

EXHIBIT 59



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Transcript of Elsworth Smith, Jr.

Date: February 17, 2020
Case: Watts Coordinated Cases

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

WATTS COORDINATED CASES. : Master Docket
: Case No. 19-cv-01717

Videotaped Deposition of
ELSWORTH SMITH, JR., Volume I
Chicago, Illinois
Monday, February 17, 2020

Job No.: 281824
Pages: 1 - 314
Reported by: Joanne E. Ely, CSR, RPR

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

2

1 Videotaped deposition, Volume I, of ELSWORTH
2 SMITH, JR., held at the location of:

3
4
5 LOEVY & LOEVY
6 311 North Aberdeen Street
7 Third Floor
8 Chicago, Illinois 60607
9 312.243.5902

10
11
12
13 Pursuant to notice, before Joanne E. Ely,
14 a Certified Shorthand Reporter, and a Notary
15 Public in and for the State of Illinois.

16
17
18
19
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21
22
23
24

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

3

1 A P P E A R A N C E S

2 ON BEHALF OF CERTAIN PLAINTIFFS:

3 SCOTT RAUSCHER, ESQUIRE

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15 Chicago, Illinois 60604

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Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A P P E A R A N C E S C O N T I N U E D

2 ON BEHALF OF DEFENDANT CITY OF CHICAGO AND

3 VARIOUS POLICE DEPARTMENT SUPERVISORS:

4 PAUL A. MICHALIK, ESQUIRE

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8 Chicago, Illinois 60606

9 312.982.0090

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13 JOHNSON & BELL, LTD.

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15 Suite 2700

16 Chicago, Illinois 60603

17 312.372.0770

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Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

5

1 A P P E A R A N C E S C O N T I N U E D

2 ON BEHALF OF DEFENDANT MOHAMMED:

3 ERIC PALLES, ESQUIRE

4 RAVITZ & PALLES, PC

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7 Chicago, Illinois 60601

8 312.558.1689

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10 ON BEHALF OF DEFENDANTS SPAARGAREN

11 AND CADMAN:

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13 LEINENWEBER, BARONI & DAFFADA, LLC, PC

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15 Suite 1620

16 Chicago, Illinois 60601

17 866.786.3705

18

19

20

21

22

23

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Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A P P E A R A N C E S C O N T I N U E D

2 ON BEHALF OF DEFENDANT OFFICERS:

3 BRIAN STEFANICH, ESQUIRE

4 HALE & MONICO

5 53 West Jackson Street

6 Suite 337

7 Chicago, Illinois 60604

8 312.870.6902

9

10 ALSO PRESENT:

11 RICK KOSBERG, Videographer

12

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1	P R O C E E D I N G S	10:09:29
2	THE VIDEOGRAPHER: This is the video	10:09:29
3	deposition of Ellsworth Smith, Jr., taken by Loevy	10:09:33
4	& Loevy in the matter of the Watts coordinated	10:09:36
5	pretrial proceedings, Master Docket No.	10:09:39
6	19-cv-0171, held at Loevy & Loevy, 311 North	10:09:44
7	Aberdeen Street, Chicago, Illinois.	10:09:49
8	Today is February 17th, 2020. The time is	10:09:50
9	10:09. The court reporter is Joanne Ely. The	10:09:55
10	videographer is Rick Kosberg.	10:09:59
11	The counsel can now introduce themselves,	10:10:01
12	and Joanne is free to administer the oath.	10:10:03
13	MR. RAUSCHER: Scott Rauscher for the	10:10:06
14	plaintiffs represented by Loevy & Loevy in the	10:10:08
15	coordinated Watts proceedings.	10:10:10
16	MS. KLEINHAUS: Theresa Kleinhaus for the	10:10:12
17	Loevy plaintiffs.	10:10:13
18	MR. FLAXMAN: Joel Flaxman for the Flaxman	10:10:14
19	Plaintiffs.	10:10:18
20	MR. PALLE: Eric Palles for Kallatt	10:10:18
21	Mohammed.	10:10:20
22	MR. KOSOKO: Ahmed Kosoko on behalf of	10:10:21
23	Ronald Watts.	10:10:22
24	MR. MICHALIK: Paul Michalik on behalf of	10:10:22

Transcript of Elsworth Smith, Jr.
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10

1	Defendants City and certain supervisory officials.	10:10:25
2	MR. STEFANICH: Brian Stefanich for	10:10:26
3	Officer Smith and the other defendant officers.	10:10:28
4	MR. SCHALKA: And Michael Schalka for	10:10:31
5	Defendants Spaargaren and Cadman.	10:10:33
6	ELSWORTH SMITH, JR.,	10:10:33
7	having been duly sworn, testified as follows:	10:10:33
8	EXAMINATION BY COUNSEL FOR THE LOEVY PLAINTIFFS	11:40:16
9	BY MR. RAUSCHER:	10:10:41
10	Q Say and spell your name, please.	10:10:43
11	A My name is Elsworth Smith. My first name	10:10:45
12	is E-l-s-w-o-r-t-h, Smith, S-m-i-t-h.	10:10:47
13	Q Are you on duty today?	10:10:52
14	A Yes, I am.	10:10:54
15	Q What are your responsibilities today?	10:10:55
16	A I am currently on administrative desk	10:10:56
17	duty. I work inside the radio room in the 2nd	10:10:59
18	District.	10:11:02
19	Q What specifically are you doing for the	10:11:02
20	police department today, this day?	10:11:06
21	A Today, right now, I'm doing this	10:11:07
22	deposition.	10:11:10
23	Q Will you be going to work after this	10:11:10
24	deposition?	10:11:10

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11

1 A To my knowledge, after speaking to my 10:11:13
2 supervisors, they're going to count this as a tour 10:11:14
3 of duty for me. 10:11:17

4 Q So this is the only thing you're doing for 10:11:17
5 the police department today? 10:11:20

6 A Yes. 10:11:21

7 Q How come you wore your uniform today? 10:11:22

8 A I felt more comfortable wearing my 10:11:24
9 uniform. 10:11:27

10 Q Did you -- you were for a while on the 10:11:27
11 Watts tactical team? 10:11:29

12 A Yes, I was. 10:11:30

13 Q Did you wear a uniform during that time? 10:11:31

14 A Sometimes. 10:11:34

15 Q How frequently did you wear a uniform or 10:11:34
16 not wear a uniform during that time period? 10:11:38

17 A I don't remember how many times we wore a 10:11:40
18 uniform. 10:11:43

19 Q Were you more commonly wearing a uniform 10:11:44
20 or in plainclothes when you were on the Watts 10:11:47
21 tactical team? 10:11:49

22 A More commonly in plainclothes. 10:11:49

23 Q Were there specific occasions when you'd 10:11:52
24 wear uniforms during that time period? 10:11:55

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

12

1 A Yes. 10:11:57

2 Q What occasions would you wear uniforms 10:11:58

3 while you were in the -- on the Watts tactical 10:12:02

4 team? 10:12:04

5 A On occasions, if we had to work special 10:12:04

6 functions or details, or sometimes they would come 10:12:08

7 from the request from the chief of patrol. 10:12:11

8 Q Why would the chief of patrol request that 10:12:14

9 your tactical team wear a uniform? 10:12:19

10 MR. MICHALIK: Objection; foundation. 10:12:21

11 MR. STEFANICH: Join. 10:12:23

12 You can answer. 10:12:25

13 A I don't know. 10:12:26

14 Q Do you remember the chief of patrol ever 10:12:27

15 requesting that you put a uniform on when you were 10:12:31

16 on the Watts tactical team? 10:12:33

17 A As of this moment, no. 10:12:34

18 Q What did you do to prepare for your 10:12:36

19 deposition today? 10:12:42

20 A I looked over some case reports, arrest 10:12:42

21 reports pertaining to the individuals who are 10:12:47

22 falsely accusing me of these allegations. 10:12:47

23 Q You said individuals who are falsely 10:12:52

24 accusing you? 10:12:55

Transcript of Elsworth Smith, Jr.
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13

1 A That's correct. 10:12:56

2 Q Are there any individuals who are not 10:12:56

3 falsely accusing you? 10:12:59

4 A No. 10:13:01

5 Q So all of the individuals who have accused 10:13:01

6 you of wrongdoing are falsely accusing you? 10:13:06

7 A That's correct. 10:13:08

8 Q Did any of the documents you looked at 10:13:09

9 refresh your recollection? 10:13:11

10 A No. 10:13:12

11 Q Did you look at any pictures? 10:13:13

12 A Yes, I did. 10:13:14

13 Q Did looking at any of the pictures refresh 10:13:15

14 your recollection about anything? 10:13:18

15 A No. 10:13:18

16 Q What's your title at the police 10:13:19

17 department? 10:13:27

18 A I'm a police officer. 10:13:27

19 Q Have you always been a police officer 10:13:29

20 since you started working at CPD? 10:13:31

21 A Yes, I have. 10:13:33

22 Q Just back to dep prep for a little bit. 10:13:34

23 How many times did you prepare -- what did 10:13:39

24 you do beyond looking at reports to prepare for 10:13:42

Transcript of Elsworth Smith, Jr.
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14

1 your deposition, if anything? 10:13:45

2 A Nothing out of the ordinary that I recall. 10:13:46

3 Q What do you mean out of the ordinary? 10:13:51

4 A From what I remember, just preparing for 10:13:55

5 this, I looked over the vice -- some vice case 10:13:56

6 reports, some arrest reports, a few inventory 10:14:01

7 reports, and a few affidavits. 10:14:06

8 Q Did you do that on your own or in the 10:14:11

9 presence of your attorneys or both? 10:14:13

10 A In the presence of my attorneys. 10:14:15

11 Q How long did you meet with your attorneys 10:14:16

12 to prepare for your deposition? 10:14:20

13 A I don't recall. 10:14:21

14 Q Can you tell me approximately how long 10:14:21

15 it was? 10:14:25

16 A I don't -- I couldn't give you an answer. 10:14:25

17 I don't know for certain. 10:14:29

18 Q Did you spend the whole day with them? 10:14:30

19 A Probably but I don't -- like I said, I 10:14:32

20 don't know the exact time that I spent with my 10:14:35

21 attorneys. 10:14:42

22 Q How many times did you meet with them to 10:14:42

23 prepare for your deposition? 10:14:45

24 A That I don't recall. 10:14:45

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

15

1 Q More than once? 10:14:46

2 A It's been more than once. 10:14:48

3 Q Was it more than twice? 10:14:50

4 A More than twice. 10:14:51

5 Q More than five times? 10:14:51

6 A Perhaps but I don't recall. 10:14:53

7 Q When was the last time you met with your 10:14:55

8 attorneys? 10:14:57

9 A This morning. 10:14:57

10 Q How long did you meet this morning? 10:14:58

11 A Probably, maybe a half hour before coming 10:15:00

12 here. 10:15:04

13 Q And what was the last time before that? 10:15:04

14 THE WITNESS: When was it, Brian? Last 10:15:09

15 Friday? 10:15:11

16 MR. STEFANICH: I can't answer actually. 10:15:12

17 THE WITNESS: I'm sorry. 10:15:12

18 MR. STEFANICH: Just do your best from 10:15:13

19 what you remember. 10:15:14

20 A I think this past Friday. 10:15:15

21 Q How long, about, this past Friday did you 10:15:16

22 meet with them? 10:15:21

23 A It may have been a couple hours. 10:15:22

24 Q And do you remember any times before that 10:15:26

Transcript of Elsworth Smith, Jr.
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16

1 you met with your attorneys to prepare for your 10:15:32
2 deposition? 10:15:34

3 A I don't remember the exact date, but I 10:15:34
4 did. 10:15:40

5 Q And that time before this past Friday, how 10:15:40
6 long, about, did you meet with your attorneys 10:15:44
7 then? 10:15:46

8 A I don't remember how long. 10:15:47

9 Q Do you ever remember a time when you got 10:15:48
10 there in the morning and you left in the evening? 10:15:52

11 A No. 10:15:54

12 Q At any of these meetings, was anyone 10:15:54
13 present other than you and attorneys from the Hale 10:15:58
14 & Monico firm? 10:16:02

15 A No. 10:16:02

16 Q Have you talked about your deposition with 10:16:02
17 any of the other defendants in any of the Watts 10:16:05
18 cases? 10:16:07

19 A No. 10:16:08

20 Q Have you talked about your deposition 10:16:08
21 today with anyone other than your attorneys? 10:16:10

22 A No. 10:16:12

23 Q Do you have any sense of how many 10:16:12
24 documents you looked at to prepare? 10:16:19

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17

1 A That I have no clue. 10:16:20

2 Q You said you were on desk duty currently? 10:16:23

3 A Yes, that's correct. 10:16:37

4 Q How long have you been on desk duty? 10:16:38

5 A I believe it's over two years now. 10:16:42

6 Q How were you told you'd be -- you were 10:16:43

7 being placed on desk duty? 10:16:48

8 A I believe it was from my former 10:16:49

9 2nd District commander, Crystal King Smith. 10:16:54

10 Q And how did Ms. Smith tell you you were 10:16:58

11 being placed on desk duty? 10:17:04

12 A I don't recall. 10:17:05

13 Q Was it in person or was it in writing or 10:17:06

14 by the telephone or some other way? 10:17:08

15 A I'm not certain to be exactly sure, but I 10:17:10

16 believe it was in person. 10:17:14

17 Q Do you remember what she told you? 10:17:15

18 A I don't remember specifically; but as 10:17:17

19 far as -- as far as I know, I was just told that I 10:17:22

20 was going to be placed on administrative duty. 10:17:25

21 Q And the administrative duty is the same 10:17:28

22 thing as desk duty? 10:17:30

23 A That's correct. 10:17:32

24 Q Did you ask her why? 10:17:32

Transcript of Elsworth Smith, Jr.
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18

