

3 A. No, nothing.

4 **Q. What was the -- What's the date of that**

5 **complaint? Strike that, strike that.**

6 **What was the date of the incident?**

7 A. I mean, I couldn't -- I couldn't get that --

8 that granular. It would have to be somewhere around

9 1998.

10 **Q. Did you have any -- to your knowledge, any**

11 **other allegations made against you as a police officer**

12 **of misconduct violating Newark Police Department rules**

13 **in your career there?**

14 A. No.

15 MS. KLEINHAUS: Object to form, foundation.

16 BY MR. NOLAND:

17 **Q. Would it be fair to say that you were -- you,**

18 **for the most part in your career, were on the inside at**

19 **the police -- Newark Police Department?**

20 MS. KLEINHAUS: Objection to form, vague and

21 ambiguous.

22 You can answer if you understand it.

23 BY THE WITNESS:

24 A. Probably -- When you say inside working, out

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1 of an enforcement capacity? What do you mean by inside?

2 **Q. Isn't there -- Don't police officers use terms**

3 **like inside guy? You've heard that, haven't you?**

4 A. No, not -- I'm not -- I -- I don't want to

5 answer something vague. I mean -- I mean, there are

6 periods where you work inside, you work outside.

7 **Q. Right. So didn't you work inside most of your**

8 **career?**

9 MS. KLEINHAUS: Objection to form.

10 You can answer.

11 BY THE WITNESS:

12 A. I don't know how you're using the word,

13 inside. But I -- I've worked inside and outside. I

14 don't know what you mean by, inside.

15 **Q. Okay. If you don't understand the question**

16 **then I'll move on.**

17 **Did you ever work on a tactical team?**

18 A. Yes.

19 **Q. And what years did you work on a tactical**

20 **team?**

21 A. I'm going to say '94 to '90- -- to '98. It

22 was known as the emergency response team.

23 **Q. And what -- what types of criminal activity**

24 **were you responding to on that emergency response team?**

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1 A. We would do search warrants; we would do

2 barricaded persons; we would do high-risk entries,

3 things like that.

4 **Q. Did you ever work on a tactical team**

5 **targeting -- or strike that.**

6 **Did you ever work on a tactical team enforcing**

7 **primarily narcotics and gun-related offenses?**

8 A. Well, what -- when you say, tactical team, I

9 guess we should -- we should clear -- clear up what you

10 mean by that definition. When you said that to me, I

11 understood tactical team to be the Newark Police

12 Department's version of what you could, you know,

13 broadly define as a SWAT team. And we called that the

14 emergency response team.

15 **Q. Re -- Go ahead.**

16 A. But now you're asking me, did I ever work on a

17 tactical related to -- to drug enforcement and gun

18 enforcement?

19 **Q. Yes.**

20 A. We didn't call it a tactical team. We called

21 it a plain clothes anticrime team, which is --

22 **Q. And did you work -- Did you work on a plain**

23 **clothes anticrime team?**

24 A. I did, yes.

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1 **Q. And when was that?**
 2 A. Probably -- I mean, I'm not looking at my CV,
 3 so don't hold me to it. But it was probably early '90s.
 4 It was a precinct-based team out of the South District
 5 Station where I was assigned. And then from that team,
 6 I moved to a city-wide team known as TARGET, which stood
 7 for tactical auto recovery group and enforcement team.
 8 **Q. So let's -- let's -- Since you referenced your**
 9 **CV, let's pull it up. And it looks like you're in the**
 10 **time frame of about page 68 of Exhibit 1.**
 11 A. Yeah, so you can see that's early -- early
 12 '90s.
 13 **Q. Yeah, so under -- under the section of -- of**
 14 **Field Operations Bureau, you've got August 1989 to**
 15 **November 1992?**
 16 A. That's correct, yes.
 17 **Q. Did -- Did you work plain clothes anticrime**
 18 **team at that time?**
 19 A. Yes, I did.
 20 **Q. Did you -- Did you ever work a time as a**
 21 **uniformed police officer?**
 22 A. Yes.
 23 **Q. And when was that?**
 24 A. Prior to going to plain clothes in that -- in

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1 that police precinct.
 2 **Q. So you started at the police department in**
 3 **1989. How long were you plain -- How long were you**
 4 **wearing a uniform?**
 5 MS. KLEINHAUS: Objection to form.
 6 You can answer.
 7 BY THE WITNESS:
 8 A. Maybe -- Maybe -- Maybe two years.
 9 **Q. So then in approximately 1991 -- And when**
 10 **you're -- when you -- Strike that.**
 11 **When you were using a uniform, you're doing**
 12 **regular patrol, responding to calls?**
 13 A. Yes, that's correct.
 14 **Q. So then in 1991, at that time your**
 15 **responsibilities changed?**
 16 A. You mean, when I went into plain clothes?
 17 **Q. Yes.**
 18 A. We -- There are instances where we would
 19 answer calls in plain clothes, but it was predominantly
 20 proactive work.
 21 **Q. Okay. And when did you start working on this**
 22 **plain clothes anticrime team?**
 23 A. Maybe -- Maybe two years after I was assigned
 24 in August of '89, something like that.

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1 **Q. So we're talking about -- about -- about**
 2 **roughly late 1991 or August or -- August of 1991 that**
 3 **you -- you first started working on a plain clothes**
 4 **anticrime team?**
 5 A. I -- I would say that's accurate, yes.
 6 **Q. And how long did you work on that plain**
 7 **clothes anticrime team?**
 8 A. Until I went to the Special Investigations
 9 Bureau, the TARGET team in November of '92. I was
 10 assigned to that -- the South District Station.
 11 **Q. So from -- from approximately August of '91 to**
 12 **November of '92, were you actually on a team supervised**
 13 **by a sergeant?**
 14 A. Yes.
 15 **Q. And who was your sergeant?**
 16 A. Well, we had -- we had different sergeants.
 17 One of them was Brian Gavin, another one was John Nunn,
 18 N U N N.
 19 **Q. Any other sergeants that you can recall?**
 20 A. You mean exclusively related to plain clothes
 21 anticrime?
 22 **Q. Yes.**
 23 A. No one that I can think of.
 24 **Q. And how many members were on this plain**

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1 **clothes anticrime team?**
 2 A. I would say -- I can think of four off the top
 3 of my head. And we had overlapping squads, so there may
 4 have been others at that time. But I only remember
 5 those four that worked around the same time that I did.
 6 There were probably others in different squads working
 7 different times, but I worked with some specific people.
 8 **Q. And who -- can you identify those four people**
 9 **that you are recalling?**
 10 A. Sure. My partner was David Wood. I worked
 11 with another man named Tony Masino, M A S I N O. And
 12 his partner was Alvin Conyers, C O N Y E R S.
 13 **Q. And please describe the general day-to-day**
 14 **activity of the plain clothes anticrime team when you**
 15 **were on it.**
 16 A. Generally proactive. I would say over
 17 90 percent, 95 percent maybe of all the work we did was
 18 proactive. That means it was self-generated. The
 19 precinct captain would have specific locations or things
 20 for us to do, and we would do those things. That
 21 would -- might -- might include buying guns, buying
 22 drugs, setting up a street surveillance to watch a
 23 particular area for illegal activity, prostitution
 24 operations.

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Page 41	1 Q. Did you patrol any public housing -- Strike 2 that. 3 Did -- Did you, in that time frame on the 4 plain clothes anticrime team, conduct any activities at 5 any public housing? 6 A. Yes, we did many times. 7 Q. And what pub- -- public housing units did you 8 work in? 9 A. The -- 10 MS. KLEINHAUS: Objection to form. 11 You can answer. 12 BY THE WITNESS: 13 A. Can you say that again? I'm sorry. 14 Q. Yeah. What -- What public housing did you 15 work in in that time frame? 16 A. The Seth Boyden Housing Projects. That's 17 Boyden, B O Y D E N, Seth Boyden. And also the Otto 18 Kretchmer Homes, K R E T C H M E R, Otto Kretchmer 19 Homes. There were -- There were other public housing -- 20 scattered housing sites throughout the precinct, but 21 those are the primary ones. 22 Q. Were there any open-air drug markets that you 23 encountered similar to the Ida B. Wells in that time 24 frame as plain clothes anticrime team?	Page 43	1 that they coopted housing security? 2 Q. No. You're aware that -- that drug dealers 3 will have not only lookouts but they'll have security to 4 protect their drug business? 5 A. Oh, I think we use the term enforcers. Yeah, 6 I see what you mean. You mean somebody that's posted 7 nearby with a gun that may be carrying a gun? 8 Q. Yep. 9 A. Yeah, that -- that was out there, yes. 10 Q. And so these -- these drug dealers were doing 11 what they could to avoid getting caught by you and your 12 team members; is that right? 13 A. I guess they took, you know, reasonable steps, 14 if you -- you want to call it that. I mean, I've never 15 been in the drug trade, but just, you know, from what 16 I've observed. 17 Q. So you don't consider yourself an expert on 18 the drug trade, do you? 19 MS. KLEINHAUS: Objection to form, foundation, 20 mischaracterizes. 21 You can answer. 22 BY THE WITNESS: 23 A. I've never sold drugs. But, you know, I don't 24 know wh- -- I'm not sure what you mean by am I an expert
Page 42	1 A. Yes. 2 MS. KLEINHAUS: Object to form, foundation. 3 You can answer. 4 BY MR. NOLAND: 5 Q. And where were those? 6 A. They were the Otto Kretchmer Homes, Seth 7 Boyden Housing Projects. 8 Q. And how did those drug dealers operate? How 9 did they operate in order to avoid police detection? 10 MS. KLEINHAUS: Objection to form, foundation. 11 You can answer. 12 BY THE WITNESS: 13 A. Well, some of the things they would do is post 14 lookouts throughout the area. They would stand and deal 15 narcotics in the hallways instead of out in the open 16 courtyard. Sometimes they would be inside the building 17 and pass the narcotics out through a window. Sometimes 18 they would deal narcotics out of cars in effort to 19 conceal themselves. 20 Q. And they use security as well? 21 MS. KLEINHAUS: Objection to form, foundation. 22 You can answer if you know. 23 BY THE WITNESS: 24 A. When you say security, are you referring to	Page 44	1 in the drug trade. I don't know. I don't know what you 2 mean. 3 Q. You don't understand that question as a police 4 officer that -- that you're saying that you were on a 5 plain clothes anticrime team, and that you can't tell me 6 whether or not you are an expert with respect to the 7 drug trade and how to catch drug dealers? 8 MS. KLEINHAUS: Objection to form, argumentative, 9 mischaracterizes. 10 You can answer. 11 BY THE WITNESS: 12 A. You asked me if I was an expert in the drug 13 trade. I certainly have expertise in police work and 14 police operations and how they -- how we go about 15 setting up operations to catch drug dealers. 16 Q. And drug -- And you have to set up operations 17 to catch drug dealers because drug dealers are trying to 18 prevent the police officers from catching them; isn't 19 that right? 20 A. Sometimes, yeah. Sometimes they're not very 21 good at it. 22 Q. Right. And you are also aware that sometimes 23 drug dealers lie when they get caught selling drugs, 24 aren't you?

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1 MS. KLEINHAUS: Objection to form, argumentative, 2 foundation. 3 You can answer. 4 BY THE WITNESS: 5 A. What do you mean lie? In terms of -- of what? 6 Q. You really need me to explain that question, 7 Doc? 8 A. Well, I -- I -- it's vague because I mean, do 9 you mean do they lie about their name? Do they lie 10 about where they are? Did they lie about whether they 11 had narcotics? Do they -- they -- I just want to make 12 sure -- Can you be a little bit more specific? Lie 13 about what? 14 Q. Everything. All of the above. They lie about 15 their name, they lie about their narcotics, they lie 16 about their suppliers, they lie about everything, don't 17 they, Doc? 18 MS. KLEINHAUS: Objection to form, foundation, 19 vague, ambiguous, overbroad. 20 You can answer if you know. 21 BY THE WITNESS: 22 A. I would say in some instances, they do. But 23 in a lot of instances, they also tell the truth. 24 Q. And -- And so in a lot of instances, they --	1 MS. KLEINHAUS: Objection to form, foundation. 2 You can answer if you know the procedure for 3 pleading guilty without an attorney. 4 BY THE WITNESS: 5 A. I guess that could happen. I don't recall 6 that happening. I remember in most inst- -- most 7 instances, they were represented by a public defender or 8 an attorney or a hired attorney. 9 MR. NOLAND: Yeah, so this is a problem because, 10 Tess, that wasn't my question. 11 You're answering your own lawyer's question 12 whose conduct is improper by putting words into my 13 question that weren't there. 14 So, Tess, if this keeps up, we'll be moving to 15 strike Dr. Shane based upon that. So I would caution 16 you not to do that. 17 And, Dr. Shane, I would ask you to answer my 18 question and not your attorney's questions if she 19 improperly interjects. 20 MS. KLEINHAUS: Well, we're going to make the 21 objections we need to make on the record, and then we 22 can deal with it later. If you want to move to strike, 23 go ahead. 24 MR. NOLAND: So -- Okay.
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1 when you catch them, they say, yeah, you got me, 2 Dr. Shane -- or you got me, Officer Shane? 3 A. Yeah, yeah, they do. 4 Q. And then they show up to court and they plead 5 guilty, don't they? 6 A. Sometimes. 7 MS. KLEINHAUS: Objection to form, foundation. 8 BY MR. NOLAND: 9 Q. Sometimes they show up to court, they raise 10 their right hand, and they plead guilty, and they tell 11 the judge, yeah, they got me? 12 A. They -- 13 MS. KLEINHAUS: Form, foundation. 14 Sorry. If you can just wait for me to make my 15 objections. 16 It's argumentative, foundation, calls for a 17 legal conclusion. 18 You can answer. 19 BY THE WITNESS: 20 A. Yeah, sometimes they do do that through their 21 attorney, yes. 22 Q. And sometimes they do it in court on their own 23 accord? The judge swears them in, and they, under oath, 24 say that they did it, right?	1 MS. KLEINHAUS: You don't have a basis to move to 2 trike his testimony because of my objection, and you 3 know that. 4 MR. NOLAND: Sure, I do. But I'm moving on because 5 I don't have a lot of time here today. 6 BY MR. NOLAND: 7 Q. Lying, of course, is unacceptable in any legal 8 proceeding, isn't it, Dr. Shane? 9 MS. KLEINHAUS: Objection to form. 10 BY THE WITNESS: 11 A. Yeah, lying in court, if that's what you mean, 12 when you're under oath. 13 Q. It's perjury, right? 14 A. Yes, it could be. 15 Q. And if -- as a police practices expert, if 16 somebody lies under oath, you -- that would be 17 devastating to your attempt to rely upon their future 18 statements; is that -- is that true? 19 MS. KLEINHAUS: Objection to form. It's vague, 20 ambiguous, incomplete hypothetical. 21 You can answer if you know. 22 BY THE WITNESS: 23 A. Can you say that again? Would it be 24 devastating for me to rely --