1 A Yes. 10:17:33

2 Q And what did she tell you? 10:17:34

3 A It was pertaining to the Watts 10:17:35

4 investigation. 10:17:39

5 Q Did she say anything other than just the 10:17:39

6 general statement it's pertaining to the Watts 10:17:42

7 investigation? 10:17:45

8 A As far as I remember, yes. 10:17:45

9 Q As far as you remember, she did say other 10:17:47

10 things? 10:17:50

11 A No. As far as I remember, it was just 10:17:50

12 only that I was being placed on administrative 10:17:53

13 desk duty because of the Watts investigation. 10:17:55

14 Q Did you say anything to her when she told 10:17:58

15 you that? 10:18:02

16 A I don't recall what I said. 10:18:02

17 Q Did you say something, though? 10:18:03

18 A I'm sure I did, but I don't recall. 10:18:05

19 Q How did you react when she told you? 10:18:06

20 A I was shocked. 10:18:08

21 Q Why were you shocked? 10:18:09

22 A I was shocked because I could not 10:18:17

23 believe I was being accused of these -- I was 10:18:22

24 shocked because these allegations against me are 10:18:25

Transcript of Elsworth Smith, Jr.
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19

1 false. 10:18:27

2 Q Which allegations did she tell you about, 10:18:28

3 if any? 10:18:32

4 A I don't recall her specifically telling me 10:18:32

5 any allegations. 10:18:35

6 Q Were you aware of any allegations against 10:18:37

7 you at the time when she told you you were being 10:18:39

8 placed on desk duty? 10:18:42

9 A I don't think I did at that time. 10:18:43

10 Q How did you know that they were false if 10:18:45

11 you didn't know what they were? 10:18:47

12 A Well, I know that the allegations with all 10:18:48

13 these complainants, all these allegations are 10:18:50

14 false because I've never done anything wrong. 10:18:53

15 Q You've never done anything wrong? 10:18:55

16 A No. 10:19:01

17 Q Has anyone on the Watts team ever done 10:19:01

18 anything wrong? 10:19:08

19 A Not in my presence. 10:19:09

20 Q Have you ever heard of anyone on the Watts 10:19:10

21 team doing anything wrong? 10:19:13

22 A No, not while I -- that I can recall at 10:19:14

23 this moment. 10:19:18

24 Q You're aware that Watts and Mohammed both 10:19:28

Transcript of Elsworth Smith, Jr.
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20

1 pled guilty to committing federal crimes; right? 10:19:30
2 A That's correct. 10:19:34
3 Q Was that activity that led to them 10:19:35
4 pleading guilty wrong? 10:19:39
5 MR. MICHALIK: Objection; foundation, 10:19:41
6 form. 10:19:45
7 A I'd have no clue; but whatever they were 10:19:46
8 charged with, I'm certain that it was. 10:19:49
9 Q I'm not sure I understood that. 10:19:50
10 You said you have no clue? 10:19:54
11 A I followed the reports pertaining to their 10:19:57
12 indictment. As far as anything else, I have no 10:20:03
13 clue; and from my time working with Kallatt 10:20:06
14 Mohammed or Sergeant Ronald Watts, I have never 10:20:09
15 witnessed either of them doing anything criminal. 10:20:15
16 Q So I want to make sure I understand your 10:20:18
17 testimony on that last point. 10:20:24
18 Are you saying you have no clue whether 10:20:25
19 the activity that led to them pleading guilty is 10:20:28
20 wrongful, or did I misunderstand that? 10:20:31
21 MR. STEFANICH: I'll object, that it 10:20:33
22 mischaracterizes his testimony. 10:20:34
23 You can answer it, though. 10:20:35
24 A Well, the activity against him, yes, it 10:20:36

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21

1	was wrongful.	10:20:39
2	BY MR. RAUSCHER:	10:20:39
3	Q You mean the activity they engaged in?	10:20:40
4	A What they were charged with, yes.	10:20:43
5	Q All right. Do you have any understanding	10:20:45
6	of what they were charged with?	10:20:57
7	A As far as I read, from what I can recall,	10:20:59
8	they were charged with stealing government funds.	10:21:02
9	Q Do you have any information beyond just	10:21:05
10	the general they were charged with stealing	10:21:09
11	government funds?	10:21:11
12	A Not that I am aware of.	10:21:12
13	Q Do you have any -- any sense of what the	10:21:14
14	circumstances were of them stealing the government	10:21:17
15	funds?	10:21:19
16	A No, not that I'm aware of.	10:21:20
17	Q Did they think it was money -- drug money?	10:21:21
18	MR. MICHALIK: Objection --	10:21:26
19	MR. STEFANICH: Objection.	10:21:26
20	MR. MICHALIK: -- foundation.	10:21:27
21	MR. STEFANICH: Join.	10:21:27
22	MR. KOSOKO: Join.	10:21:28
23	A I don't have any idea.	10:21:30
24	Q Well, did they walk into the Federal	10:21:30

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22

1	Reserve and take money out?	10:21:33
2	A I do not know.	10:21:35
3	Q Do you think it might have been that?	10:21:36
4	A I have no clue.	10:21:38
5	Q Okay. Were you ever curious?	10:21:39
6	A Sure. I was curious but --	10:21:45
7	Q Yeah. Go ahead.	10:21:47
8	A But, like I said, I don't know the facts	10:21:48
9	or circumstances that led to their indictment or	10:21:51
10	what they were charged with.	10:21:54
11	Q Did you do anything to satisfy your	10:21:58
12	curiosity about what they were charged with?	10:22:04
13	A From what I can recall, the only thing I	10:22:06
14	read -- might have read or heard from listening	10:22:09
15	was from the media.	10:22:12
16	Q What did you hear or read in the media	10:22:13
17	about Watts and Mohammed's charges?	10:22:16
18	A Like I said, that's all I heard, that they	10:22:18
19	were charged with stealing government funds.	10:22:21
20	Q And you were curious about the	10:22:23
21	circumstances, but you didn't do anything to find	10:22:26
22	out what they were?	10:22:29
23	A Not that I'm aware of.	10:22:29
24	Q How long did you work with Watts and	10:22:30

Transcript of Elsworth Smith, Jr.
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23

1 Mohammed? 10:22:40

2 A I believe maybe four -- between -- I don't 10:22:41

3 know certain, but between four to five years, 10:22:46

4 perhaps. 10:22:48

5 Q Watts was your direct supervisor? 10:22:50

6 A That's correct. 10:22:52

7 Q Mohammed was at the same level as you? 10:22:53

8 A Yes. 10:22:56

9 Q Was he ever your partner? 10:22:57

10 A Yes, at one point in time. 10:22:58

11 Q How long was Mohammed your partner for? 10:23:01

12 A I don't recall specifically. 10:23:03

13 Q Have you had any other partners or 10:23:05

14 supervisors charged with committing federal 10:23:07

15 crimes? 10:23:10

16 A No, not that I'm aware of. 10:23:10

17 Q Was it a pretty big deal to you when they 10:23:12

18 were charged? 10:23:15

19 A Yes, it was. 10:23:15

20 Q Why was it a big deal when they were 10:23:16

21 charged? 10:23:19

22 A Because, like I said, it was shocking 10:23:20

23 because I did not believe that they would do 10:23:23

24 anything that they were being charged with. 10:23:27

Transcript of Elsworth Smith, Jr.
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24

1 Q Even though you didn't know what they were 10:23:29
2 charged with? 10:23:32

3 MR. MICHALIK: Objection. 10:23:32

4 A As I stated, I was familiar with some 10:23:34
5 aspect of what they were charged with, and I 10:23:38
6 learned that through the media. 10:23:40

7 Q And you just couldn't believe that they 10:23:42
8 would steal government funds? 10:23:44

9 A As I sit here today, no. Because from my 10:23:45
10 time of working with either Watts or Mohammed, I 10:23:49
11 never witnessed them doing anything of that 10:23:52
12 nature. 10:23:54

13 Q And has -- knowing that they were charged 10:23:54
14 with stealing government funds, has that caused 10:24:12
15 you to think back and question any of the things 10:24:15
16 that they did over the years at all? 10:24:18

17 A No. Because, like I stated, I never 10:24:20
18 witnessed them doing anything criminal while I was 10:24:23
19 a member of the Watts team, or I've never 10:24:25
20 witnessed them do anything in my presence during 10:24:28
21 my time working with them. 10:24:31

22 Q Knowing that they have pled guilty to 10:24:32
23 stealing government funds, has it made you even 10:24:37
24 consider the possibility that some of the 10:24:40

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

25

1 plaintiffs could be telling the truth at least 10:24:43
2 about the allegations against Watts and Mohammed? 10:24:45
3 A It could be possible that they may have 10:24:47
4 been telling the truth about Watts or Mohammed; 10:24:50
5 but all these allegations against me, I know that 10:24:53
6 they are telling a lie. 10:24:55
7 Q What years did you work in the 10:25:03
8 2nd District? 10:25:14
9 A I believe I first came to the 2nd District 10:25:15
10 somewhere around July 2004, and I'm currently 10:25:19
11 still in -- assigned to the 2nd District. 10:25:25
12 Q So since July 2004, you've been in the 10:25:27
13 2nd District? 10:25:29
14 A That's -- as far as I can recall, yes. 10:25:29
15 Q How long -- you said you were working 10:25:32
16 under Watts for about four years? 10:25:35
17 A I believe so. 10:25:37
18 Q Were you on the tactical team for those 10:25:37
19 whole four years? 10:25:49
20 A Yes. 10:25:50
21 Q Was there a name for it? 10:25:50
22 A We were the 264 team. 10:25:52
23 Q Was that in public housing for any part of 10:25:54
24 that time? 10:26:01

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

26

1	A No.	10:26:02
2	Q Had that public housing unit already been	10:26:02
3	disbanded when you joined the tac team?	10:26:06
4	A To the best of my knowledge, yes.	10:26:08
5	Q Did the 26 -- was Watts the team leader	10:26:10
6	for your whole time on the 264 team?	10:26:17
7	A As I recall, yes.	10:26:19
8	(Smith Deposition Exhibit 1 marked for	10:26:19
9	identification and attached to the transcript.)	10:26:19
10	MR. RAUSCHER: Let's just go ahead and	10:26:31
11	mark this Exhibit 1, DO-Joint 005146.	10:26:33
12	Q Let me know when you've had a chance to	10:27:26
13	look this over.	10:27:29
14	A All right. I've had a chance to look	10:27:30
15	it over.	10:27:33
16	Q Do you recognize this document?	10:27:34
17	A Honestly, this is my first time seeing	10:27:37
18	this.	10:27:43
19	Q Is the information contained in this	10:27:43
20	document accurate, to the best of your knowledge?	10:27:45
21	A To the best of my knowledge, I would say	10:27:48
22	that it's accurate.	10:27:51
23	Q This is the -- this is your units,	10:27:51
24	assignment and dates that you were assigned to	10:27:54

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

27

1 them; correct? 10:27:57

2 A That's correct. 10:27:57

3 Q And does the information here match your 10:27:57

4 memory of your assignments and dates? 10:28:00

5 A From what I recall, yes, it does. 10:28:02

6 I'm sorry. 10:28:09

7 Q No. Go ahead. 10:28:10

8 A Other than my time being in 2nd District, 10:28:11

9 it doesn't differentiate when I was a tactical 10:28:14

10 officer or when I was a patrol officer. 10:28:21

11 Q I'm sorry. Go ahead. 10:28:24

12 It does not tell you what specific jobs 10:28:25

13 you were doing, basically, in each district; 10:28:27

14 right? 10:28:30

15 A No, it does not. 10:28:31

16 Q Is that what you're saying? 10:28:31

17 A Well, particularly in the 2nd District. 10:28:33

18 As far as the other districts, I have no 10:28:35

19 doubt that it appears to be accurate from my time 10:28:38

20 in those districts; but from the 2nd District, it 10:28:42

21 states that I started in July 20,000 -- 2004, but 10:28:47

22 other than that, it does not designate what my -- 10:28:50

23 what unit I was assigned to, whether I was 10:28:55

24 assigned to tac or as a patrolman. 10:28:58

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

28

1 Q And were you a patrolman in District 6 and 10:29:03
2 District 3 for the whole time you were there? 10:29:08
3 A Yes. 10:29:09
4 Q And then in District 2, you were -- part 10:29:09
5 time you were tac and part time patrol? 10:29:13
6 A Like I said, I don't recall the specific 10:29:15
7 time I was assigned to the tactical unit but I 10:29:18
8 was -- I spent most of my time, the majority of my 10:29:23
9 time in the 2nd District in patrol. 10:29:26
10 Q So you've been there about 16 years now or 10:29:29
11 so in the 2nd District? 10:29:34
12 A I think that would be a fair assumption -- 10:29:35
13 a fair, accurate time, yes. 10:29:38
14 Q About four of those years you were on the 10:29:40
15 Watts 264 tactical team? 10:29:43
16 A As I stated, I don't remember the exact 10:29:45
17 time or how many years exactly I spent with Watts, 10:29:47
18 but between four to five years maybe. 10:29:52
19 Q And then the rest of the time, have you 10:29:54
20 been patrol other than the last two when you've 10:29:57
21 been on desk duty? 10:29:59
22 A I think at one point in time I did go back 10:30:00
23 to work another tac -- for another tactical unit; 10:30:05
24 and then after that, the remainder of my time 10:30:08

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

29

1 since I've been in 2 has been in the patrol unit. 10:30:12

2 Q What was the other tactical unit? 10:30:16

3 A I believe it was the 263 team. 10:30:18

4 Q About how long were you on the 263 team? 10:30:20

5 A Again, I don't recall specifically. I 10:30:23

6 don't think it was more than a year. 10:30:28

7 Q Who was the leader of the 263 team when 10:30:29

8 you were on that tactical team? 10:30:33

9 A The sergeant was Nathan Silas. 10:30:35

10 Q And currently on desk duty, are you in a 10:30:38

11 uniform, or what's your dress for that role? 10:30:47

12 A I'm in uniform. 10:30:49

13 Q And what are your responsibilities on desk 10:30:51

14 duty? 10:30:53

15 A I strictly work in the radio room passing 10:30:54

16 out keys and other equipment to the officers that 10:30:59

17 are working in patrol. 10:31:04

18 Q Has that been your sole responsibility 10:31:08

19 since you've been on desk duty? 10:31:11

20 A Yes, it has. 10:31:13

21 Q Have you ever asked to get taken off desk 10:31:14

22 duty? 10:31:17

23 A I've questioned it. 10:31:17

24 Q Who have you questioned it to? 10:31:22

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

30

1 A I don't recall -- I believe I've 10:31:23
2 questioned my captain, Captain Mark Moore. I've 10:31:28
3 questioned supervisors and other officers who I've 10:31:33
4 worked with. 10:31:37

5 Q Which supervisors have you questioned? 10:31:37

6 A I don't remember specifically all of the 10:31:41
7 supervisors, but I have spoken to some supervisors 10:31:44
8 about this. 10:31:46

9 Q Do you remember any of the supervisors 10:31:47
10 you've spoken to? 10:31:49

11 A I don't remember specifically. 10:31:50

12 Q Were they supervisors -- what were the 10:31:51
13 supervisors' jobs? 10:31:56

14 A Sergeants. 10:31:57

15 Q And then you said people you worked with? 10:31:58

16 A Yes. 10:32:04

17 Q Which people? 10:32:04

18 A On the desk. 10:32:05

19 Q People you work with on the desk. 10:32:06

20 A Yes. 10:32:08

21 Q People from your tac team, your old tac 10:32:09
22 team? 10:32:13

23 A No. 10:32:13

24 Q Which people? 10:32:13

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

31

1 A People that are currently assigned to 10:32:14
2 desk -- to the desk that I work with. 10:32:16
3 Q What are their names? 10:32:17
4 A It varies from day-to-day. 10:32:19
5 Q I'm sorry. Just to be -- I'm not asking 10:32:22
6 for every name of a person you work with on desk 10:32:24
7 duty. I just want to know which people you've 10:32:27
8 questioned while you're on desk duty. 10:32:29
9 A I don't remember specifically every person 10:32:31
10 I spoke to, but, like I said, at our -- there are 10:32:34
11 certain people that are assigned to the desk. And 10:32:36
12 I have not spoken to anyone -- to any individual 10:32:39
13 that I've worked the desk with anything particular 10:32:42
14 about this -- these individual cases or anything 10:32:45
15 pertaining to the Watts investigation. 10:32:48
16 The only the thing I've questioned is why 10:32:50
17 I've been on -- placed on administrative desk 10:32:53
18 duty. 10:32:56
19 Q And when you say you've questioned why 10:32:56
20 you're placed on administrative desk duty, what do 10:32:58
21 you say to those people? 10:33:01
22 A I don't remember specifically what I said 10:33:02
23 but I've questioned -- basically, I've questioned 10:33:05
24 as to why am I put in this position. 10:33:08

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

32

1 Q Do you think the people you work with on 10:33:09
2 the desk will have answers to that question? 10:33:16
3 A I don't have -- I have no clue. I can't 10:33:18
4 speak for anyone else. 10:33:22
5 Q Well, why are you asking the people you 10:33:23
6 work with on the desk if -- why you're on desk 10:33:28
7 duty? 10:33:30
8 A Because I think it's unfair that I am on 10:33:30
9 administrative desk duty. 10:33:34
10 Q Is it that you're basically complaining to 10:33:35
11 them about it? 10:33:39
12 A No. 10:33:39
13 Q So you are asking -- like, I'm just -- is 10:33:40
14 it literally you'll say to someone on desk duty 10:33:45
15 with you, Why am I on desk duty? 10:33:48
16 A I've been questioned as to why I've 10:33:50
17 been -- why I work -- why am I assigned to the 10:33:53
18 desk; and all I've said I -- you know, I can't 10:33:54
19 give you any specific information. The only thing 10:33:57
20 I can tell you is that I'm on administrative desk 10:34:01
21 duty. 10:34:03
22 Q So people ask -- let me just -- I'm not 10:34:03
23 sure I am understanding this correctly, and I want 10:34:08
24 to make sure I don't misstate what you are saying. 10:34:10

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

33

1 Are you saying that people who you work 10:34:12
2 with on desk duty, they will ask you why you are 10:34:15
3 on desk duty? 10:34:17

4 A That is correct. 10:34:17

5 Q But you're not saying you affirmatively go 10:34:17
6 to them and say why am I on desk duty? 10:34:20

7 A No. 10:34:23

8 Q Got it. 10:34:23

9 And -- but when you were talking about 10:34:24
10 the -- about Mark Moore and other supervisors, are 10:34:26
11 you saying they have asked you why you're on desk 10:34:31
12 duty or you've asked them? 10:34:34

13 A I've asked Captain Moore specifically 10:34:35
14 myself. 10:34:39

15 Q And when you've questioned Captain Moore 10:34:39
16 as to why you were on desk duty, what did he say 10:34:42
17 to you? 10:34:45

18 A I don't recall the answer that he gave me. 10:34:46

19 Q Do you recall anything? 10:34:47

20 A I don't recall. 10:34:48

21 Q Did he apologize? Did he say you 10:34:48
22 shouldn't be on desk duty? Did he say you should 10:34:51
23 be? 10:34:54

24 A I don't remember what his comment was. 10:34:54

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

34

1 Q Were you satisfied by his response? 10:34:56

2 A No, I was not. 10:34:59

3 Q And what do you remember, if anything, 10:35:00

4 about you -- what did you say to him after he 10:35:03

5 responded to you? 10:35:06

6 A I don't recall what -- our conversation 10:35:07

7 detail, but after speaking with him, I was not 10:35:09

8 happy with the -- you know, the outcome. 10:35:12

9 Q Do you remember when you talked to Captain 10:35:19

10 Moore about why you were on desk duty? 10:35:23

11 A I don't recall when exactly it was. 10:35:25

12 Q Do you remember what year it was? 10:35:27

13 A I don't recall if it was this year or last 10:35:28

14 year. I have no idea. 10:35:31

15 Q What shift do you currently work? 10:35:32

16 A I'm currently working third watch. 10:35:38

17 Q What are the hours for third watch? 10:35:40

18 A We work from 1300 hours to 23 -- 10:35:43

19 2230 hours. 10:35:49

20 Q 2230? 10:35:50

21 A That's correct. 10:35:52

22 Q Has anyone told you when, if ever, you may 10:35:53

23 be off desk duty? 10:36:06

24 A I don't -- at this time, I don't recall 10:36:07

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

35

1 having a conversation about anyone pertaining to 10:36:11
2 that. 10:36:14

3 Q Do you consider being placed on desk duty 10:36:14
4 to be a form of discipline? 10:36:18

5 A Yes, I do. 10:36:19

6 Q And why do you consider being placed on 10:36:20
7 desk duty to be a form of discipline? 10:36:22

8 A Because I have not done anything to these 10:36:24
9 individuals who are making these false allegations 10:36:27
10 against me. 10:36:29

11 Q I understand you don't agree with the 10:36:30
12 decision. 10:36:34

13 What I want to know is why do you think it 10:36:34
14 was -- it's considered discipline to be placed on 10:36:36
15 desk duty? 10:36:39

16 A As I stated, because I've done nothing 10:36:39
17 wrong. 10:36:42

18 Q So what were you doing -- what was your 10:36:42
19 job the day before you were placed on desk duty? 10:36:44

20 A I was in patrol. 10:36:47

21 Q And why is it discipline to be moved from 10:36:48
22 patrol to desk duty? 10:36:52

23 A I didn't ask to be assigned to the desk. 10:36:54

24 Q You perceive it as a disciplinary measure. 10:36:56

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

36

1 A Yes. 10:37:00

2 Q Has anyone told you that it's considered 10:37:00

3 discipline to be placed on desk duty? 10:37:05

4 A I don't recall specifically. 10:37:07

5 Q Have you generally heard that? 10:37:08

6 A From what I perceive -- and I don't recall 10:37:11

7 anyone telling me that, but from my perception, 10:37:16

8 it's punishment for me. 10:37:18

9 Q You'd prefer to be on patrol. 10:37:20

10 A Yes, I do. 10:37:22

11 Q Are you detailed to a unit right now? 10:37:25

12 A No, I'm not. 10:37:28

13 Q Do you still have your police powers? 10:37:29

14 A As I sit here, I don't recall having any 10:37:32

15 conversations with any supervisors or anyone 10:37:40

16 within the Chicago Police office -- excuse me -- 10:37:43

17 within the Chicago Police Department clearly 10:37:48

18 defining my role. 10:37:49

19 Q You're not quite sure what you're allowed 10:37:50

20 to and not allowed to do? 10:37:53

21 A One thing -- excuse me -- that I recall 10:37:55

22 being specifically told that I cannot do is write 10:37:57

23 reports. All I've been told is I can work the 10:38:00

24 radio room, and I can't work in patrol. 10:38:05

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

37

1 Q Do you still have a gun? 10:38:07

2 A Yes, I do. 10:38:09

3 Q A Chicago -- CPD-issued gun? 10:38:09

4 A Yes, I do. 10:38:12

5 Q Are you still allowed to arrest people? 10:38:13

6 A As far as I know. I'm not for certain. 10:38:15

7 Q Have you arrested anyone since you were 10:38:18

8 placed on desk duty? 10:38:21

9 A No. I don't even carry my weapon with me. 10:38:22

10 Q Do you carry the weapon while you're at 10:38:27

11 work? 10:38:31

12 A No, I do not. 10:38:31

13 Q Where is your weapon? 10:38:32

14 A It's at home locked in my gun case. 10:38:34

15 Q Did someone tell you not to carry your 10:38:36

16 weapon? 10:38:42

17 A No. Like I said, I don't recall having 10:38:42

18 any specific conversations with anyone clearly 10:38:45

19 detailing or defining my role. 10:38:47

20 Q Is it fair to say you're frustrated with 10:38:50

21 how you were placed on desk duty? 10:38:54

22 A Yes, I am. 10:38:55

23 Q What do you think the process should have 10:38:56

24 looked like inside the CPD? 10:38:59

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

38

1 MR. MICHALIK: Object to the form. 10:39:01

2 A I can't -- I cannot answer it, but I do 10:39:05

3 feel that this is unfair. 10:39:08

4 BY MR. RAUSCHER: 10:39:08

5 Q Do you think that when faced with all of 10:39:12

6 the complaints relating to Watts and the tactical 10:39:15

7 team, CPD should have done anything to 10:39:18

8 investigate? 10:39:22

9 MR. MICHALIK: Objection to the form. 10:39:22

10 Q And when I say "the complaints," I'm 10:39:24

11 talking about these -- the recent civil complaints 10:39:28

12 and all the exonerations. 10:39:28

13 MR. STEFANICH: Object to the form. 10:39:32

14 A I'm sure that some investigations should 10:39:34

15 have taken place. 10:39:36

16 Q And what do you think that investigation 10:39:36

17 should have looked like? 10:39:39

18 A I have no clue. I'm not in a command 10:39:39

19 position, so I have no idea. 10:39:44

20 Q Well, we know that one thing you think 10:39:47

21 should not have happened is you shouldn't have 10:39:49

22 been placed on desk duty; right? 10:39:52

23 A Yes. 10:39:53

24 Q You're comfortable saying that. 10:39:53

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

39

1 A I am definitely comfortable saying that. 10:39:56

2 Q Are you comfortable suggesting any steps 10:39:58

3 that you think should have fairly been taken in an 10:40:01

4 investigation by CPD? 10:40:05

5 MR. MICHALIK: Object to the form. 10:40:06

6 A Yes. 10:40:07

7 Q All right. Tell me what steps you think 10:40:08

8 should have been taken by CPD. 10:40:11

9 A First and foremost, I have not talked to 10:40:13

10 anyone other than my civil attorneys and the COPA 10:40:16

11 investigation -- investigators and yourself as far 10:40:21

12 as these allegations falsely brought against me. 10:40:23

13 I haven't spoke to anyone from internal affairs or 10:40:28

14 any other agencies. 10:40:31

15 Q And so you mentioned internal affairs. 10:40:37

16 Who else do you think should have come 10:40:40

17 spoken to you, if anyone? 10:40:42

18 A Well, whoever was doing the investigation. 10:40:43

19 I don't know if that was -- if that would be the 10:40:46

20 FBI or any other federal agencies, but I have not 10:40:50

21 spoken to anyone. 10:40:53

22 Q All right. Are there any other steps, 10:40:54

23 other than coming to talk to you, that you think 10:40:58

24 CPD should have taken? 10:41:02

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

40

1 MR. MICHALIK: Object to the form. 10:41:03

2 A Like I said, I think they should have did 10:41:11

3 a little bit more research as far as investigating 10:41:14

4 these allegations. 10:41:17

5 Q Anything else? 10:41:18

6 A No, sir, not that I can think of at this 10:41:21

7 moment. 10:41:24

8 Q What research should CPD have done to 10:41:25

9 investigate the allegations before placing you -- 10:41:30

10 and you understand there are others on desk duty 10:41:32

11 as well; right? 10:41:35

12 A Yes, I am. 10:41:36

13 Q What research should CPD have done before 10:41:37

14 placing you and others on desk duty? 10:41:40

15 MR. MICHALIK: Object to form, foundation. 10:41:43

16 MR. STEFANICH: Join. 10:41:45

17 You can answer. 10:41:49

18 A Okay. I think they should have spoken to 10:41:50

19 all the officers that are being falsely accused. 10:41:52

20 They should have taken more time to probably 10:41:56

21 investigate these individual cases and research 10:42:01

22 the -- all the pertinent facts involving these 10:42:04

23 arrests. 10:42:09

24 Q And you said they should have talked to 10:42:10

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

41

1 all the investigators who were falsely accused. 10:42:16

2 They should have spoken to all the 10:42:19

3 officers regardless of whether they were falsely 10:42:22

4 accused; right? 10:42:25

5 MR. MICHALIK: Objection; form, misstates 10:42:26

6 his testimony. 10:42:28

7 A I think they should have -- they -- 10:42:29

8 someone should have done an interview or some type 10:42:30

9 of investigation with the people, like myself and 10:42:34

10 others, who are being accused. 10:42:37

11 Q And you said research the pertinent facts? 10:42:39

12 A Yes. 10:42:42

13 Q What facts should CPD have looked at to do 10:42:43

14 that research? 10:42:46

15 A They should have looked at all of the 10:42:47

16 reports involved and also they should have -- like 10:42:50

17 I said, from doing the interviews with the 10:42:53

18 officers involved in these arrests. 10:42:55

19 Q Should they have interviewed 10:42:58

20 third-parties? 10:43:02

21 A Certainly, yes. But I don't think that 10:43:02

22 they have done -- I don't think that they've done 10:43:10

23 their -- excuse me -- I'm trying to think of the 10:43:14

24 correct way to phrase this. 10:43:17

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

42

1 I don't think they've done -- handled this 10:43:19
2 correctly or done their job properly. 10:43:22

3 Q Why do you think they should have taken 10:43:25
4 those steps that you mentioned -- talking to the 10:43:26
5 officers, investigating, looking into the facts, 10:43:30
6 talking to third-parties -- before placing people 10:43:31
7 on desk duty? 10:43:34