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Page 49	1 Q. Yeah, I'll ask it again. As a police 2 practices expert, you're not going to rely upon the 3 testimony of somebody who has previously lied in court 4 about an event; is that true? 5 MS. KLEINHAUS: Objection to form, foundation, 6 incomplete hypothetical. 7 You can answer. 8 BY THE WITNESS: 9 A. Let me just make sure I'm clear on what you're 10 asking me. If somebody comes into court and they have 11 previously lied, does that mean that they're telling the 12 truth today and I'm not believing what they are saying 13 today because they lied once in the past? Is that -- Is 14 that what you're saying? Or are you saying that they 15 lied and I know that they lied and I'm not relying on 16 their false testimony? 17 Q. You have a lot of questions, Dr. Shane. So 18 I'll rephrase it since you apparently don't understand 19 this one too. 20 Isn't it true that as a police practices 21 expert, it would -- you would be cautious about relying 22 upon a statement today of a witness who previously swore 23 under oath and testified that the opposite was true? 24 MS. KLEINHAUS: Objection to form, vague and	Page 51
Page 50	1 ambiguous, incomplete hypothetical, calls for 2 speculation. 3 BY THE WITNESS: 4 A. I would say -- I would say it's -- it's 5 possible. I mean, I'd have to know a little bit more 6 about the context, but I think -- I think it's possible. 7 Q. Let me ask you this: In policing, if a police 8 officer is found to have lied on a police report or lied 9 in testimony, what's the impact on that police officer's 10 career? 11 MS. KLEINHAUS: Objection to form, incomplete 12 hypothetical, calls for speculation. 13 You can answer if you know. 14 BY THE WITNESS: 15 A. It can potentially end that person's career. 16 Q. And the -- So essentially it's because a 17 police officer if they were established to have lied on 18 a police report or in testimony that their later word in 19 court would be potentially deemed unreliable, and so 20 that police officer would not be able to be a police 21 officer anymore; is that fair? 22 A. That's -- Yeah, that's fair. 23 MS. KLEINHAUS: Object to form. 24 THE WITNESS: Sorry.	Page 52

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Page 53 1 were relying upon it in your report, you would have 2 included it in your table of materials reviewed, 3 correct? 4 A. Generally. I mean, unless I made a mistake 5 and didn't have it, yes. 6 MR. NOLAND: Okay. So, Dan, if you could go to 7 page 16. 8 BY MR. NOLAND: 9 Q. And, Dr. Shane, I'm going to read into the 10 record this part, the next page or two starting with 11 line 13. 12 "THE COURT: Factual basis. Before you do 13 that with Alvin Waddy, Mr. Waddy, raise your 14 right hand to be sworn." 15 The transcript reflects that defendant Alvin 16 Waddy is sworn. 17 "THE COURT: Mr. Waddy, listen to what the 18 State's Attorney is about to tell me. I want 19 to make sure you understand what the State 20 tells me what happened. Let me know if 21 that's, in fact, what happened. Do you 22 understand? 23 "DEFENDANT WADDY: Yes, sir. 24 "THE COURT: Put your hand down. Go ahead,	Page 55 1 Attorney said what happened that led to your 2 arrest in this case? 3 "DEFENDANT WADDY: Yes, sir. 4 "THE COURT: Is that what happened? 5 "DEFENDANT WADDY: Yes, sir." 6 So, Dr. Shane, Mr. Waddy, in this transcript, 7 has testified under oath that he possessed drugs when he 8 was arrested on April 4th, 2007. Would that, as a 9 police practices expert, cause you to call into question 10 any attempt by Mr. Waddy to testify that he did not have 11 the drugs at that time? 12 MS. KLEINHAUS: Objection to form, mischaracterizes 13 the exhibit, foundation, vague and ambiguous, incomplete 14 hypothetical. 15 You can answer. 16 BY THE WITNESS: 17 A. Well, he's testified that -- as to the facts 18 of the case presented by the State's Attorney. If 19 there's something else that is -- is missing, he would 20 be able to testify differently. But the court would 21 have to make a credibility determination as to the 22 reliability of his testimony. 23 Q. And as a police practices expert, Dr. Shane, 24 you're certainly not going to rely upon any statement
Page 54 1 State. 2 "UNIDENTIFIED STATE'S ATTORNEY:" 3 I'm just going to ask you, Dr. Shane, to just 4 read this -- this next page silently to yourself. 5 A. Okay. 6 Q. And just let -- just let Dan Neville, my 7 paralegal know when you need to scroll down. 8 A. Okay. 9 THE WITNESS: Can you scroll up a little bit? Just 10 bring it up to the top where line 14 is at the top. 11 Okay. Right there. Okay. You can scroll down. You 12 can scroll up to the top where line 15 is at the top. 13 Okay. Next page. Okay. So I just stopped reading on 14 line 5 of this current page. 15 BY MR. NOLAND: 16 Q. Thank you. Thank you. And I'll read that 17 into the record then beginning at -- at line -- line 5. 18 The State's Attorney finishes with, So stipulated? 19 Mr. Waddy's lawyer says, So stipulated. That's 20 Mr. Christiansen. 21 "THE COURT: Alvin Waddy, you understand you 22 are under oath? 23 "DEFENDANT WADDY: Yes, sir. 24 "THE COURT: You heard what the State's	Page 56 1 now by Alvin Waddy that he supposedly was not in 2 possession of drugs on April 4th, 2007 when he told the 3 judge that that's what happened, that he had drugs on 4 April 4th, 2007? 5 MS. KLEINHAUS: Objection to form, incomplete 6 hypothetical. 7 You can answer. 8 BY THE WITNESS: 9 A. Unless there is some other information that 10 surfaces later on, such as, you know, he was coerced or 11 something like that into pleading guilty. There could 12 be other evidence that surfaces at a later time. 13 Q. And you're not aware of any evidence that 14 Mr. Waddy was coerced by his own lawyer or the judge 15 into pleading guilty, are you? 16 A. Not by either of those two. There could be 17 some other external influences that may have influenced 18 his decision that we don't know about. 19 Q. Yeah, that's what I'm saying. You don't have 20 any information that Mr. Waddy was coerced to plead 21 guilty in open court and tell the judge while he was 22 represented by counsel that he possessed those drugs on 23 April 4th, 2007; isn't that true? 24 MS. KLEINHAUS: Objection to form as to coerced,

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Page 57 1 calls for a legal conclusion, foundation. 2 You can answer if you know. 3 BY THE WITNESS: 4 A. I don't have any information in that regard. 5 Q. So because you don't have any information, you 6 are not going to rely upon Mr. -- any statement by 7 Mr. Waddy that he didn't possess drugs on April 4th, 8 200- -- 2007, right? 9 MS. KLEINHAUS: Objection to form, 10 mischaracterizes. 11 You can answer. 12 BY THE WITNESS: 13 A. Absent other information, I would rely on this 14 transcript. 15 Q. And you haven't disclosed any other 16 information in your report, have you? 17 MS. KLEINHAUS: Objection to form as to other 18 information, foundation, calls for speculation. 19 You can answer. 20 BY THE WITNESS: 21 A. No. 22 Q. Okay. Going back to your experience -- 23 MR. NOLAND: You can take that down, Dan. 24	Page 59 1 have different definitions of how -- what they mean by 2 corruption. 3 Q. What's your definition of corruption? 4 A. I personally define it as something unlawful. 5 Q. All right. So then does your answer stand 6 that you didn't -- you did not ever investigate a police 7 officer for any unlawful conduct? 8 A. No, not that I can think of. 9 Q. So I think I read somewhere else that -- were 10 you involved in some investigations of officer-involved 11 shootings? 12 A. Well, when we were in the homicide division, 13 the answer is yes, we would conduct a criminal element 14 of the investigation. Internal Affairs would conduct 15 the administrative element. 16 Q. And other than that experience, do you have 17 any other experience conducting investigations of any 18 type of misconduct by a police officer? 19 MS. KLEINHAUS: Objection to form. 20 You can answer. 21 BY MR. NOLAND: 22 Q. Whether -- Whether it's a rule -- you know, a 23 rule violation, et cetera. 24 A. Yes, as -- as a sergeant, lieutenant, and
Page 58 1 BY MR. NOLAND: 2 Q. Did you ever work -- What's the internal 3 affairs division or bureau called at Newark? 4 A. Internal Affairs. 5 Q. Did you ever work in Internal Affairs at the 6 Newark Police Department? 7 A. I never worked in the Internal Affairs 8 Division, no. 9 Q. You know, I didn't ask this: Have you been at 10 a police officer at any other locality? 11 A. No. 12 Q. So did you ever -- did you ever investigate a 13 police officer for corruption? 14 A. No, not that I can think of off the top of my 15 head. When you say, corruption, can you be a little bit 16 more narrow? What do you define as corruption? 17 Q. You don't understand corruption as a police 18 officer? 19 A. Well, you know, we get into these debates all 20 the time about the extent to which the word, corruption, 21 might apply? Is it -- Is it unethical behavior? Is it 22 unethical behavior and criminal behavior? Is it a -- a 23 rule violation? So when I hear the word, corruption, I 24 often think of something criminal. But other people	Page 60 1 captain, I conducted investigations and/or supervised 2 investigations of others who were investigating those 3 matters. 4 Q. Got it. So would the Internal Affairs 5 Division at Newark give -- send out to the units certain 6 complaints of rule violations to the unit to investigate 7 themselves? 8 A. Yes, they would do that. 9 Q. And you are aware that that's done in Chicago 10 as well from time to time? 11 A. Yes, yes. 12 Q. Is there anything wrong with that particular 13 practice, in general? 14 MS. KLEINHAUS: Objection to form, vague and 15 ambiguous. 16 You can answer. 17 BY THE WITNESS: 18 A. Generally, no. 19 Q. So in that capacity as a sergeant or a 20 lieutenant, did you investigate from time to time 21 allegations of rule violations by your subordinates? 22 A. Yes. 23 Q. And what types of rule violations did you 24 investigate in that capacity?

18 (Pages 57 to 60)

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Page 61	1 A. Tardiness, care of property, officers that 2 were alleged to have been inside of what we would call 3 corruption-prone locations like a bar or something like 4 that. I'm sure there were -- I'm sure there were other 5 rule violations. I mean, those are some of the things 6 that I can think of off the top of my head. 7 Q. And were there any other -- other than rule 8 violations, were there -- was there any type of other 9 allegation of misconduct against a police officer under 10 your command that you were involved in investigating? 11 MS. KLEINHAUS: Objection to form. 12 You can answer. 13 BY THE WITNESS: 14 A. Nothing -- Nothing criminal. 15 Q. So -- And, yeah, I appreciate that 16 clarification. So I know you didn't investigate 17 criminal allegations against a police officer. You did 18 investigate from time to time rule violations and would 19 be involved in officer-involved shootings from the 20 homicide investigation perspective. Was there any other 21 type of allegation against a police officer that you 22 were ever involved in investigating? 23 MS. KLEINHAUS: Objection to form. 24	Page 63	1 MS. KLEINHAUS: Objection, foundation, calls for 2 speculation. 3 You can answer. 4 BY MR. NOLAND: 5 Q. And just for clarification, I'm going back to 6 the -- that approximately August '91 to November 1992 7 time frame. 8 A. Right, so just the plain clothes period, 9 right? Not -- Not uniformed operations? 10 Q. Correct. 11 A. I would -- I would say a couple hundred maybe, 12 maybe 200, 300. 13 Q. And when you worked as a team, how did the -- 14 can you describe how the arrest -- how the report 15 writing worked? Like would there be officers in Box 1 16 and 2 that -- that may have had a certain role, and 17 there might have been other officers who helped with 18 transport or something else? So can you just explain 19 generally how that would work as a team member? 20 A. Well, I'll give you an example. In -- In one 21 instance, I was working as what we called the observer 22 position. So you would have somebody driving the police 23 car and somebody sitting in the passenger seat. One is 24 called the driver, one is called the observer. And in
Page 62	1 BY MR. NOLAND: 2 Q. At Newark. 3 A. There -- There probably are things. I mean, I 4 would have to sit here and think through, you know, my 5 career at length. But there were certainly policy 6 violations. There were certainly misc- -- When I say 7 misconduct, I'm talking about rule violations. I 8 just -- I don't want to give you the impression when I 9 say the word, misconduct, that I'm talking about the New 10 Jersey statute official misconduct, which is criminal 11 statute. I don't mean it that way. 12 Q. Yeah, I get it. It sounds like you generally 13 would -- I mean, a rule violation would be a policy or 14 procedure that a police officer may have violated. Like 15 you articulated some of the examples, tardiness, not 16 showing up to court, uniform violations, things of 17 that -- going to a bar, things of that nature? 18 A. Yes, that's right. 19 Q. Going back to your time when you were on that 20 plain clothes team, anticrime team, did you -- did you 21 complete arrest reports? 22 A. Yes. 23 Q. About how many arrests did you participate in 24 completing during that time frame?	Page 64	1 the observe's role, I would set up a street 2 surveillance. And maybe I'd watch through binoculars, 3 see how somebody was selling drugs or walking back and 4 forth to their stash, that kind of thing. You might 5 take them down yourself. You might call for a uniformed 6 car to take them down, then collect the evidence, then 7 go back. I would write up the incident report. My 8 partner might write up the -- write up the arrest 9 report, might write up the evidence report and the 10 complaints. And it's just something that we would 11 share. There was no policy per se on who had to do what 12 paperwork as long as all the paperwork was completed. 13 Q. And if like -- were there -- the arrest 14 reports, did they have -- like was there a Box 1 and a 15 Box 2 of the officers involved, or how did that work? 16 MS. KLEINHAUS: Objection to form. 17 You can answer. 18 BY THE WITNESS: 19 A. Yeah, the report itself did have boxes for 20 officers that are involved, and you would also list them 21 in the narrative, officers that were involved. In other 22 words, if they -- if there were -- I don't remember off 23 the top of my head. There may have been just a couple 24 of spaces for additional officers. And after -- if it

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1 exceeded that number, you would just list them in the 2 body of the report with their name and their ID number. 3 Q. And because you worked as a team, was it 4 fairly common that it would exceed that number because 5 your -- your team members would also have some role in 6 the arrest? 7 A. Well, I -- I guess on -- on the occasion 8 where -- where it didn't fit in those particular boxes, 9 it might fit in the narrative, yes. But generally, it 10 was just my partner and I. 11 Q. Okay. So you did not -- when you were on this 12 plain clothes anticrime team, you didn't -- you didn't 13 really work together as a team? 14 MS. KLEINHAUS: Object to form. 15 You can answer. 16 BY THE WITNESS: 17 A. In -- In certain instances we would, yes, if 18 we wanted to set up a particular operation. Sometimes 19 they weren't working and it was just the two of us. 20 Q. Okay. When you worked together as a team, 21 what types of operations did this plain clothes 22 anticrime team enforce? 23 A. All the ones I mentioned earlier, things like 24 narcotics, guns, street surveillance, prostitution	1 A. 6688. 2 Q. Did the ID number ever change? 3 A. That did not change. 4 Q. What other badge numbers did you have? 5 A. I had one as sergeant, lieutenant, and 6 captain, but I couldn't tell you what those were off the 7 top of my head. 8 Q. The 843 number, was that the number that you 9 got out of the academy? 10 A. Yes. 11 Q. Do you have any family in law enforcement? 12 A. A brother, not -- not currently but years 13 past. 14 BY MR. NOLAND: 15 Q. All right. We've been going for an hour. I 16 wouldn't mind taking a -- just about a five-minute break 17 if that's okay. 18 MS. KLEINHAUS: Sure. 19 THE VIDEOGRAPHER: The time is 11:16 a.m. We're 20 now going off the record. 21 (A short recess was had.) 22 THE VIDEOGRAPHER: The time is 11:23 a.m. We're now 23 back on the record. 24
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1 operations -- excuse me -- stolen car operations, auto 2 stripping. 3 Q. What was your star number at that time? 4 A. Well, le- -- let's be clear. You call it a 5 star number, but in the Newark Police Department, we had 6 what was called an ID number and a badge number, two 7 different things. 8 Q. Okay. What was your badge number, and what 9 was your ID number? 10 A. My badge number -- I'm sorry. Did I hear 11 somebody say something? 12 Q. Yeah, no. Sorry about that. And I'm talking 13 about -- Your badge number, did that ever change? 14 A. My badge number changed as I got promoted, 15 yes. 16 Q. Okay. So your badge number when you were the 17 plain clothes anticrime team, what was that? 18 A. 843. 19 Q. And then I think you said you had another 20 number, an ID number? 21 A. Correct, yes. 22 Q. And what was that? 23 A. 6688. 24 Q. I'm sorry?	1 BY MR. NOLAND: 2 Q. Dr. Shane, did you, as a Newark police 3 officer, ever work a federal task force? 4 A. What do -- What do you mean? Was I 5 exclusively assigned to one, or did I -- or I worked 6 with other members of -- of the federal government? 7 Q. Were you ever detailed? Were you ever 8 assigned? Were you ever working a federal task force? 9 A. Well, during -- during my time on the TARGET 10 team, we did work with the FBI. We put a task force 11 together to combat some bank robberies at that time. 12 Q. And any other times that you worked with -- on 13 any type of a federal task force? 14 A. Not that I can think of. 15 Q. And when you worked on -- with the FBI, those 16 were banks robberies? 17 A. Yes. 18 Q. Was the -- Was the FBI the lead agency in the 19 investigation? 20 MS. KLEINHAUS: Objection to form, foundation, 21 calls for speculation. 22 You can answer if you know. 23 BY THE WITNESS: 24 A. I -- I don't recall who the lead investigating