8 A My knowledge and experience as a police 10:43:36
9 officer, I think that's what you are supposed to 10:43:41
10 do, especially when someone is being falsely 10:43:43
11 accused of something that they did not do. 10:43:47

12 Q Why is it important to conduct a thorough 10:43:49
13 investigation when someone allegedly has been 10:43:54
14 falsely accused of something? 10:43:57

15 A Because they need to find the truth. 10:43:59

16 Q I assume you'd agree it's important to 10:44:14
17 conduct a thorough investigation when an officer 10:44:18
18 says they're falsely accused and when a civilian 10:44:22
19 says they're falsely accused; correct? 10:44:25

20 A That's correct. 10:44:26

21 Q There's no reason why you should only 10:44:26
22 conduct that thorough investigation when it's an 10:44:28
23 officer saying they're falsely accused. 10:44:30

24 A I would agree with you. 10:44:33

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

43

1 Q Would you agree that officers can do 10:44:34
2 things that are wrong? 10:44:38
3 A That's possible, but I know that I've 10:44:39
4 never done anything wrong. Anything that these -- 10:44:40
5 any of these individuals, what they are alleging, 10:44:40
6 I have not done what they are accusing me of 10:44:42
7 doing. 10:44:45
8 Q I understand that you're saying that. 10:44:46
9 I just -- you would agree that officers at 10:44:48
10 times do things that are wrong. 10:44:50
11 A I'm not aware of that. I know that the 10:44:52
12 officers that I have worked with while I was a 10:44:55
13 member of the tactical team under Sergeant Watts' 10:44:57
14 supervision or any of my partners, I never 10:45:02
15 witnessed them do anything that -- especially 10:45:04
16 anything that these individuals are alleging. 10:45:07
17 Q But you don't know that the officers never 10:45:10
18 did anything wrong. 10:45:16
19 You're saying you just didn't witness it; 10:45:17
20 right? 10:45:19
21 A From what I know of them based off of 10:45:19
22 their character and the amount of years that I've 10:45:22
23 worked with them, I would be surprised if they did 10:45:24
24 anything criminal. 10:45:27

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

44

1 Q How do you explain Watts and Mohammed 10:45:27
2 then? 10:45:29

3 A I was surprised myself. I have no answer 10:45:29
4 for that. 10:45:33

5 Q Did it make you think that maybe I didn't 10:45:38
6 see everything that happened? 10:45:48

7 A Yes, I did think that; but like I said, I 10:45:49
8 never witnessed them doing that. 10:45:54

9 Q And it hasn't caused you to think, well, 10:45:55
10 maybe there are other incidents that I just didn't 10:46:02
11 see but that were wrong? 10:46:05

12 MR. STEFANICH: Objection; asked and 10:46:06
13 answered. 10:46:06

14 You can answer again, Officer. 10:46:09

15 A Yes, I did think that. 10:46:10

16 Q Do you think it? 10:46:12

17 A The thought has entered my mind; but like 10:46:14
18 I said, there again, I've never witnessed it, but 10:46:16
19 it made me think. 10:46:19

20 Q Have you ever talked about that thought 10:46:21
21 with anyone else? 10:46:23

22 A As I sit here today, no one, especially 10:46:24
23 not the police. 10:46:27

24 Q Why do you say "especially not the 10:46:28

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

45

1 police"? 10:46:32

2 A Because I don't talk to police that often 10:46:32

3 other than when I'm at work. 10:46:37

4 Q Is there any particular reason why you 10:46:39

5 don't talk to police officers often other than 10:46:44

6 when you're at work? 10:46:47

7 A That's just my personal preference. When 10:46:48

8 I'm not -- when I'm not at work, that's my 10:46:49

9 personal time, and how I departmentalize or step 10:46:52

10 away from the job is not to associate with people 10:46:58

11 outside of work because I don't like to talk about 10:47:01

12 work that much. 10:47:04

13 Q Have you been like that for other jobs 10:47:04

14 where work is work and you like to leave it at 10:47:11

15 work, or is that something sort of unique to your 10:47:15

16 experience as a police officer? 10:47:17

17 A No. That's pretty much how I've always 10:47:18

18 been. I've always been -- not to say that I have 10:47:21

19 friends out -- who I've worked with. But for the 10:47:21

20 most part, I try to separate work from personal 10:47:26

21 relationships with other people. 10:47:30

22 Q Do you think that someone should be 10:47:31

23 believed or not believed just because they have a 10:47:44

24 conviction? 10:47:46

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

46

1	MR. MICHALIK: Objection; form.	10:47:48
2	A I have no idea. I can't speak for no one	10:47:52
3	else, but I speak for myself; and as I sit here	10:47:54
4	today, I know that these accusations against me	10:47:57
5	are false.	10:48:00
6	MR. RAUSCHER: I'm going to move to strike	10:48:01
7	that.	10:48:01
8	BY MR. RAUSCHER:	10:48:01
9	Q Can you just try to please listen to the	10:48:02
10	question and answer the question.	10:48:04
11	Do you have an opinion as to whether	10:48:05
12	someone should be believed or disbelieved merely	10:48:08
13	because they have a conviction?	10:48:11
14	MR. MICHALIK: Object to form.	10:48:12
15	A I have no clue.	10:48:14
16	Q What's your opinion on that question as to	10:48:15
17	whether someone should be believed or not believed	10:48:17
18	just because they have a conviction?	10:48:20
19	A It depends on the person.	10:48:21
20	Q So is that a no, as a general matter you	10:48:23
21	don't think someone just because they're convicted	10:48:26
22	of something should either be believed or not	10:48:29
23	believed just because of the conviction?	10:48:31
24	MR. KOSOKO: Objection; calls for a legal	10:48:32

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

47

1 conclusion also. 10:48:35

2 A No. Because people can lie. 10:48:36

3 BY MR. RAUSCHER: 10:48:36

4 Q What do you mean by that? 10:48:38

5 A That people can make up things. They can 10:48:39

6 tell -- not be completely honest when they make 10:48:42

7 the allegations against people, whether they're 10:48:45

8 the police or not. 10:48:47

9 Q Anyone can make up an allegation is what 10:48:49

10 you're saying. 10:48:52

11 A That's correct. 10:48:52

12 Q And so the fact that someone making an 10:48:53

13 allegation or denying an allegation has a 10:48:58

14 conviction doesn't mean that person should be 10:49:00

15 believed or disbelieved on its own? 10:49:03

16 MR. KOSOKO: Objection; calls for a legal 10:49:05

17 conclusion. 10:49:07

18 A Again, like I said, it depends on the 10:49:07

19 person. 10:49:09

20 Q You've got to take it case-by-case? 10:49:10

21 A That's correct. It depends on the person. 10:49:12

22 Like I said, you know, not all people are 10:49:15

23 trustworthy. 10:49:18

24 Q Do you still consider Watts or Mohammed to 10:49:23

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

48

1 be trustworthy? 10:49:26

2 A Based on what they were charged with, no. 10:49:30

3 Q How long was Mohammed your partner? 10:49:34

4 A I don't recall. 10:49:56

5 MR. STEFANICH: Objection; asked and 10:49:56

6 answered. 10:49:56

7 A I don't recall specifically. 10:49:58

8 Q Can you generally just estimate the best 10:50:00

9 you can? 10:50:03

10 A I don't know who was -- maybe even longer 10:50:03

11 than a year and I -- like I said, I don't -- as of 10:50:07

12 this date, I don't remember specifically. 10:50:08

13 Q When you worked with Mohammed, were you 10:50:10

14 assigned to a specific beat? 10:50:22

15 A Yes, I was. 10:50:23

16 Q What beat? 10:50:24

17 A I believe we were the 264 David. 10:50:25

18 Q When you were on the 264 Watts team, about 10:50:32

19 how many arrests did you participate in? 10:50:40

20 A I could not tell you. As of this date, I 10:50:41

21 don't know. 10:50:45

22 Q Do you think it was hundreds? 10:50:45

23 A I don't know. 10:50:46

24 Q Over the course of your career, have you 10:50:47

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

49

1 participated in hundreds of arrests? 10:50:50

2 A As of this date, I'm certain I probably 10:50:51

3 did more than a hundred, but I could not give you 10:50:55

4 the exact number. 10:50:57

5 Q Somewhere north of a hundred? 10:50:58

6 A As of this date, I would assume, yes. 10:51:00

7 Q Do you think you're close to a thousand 10:51:02

8 arrests over your career? 10:51:06

9 A I don't know specifically. I haven't 10:51:07

10 checked my personnel records in a long time, and I 10:51:09

11 couldn't tell you the last time that I did. 10:51:13

12 Q Have you ever done a check of how many 10:51:14

13 arrests you've participated in? 10:51:17

14 A As I sit here, I couldn't give you the 10:51:17

15 exact date, but it's been many years ago. 10:51:21

16 Q You did it at some point, though? 10:51:24

17 A At some point in time, I have. 10:51:26

18 Q Why did you check how many arrests you 10:51:28

19 participated in? 10:51:31

20 A Just out of curiosity. 10:51:31

21 Q Do you remember what the number was? 10:51:33

22 A Again, as I sit here today, I don't 10:51:35

23 recall. 10:51:38

24 Q Do you remember about when you did that 10:51:38

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

50

1 check? 10:51:42

2 A As I stated before, I don't recall 10:51:42

3 exactly. 10:51:46

4 Q No, not exactly but do you just -- can you 10:51:46

5 even estimate? 10:51:47

6 A I couldn't give you an estimate of the 10:51:49

7 time. I don't remember. 10:51:51

8 Q Do you remember what your job was at the 10:51:51

9 time? 10:51:55

10 A I believe when I was a tactical officer. 10:51:55

11 Q Was it when you were on the Watts team? 10:51:57

12 A I believe so. 10:51:59

13 Q Do you have any context for why you did 10:52:00

14 that check? 10:52:07

15 A As I sit here today, no. Basically, as I 10:52:07

16 said, out of curiosity. 10:52:11

17 Q Do you remember how you did it? How did 10:52:12

18 you go check how many arrests you had participated 10:52:17

19 in? 10:52:19

20 A It was on the CPD data warehouse system. 10:52:19

21 Q And what did you -- was it a computer 10:52:23

22 program you looked at? 10:52:26

23 A Yes. 10:52:27

24 Q What did you go and search to pull up the 10:52:28

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

51

1 number of arrests you participated in? 10:52:32

2 A As I sit here today, I don't -- without 10:52:34

3 looking at the computer screen, I couldn't tell 10:52:36

4 you. 10:52:38

5 Q Do you know if it included arrests other 10:52:39

6 than ones where you were the reporting officer? 10:52:42

7 Like if you were a witness or anything like -- 10:52:45

8 assisting or anything like that? 10:52:47

9 A As I sit here today, I don't recall. 10:52:48

10 Q Were you ever detailed or did you ever 10:52:49

11 fill in in the 2nd District or work in the 10:53:11

12 2nd District in any capacity before you were 10:53:13

13 officially assigned there on July 22nd, 2004? 10:53:17

14 A No, I was not. 10:53:20

15 Q Did you ever spend a day working there? 10:53:21

16 A No. As I sit here today, as far as I am 10:53:24

17 aware of, no. 10:53:27

18 Q Did you know any members of the 264 team 10:53:28

19 before you moved over to the 2nd District? 10:53:32

20 A Not that I'm aware of. 10:53:34

21 Q At some point, did you take the detective 10:53:35

22 exam? 10:53:47

23 A Yes. I do not recall what year I took the 10:53:47

24 test. 10:53:51

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

52

1 Q Do you remember what the result of taking 10:53:51
2 the test was? 10:53:54

3 A As of today, I don't remember the result, 10:53:54
4 what my score was, but I do recall passing the 10:53:58
5 test. 10:54:01

6 Q And then did you try to become a 10:54:01
7 detective? 10:54:04

8 A Well, the determination is not left up 10:54:05
9 to me; and as far as I -- as I sit here today, I 10:54:09
10 have not been promoted to detective. 10:54:13

11 Q Did you have to do -- were there any steps 10:54:16
12 that were under your control after you take the 10:54:19
13 exam to try to become a detective? 10:54:22

14 A To my knowledge, no. 10:54:24

15 Q It was just up to the higher-ups? 10:54:25

16 A I'd say, again, I don't make the personnel 10:54:27
17 decisions as far as who is promoted or not. So I 10:54:31
18 have no idea. 10:54:34

19 Q Do you keep in touch with Al Jones? 10:54:34

20 A No, I do not. 10:54:41

21 Q Do you know what his current role is 10:54:41
22 at CPD? 10:54:44

23 A From what I've been told, that he's a 10:54:44
24 sergeant. 10:54:46

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

53

1 Q Do you know how he got promoted to be 10:54:46
2 sergeant? 10:54:49

3 A No, I do not. 10:54:50

4 Q Do you have any opinion as to whether he 10:54:52
5 should be a sergeant? 10:54:54

6 MR. STEFANICH: Objection; form. 10:54:55

7 A That's not my determination to make that 10:54:57
8 decision. 10:54:59

9 Q Do you have an opinion as to whether he 10:55:00
10 should be a sergeant? 10:55:02

11 A My opinion of him, I have no problem with 10:55:03
12 him -- if he was promoted to sergeant, then 10:55:07
13 obviously the bosses or someone in charge felt 10:55:10
14 that he should have been promoted to sergeant. So 10:55:13
15 that's not my determination. 10:55:16

16 Q From what you know of him, do you think he 10:55:17
17 should be a sergeant? 10:55:21

18 A I have no problems with him being a 10:55:21
19 sergeant. 10:55:23

20 Q Do you know anything about the merit 10:55:24
21 promotion system? 10:55:27

22 A I've heard about it. 10:55:28

23 Q What have you heard about the merit 10:55:29
24 promotion system? 10:55:31

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

54

1	A That the merit -- I don't know much, but	10:55:32
2	I've heard that it's just basically who you know.	10:55:36
3	Q In your experience, do you think that's an	10:55:39
4	accurate description of the merit promotion	10:55:50
5	system?	10:55:53
6	A From what I've heard -- like I said, I	10:55:54
7	don't know much about it, but that's what I've	10:55:56
8	heard.	10:55:59
9	Q Who have you heard that from?	10:55:59
10	A I don't remember specifically, but I've	10:56:01
11	heard that throughout the department.	10:56:05
12	Q Do you know of anyone who has received a	10:56:07
13	merit promotion?	10:56:09
14	A As far as -- to the best of my knowledge,	10:56:10
15	no. Other than Alvin Jones, no.	10:56:13
16	Q And how do you know that Jones got a merit	10:56:16
17	promotion?	10:56:18
18	A That I am aware of through this	10:56:18
19	investigation that he is a sergeant and I heard	10:56:22
20	that -- like I said, I don't recall who told me.	10:56:24
21	Like I said, that's all I know.	10:56:28
22	Q Does he know people who you think would	10:56:29
23	have promoted him to become a sergeant?	10:56:32
24	MR. MICHALIK: Objection; foundation.	10:56:35

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

55

1 A I'm not certain. 10:56:37

2 BY MR. RAUSCHER: 10:56:37

3 Q In line with the idea of it's all about 10:56:40

4 who you know, do you know of anyone Al Jones 10:56:43

5 knows? 10:56:46

6 MR. MICHALIK: Objection; foundation. 10:56:46

7 A I don't know. I'm certain he knows 10:56:49

8 someone. I don't know if that was how he got 10:56:51

9 promoted or not. There again, I don't know who Al 10:56:54

10 knows. 10:56:56

11 Q When we're saying here "who Al knows," 10:56:57

12 we're talking about who he knows who might have 10:57:01

13 gotten him promoted; right? 10:57:03

14 A If that's how he was -- 10:57:06

15 MR. MICHALIK: Objection; foundation, 10:57:06

16 assumes facts not in evidence. 10:57:07

17 A If that's -- indeed, that's how he was 10:57:09

18 promoted, I have no idea. I don't know who Al 10:57:11

19 knows and who he doesn't know. 10:57:14

20 Q You had said you assume Al knows someone, 10:57:16

21 I think. Of course, he knows people. 10:57:22

22 I just want to make sure of the context 10:57:23

23 for saying you assume he knows someone who would 10:57:25

24 have helped him with the promotion. 10:57:27

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

56

1 A That's not what I said. 10:57:29

2 Q Okay. 10:57:30

3 A I said I assumed that he knows somebody. 10:57:31

4 I don't know specifically if that's how he was 10:57:33

5 promoted or not. That's what I heard, but I don't 10:57:36

6 know if that's the truth or not. 10:57:39

7 Q Who did you hear that from? 10:57:40

8 A Like I said, I don't remember 10:57:41

9 specifically. 10:57:43

10 Q What were your main responsibilities in 10:57:44

11 the 6th district and the 3rd District? 10:57:58

12 A I was a patrolman. 10:58:00

13 Q What did you do as a patrolman in the 6th 10:58:02

14 and the 3rd? 10:58:02

15 A I had many different functions as a 10:58:07

16 patrolman. 10:58:07

17 Q Can you just tell me generally what they 10:58:09

18 were? 10:58:10

19 A Visible patrol and respond to your radio 10:58:10

20 calls, the radio assignments. 10:58:13

21 Q And were they for all kinds of crimes, 10:58:15

22 alleged crimes? 10:58:18

23 A Yes. 10:58:19

24 Q How did you end up in the 2nd District? 10:58:19

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

57

1 A I bid it to come to the 2nd District. I 10:58:23
2 completed a PAR form and transferred. 10:58:29
3 Q A what form? 10:58:31
4 A A PAR form. 10:58:32
5 Q What's a PAR form? 10:58:34
6 A I forget what the acronym stands for, it's 10:58:35
7 the personnel -- personnel form that you fill out 10:58:40
8 when you request to be transferred to a different 10:58:44
9 district. 10:58:47
10 Q Why did you want to move to the 10:58:47
11 2nd District? 10:58:50
12 A I wanted to transfer to the 2nd District 10:58:50
13 because I heard that -- eventually that the 10:58:53
14 district was going to change once all of the 10:58:57
15 housing developments were taken down. 10:59:00
16 And the talk within the department at that 10:59:03
17 time was that it was going to be like the land of 10:59:07
18 milk and honey or meaning that it was going to be 10:59:09
19 not that much crime and it would be a lot -- an 10:59:12
20 easy district to work in. So that was one of the 10:59:15
21 reasons why I transferred there. 10:59:18
22 Q Did it work out like that? 10:59:20
23 A For the most part. 10:59:22
24 Q So in your experience, being in the 10:59:23

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

58

1 2nd District has been a relatively easy job? 10:59:33
2 A Somewhat. 10:59:37
3 Q Easier than the 3rd and 6th District as a 10:59:39
4 patrolman? 10:59:44
5 A I don't have much recollection of my time 10:59:45
6 in the 6th district because I was a -- still a 10:59:50
7 probationary police officer. 10:59:54
8 And, like I said, the 3rd district, 10:59:56
9 although I liked the 3rd District, I wanted to 11:00:04
10 change. 11:00:07
11 Q Why did you want to change when you were 11:00:07
12 in the 3rd District? 11:00:09
13 A Because the 3rd District was becoming 11:00:10
14 extremely busy; and, like I said, I heard the 11:00:14
15 rumors about, you know, what the 2nd District 11:00:18
16 might become. So I was looking for a change as 11:00:20
17 far as working as hard. 11:00:23
18 Q And you said it pretty much worked out the 11:00:25
19 way that you heard it would work out in the 11:00:30
20 2nd District; right? 11:00:32
21 A That's correct. 11:00:33
22 Q Was it -- when did it become like that, 11:00:34
23 where it became kind of an easy job, not as much 11:00:37
24 crime? 11:00:44

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A Eventually after the projects were torn 11:00:45
2 down. 11:00:47

3 Q Was that after you were done being on the 11:00:50
4 264 tactical team? 11:00:54

5 A Well, I left the 264 team prior to the 11:00:55
6 housing projects or developments that were in the 11:00:58
7 district were torn down. 11:01:02

8 Q Was there a lot of crime in the 11:01:03
9 2nd District while you were on the 264 Watts team? 11:01:14

10 A There was a lot of crime prior to me 11:01:17
11 becoming a member of Watts team. Like I said, 11:01:21
12 before I was a member of Watts team, I was there 11:01:23
13 in July. 11:01:26

14 Q There was a lot of crime when you got 11:01:27
15 there? 11:01:30

16 A From what I recall, yes. 11:01:31

17 Q Did that continue through your time on the 11:01:32
18 Watts team? 11:01:35

19 A Yes, it did. 11:01:36

20 Q How long were you in the 2nd District 11:01:37
21 before you became a member of the 264 team? 11:01:40

22 A I don't remember specifically. My best 11:01:42
23 guess is, I believe, it was about three months. 11:01:47

24 Q Did you ask to become a member of the 11:01:49

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

60

1 Watts team? 11:01:53
2 A No, I did not. 11:01:54
3 Q Did you want to be a member of the team? 11:01:54
4 A No, I did not. 11:01:57
5 Q Why did you not want to be a member of 11:01:58
6 Watts team? 11:02:01
7 A Because I did not ask to be a member of 11:02:01
8 his team. 11:02:04
9 Q Why didn't you want to do it? 11:02:04
10 A Because I didn't want to be a tactical 11:02:06
11 officer when I transferred to the 2nd District. 11:02:11
12 Q What was it about being a tactical officer 11:02:13
13 that you didn't like? 11:02:15
14 A It was nothing specifically. I just 11:02:16
15 didn't want to be a tactical officer at that time. 11:02:19
16 Q There wasn't anything about the tactical 11:02:22
17 officer job that made you not want to do it? 11:02:24
18 A No. As I sit here, nothing. And the only 11:02:27
19 reason why I was placed on Watts team is because 11:02:31
20 of reverse seniority. 11:02:33
21 Q What does that mean? 11:02:37
22 A Because I did not have enough years or 11:02:37
23 enough time on the job, the district commander at 11:02:41
24 that time put me on Watts team. 11:02:44

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q So it was not a particularly desirable job 11:02:45
2 in the 2nd District to be on that team? 11:02:50
3 MR. MICHALIK: Objection; foundation. 11:02:51
4 A I didn't have any prior knowledge of 11:02:54
5 Ronald Watts when I came to the 2nd District, 11:02:58
6 never heard of him. So at that time, I had no 11:02:58
7 knowledge of him; and at that time, being a 11:03:00
8 tactical officer was a desirable position, but it 11:03:02
9 was something that I did not request. 11:03:05
10 Q The fact that you were put there because 11:03:07
11 you didn't have enough seniority to not be put 11:03:11
12 there, does that suggest that others more senior 11:03:14
13 to you didn't ask to be put there? 11:03:18
14 MR. MICHALIK: Objection; form, calls for 11:03:21
15 speculation. 11:03:23
16 A I have no idea. 11:03:23
17 Q Well, how else would it work? 11:03:25
18 A I have no idea. I did not make the 11:03:27
19 decision, so I would not be able to answer that 11:03:29
20 question. 11:03:31
21 Q But you were told that you were placed 11:03:31
22 there because you didn't have enough seniority to 11:03:33
23 request to not be there? 11:03:36
24 A To the best of my knowledge, yes. 11:03:38

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 Q And who told you that? 11:03:39

2 A The commander, who at that time was Walter 11:03:40

3 Green, and he's been retired, and I don't know how 11:03:43

4 many years he's been retired. 11:03:46

5 Q Do you remember specifically what Walter 11:03:48

6 Green told you when he said you were going to be 11:04:03

7 part of the Watts team? 11:04:05

8 A I don't remember exactly, but his words, 11:04:06

9 just to paraphrase it, was I'm placing you on my 11:04:10

10 tac team. 11:04:15

11 Q What was he the commander of? What was 11:04:15

12 Walter Green the commander of at the time? 11:04:18

13 A He was the commander of the 2nd District. 11:04:21

14 Q Did you have an understanding of what 11:04:22

15 tactical team officers did when Walter Green came 11:04:38

16 to you and said I'm placing you on my tactical 11:04:41

17 team? 11:04:44

18 A No, I did not. 11:04:44

19 Q How did you learn what tactical officers 11:04:45

20 did? 11:04:49

21 A Just from what I recall during my time 11:04:50

22 working under Ronald Watts and the other members 11:04:54

23 of the 264 team. 11:04:57

24 Q Did Watts train you? 11:04:58

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A I wouldn't necessarily call it train but I 11:05:00
2 guess -- that's a way of saying it, I guess. 11:05:05
3 Q What would you call it? 11:05:07
4 A Well, I guess he told me how to become -- 11:05:08
5 I said -- I guess you could say that. So at that 11:05:12
6 time I wasn't a probationary officer. I was just 11:05:16
7 a new tactical officer. I did have some 11:05:18
8 experience as a police officer. 11:05:24
9 Q What did Watts tell you about being a 11:05:25
10 tactical team officer? 11:05:28
11 A I don't recall specifically, as I sit here 11:05:29
12 today? 11:05:32
13 Q What about generally? 11:05:32
14 A I don't recall specifically. 11:05:33
15 Q Do you recall generally? 11:05:36
16 A Generally, I don't recall, but our main 11:05:37
17 assignment was to prevent crime happening in the 11:05:42
18 Ida B. Wells and other public housing 11:05:44
19 developments, and that consisted of many different 11:05:47
20 things. 11:05:51
21 Q When you say "that consisted of many 11:05:51
22 different things," you mean there were lots of 11:05:57
23 different crimes or different responsibilities or 11:05:58
24 both? 11:06:00

Transcript of Elsworth Smith, Jr.
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1 A Many different responsibilities and many 11:06:00
2 different crimes. 11:06:27

3 Q All right. What were your main 11:06:03
4 responsibilities on the tac team? 11:06:05

5 A As I sit here today, from what I recall, 11:06:09
6 the main objective was to prevent violent crimes, 11:06:11
7 the distribution of illegal narcotics. 11:06:16