20 (Pages 65 to 68)

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1 agency was. 2 Q. And were those cases going to be prosecuted by 3 the U.S. Attorney's Office in federal court? 4 MS. KLEINHAUS: Objection, calls for speculation. 5 You can answer. 6 BY THE WITNESS: 7 A. I'm -- I'm not sure. As -- As -- As a matter 8 of fact, I think they brought the Newark Police 9 Department in because they had wanted to determine 10 whether or not they were going to take those cases to 11 the U.S. Attorney's Office or not. 12 Q. Okay. Switching gears, so should a police 13 practices expert follow the law in his or her report? 14 MS. KLEINHAUS: Objection to form, argumentative. 15 You can answer. 16 BY THE WITNESS: 17 A. What do you mean by follow the law? Follow 18 the -- I'm not sure what you mean. 19 Q. You don't -- As a -- As a former police 20 officer, you don't understand the phrase, follow the 21 law? 22 MS. KLEINHAUS: Objection to form. Your original 23 question was follow the law in your report. So 24 objection to that as vague and ambiguous.	1 Q. Did you -- Well, when you saw a crime, you 2 enforced that one, right? 3 A. Yes, if it was -- if it was within the -- the 4 statutes of the State of New Jersey or the city 5 ordinances, yes. 6 Q. Well, I imagine you took some type of oath, 7 didn't you? 8 A. We took an oath of office, yes. 9 Q. And what did that oath -- did -- in that oath, 10 did you swear to follow the law, the Constitution, the 11 laws of the State of New Jersey? 12 A. Yes. 13 Q. Okay. So in your report in this case as a 14 police practices expert, should you follow the law of 15 the State of Illinois and the Constitution of the United 16 States? 17 MS. KLEINHAUS: Objection to form as to what it 18 means to follow the law in a report. 19 You can answer if you understand the question. 20 BY THE WITNESS: 21 A. I'm not -- I don't know whether my report is 22 subject to certain laws. 23 Q. So you can ignore laws in your report; is that 24 right?
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1 You can answer. 2 BY THE WITNESS: 3 A. I don't know how to answer that question. I 4 don't know what you mean. What law? If you can -- If 5 you can tell me what law we're referring to. I mean, 6 the laws of the State of Illinois? The laws of the 7 United States Government? What law are you referring 8 to? 9 Q. The laws of the State of Ill- -- In this case, 10 we have a State -- Illinois State Court case. As a 11 police practices expert, in your report should you be 12 following the law of the State of Illinois? 13 MS. KLEINHAUS: Objection to form, foundation, 14 calls for speculation as to what law governs a report. 15 You can answer if you understand. 16 BY THE WITNESS: 17 A. I don't understand the question. I don't 18 understand what laws we're referring to. 19 Q. So you're not trained on the law as a -- when 20 you became a police officer? 21 A. Which laws? 22 Q. Did you enforce the laws when you were a 23 police officer in Newark? 24 A. Certain ones.	1 MS. KLEINHAUS: Objection to form, foundation, 2 calls for speculation. 3 You can answer if you know. 4 BY THE WITNESS: 5 A. I would have to know which laws I was 6 potentially violating and which laws govern my report. 7 Q. Okay. Let's talk about -- You're aware that 8 in Illinois, there was a requirement for a complainant 9 to have an affidavit supporting a complaint against a 10 police officer, right? 11 A. At certain times there was, yes. 12 Q. At all times relevant -- Well, from 2004 to 13 2007, when Mr. Waddy was arrested, during that time 14 frame, correct? 15 A. I believe that's the case, yes. 16 Q. And isn't it true that you do not make any 17 reference whatsoever to that law in your report? 18 A. Regarding an internal affairs investigation? 19 Q. You don't make any reference, Dr. Shane. I 20 don't want to -- I mean, if you don't understand the 21 question, go ahead and tell me. 22 Isn't it true you don't make any reference 23 whatsoever in your report to the law of the State of 24 Illinois requiring -- at the relevant time frame from

21 (Pages 69 to 72)

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1 **2004 to the date of Mr. Waddy's arrest on April 4th,**
2 **2007, you don't make any reference whatsoever to the law**
3 **requiring a complainant against a police officer to sign**
4 **an affidavit?**
5 A. That's correct.
6 MS. KLEINHAUS: Objection to form, argumentative,
7 document speaks for itself.
8 BY MR. NOLAND:
9 **Q. Did you answer?**
10 A. I said that's correct.
11 **Q. Why not?**
12 A. I can't think of an instance where it was
13 important.
14 **Q. So it wasn't important to -- Did you explain**
15 **why it wasn't important in your report in any way?**
16 MS. KLEINHAUS: Objection, form, calls for
17 speculation, document speaks for itself.
18 You can answer.
19 BY THE WITNESS:
20 A. No.
21 **Q. How could it not be important that the law in**
22 **the State of Illinois required affidavits from**
23 **individuals making allegations against police officers**
24 **for those complaints to move forward in connection with**

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1 **your report in this case?**
2 MS. KLEINHAUS: Objection to form, vague,
3 ambiguous, incomplete hypothetical.
4 You can answer if you understand it.
5 BY THE WITNESS:
6 A. I wasn't being asked to opine on whether or
7 not affidavits were required or present.
8 **Q. You provided opinions about whether certain**
9 **activities on 174 CRs were done or were not done; is**
10 **that right, during the -- during internal affairs or OPS**
11 **investigation?**
12 A. Yes.
13 **Q. And there's a -- there's a spreadsheet that**
14 **you submitted with a whole dataset of multiple columns**
15 **about whether a witness was interviewed, an officer was**
16 **interviewed, whether certain photographs were taken, et**
17 **cetera, in support of your opinions, right?**
18 A. Yes, that's correct.
19 **Q. Why wouldn't you address in your report the**
20 **law in the State of Illinois that an affidavit was**
21 **required in those instances where the complainant did**
22 **not sign an affidavit?**
23 MS. KLEINHAUS: Ob- -- Sorry. Objection, form,
24 foundation, incomplete hypothetical.

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1 You can answer.
2 BY THE WITNESS:
3 A. Well, we did back out what was known as not
4 applicable. So if the investigation didn't meet the
5 standards, then it was not applicable. So if the
6 standard was to submit an affidavit.
7 **Q. So if the standard was to submit an affidavit**
8 **and the complainant didn't sign an affidavit, would that**
9 **that -- that particular CR be irrelevant to your**
10 **analysis?**
11 MS. KLEINHAUS: Objection to form, incomplete
12 hypothetical.
13 You can answer.
14 BY THE WITNESS:
15 A. It would be not applicable.
16 **Q. What does not applicable mean?**
17 A. That's right, that -- that those particular
18 things that were going forward in that investigation
19 that were being looked at would be backed out of that
20 particular investigation if it didn't meet the standard.
21 **Q. So again back to my question. So on a**
22 **hypothetical CR where the complainant did not execute a**
23 **sworn affidavit at the time frame that that was the law,**
24 **would -- would you not have any criticism of the police**

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1 **department for not conducting a full investigation of**
2 **that CR?**
3 MS. KLEINHAUS: Objection, form, foundation,
4 incomplete hypothetical.
5 You can answer.
6 BY THE WITNESS:
7 A. Well, I believe at -- at the time, if I
8 remember correctly, I did see something in the -- in one
9 of the labor agreements. I don't remember exactly which
10 one it was. I saw something in a labor agreement that
11 provided -- may have been an exception or something in
12 that regard at one time. So the police department could
13 have gone forward with the investigation.
14 **Q. And what's the exception? What's the**
15 **standard?**
16 A. I would have to look through those -- through
17 those labor agreements again. I don't remember seeing
18 it, but I can tell you it was in one of the -- the labor
19 agreements.
20 **Q. But isn't it true that you didn't address --**
21 **you didn't address whether there was an exception or**
22 **there was not exception to the affidavit requirement in**
23 **your report?**
24 MS. KLEINHAUS: Objection, asked and answered and

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1 document speaks for itself.
2 You can answer again.
3 BY THE WITNESS:
4 A. Yeah, I don't -- I don't -- I don't think the
5 report itself specifically says those things, yes.
6 **Q. And neither does the -- any of the supporting**
7 **material for the report, for instance the spreadsheet,**
8 **doesn't make any -- any reference to the affidavit**
9 **requirement?**
10 MS. KLEINHAUS: Objection to form.
11 BY THE WITNESS:
12 A. Not to the affidavit, no.
13 **Q. So you ignored the Illinois law, affidavit**
14 **requirement law in your report; isn't that true?**
15 MS. KLEINHAUS: Objection, form, mischaracterizes
16 his testimony.
17 You can answer.
18 BY THE WITNESS:
19 A. No, I don't know what you mean by ignored it,
20 but ...
21 **Q. You don't know what I mean?**
22 A. I wasn't opining specifically on the
23 affidavits.
24 **Q. You don't know what I mean by -- You didn't**

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1 **address it anywhere on your report, right?**
2 A. That's okay. I said I didn't.
3 **Q. How many of the CRs of the 174 CRs in your**
4 **dataset did not have a signed affidavit?**
5 A. I don't know off the top of my head.
6 **Q. And you didn't calculate that number at all,**
7 **did you?**
8 A. I don't think so, no.
9 **Q. And Mr. Wad- -- Mr. Waddy's lawyers prepared**
10 **that spreadsheet, didn't they?**
11 MS. KLEINHAUS: Objection to form.
12 You can answer.
13 BY THE WITNESS:
14 A. They -- There were -- There were people who
15 coded the -- the spreadsheet. Is that what you mean?
16 **Q. Yeah. They're -- Mr. Waddy's lawyers are the**
17 **people that coded the spreadsheet?**
18 MS. KLEINHAUS: Objection to form.
19 You can answer.
20 BY THE WITNESS:
21 A. No, I don't -- I don't -- I don't think so. I
22 mean, are you referring to Tess Kleinhaus and -- and
23 Wally Hilke?
24 **Q. Mr. Waddy's lawyers or -- or people working on**

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1 **their behalf prepared that spreadsheet and gave it to**
2 **you; isn't that true?**
3 A. Oh, that's -- that's -- yeah, that's a
4 different question. Yes, they did. There were people
5 that were working on their behalf. But when you said
6 their lawyers did it, no, I don't think the lawyers
7 actually did it. They had somebody else that did it.
8 **Q. Is that a forthcoming answer, Dr. Shane?**
9 A. Of course it is.
10 **Q. That answer you just gave me, isn't -- didn't**
11 **you just provide a misleading statement by leaving out**
12 **the lawyers and separating them from their people**
13 **working for them?**
14 MS. KLEINHAUS: Objection to form, argumentative.
15 You can answer, Dr. Shane, if you understand
16 it.
17 BY THE WITNESS:
18 A. I don't think it's misleading, no.
19 **Q. You were not -- Okay.**
20 MR. NOLAND: All right. Dan, can you pull up
21 Exhibit 1, please.
22 (A document was viewed.)
23 BY MR. NOLAND:
24 **Q. And this is your report, right, sir?**

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1 A. Yes.
2 MR. NOLAND: Dan, can you go to page 13,
3 footnote 6. Actually -- Actually just page 13, there is
4 a table, table 4.
5 BY MR. NOLAND:
6 **Q. So, Dr. Shane, I'm showing you table 4 in your**
7 **report on page 13, and it identifies the following four**
8 **coders, Abir, Alina, Issam, and Spencer; is that**
9 **correct?**
10 A. Yes.
11 **Q. And those are -- those quote/unquote coders**
12 **are people working for Mr. Waddy's lawyers, correct?**
13 A. That's correct, yes.
14 **Q. And coders mean the people that actually**
15 **completed this spreadsheet that they gave to you, right?**
16 A. Yes, that's correct.
17 **Q. So -- And then you -- did you do some type of**
18 **an audit of that?**
19 MS. KLEINHAUS: Objection to form.
20 You can answer.
21 BY THE WITNESS:
22 A. I -- I did check the coding, yes.
23 **Q. And -- And what was your methodology for doing**
24 **that?**

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Page 81	1 A. It's laid out right here on pages -- the 2 bottom of page 12, which says data coding and that 3 goes -- extends onto page 13, which includes the -- the 4 table that you're -- that you're looking at right there. 5 MR. NOLAND: Dan, can you go down to footnote 6, 6 please. 7 BY MR. NOLAND: 8 Q. And in footnote 6, are you identifying the CR 9 numbers that you audited? 10 A. Yes, that's correct. 11 Q. And you say you audited 20 percent of the CRs; 12 is that right? 13 A. That's right, yes. 14 Q. There is at least five duplicates in that 15 footnote, isn't there? 16 MS. KLEINHAUS: Objection to form. 17 You can answer. 18 BY MR. NOLAND: 19 Q. I'll just -- For instance, under Abir, the 20 first one is 290641, and then second line if you go 21 three in, it's 290641 again, right? 22 A. I see them, yes. 23 Q. So there is a duplicate? 24 A. It is, yes. I'd have to -- I'd have to -- I'd	Page 83	1 auditing? 2 MS. KLEINHAUS: Objection to form, argumentative. 3 You can answer. 4 BY THE WITNESS: 5 A. No, not necessarily. 6 Q. Isn't the purpose of an audit is to make sure 7 things are correct; isn't that right? 8 MS. KLEINHAUS: Objection to form, argumentative. 9 BY THE WITNESS: 10 A. Yes. 11 MR. NOLAND: Dan, can you pull up the spreadsheet, 12 please. 13 (A document was viewed.) 14 MR. NOLAND: So -- And what exhibit do we have this 15 marked as, Dan? 16 MR. NEVILLE: I believe this is 2 -- I'm sorry -- 17 3. 18 BY MR. NOLAND: 19 Q. So I'm showing you Exhibit 3, Dr. Shane. What 20 is this document? I know you're just looking at the 21 first page, but it's a very lengthy Excel spreadsheet. 22 If you can just explain for the record what it is. 23 A. This appears to be the spreadsheet that was 24 coded with the CRs files that were provided during
Page 82	1 have to take a look at that. I'm not sure why that is. 2 Q. Okay. So then -- So there is other duplicates 3 and one actual triplicate in here. Do you have any idea 4 why that is? 5 A. No -- 6 MS. KLEINHAUS: Objection to form. You can answer. 7 THE WITNESS: Excuse me. I'm sorry, Tess. Go 8 ahead. 9 MS. KLEINHAUS: I'm -- I'm through. Go ahead. 10 BY THE WITNESS: 11 A. No, I would have to look through that. 12 Q. If it's -- If -- If -- If my representation to 13 you is -- is correct, that means it was a mistake, 14 correct? 15 A. It's -- It's potentially a transcription 16 error, yes. 17 Q. I mean, sloppiness, correct? 18 MS. KLEINHAUS: Objection to form, argumentative. 19 You can answer. 20 BY THE WITNESS: 21 A. Not necessarily sloppy. 22 Q. If -- If you've got five duplicate CRs in that 23 one footnote of the CRs that you supposedly audited, 24 wouldn't you agree that that's sloppy -- sloppy	Page 84	1 discovery. 2 Q. And was this -- this produced for purposes of 3 this litigation? 4 A. Yes. 5 Q. And have you done spreadsheets like this in 6 other litigation? 7 A. Yes. 8 Q. What -- What case or cases? 9 A. I think there was one done in the Maysonet 10 case that we referenced earlier. There may have been 11 one done in -- I had a case in Atlantic City some years 12 ago. It was something similar. 13 Q. And the case in Atlantic City, who was the 14 plaintiff's attorney in that case? Was that Jennifer 15 Bonjean? 16 A. Yes. 17 Q. And was it her idea to do this spreadsheet? 18 To do -- I'm sorry. Was it Ms. Bonjean's idea to do a 19 spreadsheet like this? 20 A. No. 21 Q. Whose idea was it to do a spreadsheet like 22 this? 23 A. Mine. 24 Q. And have you seen spreadsheets done like this