8 Q Anything else? 11:06:30

9 A At the moment, I can't recall. 11:06:31

10 Q Did the tac team spend more time in Ida B. 11:06:34
11 Wells then elsewhere? 11:06:39

12 A As I sit here today, from the best of my 11:06:40
13 memory, perhaps so. 11:06:43

14 Q Do you think it's likely that the tac 11:06:44
15 team, while you were there, spent more time at 11:06:52
16 Ida B. Wells than elsewhere? 11:06:54

17 A As I said, I don't remember specifically, 11:06:56
18 but my best guess is we did spend probably the 11:06:57
19 majority of the time in the Ida B. Wells. 11:07:02

20 Q Do you recall ever having any sort of 11:07:04
21 meeting with Watts when you moved over to the tac 11:07:13
22 team to start off, introduce yourself, learn the 11:07:16
23 basics of the job, anything like that? 11:07:19

24 A As I sit here today, I don't recall. 11:07:21

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q Do you think that didn't happen, or you 11:07:23
2 don't recall one way or the other? 11:07:26

3 A I don't recall one way or the other. 11:07:27

4 Q Did you learn how to do the job of a 11:07:29
5 tactical officer by watching Ronald Watts do 11:07:39
6 the job? 11:07:43

7 MR. KOSOKO: Objection; form of the 11:07:44
8 question. 11:07:45

9 A I learned from all -- any partners I 11:07:46
10 worked with from the time I was in patrol, a 11:07:49
11 combination of working with different people, and 11:07:51
12 from my experience and training from the police 11:07:54
13 academy. 11:07:54

14 MR. RAUSCHER: Could you read back that 11:07:54
15 question, please. 11:07:54

16 (Pending question read.) 11:08:14

17 A The combination of watching him and other 11:08:14
18 tactical officers, not just necessarily members of 11:08:17
19 the 264 team; but as I sit here today, I don't 11:08:20
20 recall specifically. 11:08:26

21 Q And I don't mean to suggest that you only 11:08:26
22 learned how to do your job from watching Ronald 11:08:32
23 Watts, but I just want to know did you learn from 11:08:35
24 watching Ronald Watts in part? 11:08:38

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A As I sit here today, I don't recall 11:08:39
2 specifically. I'm sure I've learned -- did learn 11:08:42
3 from watching him and other tactical officers. 11:08:46
4 Q Was he out on the street with the team 11:08:49
5 frequently? 11:08:53
6 MR. KOSOKO: Object to the form of the 11:08:54
7 question. 11:08:55
8 A To the best of my memory, yes. 11:08:55
9 Q Was he out with his team more than other 11:08:57
10 sergeants in your experience? 11:09:01
11 MR. KOSOKO: Object to the form of the 11:09:02
12 question, foundation. 11:09:04
13 A Again, based on my knowledge, probably 11:09:06
14 more so than some other sergeants. 11:09:08
15 Q You said Sergeant Silas was a sergeant for 11:09:11
16 your other team? 11:09:14
17 A Yes. 11:09:15
18 Q Your other tactical team? 11:09:15
19 A Yes. 11:09:16
20 Q Was Watts out on the street with his team 11:09:16
21 more than Sergeant Silas was out with that 11:09:20
22 tactical team when you served on the tactical 11:09:23
23 team? 11:09:26
24 A As I sit here today, I couldn't guess. 11:09:26

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1 Sergeant Silas did spend some time with the 263 11:09:30
2 team, but I couldn't tell you comparing him to 11:09:34
3 Watts. 11:09:36

4 Q How would you compare the two as bosses, 11:09:45
5 Silas verse Watts? 11:09:48

6 A Comparing in what way? 11:09:50

7 Q Did you like one of them more? 11:09:55

8 A I didn't have a preference either way. 11:09:57

9 Q Were they both effective leaders? 11:09:59

10 A And I'm sorry. Can I just ask you to put 11:10:11
11 your hand down just for the video, so we can make 11:10:13
12 sure I see the answer. 11:10:15

13 A As far as being an effective leader, I 11:10:16
14 guess so. I had to -- you know, I guess so. 11:10:20

15 A Can you rephrase that question for me 11:10:30
16 because I don't completely understand it? 11:10:31

17 Q Sure. Was there anything that Sergeant 11:10:33
18 Watts did as a head of the tactical team that you 11:10:40
19 didn't agree with at the time? 11:10:43

20 A MR. KOSOKO: Object to the form of the 11:10:47
21 question. 11:10:48

22 A I'm certain I probably had some 11:10:49
23 disagreements with Sergeant Watts as well as 11:10:52
24 Sergeant Silas. As I sit here today, I probably 11:10:54

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 had some disagreements with sergeants that I'm 11:11:00
2 currently or presently assigned to work under, but 11:11:02
3 I wouldn't say any more difference than one or the 11:11:05
4 other. 11:11:09

5 BY MR. RAUSCHER: 11:11:09

6 Q And I appreciate you wanting to give some 11:11:10
7 context, but I'm just going to ask if you can just 11:11:12
8 try to just answer the question that I'm asking. 11:11:13

9 A Okay. I thought I did. Again, as I sit 11:11:16
10 here today, from what I recall, I don't recall 11:11:20
11 having too many -- too much differences from 11:11:23
12 working with Sergeant Watts than I did with 11:11:26
13 Sergeant Silas or any other sergeant. 11:11:30

14 Q Do you recall having any disagreements 11:11:31
15 with Sergeant Watts? 11:11:34

16 MR. KOSOKO: Object to the form of 11:11:36
17 question. 11:11:37

18 A As I sit here today, I can't recall too 11:11:38
19 many disagreements that I've had with him. 11:11:41

20 Q Do you recall any? 11:11:43

21 A As I sit here today, I don't recall 11:11:44
22 specifically. I'm sure I have had some 11:11:46
23 disagreements with him. 11:11:48

24 Q You're just saying generally it would be 11:11:49

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 normal to have disagreements with the boss; is 11:11:52
2 that the idea? 11:11:55
3 A I'm not saying that's normal. No, I would 11:11:55
4 not say that's normal. 11:11:58
5 Q Okay. 11:11:58
6 A And, as I said, I don't have a problem 11:12:00
7 with anyone that I work with and I have had -- I 11:12:01
8 haven't had too many disagreements with anyone 11:12:04
9 that I've worked with. 11:12:05
10 A And as I sit here today, is it possible 11:12:07
11 that I've had some disagreements? Certainly, in 11:12:09
12 20 years as being a police officer. I'm not going 11:12:12
13 to say that just specifically Ronald Watts. I've 11:12:15
14 had issues with other sergeants. 11:12:19
15 Q What issues have you had with other 11:12:20
16 sergeants? 11:12:22
17 A I can't give any specifics. As I sit here 11:12:22
18 today, I don't recall; but it's not just, like I 11:12:25
19 said, pertaining -- you're asking me strictly to 11:12:27
20 Ronald Watts. There's a lot of sergeants or other 11:12:30
21 supervisors that I've had issues with their 11:12:32
22 leadership skills. So I wouldn't just single out 11:12:34
23 Ronald Watts. 11:12:37
24 Q All right. Well, tell me about all the 11:12:40

Transcript of Elsworth Smith, Jr.
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1 issues you've had with other sergeants' leadership 11:12:42
2 and other supervisors' leadership skills. 11:12:44

3 A As I sit here today, I cannot give you a 11:12:45
4 specific, and I've worked with many different 11:12:48
5 sergeants in my 20 years as a police officer. And 11:12:51
6 I can't remember every last sergeant's name that 11:12:54
7 I've worked under because I've had many different 11:12:57
8 sergeants being in patrol, and I can't remember 11:13:00
9 every last one of their names. 11:13:03

10 Q Can you give me any single instance of 11:13:04
11 having a disagreement with a supervisor or a 11:13:08
12 sergeant of any sort while you were at the CPD? 11:13:11

13 A Nothing stands out in my mind. 11:13:13

14 Q Did Sergeant Watts and Sergeant Silas have 11:13:15
15 a different leadership style? 11:13:23

16 A Yes, they did. 11:13:24

17 Q Tell me about the differences in their 11:13:25
18 leadership styles. 11:13:29

19 A From what I recall, Sergeant Watts was 11:13:30
20 generally a jokester. He was more hands-on than 11:13:37
21 Silas. Sergeant Silas was more gruffy, his 11:13:47
22 disposition or his attitude, and I wouldn't say he 11:13:51
23 was as nice as Sergeant Watts. 11:13:56

24 Q Watts was nicer? 11:13:57

Transcript of Elsworth Smith, Jr.
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1 A Yes. 11:14:00

2 Q And the descriptions you were just giving 11:14:01

3 about how Watts joked around more and was more 11:14:06

4 hands-on and was nicer, are you talking about his 11:14:09

5 interactions and leadership of officers under his 11:14:13

6 command? 11:14:15

7 A Yes. To the best of my knowledge, yes. 11:14:15

8 Q And when you say he was more hands-on than 11:14:17

9 Silas, can you tell me what you mean by that? 11:14:18

10 A Like I said, to the best of my knowledge, 11:14:20

11 what I meant by that, that he was more -- because 11:14:24

12 I did state earlier that Watts, comparing the two, 11:14:27

13 that he probably rode or he worked with us in the 11:14:30

14 field more so than Sergeant Silas did. 11:14:34

15 Not to say that Sergeant Silas didn't do 11:14:36

16 it on a regular basis, but, you know, his -- 11:14:38

17 Sergeant Silas' attitude was more laid back and 11:14:42

18 laissez-faire. He really didn't care as much. 11:14:46

19 Q I'm sorry. You said Silas was more laid 11:14:49

20 back? 11:14:51

21 A Yes. 11:14:52

22 Q Didn't care as much? 11:14:52

23 A Yes. That's just my perception. 11:14:54

24 Q And what do you -- what -- didn't care as 11:14:57

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1 much about what? 11:14:59

2 A As far as -- to me he didn't care too much 11:15:00

3 as far as overseeing everything. He took, like, a 11:15:04

4 hands-off approach more so from what I can recall. 11:15:12

5 You know, Silas pretty much let you do your own 11:15:19

6 thing, you know. Not to say that Watts didn't let 11:15:26

7 you do your own thing; but, like I said, Silas 11:15:30

8 didn't seem to care as much about the job as much 11:15:33

9 as Ronald Watts did. 11:15:37

10 Q Can you -- I'm sorry. Go ahead. 11:15:37

11 Can you give me some examples of how it 11:15:38

12 played out where Watts was more hands-on and 11:15:40

13 overseeing you more closely than Silas? 11:15:43

14 A Well, Watts seemed to have more street 11:15:46

15 knowledge. He knew who the guys were that was 11:15:50

16 involved in the narcotics, involved in selling 11:15:54

17 narcotics or the people in the gangs. He had more 11:15:58

18 awareness of what was going on than Sergeant Silas 11:16:03

19 did. 11:16:07

20 Q And did he oversee your team's daily 11:16:08

21 activities more closely than Silas did? 11:16:13

22 A I wouldn't necessarily say that. Like I 11:16:16

23 said, Sergeant Watts did work with us from time to 11:16:21

24 time more often, I would say, than Sergeant Silas 11:16:23

Transcript of Elsworth Smith, Jr.
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1	did; and, again, I said Sergeant Silas did ride	11:16:25
2	with us, from what I recall, on a consistent	11:16:28
3	basis, probably not as much as Watts did.	11:16:30
4	Q Did Watts ride with you all almost every	11:16:33
5	day?	11:16:37
6	A Sitting here today, I couldn't say on a	11:16:37
7	consistent basis every day.	11:16:40
8	MR. STEFANICH: Put your hand down.	11:16:42
9	THE WITNESS: I'm sorry.	11:16:44
10	Q Would he go out with you multiple times a	11:16:46
11	week? And by "you," I mean, the team.	11:16:49
12	Would Watts go out with the tactical team	11:16:49
13	multiple times each week?	11:16:51
14	A As I sit here today, I couldn't give you a	11:16:53
15	number.	11:16:56
16	Q One way or the other, whether he was there	11:16:56
17	every day or once a week or once a month?	11:16:59
18	A Again, as I stated, I don't have a --	11:17:01
19	wouldn't recall how many times he rode with us per	11:17:04
20	week, but he did ride with us quite often. I just	11:17:06
21	can't recall how many times per week.	11:17:09
22	Q Typically, it was multiple times per week	11:17:11
23	at least; is that fair?	11:17:15
24	A Possibly.	11:17:16

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1 Q Possibly or yes in your experience? 11:17:16

2 A As I stated, again, I don't know exactly, 11:17:18

3 but it is possible that he rode with us multiple 11:17:19

4 times a week. 11:17:23

5 Q Do you think he rode with you multiple 11:17:24

6 times each week? 11:17:26

7 A Again, as I stated, I don't know. I can't 11:17:27

8 give you a specific answer, but it might have been 11:17:29

9 maybe one or two times. It could possibly be 11:17:30

10 more. 11:17:33

11 Q All right. How did Watts gain the 11:17:33

12 knowledge that you believe he had regarding gangs 11:17:37

13 and drugs and who the players were? 11:17:40

14 MR. STEFANICH: Objection. 11:17:44

15 MR. KOSOKO: Objection; form of the 11:17:44

16 question, calls for speculative response, form, 11:17:48

17 foundation. 11:17:48

18 A Like I said, I can't answer for Ronald 11:17:50

19 Watts. Just based off my observation, maybe he 11:17:52

20 was more street savvy then I was. I did have -- 11:17:54

21 come to find out that he grew up in the Ida B. 11:17:57

22 Wells, so that could also have given him a lot 11:18:00

23 more information that led him to be more 11:18:01

24 knowledgeable than me. 11:18:06

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1 Also at that time, he had more years on 11:18:07
2 the job than I did. 11:18:16
3 BY MR. RAUSCHER: 11:18:16
4 Q How did you come to learn that Watts had 11:18:17
5 grown up in Ida B. Wells? 11:18:20
6 A I don't recall exactly when and who told 11:18:22
7 me; but at some point in time during my years 11:18:24
8 working with him, I did learn that. 11:18:27
9 Q Did you ever talk to him about the fact 11:18:29
10 that he had grown up in Ida B. Wells? 11:18:31
11 A I'm certain I may have. I don't recall 11:18:33
12 specifically. 11:18:35
13 Q How else did -- was Silas more 11:18:35
14 laissez-faire and hands-off than Watts? 11:18:56
15 A That's going back so many years ago. Like 11:18:58
16 I said, I don't recall. Like I said -- like I 11:19:03
17 said, I didn't work with Silas that long, and I 11:19:08
18 don't remember every detail about Silas. 11:19:11
19 Like I said, I knew Silas prior to working 11:19:15
20 with him. Not to say that we were personal 11:19:17
21 friends, but I couldn't tell you too much of a 11:19:20
22 difference between Ronald Watts, other than 11:19:23
23 they -- you know, like I said, the difference in 11:19:25
24 their personalities. 11:19:26