24 (Pages 81 to 84)

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Page 85	1 looking at CR data or complaint -- Strike that. 2 You understand a CR in -- a disciplinary 3 complaint against a police officer in Chicago is called 4 a CR, or complaint register? 5 A. Yes. 6 Q. I would imagine -- I don't know for sure -- is 7 that -- is that a uniform term nationwide, complaint 8 register? 9 A. Not that term, no. 10 Q. Do you know what I mean when I'm talking about 11 a CR, disciplinary allegations against a poli- -- a 12 Chicago police officer? 13 A. Well, when you say the term, CR, I understand 14 it to mean that that was an investigation that was 15 generated against a police officer based on some 16 allegations. 17 Q. Thank you. So you said it was your idea to do 18 a -- a spreadsheet for Ms. Bonjean. And the first time 19 you did one of these was back in this Atlantic City 20 case? 21 MS. KLEINHAUS: Objection to form. 22 You can answer. 23 BY THE WITNESS: 24 A. I -- I believe that's the case, yes. I don't	Page 87	1 those -- what -- what is that document called? 2 A. I don't know. Let's just make sure we're 3 clear. You're talking about the spreadsheet itself, or 4 are you referring to the CR? Which are you referring 5 to? 6 Q. So you're the one that brought it up, 7 Dr. Shane. So if you're asking me to clarify this one, 8 it's going to be hard because it's whatever is in your 9 brain about what you did at Newark that's similar to 10 this type of spreadsheet. 11 MS. KLEINHAUS: Objection to form, argumentative. 12 You can answer. 13 MR. NOLAND: I don't think it -- I don't think it 14 is, Tess. As a matter of fact, the continuing asking 15 for questions, I don't know what's going on with that. 16 But I don't know. But we'll leave it for the record, I 17 guess. 18 BY MR. NOLAND: 19 Q. Dr. Shane -- 20 MS. KLEINHAUS: Any witness has the right to ask 21 you to clarify your question if they don't understand it 22 so that you can get an answer to your question. 23 MR. NOLAND: I completely agree with that. But it 24 seems like something else is going on here.
Page 86	1 remember. 2 Q. Do you remember the name of the plaintiff -- 3 Do you remember the name of the plaintiff in that case? 4 A. No, I don't. I think there were a couple of 5 different plaintiffs. I think there were a couple 6 different plaintiffs. I don't think there was just one. 7 Q. Have you ever done a spreadsheet like this not 8 connected to litigation? 9 MS. KLEINHAUS: Objection to form. 10 BY MR. NOLAND: 11 Q. Looking at -- 12 MS. KLEINHAUS: If you understand it. 13 BY MR. NOLAND: 14 Q. Yeah, looking at CR data, disciplinary data 15 against police officers. 16 A. Have I ever developed one, or have I ever 17 examined one? 18 Q. Have you ever developed one or examined a -- a 19 spreadsheet like this looking at CR data other than for 20 purposes of litigation? 21 A. Yes. 22 Q. In what context? 23 A. In the Newark Police Department. 24 Q. And in the Newark Police Department, what are	Page 88	1 BY MR. NOLAND: 2 Q. I'll ask the question again. Dr. Shane, you 3 just said that in Newark you saw spreadsheets similar to 4 this looking at disciplinary data. What is that 5 document called at the Newark Police Department? 6 MS. KLEINHAUS: Objection to form. 7 You can answer. 8 BY THE WITNESS: 9 A. Spreadsheet. It didn't -- It didn't have a 10 particular name. 11 Q. And did it have to do with data against police 12 officers, complaints against police officers? 13 A. Yes. 14 Q. And when did you look at that? 15 A. During my time as the commanding officer of 16 the Policy and Planning Division. 17 Q. And if I wanted to subpoena or request that 18 through FOIA from Newark, how would I phrase my FOIA 19 request? 20 MS. KLEINHAUS: Objection, calls for speculation, 21 legal conclusion. 22 You can answer if you know. 23 BY THE WITNESS: 24 A. I guess you could ask for internal affairs

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Page 89	1 data from the Newark Police Department. 2 Q. And would it be -- And I'm asking for 3 specifically in like spreadsheet form like you're saying 4 you looked at at Newark similar to this spreadsheet that 5 you have here? 6 A. They might have it that way. I don't know if 7 they've changed -- if they've changed, you know, use of 8 software. I couldn't tell you that. 9 Q. What year was it that you looked at a 10 spreadsheet like this at Newark regarding police officer 11 discipline complaints? 12 A. Probably somewhere around the early 2000s when 13 I was a commanding officer there. 14 Q. And what was the purpose of looking at that in 15 the early 2000s when you were at Newark? 16 A. We wanted to identify where complaints were 17 coming from, what the categories of complaints were that 18 were coming in that were causing litigation. And I was 19 having meetings between my office, which was the office 20 of -- well, it went under different names, but I think 21 at that -- at that time it was named the Policy and 22 Planning Division and Legal Affairs. And then we would 23 have meetings with corporation counsel to try to 24 identify where lawsuits were being paid out, what --	Page 91	1 MS. KLEINHAUS: Objection to form. 2 You can answer if you understand it. 3 BY THE WITNESS: 4 A. We didn't pick out specific police officers 5 based on a particular reason. 6 Q. So turning to litigation, when you have -- And 7 it sounds like you've done these spreadsheets only on 8 behalf of the plaintiffs suing police officers, right? 9 A. I don't -- I don't remember an instance where 10 I defended a police department in -- in that -- in that 11 regard. 12 Q. And in those cases where you have done that, 13 have you always come to the conclusion that the 14 defendant officers had a pattern of complaints of 15 allegations of misconduct against them that the 16 municipality did not properly supervise and discipline? 17 A. Yes. 18 MS. KLEINHAUS: Objection to form. 19 BY THE WITNESS: 20 A. Yes. 21 Q. In this case -- 22 MR. NOLAND: You can -- Dan, you can take that 23 down. Thank you. 24
Page 90	1 what sorts of things police officers were involved in 2 that were causing litigation. 3 Q. And was this -- was that spreadsheet focused 4 on specific police officers? 5 A. Well, when you say, specific, I mean, it was 6 all of the officers in- -- involved. In other words, 7 are you asking me, did we -- did we pull a series of 8 data on specific police officers, or did we just pull 9 internal affairs data to -- to identify patterns and 10 trends and how we can intervene? 11 Q. Which did you do? 12 A. We -- We did exactly what I just said. We 13 pulled internal affairs data to identify patterns and 14 trends to see which source of complaints were coming in 15 that were causing the City litigation, and we try to 16 resolve those through training, corrective action. 17 There were repeat offender officers in- -- involved in 18 that. 19 Q. So in this particular case, you focused on the 20 defendant officers who had been sued in this case, 21 correct, in Waddy? 22 A. In the Waddy case, yes. 23 Q. But that's not what you were doing back in 24 Newark; is that right?	Page 92	1 BY MR. NOLAND: 2 Q. In this case, did you investigate any specific 3 CR to determine if there should have been a different 4 result? 5 MS. KLEINHAUS: Objection to form. 6 You can answer. 7 BY THE WITNESS: 8 A. Well, when I looked at the Waddy case itself, 9 that CR, that -- that particular investigation was -- 10 was lacking in details. Of course, you know, there was 11 no affidavit put forward, but that one was shortcoming. 12 Q. So that's -- I think my question is slightly 13 different, but I appreciate the answer. 14 Did you evaluate any CR and come to the 15 conclusion upon your investigation that a different 16 result other than the one indicated in the CR should 17 have been given? 18 MS. KLEINHAUS: Objection to form as to different 19 result. 20 You can answer if you understand it. 21 BY THE WITNESS: 22 A. I don't think I did that, no. 23 Q. So there wasn't any -- any CR that you looked 24 at that was not sustained that you are opining should

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Page 93	1 have been sustained, correct? 2 MS. KLEINHAUS: Objection to form. 3 You can answer. 4 BY THE WITNESS: 5 A. Yes, that's correct. At least that's what I 6 think -- I think I'm right about that, yes. 7 Q. All right. I'm going to ask you about a few 8 of the specific police officer defendants in this case. 9 So Brian Bolton, are you familiar with that name as one 10 of the defendant officers in this case? 11 A. Yes, I believe so. There's a few others. 12 Q. Right, -- there's there's eight or nine, I 13 believe. I didn't see in where in your report that -- 14 that you specifically state that Brian Bolton should 15 have been disciplined for misconduct before April 4th, 16 2007, the date of his arrest. Would you agree with me 17 that the CPD did not have any reason to discipline Brian 18 Bolton before April 4th, 2007? 19 MS. KLEINHAUS: Objection to form, foundation, 20 calls for speculation. 21 You can answer if you know. 22 BY THE WITNESS: 23 A. Although I did not opine specifically on Brian 24 Bolton, I don't know what the Chicago Police Department	Page 95	1 I'm -- But I'm -- I don't know what information the 2 Chicago Police Department had that may have subjected 3 them or made them eligible for discipline. 4 Q. Right. You're not opining that they -- 5 because you don't know, you're not opining that Lewis, 6 Bolton, Nichols, Leano, or Gonzalez should have been 7 disciplined before April 4th, 2007? 8 A. Yes, that's right. 9 Q. Elsworth Smith, are you opining on him? 10 MS. KLEINHAUS: Objection to form, foundation, 11 calls for speculation. 12 You can answer. 13 BY THE WITNESS: 14 A. When you say last -- 15 Q. Same question. Same question. You know what? 16 It's a ba- -- Let me ask -- It's a bad question. 17 Do you have opinion whether the Chicago Police 18 Department should have disciplined Elsworth Smith before 19 April 4th, 2007? 20 MS. KLEINHAUS: Objection to form, incomplete 21 hypothetical. 22 You can answer. 23 BY THE WITNESS: 24 A. The -- The answer is I don't know what
Page 94	1 may or may not have had prior to that date that you 2 referenced regarding whether he was eligible for 3 discipline. 4 Q. Same thing with Lamonica Lewis, you didn't 5 opine specifically whether Lamonica Lewis should have 6 been disciplined, correct? 7 A. Same answer as earlier. 8 Q. Same answer for Douglas Nichols and Manuel 9 Leano and Robert Gonzalez, correct? 10 A. Same -- 11 MS. KLEINHAUS: Objection to form, calls for 12 speculation. 13 You can answer. 14 BY THE WITNESS: 15 A. Same answer as earlier. 16 Q. And the answer is that you're not aware of 17 any -- you're not aware that those officers should have 18 been disciplined before April 4th, 2007, and you're 19 not -- you're not opining that? 20 MS. KLEINHAUS: Objection, calls for speculation, 21 form, compound. 22 You can answer. 23 BY THE WITNESS: 24 A. I'm -- I'm not necessarily opining on that.	Page 96	1 information that the Chicago Police Department had that 2 may have subjected him or made him eligible for 3 discipline. 4 Q. Same question for Alvin Jones. 5 MS. KLEINHAUS: Objection to form and calls for 6 speculation, foundation. 7 You can answer. 8 BY THE WITNESS: 9 A. Yes, same answer. 10 Q. Same question for Kallatt Mohammed. 11 MS. KLEINHAUS: Objection to form, calls for 12 speculation. 13 You can answer. 14 BY THE WITNESS: 15 A. The -- I believe Mohammed and Watts, the 16 police department did have information regarding 17 their -- their -- their disciplinary history or the 18 allegations that were coming in to them. 19 Q. So as of April 4th of 2000- -- 2007, the CPD 20 did have information, and, in fact, there was a federal 21 investigation of Watts and Mohammed, correct? 22 A. There was, yes. 23 Q. And are you critical of the police department 24 for not disciplining Watts and Mohammed before

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Page 97	1 April 4th, 2007? 2 MS. KLEINHAUS: Objection to form. 3 You can answer. 4 BY THE WITNESS: 5 A. Yeah, I think they could have done more, yes. 6 Q. I mean, should they have -- should the police 7 department have moved -- Well, strike that. 8 MR. NOLAND: Dan, can you pull up the two-page 9 timeline. 10 (A document was viewed.) 11 MS. KLEINHAUS: What exhibit is this, please? 12 MR. NOLAND: We'll call this Exhibit 7. 13 BY MR. NOLAND: 14 Q. And I apologize, but there's -- there's 15 highlighting. I don't know whose highlighting it is on 16 this document. I'd ask you to ignore that. 17 MR. NOLAND: And, Tess, if it's okay, and all 18 counsel, I would like to swap the exhibit out with a 19 clean one for the record. 20 MS. KLEINHAUS: Sure. 21 MR. BAZAREK: Okay by us. 22 THE WITNESS: Can you just raise the zoom level a 23 little, please? Yeah, that's good. Can you scroll up a 24 little bit, please, to the bottom?	Page 99	1 appear before 23858. We're -- We're starting in the 2 middle of bullet points. No context for this timeline. 3 MR. NOLAND: Yeah, are you saying that we might -- 4 that there might exist and it's been produced a 5 different version of this? I have the wrong version, in 6 other words? 7 MS. KLEINHAUS: I don't think so. 8 MR. NOLAND: Okay. Thank you. 9 BY MR. NOLAND: 10 Q. Okay. Dr. Shane, have you had an opportunity 11 to review this two-page -- I guess we'll call it a 12 timeline? 13 A. No, I hadn't gotten all the way through that 14 second page. 15 MR. NOLAND: Can you go back, Dan. 16 THE WITNESS: Yeah, right -- right there, right 17 there. 18 BY THE WITNESS: 19 A. Okay. 20 Q. Okay. So -- And I know this is a -- you've 21 read a lot more information relative to the -- the FBI 22 ID investigation of Watts and Mohammed than just this 23 two-page memo, correct? 24 A. Yes.
Page 98	1 Okay. So I've read through the last entry, 2 which is 21 November 2011. 3 MR. NOLAND: I think there might be some more. 4 Dan, can you show him the whole rest of that page. 5 THE WITNESS: Oh, okay. I'm sorry. 6 BY MR. NOLAND: 7 Q. And then after you're done, Dr. Shane, can you 8 let Dan know so he can go to the next page, which has 9 some material. 10 A. Okay. I will. 11 THE WITNESS: Okay. You can move on. 12 MR. SULLIVAN: Dan, is there a Bates number on 13 this? 14 MR. NOLAND: It is City -- yeah, City BG 23858, 59. 15 MS. KLEINHAUS: Can we just scroll to the very top 16 of the first page here? I think we are looking at a 17 portion. My objection -- Yeah, I think this is an 18 incomplete document. It starts in the middle. So 19 that's a standing objection to questions about this 20 timeline. 21 MR. NOLAND: And, Tess, can you -- which -- which 22 part did you think we cut something off? What -- Which 23 page? 24 MS. KLEINHAUS: Yeah, whatever the pages that	Page 100	1 Q. So generally speaking, this is some of the 2 information that was developed during the investigation 3 that you read about, right? 4 A. Yes. 5 MR. NOLAND: Dan, can you go up to the first page. 6 BY MR. NOLAND: 7 Q. So first of all, I'll ask this question: 8 Would this -- Would this timeline indicate examples 9 where the FBI and the -- Internal Affairs conducted 10 integrity checks of Watts and Mohammed? 11 A. That's the way it appears. 12 MS. KLEINHAUS: Object to form, foundation. 13 Sorry. Go ahead. 14 BY THE WITNESS: 15 A. That's what it appears as if they're doing, 16 yes. 17 Q. So this question would include after 18 April 4th, 2007, the Waddy -- Mr. Waddy's arrest. Do 19 you think that the Chicago Police Department could have 20 utilized this information of -- in these bullet points 21 of Mohammed being paid a \$1,000 by a CI working for the 22 FBI? And it lists several other examples of that. Do 23 you believe that before 2011 that the Chicago Police 24 Department could have ut- -- utilized that information

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1 in order to move to separate Mohammed from the Chicago
2 Police Department?
3 MS. KLEINHAUS: Objection to form.
4 You can answer.
5 BY THE WITNESS:
6 A. Well, I think -- I think it depends on how
7 much inf- -- how much evidence they gather. It
8 certainly could have been, sure, if they had sufficient
9 evidence.
10 **Q. So could -- while the FBI and the U.S.**
11 **Attorney's Office continued to attempt to develop**
12 **information against Watts or others, would it be --**
13 **would it have been appropriate -- or strike that.**
14 **Let me ask it this way: Would you agree that**
15 **had the police department moved to separate Mohammed**
16 **before 2011 in an administrative proceeding that that**
17 **would have revealed to Mohammed, Watts, and all the**
18 **other officers on the team that there was an ongoing**
19 **investigation of -- of corruption?**
20 MS. KLEINHAUS: Objection to form, incomplete
21 hypothetical.
22 You can answer.
23 BY THE WITNESS:
24 A. Well -- Well, although it would signal that

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1 something -- that the department was in -- in receipt of
2 some kind of information, you wouldn't do something like
3 that to one officer and not to the others. You would
4 have to have sufficient evidence so you can take the
5 team down at one time.
6 MR. NOLAND: So, Dan, can you pull up the
7 July 13th, 2011 memo.
8 (A document was viewed.)
9 MS. KLEINHAUS: What exhibit is this?
10 BY MR. NOLAND:
11 **Q. Showing you a --**
12 MR. NOLAND: And, Dan, can you make it a little
13 smaller so we can identify -- see what it is.
14 MS. KLEINHAUS: Sorry. Is this Exhibit 8?
15 MR. NOLAND: Yes.
16 BY MR. NOLAND:
17 **Q. So, Dr. Shane, I'm showing you a memo that I**
18 **believe is in the materials provided to you, and it's**
19 **dated July 13th, 2011. It's a memo from Agent [REDACTED]**
20 **[REDACTED] of the FBI. And I will ask you to review the --**
21 **just silently to yourself.**
22 MR. NOLAND: Dan, if you can blow that up so he can
23 see the -- the content of this memo.
24

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1 BY MR. NOLAND:
2 **Q. And, Dr. Shane, please just let Dan know when**
3 **you're -- when you need to scroll down.**
4 THE WITNESS: Okay. Scroll down, please.
5 BY THE WITNESS:
6 A. Okay. I got to the last word where it says,
7 his. Do you want me to read further?
8 **Q. Yes.**
9 MR. NOLAND: Can you scroll to the next page, Dan.
10 THE WITNESS: You can scroll down now. Okay. You
11 can continue. Scroll down.
12 BY THE WITNESS:
13 A. Okay. Is there more?
14 **Q. That -- That -- That's what they gave us.**
15 **That's what the FBI gave us.**
16 A. Okay.
17 MR. NOLAND: Dan, can you go up to the second page,
18 a little bit up, a little bit up. I'm just going to --
19 Right there.
20 BY MR. NOLAND:
21 **Q. So I'm going to read into the record the**
22 **sentence right before the -- the redaction and then a**
23 **little bit after.**
24 A. Okay.

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1 **Q. And I'm on the second page, which is FBI910.**
2 **It says the USAO, which is the U.S. Attorney's Office,**
3 **supports the extortion charge but elected to de- --**
4 **delay filing the complaint until further evidence could**
5 **be obtained implicating Watts. A successful -- There's**
6 **some redaction. A successful consensual recording of**
7 **the event was gathered by the CHS -- which is believed**
8 **to be confidential human source -- but due to unforeseen**
9 **circumstances, the surveillance team lost sight of the**
10 **CHS and Watts. The surveillance team was then unable to**
11 **corroborate that the payment to Watts was actually --**
12 **had actually taken place. Therefore, it was the opinion**
13 **of the USAO that the evidence is insufficient to charge**
14 **Watts with extortion.**
15 **So, Dr. Shane, and this memo is July 13th,**
16 **2011. Would you agree with me that the CPD could not**
17 **have moved forward as of that time, July 13th, 2011,**
18 **administratively against Mohammed or the other members**
19 **of the team because the U.S. Attorney's Office and the**
20 **FBI's investigation was ongoing, and if the CPD moved**
21 **administratively, that it would have revealed the**
22 **investigation to Watts and the other members of the**
23 **team?**
24 MS. KLEINHAUS: Objection to form, incomplete

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Page 105 1 hypothetical. 2 You can answer. 3 BY THE WITNESS: 4 A. It's possible that it may have revealed that 5 the FBI was conducting an investigation, but it wouldn't 6 preclude them from taking administrative action. 7 Q. But when -- if the CPD had taken 8 administrative action as of July 2011, wouldn't it have 9 compromised the integrity of the federal investigation 10 because now Watts, who the U.S. Attorney's Office has 11 said it doesn't have enough information to indict, knows 12 about the federal investigation? 13 MS. KLEINHAUS: Objection to form, incomplete 14 hypothetical. 15 BY THE WITNESS: 16 A. The answer is possibly, yes. However, the 17 value judgment is -- from a police management 18 perspective is what's at play. And -- And leaving -- 19 leaving these officers out there to harm the community 20 instead of stopping them, if this investigation is going 21 to be too slowly conducted or they don't have the 22 resources or they run into unforeseen circumstances, the 23 police department has to act to preserve fu- -- or to 24 reduce future harm to the community from -- from the	Page 107 1 BY MR. NOLAND: 2 Q. And by innocent people, I mean non-drug 3 dealers. 4 MS. KLEINHAUS: Objection to that characterization 5 and form. 6 You can answer. 7 BY THE WITNESS: 8 A. The question was what evidence did they have 9 prior to 2011? 10 Q. Yeah. I'll ask it again. Isn't it true that 11 as of July 13th, 2011 that there wasn't any evidence 12 sufficient to sustain an allegation or a prosecution 13 that the me- -- Watts or members of his team were 14 planting evidence on non-drug dealers? 15 MS. KLEINHAUS: Objection to form, foundation, 16 vague, ambiguous, calls for speculation, incomplete 17 hypothetical. 18 BY THE WITNESS: 19 A. My answer is I'm -- I'm not sure at this point 20 because there's -- there's a lot of information in this 21 record, and I would have to see what that -- what that 22 evidence reveals. 23 Q. So going back to your answer about moving 24 administratively as of July 2011 against Mohammed, could
Page 106 1 officers. 2 Q. And the harm to community you're talking about 3 is -- is that the -- these drug dealers who Watts and 4 Mohammed were shaking down were allowed to continue to 5 sell drugs? 6 MS. KLEINHAUS: Objection to form, 7 mischaracterizes, vague, ambiguous, incomplete 8 hypothetical, argumentative. 9 You can answer. 10 BY THE WITNESS: 11 A. The harm -- The harm to the community come -- 12 can come in any number of different ways, like planting 13 drugs on someone, unlawful entries, stealing money. 14 Just because someone is selling narcotics doesn't mean 15 that they are no longer afforded Constitutional 16 protections. 17 Q. Sure. There was no evidence -- hard evidence 18 developed as of July 13th, 2011 that the -- these police 19 officers, Watts or members of his team, were planting 20 narcotics on innocent people; isn't that true? 21 MS. KLEINHAUS: Objection to form, incomplete 22 hypothetical, assumes ac- -- facts not in evidence. 23 You can answer. 24	Page 108 1 the CPD have relied on -- that time if they moved 2 against Mohammed on the evidence of the prior exhibit we 3 looked at of Mohammed taking bribes on several 4 occasions? 5 MS. KLEINHAUS: Objection to form as to moving 6 administratively. 7 You can answer. 8 BY THE WITNESS: 9 A. Could they -- Could they have used the 10 previous evidence, is that what you're saying, by the 11 time they got to 2011? 12 Q. Could they have used it admi- -- Could the CPD 13 have used the evidence developed by the FBI to fire 14 Mohammed administratively? 15 MS. KLEINHAUS: Objection to form, incomplete -- 16 BY MR. NOLAND: 17 Q. Or would that have been violated grand jury 18 secrecy rules and obstructed the federal investigation 19 because the feds had decided not to indict as of that 20 time and not to reveal that information? 21 MS. KLEINHAUS: Objection to form, incomplete 22 hypothetical. 23 You can answer. 24

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Page 109 1 BY THE WITNESS: 2 A. So they could have used that -- that evidence 3 to at least subject him to disciplinary action or move 4 him -- move him out of an assignment, yes. 5 Q. So if they used it to subject him to 6 disciplinary action, wouldn't they be violating the 7 secrecy of the FBI's investigation by disclosing that 8 information? 9 MS. KLEINHAUS: Objection to form, incomplete 10 hypothetical as to what information would be disclosed. 11 But you can answer if you understand it. 12 MR. NOLAND: There's a lot of speaking objections, 13 Tess. And so when I review this transcript, we're going 14 to have to decide what remedy there's going to be. But 15 I'd ask you to stop. 16 MS. KLEINHAUS: Duly noted that that's your 17 objection to my objections. 18 BY THE WITNESS: 19 A. I don't know what rules were in place 20 concerning the grand jury secrecy, but it doesn't 21 alleviate the department's responsibility to -- to stop 22 the harm that the officers are committing. 23 Q. Dr. Shane, so you -- you were never in a -- in 24 a joint task force investigating police officers in a	Page 111 1 that paragraph in that document is silent as to all of 2 these grand jury rules of secrecy that you're -- that 3 you're referencing. 4 Q. So should we -- 5 A. So -- 6 Q. Aren't you leaving something out -- Aren't you 7 leaving something out about that paragraph, Dr. Shane? 8 A. Let me -- Let me finish. 9 Q. Okay. 10 A. It's apparent that the FBI was well aware that 11 the -- that the Chicago Police Department could and 12 would likely take administrative action against the 13 officers. 14 Q. You left something out of that paragraph, 15 didn't you, Dr. Shane? 16 MS. KLEINHAUS: Objection to form. It's 17 argumentative. 18 BY THE WITNESS: 19 A. Why don't we pull up it so we can -- we can go 20 over it. 21 Q. Didn't you leave out that -- that paragraph 22 requires that whenever possible that the CPD would need 23 to ask for permission from the FBI to move 24 administratively under these circumstances?
Page 110 1 case like this; isn't that true? 2 A. Not in a case like this, you're right. 3 Q. So you don't know what the protocols are or 4 practices when you have an arrangement between a local 5 municipality and the FBI and U.S. Attorney's Office on 6 when information developed by FBI sources can be 7 util- -- utilized administratively; isn't that true? 8 MS. KLEINHAUS: Objection to form, foundation, 9 assumes facts not in evidence. 10 You can answer. 11 BY THE WITNESS: 12 A. Well, I can tell you I did see an agreement in 13 this particular case, which is the one that's at issue. 14 Excuse me. 15 Q. Separate and apart from that agreement -- 16 MS. KLEINHAUS: Can you let him finish his answer, 17 please, Counsel. 18 MR. NOLAND: I thought he was -- I thought he was 19 finished. 20 BY MR. NOLAND: 21 Q. Go ahead. 22 A. I did see an -- I did see an agreement here 23 where the FBI recognized that the -- that the CPD could 24 at some point take administrative action. And that --	Page 112 1 MS. KLEINHAUS: Objection to form, mischaracterizes 2 the document that you also have not shown the witness. 3 BY THE WITNESS: 4 A. I -- I couldn't tell you what it says 5 verbatim. But I'd like -- I remember seeing something 6 regarding that, where the FBI knew that the CPD could 7 have taken administrative action. 8 Q. And you don't remember the part that they need 9 to ask the FBI to move forward? 10 A. No, I don't -- 11 MS. KLEINHAUS: Objection. 12 I'm sorry. I'm sorry. If you can just wait, 13 Dr. Shane. 14 Just objection to that characterization of the 15 document, which you also have not shown to the witness. 16 BY MR. NOLAND: 17 Q. So I'll read it into the record. And by the 18 way, that -- that document also indicates that all the 19 reports generated from the joint task force were to be 20 maintained at the FBI; isn't that true? 21 MS. KLEINHAUS: Objection. I'm going to have a 22 standing objection to asking the witness about a 23 document that counsel apparently has in front of him 24 that you won't show the witness. I think it's unfair.