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1 Q Was one of the ways that Watts acted in a 11:19:27
2 more hands-on manner by telling officers on the 11:19:30
3 tac team who they should arrest? 11:19:34
4 MR. MICHALIK: Object to form. 11:19:37
5 A As I sit here today, I don't recall Watts 11:19:40
6 ever specifically telling us who we had to arrest. 11:19:41
7 Q Did he -- do you remember him ever telling 11:19:44
8 the team who they should go look for and 11:19:50
9 investigate? 11:19:54
10 A Again, I'm certain at some point in time 11:19:54
11 we probably had conversations during roll call if 11:19:58
12 we were -- if he received information from certain 11:20:02
13 individuals about a certain person, I'm sure it 11:20:05
14 might have come up. 11:20:09
15 Q Do you -- outside of roll call, do you 11:20:09
16 ever remember having Watts tell anybody on the tac 11:20:13
17 team who they should investigate? 11:20:17
18 A As again, as I sit here, I don't recall, 11:20:20
19 but I'm certain it may have come up. 11:20:22
20 Q When do you think it may have come up 11:20:24
21 outside of roll call? 11:20:28
22 A When we were working in the field. 11:20:29
23 Q And why do you think that in the field 11:20:31
24 Watts was telling tac team members who they should 11:20:34

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1	investigate?	11:20:38
2	A As again, like I stated, I don't recall	11:20:38
3	specifically; but Ronald Watts was the sergeant,	11:20:41
4	and being under his command as a sergeant, he did	11:20:44
5	give us the -- we were supposed to follow his	11:20:49
6	orders as far as certain things.	11:20:52
7	So he had a lot of info -- a lot of people	11:20:55
8	where he received information from. I don't know	11:20:58
9	everyone who Ronald Watts spoke to, where he got	11:21:00
10	his information from. From time to time, I do --	11:21:04
11	from the best of my memory, he would give us	11:21:07
12	information based off of what was conveyed to him	11:21:09
13	or told to him.	11:21:12
14	Q And when he would do that, give you	11:21:13
15	information based on what he had learned or what	11:21:17
16	he knew, did he tell you where the information	11:21:19
17	came from?	11:21:21
18	A As I sit here today, I don't recall.	11:21:22
19	Q You don't recall one way or the other?	11:21:24
20	A No. Like I said, I don't have -- I don't	11:21:27
21	recall exactly. He may have, and as I just	11:21:31
22	stated, I don't recall.	11:21:34
23	Q As your sup- -- well, as Watts was your	11:21:35
24	superior officer, did you have to follow his	11:21:54

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1 commands? 11:21:56

2 A To a certain degree. 11:21:56

3 Q When would you not have to follow his 11:21:58

4 commands? 11:22:01

5 A If his commands were to tell me to do 11:22:02

6 something criminal. 11:22:04

7 Q Other than that, though, other than 11:22:05

8 criminal, you'd have to follow his commands? 11:22:06

9 A Well -- 11:22:10

10 MR. MICHALIK: Objection to the form. 11:22:10

11 MR. KOSOKO: Join. 11:22:12

12 A Or if I felt his commands were unethical. 11:22:13

13 Q Did you ever have a time where you 11:22:14

14 disobeyed one of Ronald Watts's commands? 11:22:17

15 A As I sit here today, I don't recall. 11:22:20

16 Q Have you ever, in your career as a police 11:22:24

17 officer, disobeyed a superior officer's commands? 11:22:27

18 MR. KOSOKO: Object to the form of the 11:22:37

19 question. 11:22:38

20 A As I sit here today, I don't think so. I 11:22:39

21 never received discipline -- disciplinary action 11:22:41

22 as a result of that. So to the best of my 11:22:44

23 knowledge, I would say no. 11:22:47

24 Q If Ronald Watts would have said to you, Go 11:22:49

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1 arrest that guy over there, he's got drugs; and 11:22:55
2 you found out that that guy didn't actually have 11:22:58
3 drugs, would you have still effectuated the 11:23:02
4 arrest? 11:23:07

5 A As I sit here today, I would have asked 11:23:07
6 him -- may have asked him, you know, how did he 11:23:10
7 observe this. And if I wrote the report, maybe I 11:23:13
8 would probably document, you know, the reason in 11:23:16
9 my report why I was arresting this individual, 11:23:20
10 based on the observations of Ronald Watts or maybe 11:23:23
11 another member of my team. 11:23:26

12 Q But if Watts told you, Go arrest that 11:23:28
13 person, he has drugs, and you found out that 11:23:32
14 person didn't actually have drugs, you're saying 11:23:34
15 you still might arrest him? 11:23:37

16 A No. 11:23:38

17 MR. KOSOKO: Objection to the form, calls 11:23:40
18 for a speculative response, incomplete 11:23:42
19 hypothetical. 11:23:42

20 A No. If Sergeant Watts told me to arrest 11:23:43
21 someone and they did not have any drugs on them, I 11:23:44
22 would not arrest them. 11:23:47

23 Q Is what you were saying before, that if 11:23:47
24 Sergeant Watts asked you to arrest someone and you 11:23:54

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1 hadn't firsthand seen what had happened, you would 11:23:57
2 ask Watts for the basis? 11:23:59
3 A Yes. 11:24:01
4 Q And did that happen frequently? 11:24:01
5 A As I sit here today, I don't recall 11:24:03
6 specifically, but I'm certain it might have. 11:24:05
7 Q Why are you certain that it might have 11:24:07
8 happened? 11:24:10
9 A I can't -- as I said, I don't -- I'm not 11:24:10
10 for certain, but I'm certain it might have. 11:24:13
11 Q But what I'm saying is why do you think 11:24:16
12 that it happened, where you were told to arrest 11:24:19
13 someone even though you hadn't seen what that 11:24:22
14 person did? 11:24:24
15 A I don't recall. 11:24:25
16 Q You don't recall why you think that? 11:24:25
17 A No, sir. 11:24:28
18 Q And if you were -- 11:24:29
19 A That's a hypothetical question you asked 11:24:34
20 me, so I'm giving you an answer. 11:24:36
21 Q Right. But I'm trying to find out if you 11:24:38
22 actually think that it happened. 11:24:43
23 A As I sit here today, I don't recall if 11:24:44
24 that happened one way or the other. 11:24:45

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1	Q If you were asked to arrest someone and	11:24:46
2	you had not personally seen what that person	11:24:53
3	allegedly did, would you document the source of	11:24:56
4	your information justifying the arrest?	11:24:59
5	MR. MICHALIK: Object to the form.	11:25:03
6	MR. KOSOKO: Join.	11:25:05
7	A As I sit here today, yes, I think I would.	11:25:06
8	MR. RAUSCHER: Can we take a quick break.	11:25:14
9	THE VIDEOGRAPHER: Off the record, 11:25.	11:25:17
10	(A recess was taken from 11:25 a.m. to	11:32:03
11	11:32 a.m.)	11:32:03
12	THE VIDEOGRAPHER: Back on the record,	11:32:04
13	11:32.	11:32:08
14	(Ms. Kleinhaus did not return to the	11:32:08
15	conference room.)	11:32:09
16	BY MR. RAUSCHER:	11:32:09
17	Q You had mentioned that Watts seemed to	11:32:16
18	have good street knowledge about who was involved	11:32:20
19	in gangs and drugs in Ida B. Wells?	11:32:24
20	A Yes.	11:32:26
21	Q Do you remember, when you were on the tac	11:32:27
22	team, who any of the kind of bigger players were	11:32:31
23	in gangs and drugs in Ida B. Wells?	11:32:34
24	A I can remember a few names.	11:32:36

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1 Q Which names do you remember? 11:32:38

2 A Wilbert Moore, his street name was Big 11:32:40

3 Shorty. Allen Jackson, who went by the street 11:32:44

4 name of Allen J. Leonard Gipson, his street name 11:32:51

5 was Fuzz. Angelo Shenault, I don't remember -- 11:32:58

6 I'm aware that there is a junior and a senior. I 11:33:14

7 don't recall if it was -- I couldn't distinguish 11:33:18

8 between one or the other. 11:33:18

9 Q Let me stop you just for one second. 11:33:19

10 A Do you know about how old the Angelo 11:33:20

11 Shenault you're thinking of was during -- when you 11:33:21

12 were on the tac team? 11:33:27

13 A I don't recall. I don't recall. 11:33:28

14 A Torlorn Fumbanks, his street name was 11:33:32

15 Toke. 11:33:36

16 THE REPORTER: What was the first name?

17 THE WITNESS: I think it was pronounced

18 Torlorn or Toe -- excuse me -- Torlong Fumbanks or

19 Funbanks.

20 MR. RAUSCHER: I think we can get you the

21 spelling.

22 A (Continuing.) Ben Baker. I'm not aware 11:33:40

23 if he had a street name. Brian Ford, his street 11:33:53

24 name was B-Lo. Another guy named Harry O. I 11:34:00

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 don't remember his real last name. 11:34:13

2 Q I'm sorry. Harry what? 11:34:13

3 A Harry O, that was his street name. 11:34:14

4 Q O? 11:34:16

5 A Harry O. 11:34:19

6 Q Oh, Harry O. 11:34:19

7 A Yeah. Like the letter O. 11:34:20

8 Q Yep. Got it. 11:34:22

9 A Those are the ones I can think of. I'm 11:34:23

10 sure there was probably more. At this time, this 11:34:25

11 is all I can remember. 11:34:28

12 Q And who was on the Watts team while you 11:34:29

13 were on the team? 11:34:31

14 MR. STEFANICH: At what time? 11:34:33

15 Q Over the years when you were on the Watts 11:34:35

16 team, who was on the team? 11:34:37

17 A Initially, when I first started, when I 11:34:40

18 was placed on his team, I was partnered with 11:34:43

19 Cynthia Tornes; and then a short while later, I 11:34:48

20 was partnered with Miguel Cabrales. A short while 11:34:51

21 later I was partnered with Kallatt Mohammed; and 11:34:57

22 then for the remainder of my time on Sergeant 11:35:01

23 Watts team, I was partnered with Alvin Jones. 11:35:03

24 Q And who else was on the team over the 11:35:06

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 years while you were on the team? 11:35:15

2 A Robert Gonzalez, Brian Bolton, Doug 11:35:16

3 Nichols, Manny Leano, Lamonica Lewis. To the best 11:35:29

4 of my knowledge, I believe that was it. 11:35:37

5 Q Do you know someone named Dorian Smith? 11:35:38

6 A Yes, I do. 11:35:44

7 Q Was Ms. Dorian Smith ever on the Watts 11:35:46

8 team? 11:35:48

9 A Not when I was a member of Watts team. 11:35:49

10 Q Are you related to Dorian Smith? 11:35:51

11 A No. I'm sorry. No, sorry. 11:35:54

12 Q All right. Now, I have to ask you why 11:35:58

13 that was such a crazy question. 11:36:02

14 A I don't know if this is -- man, I'm 11:36:03

15 feeling -- well, anyway it's, you know -- no, 11:36:05

16 we're not related. You know, Dorian is -- you 11:36:10

17 know, we don't look nothing alike, and that's all 11:36:14

18 I'm going to say. 11:36:17

19 Q Just -- the reaction was just about your 11:36:17

20 difference in appearance with him? 11:36:20

21 A Yes. 11:36:21

22 Q Okay. 11:36:22

23 A And his -- I don't want to -- it's too 11:36:22

24 personal, I mean. Nothing bad, you know, just -- 11:36:26

Transcript of Elsworth Smith, Jr.
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1 Q You don't have any bad feelings toward 11:36:30
2 Dorian Smith? 11:36:33
3 A Oh, no, no, definitely not. 11:36:33
4 Q All right. Did any of the people you just 11:36:35
5 named on the Watts team have nicknames that you're 11:36:41
6 aware of? 11:36:43
7 A When I worked with, I believe Ronald 11:36:44
8 Watts, he was called Big Smooth. 11:36:50
9 Q Big Smooth? 11:36:51
10 A Uh-huh. 11:36:52
11 Q Is that a nickname he gave to himself? 11:36:53
12 A I don't know where he got the nickname 11:36:55
13 from. 11:36:58
14 Q Did he refer to himself as Big Smooth? 11:36:58
15 A Yes. I've heard him refer to himself as 11:37:01
16 Big Smooth. 11:37:04
17 Q Did you ever hear anyone other than him 11:37:05
18 refer to Watts as Big Smooth? 11:37:07
19 A As of this time, I don't recall. 11:37:09
20 Q Do you know why he called himself Big 11:37:12
21 Smooth? 11:37:15
22 A I have no idea. 11:37:15
23 Q Did you ever ask him? 11:37:16
24 A As I sit here today, I don't recall. 11:37:19