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Page 113 1 So you can answer if you know, Dr. Shane. 2 MR. NOLAND: Will you give me an extra half hour to 3 ask about this document? 4 MS. KLEINHAUS: No, I will not give you an extra 5 half hour to ask about this document that everyone in 6 this case is aware of, no. 7 BY MR. NOLAND: 8 Q. Pleases -- Please answer the question, 9 Dr. Shane. 10 A. The answer is no, I'm not -- I don't recall 11 where the -- the documents were going to be stored. 12 Q. So separate and apart from reading this 13 memorandum of understanding, which was in 2011, would 14 you agree with me that you're -- because you never 15 worked on a task force like this, that you don't know 16 the policies and practices and protocols when a -- when 17 the FBI is working with a local municipality 18 investigating a police officer for corruption? 19 MS. KLEINHAUS: Objection to form, incomplete 20 hypothetical. 21 You can answer. 22 BY THE WITNESS: 23 A. Well -- Well, even -- even if someone had 24 worked on the task force, it doesn't mean they would	Page 115 1 Q. So you don't know the practices or protocols 2 of the FBI working with a local municipality 3 investigation on a investigation like the Watts 4 investigation, correct? 5 MS. KLEINHAUS: Objection to form as to -- 6 Is your question whether he knows it from his 7 experience or from some other source. 8 MR. NOLAND: Tess, you have crossed the line. 9 BY MR. NOLAND: 10 Q. Please answer the question, Doctor. 11 A. Can you rephrase it again, please? 12 Q. Isn't it true that other than reading this 13 memorandum of understanding, because you never worked on 14 an investi- -- a corruption investigation like the Watts 15 case, that you don't know the protocols and practices 16 that the FBI would engage in with the local municipality 17 in conducting such an investigation? 18 MS. KLEINHAUS: Objection to form, incomplete 19 hypothetical, mischaracterizes. 20 You can answer. 21 BY THE WITNESS: 22 A. I know what they would do, meaning I know that 23 they would come to the local municipality. There would 24 be meetings. There would be planning sessions. There
Page 114 1 necessarily be part of -- of the planning sessions 2 outlining all the details. 3 Q. So my question is, isn't it true that separate 4 and apart from this memorandum of understanding that you 5 alluded to, that you don't have any experience, 6 background, or information with respect to the protocols 7 and practices of when a municipality works with the FBI 8 investigating allegations of corruption against a police 9 officer because you never -- 10 MS. KLEINHAUS: Objection -- 11 BY MR. NOLAND: 12 Q. -- because you never did it? 13 MS. KLEINHAUS: Objection to form, compound, 14 mischaracterizes his testimony. 15 You can answer. 16 BY THE WITNESS: 17 A. Yeah, so I think there were -- there were -- 18 there were sort of two things there. The -- The answer 19 is I have worked with the FBI in -- in bank robbery task 20 force operations. And during that time, the operators 21 like myself were not -- were not in the -- the planning 22 sessions. And the answer to as to whether or not I have 23 done any with drug-related corruption, the answer is no, 24 I have not.	Page 116 1 would be documents that would be written. There would 2 be jurisdictional issues that would be discussed. But 3 if you're -- when it gets down to the individual fine 4 details, they would differ between all types of 5 investigations. 6 Q. But you do -- you would agree that as of 7 July 2011, that the -- Well, strike that. 8 If -- If hypothetically the CPD had used the 9 information that Mohammed -- Mohammed had accepted 10 bribes and moved to fire him administratively in 2011, 11 wouldn't that have precluded the ultimate successful 12 conclusion of the FBI's criminal investigation to secure 13 an indictment and conviction against Watts? 14 MS. KLEINHAUS: Objection to form, compound, 15 incomplete hypothetical, asked and answered. 16 Go ahead. 17 BY THE WITNESS: 18 A. Not necessarily because they may have been 19 able to get other testimony from coconspirators. 20 Q. But -- And, of course, you've read -- you've 21 read the FBI 302 reports of the interviews of the police 22 officers after the indictments, correct? 23 A. I -- I believe so. I mean, I don't remember 24 them specifically, but yeah, they sound familiar.

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1 Q. And there was no information developed in 2 those -- in those interviews which supported any further 3 charges against Watts or Mohammed; isn't that right? 4 MS. KLEINHAUS: Objection to form and calls for a 5 legal conclusion. 6 You can answer. 7 BY THE WITNESS: 8 A. Yeah, I -- I -- I -- I don't know that I would 9 go that far. 10 Q. All right. So I'm going to add to the 11 hypothetical then. Your -- Your caveat, which is that 12 if -- if the CPD had moved administratively against 13 Mohammed for taking bribes in July of '11 and if after 14 that the FBI or IED were unable to get coconspirators 15 from the police admitting to any further wrongdoing, 16 that that would have precluded the successful operation 17 in November of 2011 that was used to indict and convict 18 Watts? In other words, Watts wouldn't have been 19 criminally convicted if they did that? 20 MS. KLEINHAUS: Objection to form, compound, 21 incomplete hypothetical. I have a standing objection to 22 the incomplete hypotheticals that are counterfactual. 23 You can go ahead and answer if you understand 24 it.	1 You can answer. 2 BY THE WITNESS: 3 A. That the -- That the obligation of the head of 4 the agency, the superintendent or whoever is head of -- 5 you know, chief of police or something, has an 6 obligation to the people? 7 Q. No, no. No, so again you're not answering my 8 question. I think you're running out the clock. So 9 I'll try one more time. I'd ask you to question the 10 question. 11 You just said that the -- the police 12 department should have made a value judgment and moved 13 administratively against Mohammed as of July of '11 to 14 fire him when they knew that he had accepted bribes, 15 regardless that the FBI did not want to move forward or 16 the U.S. Attorney's Office, and that that's because of a 17 value judgment that the police department should have 18 made. What's -- Is there any nationally-accepted 19 standard that you're relying upon to offer that value 20 judgment? 21 MS. KLEINHAUS: Objection to form. 22 You can answer. 23 BY THE WITNESS: 24 A. The -- Yeah, the -- what's the -- what is it
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1 BY THE WITNESS: 2 A. It's -- It's possible. But again, I think the 3 value judgment lies in -- in stopping harm to the 4 community. And I think that's more important than 5 necessarily prosecuting Watts. If I were the -- If I 6 were command rank officer in the Chicago Police 7 Department, if I were the superintendent of the Chicago 8 Police Department, my obligation lies to the people of 9 the City of Chicago. And stopping Watts, irrespective 10 of any future prosecution, is more important to me 11 than -- than seeing him prosecuted. 12 Q. And is there some type of a 13 nationally-accepted police practice that you're relying 14 upon to offer that statement? 15 MS. KLEINHAUS: Objection to form. 16 You can answer. 17 BY THE WITNESS: 18 A. When you say a national standard, that the -- 19 what exactly, a standard for -- for what? 20 Q. Is there anything in writing, any type of 21 police practice in writing that's nationally acce- -- 22 accepted that I can go read to corroborate your -- the 23 statement that you just made in that respect? 24 MS. KLEINHAUS: Objection to form.	1 called? I have to think about it for a second. The -- 2 The job description of superintendent of police dictates 3 that they will direct the organization. And directing 4 the organization means that they are operating in the 5 best interests of the people of the City of Chicago. 6 And if they are aware that a police officer is involved 7 in criminal behavior and they don't have enough evidence 8 to prosecute that person, they at least have an 9 obligation to stop them. 10 Q. So is it your opinion that the U.S. -- United 11 States Attorney's Office for the Northern District of 12 Illinois and the Federal Bureau of Investigation also 13 did not exercise the responsibility to protect the 14 citizens of the City of Chicago by not moving to -- 15 moving criminally earlier against Mohammed? 16 MS. KLEINHAUS: Objection to form, calls for 17 speculation. 18 You can answer if you know. 19 BY THE WITNESS: 20 A. Well, assuming they had sufficient evidence to 21 prosecute. If they didn't, then move administratively. 22 Q. So they had Watts ta- -- or they had Mohammed 23 taking money on about five occasions. So with that 24 information, do you think the U.S. Attorney's Office is

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1 **responsible for allowing this investigation to -- to go**
2 **on too long?**
3 A. Well --
4 MS. KLEINHAUS: Objection to form and calls for
5 speculation.
6 You can answer.
7 BY THE WITNESS:
8 A. The answer is it depends. If they had -- If
9 they had sufficient evidence to prosecute at that time,
10 then the answer is yes, they should have prosecuted at
11 that time.
12 **Q. And so --**
13 A. And stop --
14 **Q. I'm sorry. Go ahead.**
15 A. And -- And stop the harm, the continuing harm
16 that the officers were perpetrating. If they didn't --
17 **Q. So --**
18 A. Hold on. If they didn't have sufficient
19 information at that time, there is no harm in allowing
20 it go further for a shorter period of time to see if
21 they could get that information, or evidence rather.
22 But if they don't, you have to stop it and you have to
23 stop the harm that's being perpetrated.
24 MS. KLEINHAUS: Dan, when you get to the end of

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1 this line of questioning or a good breaking point, can
2 we take a five-minute break?
3 MR. NOLAND: Yes, I'm almost done with this.
4 BY MR. NOLAND:
5 **Q. Would you agree with me that it would have**
6 **been obstruction of justice for the Chicago Police**
7 **Department to unilaterally disclose the information**
8 **developed in the FBI IED investigation through the FBI**
9 **CI that there were bribe payments in to Watts and**
10 **consensual overhears documenting that --that criminal --**
11 MS. KLEINHAUS: Objection to form, incomplete
12 hypothetical, compound, and calls for a legal
13 conclusion.
14 You can answer.
15 BY THE WITNESS:
16 A. I'm not sure. It's possible. Maybe. I don't
17 know.
18 MR. NOLAND: Okay. It's a good time to take a
19 break.
20 THE VIDEOGRAPHER: The time is 12:29 p.m. We're
21 now going off the record.
22 (A short recess was had.)
23 THE VIDEOGRAPHER: The time is 12:37 p.m. We're
24 now back on the record.

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1 MR. NOLAND: Dr. Shane, I just have a few more
2 topics, and then I'm going to turn it over to the other
3 lawyers.
4 BY MR. NOLAND:
5 **Q. Did you write your entire report in this case?**
6 A. Are you asking me if anybody else wrote it? I
7 wrote the whole thing.
8 **Q. Yes, thank you. Did you copy and paste any**
9 **portions of that report from any other document and put**
10 **it into your report?**
11 A. Most likely, yes.
12 **Q. I'm -- We had asked in our sub- -- The**
13 **defendants had asked in their subpoena for any and all**
14 **of those documents. So we would renew or request that**
15 **you produce any and all source documents from which you**
16 **copied and pasted material and supply it to us. Will**
17 **you do that?**
18 A. O- -- Okay.
19 **Q. You had a number of Zoom calls with the --**
20 **Mr. Waddy's lawyers; is that right?**
21 A. I did, yes.
22 **Q. During those calls, did you do a share screen**
23 **where they saw the drafts of your report?**
24 MS. KLEINHAUS: Objection to form.

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1 You can answer.
2 BY THE WITNESS:
3 A. No.
4 **Q. Did Mr. Waddy's lawyers suggest edits or**
5 **revisions to any portion of your report?**
6 A. I think they may have -- they may have picked
7 out some grammatical errors, but no. Are you talking
8 about the substantive issues?
9 **Q. Anything.**
10 A. No.
11 **Q. So if they were able to pick out grammatical**
12 **errors, what -- how were they reading a document in**
13 **order to pick out those grammatical errors?**
14 A. When I submitted the report.
15 **Q. So you -- did you send Mr. Waddy's lawyers**
16 **draft reports that they identified grammatical errors,**
17 **then you -- then you sent other revised reports?**
18 A. No, maybe I misunderstood you. I'm referring
19 to at -- when I submitted the report to them, I think
20 there was one or more grammatical errors in there that
21 they pointed out to me.
22 **Q. And that they remain in the report?**
23 A. They're in there, yes.
24 **Q. Are there any substantive errors that they**

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Page 125 1 pointed out to you? 2 A. No. 3 Q. So the dataset in the spreadsheet that 4 Mr. Waddy's lawyers' team prepared came from 174 CRs; is 5 that right? 6 A. Yes. 7 Q. And you have a table in your report that 8 reflects that there were 1,058 total allegations if you 9 counted up all the separate allegations from those 174 10 CRs; is that right? 11 A. That sounds correct, yes. 12 Q. And many -- are all of those 1,058 allegations 13 against officers who are defendants in Mr. Waddy's case? 14 MS. KLEINHAUS: Objection, foundation. 15 You can answer if you know. 16 BY THE WITNESS: 17 A. I don't know -- I don't know if there are 18 others. 19 Q. And the point is that is every single one of 20 1,058 allegations an allegation against a defendant 21 officer in this lawsuit? 22 A. I -- I believe so, yes. 23 Q. And that's what you relied upon in submitting 24 your report; is that right?	Page 127 1 Q. When you say, other ones, what do you -- what 2 do you mean by that? 3 A. Other officers mentioned. 4 Q. Okay. So there may be other non-defendant 5 officers who have allegations against them included 6 within that dataset? 7 A. Yes, it's possible, correct. 8 Q. Do you know how many there are? 9 A. No, I don't. 10 Q. Does it matter to your opinion? 11 A. Well, no, not necessarily. What's 12 consequential is whether or not the police department 13 took action against the patterns that emerged against 14 the defendant officers. 15 Q. So allegations against non-defendant officers 16 is irrelevant to you; is that right? 17 MS. KLEINHAUS: Objection to form. 18 BY MR. NOLAND: 19 Q. For purposes of this case. 20 A. Not necessarily because it -- it would -- it 21 indicates that if the police department is not 22 necessarily taking action against the defendant 23 officers, they're not necessarily taking action against 24 the other officers as well.
Page 126 1 MS. KLEINHAUS: Objection to form, foundation. 2 You can answer. 3 BY THE WITNESS: 4 A. Well, I mean, I relied on the data they gave 5 me. 6 Q. And it's your understanding the data they gave 7 you is that the 1,058 allegations are all allegations 8 against officers who are defendants sued in this Waddy 9 lawsuit? 10 MS. KLEINHAUS: Objection to form, foundation. 11 You can answer. 12 BY THE WITNESS: 13 A. When you say, all, I don't think -- I don't 14 think it is a career's worth. I think it's a 15 time-specific period. 16 Q. Right, but -- Yeah, I'm talking about -- But 17 all of the 1,058 allegations that come from those 174 18 CRs, is every single one of those 1,058 allegations, to 19 your understanding, against one of the officers police 20 officers sued in this case? 21 MS. KLEINHAUS: Objection to form, foundation. 22 You can answer. 23 BY THE WITNESS: 24 A. There may -- There may be other ones.	Page 128 1 Q. What does that have to do with Waddy's 2 allegation of malicious prosecution against the 3 defendant officers in this case? 4 MS. KLEINHAUS: Objection to form. 5 BY THE WITNESS: 6 A. Because what I'm -- what I'm -- what I'm 7 trying to get at it is that the -- that the police 8 department has an obligation to the people of the City 9 of Chicago when they identify problems with their 10 officers. Now, if non-defendant officers were scooped 11 up in this time period that we're talking about, the 12 police department should have taken action against them 13 as well. 14 Q. So the -- these non-defendant officers -- Have 15 you ever heard the name Jamis -- James Winston? 16 A. No, it doesn't ring a bell. 17 Q. Andre Green? 18 A. Not offhand, no. 19 Q. And there's others. But -- So are you saying 20 that the police department should have taken action 21 against non-defendant officers who have allegations in those 22 174 CRs just because there's allegations in there? 23 MS. KLEINHAUS: Objection to form, incomplete 24 hypothetical, calls for speculation.

35 (Pages 125 to 128)

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Page 129	1 You can answer. 2 BY THE WITNESS: 3 A. What I'm saying is whether or not patterns 4 emerged. If patterns -- If patterns of complaints and 5 allegations had emerged against those non-defendant 6 officers, then yes, I would expect the police department 7 to -- to take action. 8 Q. Did patterns emerge against non-defendant 9 police officers that you're opining on here? 10 MS. KLEINHAUS: Objection, foundation. 11 You can answer. 12 BY THE WITNESS: 13 A. I didn't analyze the data in that regard. 14 Q. So again, to my question then, allegations 15 against non-defendant officers are irrelevant for the 16 opinion that you're offering in this case against the 17 defendant officers, right? 18 MS. KLEINHAUS: Objection to form, mischaracterizes 19 his testimony, asked and answered. 20 You can answer again. 21 BY THE WITNESS: 22 A. All I'm -- All I'm driving at is the -- the 23 management practices of the organization. That's what 24 I'm saying. When you -- When you say it's -- it's	Page 131	1 MR. NOLAND: If you could blow it up a little bit 2 so Dr. Shane can see it. 3 BY MR. NOLAND: 4 Q. So footnote 49 says the data in the instant 5 case bears some similarity to this finding. There -- 6 And here's the sentence I wanted to focus on. There are 7 14 CR files that bear the, quote, not investigated, end 8 quote, disposition, and then you identify 14 CR numbers. 9 What does not investigated mean? 10 A. That the CPD did not conduct an investigation. 11 That's how it's listed in the CR. 12 Q. I'm sorry? 13 A. I said that's how they had it listed in the 14 CR. 15 Q. And when you say, they, you mean the Loevy -- 16 the Loevy attorneys or the -- the individuals working 17 for the Loevy attorneys? 18 A. No, the -- the CR file itself was not 19 investigated. That -- that appeared in the file is what 20 I'm saying. 21 Q. So you -- So you substantively looked at those 22 14 CR files and you determined that there was no 23 investigation conducted in those 14 files? 24 MS. KLEINHAUS: Objection to form, mischaracterizes
Page 130	1 irrelevant to Waddy, no, it's not necessarily irrelevant 2 because it demonstrates a -- a pattern of -- of 3 indolence and overlooking things and not taking action 4 against police officers in the Chicago Police 5 Department. 6 Q. But you just told me, Dr. Shane, that you 7 don't have any opinions that there was some type of 8 pattern against some non-defendant officers. So because 9 you don't have an opinion, you're just saying, you know, 10 it's irrelevant to this lawsuit because you haven't 11 offered an opinion, right? 12 MS. KLEINHAUS: Objection to form, mischaracterizes 13 his testimony, asked and answered. 14 You can answer again. 15 BY THE WITNESS: 16 A. Yeah, so we're back to the same answer, which 17 is if the police department was aware that patterns 18 emerged in non-defendant officers, I would expect them 19 to take action against those officers. I -- I don't 20 know whether or not patterns emerged against those 21 officers because I did not conduct the analysis. 22 MR. NOLAND: Okay. So if you could turn, Dan 23 Neville, to the report, footnote 49. 24 (A document was viewed.)	Page 132	1 his prior testimony. 2 You can answer. 3 BY THE WITNESS: 4 A. No, what I'm saying is that the words, not 5 investigated, appeared in the CR. 6 Q. Oh. So you're -- you're saying that -- So 7 you're saying that those 14 CRs have a disposition that 8 uses the words, not investigated? 9 A. I don't recall if it's a -- if it's a 10 disposition. I think it -- I think it might be a 11 disposition, yes, that has those -- that has -- that has 12 that terminology, yes. 13 Q. So those 14 CRs may have been investigated, 14 but -- but is it possible that -- that those -- that 15 some of those 14 CRs were investigated? 16 MS. KLEINHAUS: Objection to form, calls for 17 speculation. 18 You can answer if you know. 19 BY THE WITNESS: 20 A. As far as I recall, the disposition that was 21 rendered was not investigated. 22 Q. So is it your opinion that those 14 CRs, in 23 fact, were not investigated, meaning there was no 24 investigatory activity conducted on those 14 cases?

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Page 133	1 MS. KLEINHAUS: Objection to form, vague and 2 ambiguous, incomplete hypothetical, calls for 3 speculation. 4 You can answer. 5 BY THE WITNESS: 6 A. I would -- I would have to go through them 7 again. 8 Q. So if the CPD -- Your table A -- or Appendix A 9 to your report says that the -- the spreadsheet that 10 you -- that the Loevy firm created for you, that they 11 were supposed to be conservative when providing 12 information, right? So provide information that is 13 conservative and lean towards not criticizing the 14 municipality? 15 MS. KLEINHAUS: Objection to form. 16 You can answer. 17 BY THE WITNESS: 18 A. I don't -- I don't like the word, criticize, 19 per se. I mean, just weighing -- weighing in favor, you 20 know, giving them the benefit of the doubt, giving the 21 City of the benefit of the doubt. 22 Q. And if a -- if one of these CRs, if there was 23 an interview of the complainant, would the 24 not-investigated label be incorrect?	Page 135	1 14 CRs that are listed in that -- in that footnote? 2 A. That they bear that invest- -- That they bear 3 that not investigated disposition. 4 Q. And you're a hundred percent sure about that? 5 MS. KLEINHAUS: Objection to form, argumentative. 6 MR. NOLAND: Withdrawn. Withdrawn. I think that 7 might be all. Wait a minute. 8 Oh, Dan, can you go to page 37 of the report. 9 So right there, table 14. 10 BY MR. NOLAND: 11 Q. So if can you look down about -- 12 MR. NOLAND: Stay right there, Dan. 13 BY MR. NOLAND: 14 Q. -- about two-thirds of the way down on that 15 paragraph, it starts with table 14, there is a sentence 16 that begins with, however, and then it goes on to a 17 clause that says, then the CPD sustained the allegation 18 2.1 percent of the time, parens, N equal 20, end parens, 19 which is lower than expected. My questions are about -- 20 My question is about lower than expected. Is there some 21 type of a national standard that you're relying upon to 22 say, lower that be expected, there? 23 MS. KLEINHAUS: Objection to form. 24 You can answer.
Page 134	1 MS. KLEINHAUS: Objection to form, incomplete 2 hypothetical, calls for speculation. 3 You can answer if you know. 4 BY THE WITNESS: 5 A. So if they did -- if they did interview the 6 complainant and then it was rendered not investigated, 7 would you consider that investigation not investigated, 8 is that what you're asking? 9 Q. So -- Yeah, will you -- will you consider 10 if -- take out this -- this quote what you're saying the 11 CPD said not investigated in these 14 CRs. If, in fact, 12 there was an interview of the complainant in one of 13 these CRs, will you agree that that CR was investigated? 14 MS. KLEINHAUS: Objection to form, incomplete 15 hypothetical, calls for speculation. 16 You can answer if you understand it. 17 BY THE WITNESS: 18 A. I mean, I would say not necessarily, no. I 19 mean, it's an indication maybe that they were -- that 20 they were heading in the direction of investigating it, 21 but then ultimately it was not investigated. 22 Q. So it's your testimony here today, just so I'm 23 sure that this -- this use of the phrase, not 24 investigated, in quotes, you're attributing that to the	Page 136	1 BY THE WITNESS: 2 A. What I'm referring to there is the chi-square 3 test of independence. That -- That -- Those are the 4 expected counts had the null hypothesis been true. I 5 think I -- And I think I say that. If you just give me 6 a moment, I'll find it for you. 7 THE WITNESS: Just let the record reflect that I'm 8 searching my report. 9 BY THE WITNESS: 10 A. Yeah, so if you turn to page 38 -- Oh, yes, 11 yes, I'm sorry, page 38, footnote 59. And I'll read 12 you down about -- I'm going to go down about to the 13 third sentence, it says -- 14 Q. Yeah, I'm looking at the footnote. My 15 question, Dr. Shane, is there isn't any national 16 standard with respect to what a sustained rate should 17 be; isn't that true? 18 MS. KLEINHAUS: Objection to form, incomplete 19 hypothetical. 20 You can answer. 21 BY THE WITNESS: 22 A. I would -- I would -- In terms of standard, 23 there is -- there is data out there where police 24 departments have reported sustained rates. Some of that

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Page 137 1 exists from a man named Matthew Hickman. There is some 2 data out there, yes. 3 Q. Right. And there -- And Hickman itself says 4 that there's no national standard; isn't that true, with 5 respect to what a sustained rate should be? 6 A. Well -- Well -- 7 MS. KLEINHAUS: Objection to form, incomplete 8 hypothetical. 9 You can answer. 10 BY THE WITNESS: 11 A. Yeah, there is no national dataset of internal 12 affairs data. 13 Q. So that means that there is no national 14 standard of what a sustained rate would be appropriate, 15 correct? 16 MS. KLEINHAUS: Objection, mischaracterizes his 17 testimony. 18 You can answer. 19 BY THE WITNESS: 20 A. In other words, comparing across agencies 21 would -- yeah, would not be easy based on the fact that 22 there is -- there is no -- there's no national database 23 of that data. 24 MR. NOLAND: Okay. I think that's all I have.	Page 139 1 You can answer. 2 BY THE WITNESS: 3 A. No, I did not. 4 Q. Have you ever reported a -- a department 5 member while you were worked in Newark for misconduct? 6 A. Not that I can remember. I don't think so. 7 Q. What was the -- the race of the tactical -- or 8 strike that. 9 The team that you were on, the anticrime team 10 for that 15-month period, what were the race of the 11 fellow officers that were on your team? 12 A. Well -- 13 MS. KLEINHAUS: Objection to form. 14 You can answer. 15 BY THE WITNESS: 16 A. Myself and my partner, Dave Wood, were white, 17 Tony Masino was white, and Alvin Conyers was black. 18 Q. Okay. Were -- The public housing complexes 19 that you patrolled, were they primarily 20 African-American -- African-Americans who resided there? 21 A. I would say black and Hispanic. 22 Q. Okay. And did any -- were you ever the 23 subject of complaints by people who wor- -- who lived in 24 public housing?
Page 138 1 Yeah, I -- that's all I have for now. Somebody else can 2 take over. I think Mr. Bazarek had some questions. 3 MR. BAZAREK: Yeah. Let's take a quick -- Let's 4 just get off the record right now and then get a time 5 check. 6 THE VIDEOGRAPHER: The time is 12:54 p.m. We're 7 now going off the record. 8 (A short recess was had.) 9 MR. BAZAREK: Dr. Shane, you were -- 10 THE VIDEOGRAPHER: The time is -- Sorry -- The time 11 is 12:59 p.m. We're now going back on the record. 12 EXAMINATION 13 BY MR. BAZAREK: 14 Q. Dr. Shane, you were on the anticrime team for 15 approximately 15 months; is that correct? 16 A. At the precinct level or -- or in -- in total 17 because I went also want to the TARGET team? 18 Q. Sir, I'm talking about the -- the anticrime 19 team you said you were on August of '91 to November 20 of '92; recall that? 21 A. Yeah, that's at the precinct level, yeah. 22 Q. Okay. Did you ever report any of your 23 partners for misconduct during that time? 24 MS. KLEINHAUS: Objection to form.	Page 140 1 A. No. 2 MS. KLEINHAUS: Objection to form. 3 You can answer. 4 BY MR. BAZAREK: 5 Q. Did any drug dealer ever make a complaint 6 against you, sir? 7 MS. KLEINHAUS: Objection to form. 8 You can answer. 9 BY THE WITNESS: 10 A. No. 11 Q. Were you -- Were you -- Were there ever 12 allegations made against you at any time during the time 13 when you were on the anticrime team from August of '91 14 through November of '92? 15 A. No. 16 MS. KLEINHAUS: Objection to form. 17 BY MR. BAZAREK: 18 Q. Sir, the Newark Police Department that you 19 worked for was corrupt; isn't that the case? 20 MS. KLEINHAUS: Objection, argumentative, vague and 21 ambiguous, incomplete hypothetical, calls for a legal 22 conclusion. 23 You can answer. 24

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1 BY THE WITNESS:
2 A. Yeah, I really don't know what you mean by
3 that. If you can point to specific instances, maybe I
4 can -- I can --
5 **Q. Sir, did you work for the --**
6 MS. KLEINHAUS: Please just let the witness finish
7 his answer before you ask the next question.
8 BY MR. BAZAREK:
9 **Q. Sir, was the director that you reported to**
10 **corrupt in the Newark Police Department?**
11 MS. KLEINHAUS: Objection to form, argumentative,
12 vague, ambiguous.
13 BY MR. BAZAREK:
14 **Q. Go ahead.**
15 MS. KLEINHAUS: You can answer when I'm done with
16 my objection.
17 MR. BAZAREK: Enough with the speaking objections.
18 We're going -- I'm reserving the right to continue this
19 deposition based on documents that weren't provided, the
20 cut-and-paste job that was done. So we're going to be
21 doing this on another day. But go ahead. Are you done
22 with your objection?
23 MS. KLEINHAUS: Yes.
24

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1 BY MR. BAZAREK:
2 **Q. Go ahead, sir.**
3 A. I reported to the police director on one
4 occasion when I was the commanding officer of the Policy
5 and Planning Division. His name was Joe Santiago.
6 **Q. Sir, who is William Celester?**
7 A. He was the pre- -- He was the police director
8 previous to Joe Santiago.
9 **Q. You -- You worked for Celester, correct?**
10 MS. KLEINHAUS: Objection to form, foundation.
11 You can answer.
12 BY THE WITNESS:
13 A. The entire police department answered --
14 answered to him. I answered to a -- a deputy chief
15 named -- I kid you not -- his name is John Dough,
16 D O U G H.
17 **Q. Celester was corrupt, correct?**
18 MS. KLEINHAUS: Objection to form, vague,
19 ambiguous, calls for speculation.
20 You can answer.
21 BY THE WITNESS:
22 A. Well, it's my understanding that he went to
23 federal prison, but I don't know what for.
24 **Q. So during the time when you're working for the**

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1 **police department, you -- you don't know what your --**
2 **your director went to prison for?**
3 MS. KLEINHAUS: Objection to form,
4 mischaracterizes.
5 You can answer.
6 BY THE WITNESS:
7 A. I only know what was reported in the media. I
8 didn't have any intimate details of what he was doing or
9 things like that. So I -- I wouldn't -- I wouldn't
10 speculate on, you know, what he was charged with or what
11 his sentence was or anything else.
12 **Q. Did you ever go to any social events where**
13 **Celester was being honored?**
14 A. I don't think so, no.
15 **Q. During 19- -- So you never went to a**
16 **fundraiser in June of 1993 for Mr. Celester; is that**
17 **your testimony, sir?**
18 A. I don't -- I don't recall one.
19 **Q. Sir, in the summer of 1993, were 26 police**
20 **officers of the Newark Police Department accused of**
21 **raping, robbing, and beating prostitutes?**
22 MS. KLEINHAUS: Objection, foundation.
23 You can answer if you know.
24

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1 BY THE WITNESS:
2 A. I have no idea. That doesn't sound familiar
3 to me.
4 **Q. Did any -- Have you ever been interviewed by**
5 **the FBI in a criminal investigation, sir?**
6 A. No.
7 **Q. Were you -- Did you ever receive a Grand Jury**
8 **Subpoena at any time?**
9 A. To testify before the Grand Jury?
10 **Q. Yes.**
11 A. At the county level or the federal level?
12 **Q. Any level.**
13 A. Yes.
14 **Q. Have you ever taken the Fifth Amendment, sir?**
15 A. No, of course not.
16 **Q. Let me ask you, going back to when you worked**
17 **on the anticrime team, would there be occasions where**
18 **you would make observations of criminal activity, yet**
19 **your partners were not present with you when you made**
20 **those observations?**
21 MS. KLEINHAUS: Objection to form, incomplete
22 hypothetical.
23 You can answer.
24

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Page 145 1 BY THE WITNESS: 2 A. I -- Yes, I think so, yes. 3 Q. And -- And then so -- And you would then relay 4 the information that you observed to your fellow police 5 officers; is that correct? 6 A. Yes, that's correct. 7 Q. So they wouldn't have been present to actually 8 see the criminal activity, but you would relay it to 9 them and you would -- for instance, you would show them 10 the narcotics or the contraband that you recovered from 11 the offender? 12 MS. KLEINHAUS: Objection, incomplete hypothetical. 13 You can answer. 14 BY THE WITNESS: 15 A. No, not necessarily. For example, I would 16 often be dropped off at a confidential surveillance 17 point, and I would make observations maybe from say an 18 elevated position or an abandoned house and some -- some 19 of the other officers would be in a radio car down the 20 street. They -- They may have had a view of the same 21 position that I had. They may have seen it from a 22 different angle. 23 Q. Okay. But all -- you talked about reports 24 that you would fill out following an arrest; is that	Page 147 1 officers, correct? 2 A. Yes, that's -- that's correct. 3 Q. Yeah. You wouldn't -- You wouldn't leave 4 their names out of the report, right? 5 A. Not unless there was a reason to, unless they 6 didn't have any -- any involvement. 7 Q. Yeah. Tell me, if Mr. Waddy possessed cocaine 8 on April 4th, 2007, would you agree that he was subject 9 to an arrest? 10 MS. KLEINHAUS: Objection to form, incomplete 11 hypothetical. 12 You can answer. 13 BY THE WITNESS: 14 A. Yeah, if he possessed some illegal contraband, 15 yes. 16 Q. And -- And if he -- if he possessed this 17 illegal contraband, he was also subject to prosecution, 18 correct? 19 A. Yes. 20 Q. Yeah. And, in fact, for the first time you 21 saw his plea sentence -- Strike that. Strike that 22 question. 23 Would you agree that the narcotics that the 24 police say was recovered from Alvin Waddy on April 4th,
Page 146 1 correct? 2 A. Yes. 3 Q. And would you -- if you -- if you have like a 4 Box 1 or a Box 2 where -- a place where you can put your 5 name and your partner's name, you would always include 6 your partner's name on the report, right? 7 MS. KLEINHAUS: Objection to form, incomplete 8 hypothetical. 9 You can answer. 10 BY THE WITNESS: 11 A. Not necessarily in those boxes but maybe in 12 the narrative, yes. 13 Q. So it was important to identify at least 14 the -- the officers that you were working with who would 15 have some knowledge or information about the arrest, 16 correct? 17 A. Well, not necessarily the arrest. It could be 18 about, you know, the surveillance that we set up, the 19 type of operation that we were performing. 20 Q. Right. If -- 21 A. The arrest may have taken place and another 22 officer showed up after arrest had taken place. 23 Q. Right, but -- but you would -- somewhere in 24 the report, you would include the names of the -- of the	Page 148 1 2007 was tested by the Illinois State Police, and it was 2 found to be cocaine? 3 MS. KLEINHAUS: Objection to form, mischaracterizes 4 the evidence. 5 You can answer. 6 BY THE WITNESS: 7 A. I mean, I -- I read that. 8 Q. Okay. Are you disputing that? 9 A. No, no. 10 Q. Okay. If Alvin Waddy was selling cocaine on 11 April 4th, 2007, would that change any of your opinions 12 in this case? 13 MS. KLEINHAUS: Objection to form, incomplete 14 hypothetical. 15 You can answer. 16 BY THE WITNESS: 17 A. Not necessarily. But I mean, I think we would 18 have to be a little bit more specific about what area 19 of -- of my report. 20 Q. What -- What don't you understand with my 21 question? If Alvin Waddy was selling cocaine on 22 April 4th, 2007, would that change any of your opinions 23 in this case? 24 A. I would say not necessarily.

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Page 149 1 Q. If Alvin Waddy was lawfully arrested on 2 April 4th, 2007, would that change any of your opinions 3 in this case? 4 A. Not necessarily. 5 Q. If there was probable cause to arrest Alvin 6 Waddy on April 4th, 2007, would that change any of your 7 opinions in this case? 8 A. No, not necessarily. 9 Q. If Alvin Waddy presented false evidence in his 10 criminal proceedings, would that change any of your 11 opinions in this case? 12 MS. KLEINHAUS: Objection, calls for speculation, 13 incomplete hypothetical, calls for a legal conclusion. 14 You can answer if you know. 15 BY THE WITNESS: 16 A. No, not necessarily. 17 Q. If Alvin Waddy presented false evidence in 18 support of his petition for certificate of innocence, 19 would that change any of your opinions in this case? 20 MS. KLEINHAUS: Objection, assumes facts not in 21 evidence. 22 You can answer. 23 BY THE WITNESS: 24 A. No, not necessarily.	Page 151 1 BY THE WITNESS: 2 A. Yeah, I -- I can't say that I -- that I do 3 know. I mean, I probably need a lot more contextual 4 information. I've never been presented with something 5 like that that I'm aware of. 6 Q. Oh. So you've never -- So would that give you 7 any hesitation if you knew that an individual used a 8 false affidavit to -- in support of vacating a prior 9 conviction, or you would just have no problem giving 10 opinions in support of that person? 11 MS. KLEINHAUS: Objection to form, incomplete 12 hypothetical to the term false affidavit, assumes facts 13 not in evidence, asked and answered. 14 You can answer it again. 15 BY THE WITNESS: 16 A. I -- I would certainly inquire of the attorney 17 about what -- what they needed me to do and what the 18 contextual circumstances were. 19 Q. Did you talk to Alvin Waddy in this case? 20 A. No. 21 Q. Did you ask him why he pled guilty? 22 A. No. 23 MS. KLEINHAUS: Objection to form. 24 You can answer.
Page 150 1 Q. If Alvin Waddy gave false information to his 2 mother regarding the circumstances of his arrest, would 3 that change any of your opinions in this case? 4 MS. KLEINHAUS: Objection to form, incomplete 5 hypothetical. 6 You can answer. 7 BY THE WITNESS: 8 A. No, not necessarily. 9 Q. If -- If Alvin Waddy gave false testimony 10 during his deposition, would that change any of your 11 opinions in this case? 12 MS. KLEINHAUS: Objection to form, incomplete 13 hypothetical. 14 You can answer. 15 BY THE WITNESS: 16 A. No, not necessarily. 17 Q. Would you offer opinions in support of any 18 individual who falsified an affidavit in support of 19 vacating a prior conviction? 20 MS. KLEINHAUS: Objection to form, incomplete 21 hypothetical, calls for speculation and a legal 22 conclusion. 23 You can answer if you know. 24	Page 152 1 BY MR. BAZAREK: 2 Q. And that's because the attorneys didn't want 3 you to do that? 4 MS. KLEINHAUS: Objection to form, argumentative, 5 calls for speculation. 6 You can answer if you know why you didn't talk 7 to Alvin Waddy. 8 BY THE WITNESS: 9 A. No, it never came up. 10 Q. Have you offered opinions in support of any 11 individuals who used false affidavits and false evidence 12 in support of a petition for -- Strike that. Strike 13 that question. 14 Would you offer opinions in support of any 15 individual who falsified answers to their 16 interrogatories? 17 MS. KLEINHAUS: Objection to form, incomplete 18 hypothetical, calls for speculation. 19 You can answer. 20 BY THE WITNESS: 21 A. I would have to have a conversation with the 22 attorney about the context and get an understanding of 23 what was going on. 24 Q. So -- So maybe -- or strike that.

41 (Pages 149 to 152)

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Page 153	1 So that wouldn't give you any pause if you 2 knew someone like falsified an interrogatory answer? 3 You'd still supply opinions in -- in support of that 4 person? 5 MS. KLEINHAUS: Objection to form, mischaracterizes 6 his prior testimony, and asked and answered. 7 You can answer it again. 8 Oh, and sorry, incomplete hypothetical. 9 Go ahead. 10 BY THE WITNESS: 11 A. Yeah, I would have to speak to the attorney to 12 understand what they mean by falsified and how we 13 arrived at that conclusion, what -- what information was 14 falsified. 15 Q. I see you mentioned a person named Ben Baker 16 in your report. You know that name, right? 17 A. Is that the Ben Baker and the other woman, 18 Clarissa? 19 Q. Right, Clarissa Glenn. 20 A. Yes. 21 Q. Right. So if he falsified interrogatory 22 answers, you'd -- you'd want to talk -- you wouldn't 23 want to talk to him, you would want to talk to his 24 attorney?	Page 155	1 incarceration in 2016? 2 MS. KLEINHAUS: I'm just going to object that this 3 is completely irrelevant to the Waddy proceeding. 4 MR. BAZAREK: Well -- 5 MS. KLEINHAUS: I'm sorry. Let me finish speaking. 6 If you can let me finish, Bill. And it mischaracterizes 7 and assumes facts not in evidence. 8 So with those caveats, you can answer. 9 MR. BAZAREK: Well, he's got -- I'm looking at 10 page 31 of his report. He mentions Ben Baker, Clarissa 11 Glenn, COPA. So are you going to move -- are you going 12 to strike all of those opinions in this case that he 13 gave about Ben Baker and Clarissa? 14 MS. KLEINHAUS: He didn't give opinions about Ben 15 Baker and Clarissa, but no, I'm not moving to strike any 16 portion of my expert's report. 17 BY MR. BAZAREK: 18 Q. Let me -- Let me ask you, sir, and I'll just 19 refer to it. On page 31, you write, another example of 20 poor CPD management is one case of two places at once, 21 arrest reports identified by COPA. What are -- What are 22 you talking about? 23 A. Well, I identify the Bates number there. 24 There is an instance where they were -- the police
Page 154	1 MS. KLEINHAUS: Objection to form, mischaracterizes 2 his answer, asked and answered, incomplete hypothetical, 3 calls for speculation, legal conclusion. 4 You can answer. 5 BY THE WITNESS: 6 A. So there is always a situation where the 7 attorney may want to have the client on the phone or on 8 a video chat with me to get -- to get clarification for 9 something. 10 Q. Right. So I would think the conversation 11 would go, you would say, hey, Mr. Baker, why did you lie 12 on your interrogatory answers, right, something like 13 that? 14 MS. KLEINHAUS: Objection to form, argumentative, 15 calls for speculation, incomplete hypothetical, and 16 completely irrelevant to the Waddy proceeding. 17 BY MR. BAZAREK: 18 Q. Go ahead, sir. 19 A. So I would want to find out where the 20 information came from, why there are inconsistencies if 21 that's what was being presented, who determined that 22 this was a lie, who determined that it was false. 23 Q. Are you aware that Mr. Baker was arrested by 24 the federal government after his release from	Page 156	1 officers were making arrests of people at two different 2 places at two different times, and they couldn't have 3 been in those different places at two different times. 4 Q. Well, in fact, sir, there were arrests made at 5 the 574 building. Maybe you don't know this, but they 6 occurred before Clarissa Glenn and Ben Baker were 7 arrested, right? 8 MS. KLEINHAUS: I would object to form, foundation, 9 incomplete, and assumes facts not in evidence. 10 You can answer if you know the timeline of the 11 two different arrests off the top of your head. 12 BY THE WITNESS: 13 A. And the answer is I don't. I don't know that 14 timeline. I don't know. 15 Q. Well, it's your report. It says two places at 16 once. So I'm -- I'm asking you questions about that, 17 sir. 18 MS. KLEINHAUS: What's the pending question? 19 THE WITNESS: Excuse me. Go ahead. 20 BY MR. BAZAREK: 21 Q. Who -- Who was arrested -- What time were -- 22 Strike that. 23 Were Ben Baker and Clarissa Glenn arrested 24 after individuals were arrested at the 574 building?

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Page 157	1 MS. KLEINHAUS: Objection, foundation, calls for 2 speculation. 3 You can answer if you know. 4 BY THE WITNESS: 5 A. The answer is I don't know. But I -- if we 6 refer back to that COPA report, I think they have that 7 information listed there. 8 Q. But what do you mean by two places at once? 9 MS. KLEINHAUS: Objection to form. 10 You can answer. 11 BY THE WITNESS: 12 A. That there were arrests that took place in two 13 different places at once. They listed that in the -- I 14 guess it's the arrest report that I looked at. 15 Q. What was the distance between the two 16 different arrest locations? 17 MS. KLEINHAUS: Objection, calls for speculation, 18 foundation. 19 You can answer. 20 BY THE WITNESS: 21 A. I don't know the answer to that. 22 Q. What's the distance from 574 East 36th Street 23 to 511 East Browning in Chicago? 24 MS. KLEINHAUS: Objection, foundation, calls for	Page 159	1 adverse behavior and correct the deficiencies consistent 2 with their agency's policies. 3 Q. All right. What's the -- What's the adverse 4 behavior you're talking about? 5 A. Violations of policies and practices. 6 MS. KLEINHAUS: Okay. I think we're at time. 7 MR. BAZAREK: No, I'll wait to hear from the 8 timekeeper. 9 MS. KLEINHAUS: Okay. Could we go off the record 10 and find out where we are on time? 11 THE VIDEOGRAPHER: The time -- Yeah, the is 12 1:20 p.m. We are now going off the record. 13 (A short recess was had.) 14 THE VIDEOGRAPHER: Okay. The time is 1:21 p.m. 15 We're now back on the record. 16 Do any attorneys want to wrap up or -- before 17 I end the deposition? 18 MR. BAZAREK: Sure. This is Bill Bazarek, and I'm 19 reserving the right to continue this deposition based on 20 documents that were not provided prior to the dep that 21 would have enabled us to review. So we're -- we're 22 going to reserve the right to continue this deposition. 23 MS. KLEINHAUS: Plaintiff disagrees with that 24 characterization.
Page 158	1 speculation. 2 You can answer. 3 BY THE WITNESS: 4 A. I don't know the distance. 5 Q. Did you -- Did you ever go to the -- the 6 scene -- or strike that. 7 Did you ever go to the area of Ida B. Wells 8 ever? 9 A. I don't know. I've been to Chicago a couple 10 of times, but I don't know that I necessarily went -- 11 went past that area. 12 Q. When were you last in Chicago? 13 A. Boy, it's been quite a while. I don't know. 14 Q. You also indicate in your report, you talk 15 about, you know, the police department should have done 16 something, and then you reference like adva- -- adverse 17 behavior of the officers. Do you remember using that 18 phrase, adverse behavior? 19 A. Yes, I used that, yeah. 20 Q. What -- What do you mean by adverse behavior? 21 A. Well, let me take a look and see where I -- I 22 want to see how I have it. So if you look on page 11 23 when I say here is the Chicago Police Department also 24 should have taken supervisory measures to stop the	Page 160	1 MR. SULLIVAN: This is Sean Sullivan on behalf of 2 Kallatt Mohammed. Mr. Mohammed has not been given a 3 chance to ask any of questions of Dr. Shane. I think a 4 lot of time was spent with unnecessary equivocation by 5 the witness over what simple terms meant. So I think we 6 really are under three hours in terms of really question 7 and answer. We certainly reserve our right to bring 8 Dr. Shane back so Officer Mohammed can have his chance 9 to ask questions of the plaintiff's expert. And we'll 10 circulate our available dates shortly. And just show 11 that the termination of the dep is over Mohammed's 12 objection, please. 13 THE VIDEOGRAPHER: Okay. This is the end of 14 today's testimony. The time is 1:23 p.m. We are now 15 off the record. 16 (Witness excused.) 17 18 19 20 21 22 23 24

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1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF COOK)

3

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

5 ALVIN WADDY,)
)
6 Plaintiff,)
)
7 v.) No. 19 L 10035
)
8 CITY OF CHICAGO, et al.,)
)
9 Defendants.)

10 I, JON SHANE, Ph.D., state that I have read
11 the foregoing transcript of the testimony given by me at
12 my deposition on August 29, 2023, and that said
13 transcript constitutes a true and correct record of the
14 testimony given by me at said deposition except as I
15 have so indicated on the errata sheets provided herein.

16

17

JON SHANE, Ph.D.

18

19 SUBSCRIBED AND SWORN to
before me this _____ day
20 of _____, 2023.

21

22

NOTARY PUBLIC

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1 The signature of the witness, JON, SHANE,
2 Ph.D., was reserved by agreement of counsel.

3 The undersigned is not interested in the
4 within case, nor of kin or counsel to any of the
5 parties.

6 Witness my signature on this 31st day of
7 August, A.D., 2023.

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AMIE PANAGAKOS, CSR, RPR
161 North Clark Street
Suite 3050
Chicago, Illinois 60601
Phone: (312) 361-8851

CSR No. 084-004720