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q All right. Did anyone else on the team, 11:37:23
2 that you remember, have a nickname? 11:37:26

3 A I remember that people from the Ida B. 11:37:27

4 Wells called Manny Leano Chinaman. 11:37:35

5 Q Did anyone on the team call Leano 11:37:38

6 Chinaman? 11:37:52

7 A As I sit here today, I don't recall. I 11:37:53

8 know I personally -- I never called him Chinaman. 11:37:54

9 I don't recall anyone else calling him that. 11:37:58

10 Q Did people call you Smitty? 11:38:02

11 A That's a nickname I don't like. Other 11:38:04

12 people call me that, mainly people within Ida B. 11:38:08

13 Wells and other police officers. 11:38:11

14 Q You said you do not like that nickname? 11:38:13

15 A No, I do not. 11:38:19

16 Q Do you think or have any reason to believe 11:38:21

17 that people in Ida B. Wells called you Smitty 11:38:31

18 because you didn't like it? Like, did you make 11:38:34

19 that clear to them? 11:38:36

20 A I don't recall stating to people that I 11:38:37

21 didn't like the nickname or not, and I'm not aware 11:38:40

22 of what other people may have felt or thought. 11:38:43

23 Q Was Lamonica Lewis known as Co-Co? 11:38:46

24 A Yes. 11:38:50

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q Did team members call her Co-Co or people 11:38:51
2 who lived at Ida B. Wells or both? 11:38:55
3 A I am not certain, as I sit here today, but 11:38:57
4 I'm aware that -- I think she did -- when she 11:39:02
5 first became a member of our team, did ask her to 11:39:05
6 call her Co-Co. I'm not for certain. I can't 11:39:08
7 remember 100 percent. 11:39:15
8 During her time working with me while I 11:39:17
9 was on Watts team, I think people in the Ida B. 11:39:19
10 Wells may have started calling her Co-Co once they 11:39:23
11 heard other members call her Co-Co. 11:39:25
12 Q Do you know Officer Cadman or Spaargaren? 11:39:28
13 A No, I do not. 11:39:35
14 Q What about Shannon Spalding? 11:39:36
15 A No, I do not. 11:39:38
16 Q Daniel Echeverria? 11:39:40
17 A Yes, I do. 11:39:41
18 Q How do you know him? 11:39:42
19 A I knew him from -- when I was in the 11:39:43
20 2nd District, I would see him in passing. 11:39:46
21 Q Have you ever talked to him about the 11:39:48
22 Watts team? 11:39:51
23 A No, I did not. 11:39:51
24 Q Did you ever socialize with any of the 11:39:59

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 members of the Watts team? 11:40:01

2 A Yes, I have. 11:40:02

3 Q Do you know what, let me -- before we do 11:40:03

4 that, did Al Jones have a nickname that you 11:40:06

5 know of? 11:40:09

6 A Not that I -- as I sit here today, not 11:40:09

7 that I'm aware of. 11:40:10

8 Q Do you remember citizens calling him AJ or 11:40:11

9 anything like that? 11:40:15

10 A No, not -- to the best of my memory, no. 11:40:15

11 Q All right. Tell me about socializing with 11:40:18

12 other members of the Watts team. 11:40:21

13 A Well, I didn't socialize that often, to 11:40:22

14 the best of my memory, with too many of them, but 11:40:26

15 I have from time to time. 11:40:29

16 Q Did you consider any of them friends? 11:40:34

17 A One person that I considered a friend at 11:40:36

18 that time and who I hung out with probably more 11:40:42

19 often than the other people on the team was 11:40:46

20 Kallatt Mohammed. 11:40:49

21 Q What sort of things did you do with 11:40:50

22 Kallatt Mohammed outside of work? 11:40:54

23 A I don't recall him ever coming over to my 11:40:57

24 house. Mainly, to the best of my knowledge, I've 11:41:01

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1 been over to his house many times. We've shared 11:41:06
2 drinks together, and we've been to lounges 11:41:10
3 together. And outside of that, to the best of my 11:41:14
4 knowledge, I don't recall anything else. 11:41:16

5 Q Was he a generous friend? 11:41:21

6 A Generous -- 11:41:24

7 MR. MICHALIK: Objection; vague. 11:41:26

8 A Generous in what way? 11:41:29

9 Q Fair enough. 11:41:32

10 Did he pay for things for you? 11:41:33

11 A I don't recall at this -- as I sit here 11:41:34
12 this moment, I don't recall. 11:41:35

13 Q One way or the other? 11:41:36

14 A No, I do not. 11:41:40

15 Q Did he carry a lot of cash with him? 11:41:41

16 A As I sit here today, I don't recall ever 11:41:44
17 seeing Mohammed with a lot of money. 11:41:47

18 Q How often -- when was the last time you 11:41:49
19 saw Mohammed? 11:41:51

20 A As I sit here today, I don't recall 11:41:51
21 specifically; but it was probably before he began 11:42:03
22 his sentence. 11:42:06

23 Q Are you still friends with him? 11:42:07

24 A No, I am not. 11:42:09

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 Q Why are you no longer friends with him? 11:42:10

2 A I don't have any communication with him 11:42:12

3 because of the charges that was brought against 11:42:15

4 him and possibly if there was any other type of 11:42:18

5 investigation into myself or other people on this 11:42:22

6 team. You know, and also that as a Chicago police 11:42:24

7 officer, we are not supposed to be associated with 11:42:30

8 a convicted felon. 11:42:32

9 Q When Mohammed got indicted, did you think 11:42:34

10 there was an investigation into you or other 11:42:38

11 members of your team? 11:42:40

12 A I wasn't quite certain. 11:42:41

13 Q You thought there might be? 11:42:43

14 A As I speak -- I sit here to this day, I'm 11:42:45

15 not certain, but I thought possibly it could be. 11:42:47

16 Q Why did you think there possibly could be 11:42:50

17 an investigation into you or other members of the 11:42:52

18 team when Mohammed and Watts got indicted? 11:42:55

19 A Well, if they were indicted, you know -- 11:42:58

20 as I said, I was aware of the situation from what 11:43:00

21 I saw in the media. I just assumed. I had no 11:43:03

22 prior knowledge, that that was just my assumption. 11:43:05

23 Q Why did you make that assumption? 11:43:08

24 A Because if they were investigated -- if 11:43:10

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 they were indicted, I felt that they had to be 11:43:14
2 looking into other members of the team. 11:43:16
3 Q Do you think you knew more at the time 11:43:20
4 other than just the vague general concept that 11:43:22
5 they had been indicted for stealing some form of 11:43:26
6 government property? 11:43:30
7 A As I sit here today, I don't know. 11:43:30
8 Q Do you think that learning that someone 11:43:33
9 that's been indicted for stealing government 11:43:36
10 property would have suggested to you that other 11:43:39
11 members of the tactical team you served on were 11:43:42
12 also under investigation? 11:43:44
13 A As I sit here today, I have no -- yeah, I 11:43:44
14 don't have any idea. 11:43:46
15 Q Did you ever attend weddings or other 11:43:47
16 family events of anyone on the Watts team? 11:43:56
17 A Again, as I sit -- as of today, I'm 11:43:58
18 certain -- the only person I can recall was Doug 11:44:04
19 Nichols. 11:44:09
20 Q You can't recall whether you attended Doug 11:44:09
21 Nichols' wedding? 11:44:13
22 A As I sit here today, I think that was the 11:44:14
23 only person on the team's wedding I think I 11:44:15
24 attended. 11:44:18

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q I got it. You think you did attend Doug 11:44:19
2 Nichols' wedding. 11:44:23

3 A Yes, I believe that because I'm not 11:44:23
4 certain if any other of my teammates at that time 11:44:26
5 were married while I was a member of Watts team, 11:44:28
6 and I'm not certain if it was Doug's wedding or 11:44:30
7 not. I believe it was. 11:44:35

8 Q Did you go to a bachelor party for him? 11:44:36

9 A As I sit here today, I believe so. 11:44:40

10 Q What did you do at the bachelor party? 11:44:41

11 A I don't recall. 11:44:43

12 Q Do you remember where the bachelor party 11:44:45
13 was? 11:44:47

14 A As I sit here today, no, I do not. 11:44:48

15 Q What other members of the team were at 11:44:50
16 Nichols' wedding? 11:44:57

17 A Again, as I sit here today, I don't recall 11:44:58
18 specifically. I believe -- I believe Ronald 11:45:02
19 Watts. From the best of my knowledge, I believe 11:45:11
20 me and Sergeant Watts -- Sergeant Watts went to 11:45:12
21 the wedding together. I believe Brian Bolton was 11:45:17
22 there, and I believe that Officer Leano and 11:45:23
23 Gonzalez was there. And I don't recall anyone 11:45:28
24 else at this particular moment. 11:45:32

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q Why did you go with Watts? 11:45:33

2 A I don't know. As I sit here today, I 11:45:34

3 don't know. I went with him because he was my 11:45:40

4 sergeant perhaps. I don't know. I can't give you 11:45:43

5 a specific reason why I went with him. 11:45:45

6 Q Did he live close to you? 11:45:49

7 A From what I recall, no. 11:45:51

8 Q Did you socialize with Ronald Watts? 11:45:52

9 A Rarely. 11:45:54

10 Q How frequently did you socialize with 11:45:55

11 Watts? 11:45:58

12 A I couldn't give you an answer, as I sit 11:45:58

13 here today, but I didn't frequent that often with 11:46:00

14 too many of the guys on my team at that time. As 11:46:02

15 I stated before, the only person that I 11:46:06

16 frequently -- I wouldn't say frequently, but the 11:46:10

17 only person that I associated with or hung out 11:46:12

18 with outside of work was Kallatt Mohammed. 11:46:15

19 Q Did you and Mohammed talk about the job 11:46:19

20 when you were off work hanging out? 11:46:21

21 A No, we did not. 11:46:23

22 Q What sort of things, generally, did you 11:46:24

23 talk about? 11:46:26

24 A We would talk about women, cars, movies, 11:46:27

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 sometimes music. I don't recall anything else in 11:46:35
2 particular. 11:46:39

3 Q Do you know if Ronald Watts had a gambling 11:46:39
4 problem ever? 11:46:49

5 A I'm not aware of that. 11:46:49

6 Q Do you know if he liked to gamble? 11:46:51

7 A I'm not certain. 11:46:54

8 Q Did you ever gamble with him? 11:46:55

9 A No, I did not. To the best of my 11:46:56
10 knowledge, I don't recall. 11:46:59

11 Q Do you recall ever going to a casino with 11:47:01
12 Watts or anyone on the Watts team? 11:47:04

13 A No, I do not. I'm not a -- one thing I 11:47:06
14 can say specifically about myself, I'm not much of 11:47:10
15 a gambler. I don't like losing my money. 11:47:12

16 Q When is the last time you talked with any 11:47:16
17 of the members of the Watts team? 11:47:20

18 A Other than Brian Bolton -- I mean, sorry, 11:47:23
19 not Brian Bolton, but Robert Gonzalez, Doug 11:47:29
20 Nichols or Manny Leano, I have not spoken to 11:47:35
21 anyone else. 11:47:38

22 Q Nichols, Leano -- 11:47:39

23 A And Gonzalez. 11:47:40

24 Q When is the last time you spoke to 11:47:42

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Conducted on February 17, 2020

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1 Nichols, Leano, or Gonzalez? 11:47:44

2 A I don't recall the last time I spoke to 11:47:46

3 them; and then I only see them in passing, and 11:47:48

4 generally, we just say hi and bye. 11:47:51

5 Q You see them at work sometimes? 11:47:53

6 A Yes. 11:47:55

7 Q Do you socialize with them now? 11:47:56

8 A No. 11:47:57

9 Q Have you ever talked about the allegations 11:47:58

10 brought against you all? 11:48:00

11 A No, I have not. 11:48:02

12 Q When is the last time you talked to Watts? 11:48:03

13 A I have not talked -- to the best of my 11:48:06

14 knowledge, I have not talked to Watts in 11:48:09

15 probably -- I couldn't tell you exactly, but it 11:48:15

16 may have been prior to him being indicted, and I 11:48:16

17 don't recall what year that was. 11:48:19

18 Q Why did you leave the Watts team? 11:48:20

19 A I got tired of the schedules, the rotating 11:48:24

20 schedules as a tactical officer. 11:48:29

21 Q Did you ask to leave the team? 11:48:34

22 A Yes, I did. 11:48:36

23 Q How did you put that request in? 11:48:37

24 A I submitted -- to the best of my 11:48:39

Transcript of Elsworth Smith, Jr.
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1 knowledge, as I sit here today, I believe I 11:48:42
2 submitted a to/from report. 11:48:42
3 Q Do you know who you submitted that to/from 11:48:43
4 report to? 11:48:46
5 A The to/from -- to the best of my 11:48:47
6 knowledge, the to/from reports are submitted to 11:48:51
7 the district commander. 11:48:54
8 Q What was the typical shift for you on the 11:48:55
9 Watts team? Well, what -- let me rephrase that. 11:49:01
10 What hours did you typically work when you 11:49:03
11 were on the Watts team? 11:49:05
12 A As I stated before, our hours rotated. 11:49:06
13 Our hours would rotate every 28 days. We would 11:49:11
14 work second watch and then what would be 11:49:16
15 considered third watch, and we had different 11:49:18
16 starting times from the regular second-watch or 11:49:20
17 third-watch units. 11:49:23
18 Q What was the second-watch shift when you 11:49:25
19 were on the Watts team? What was the second-watch 11:49:30
20 district for the Watts team when you were on the 11:49:32
21 team? 11:49:34
22 A From the best of my knowledge, the second 11:49:34
23 watch starting times were the same for all 11:49:38
24 tactical units. 11:49:41

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q And what was the second-watch shift for 11:49:42
2 tactical units? 11:49:44

3 A To the best of my knowledge, I believe the 11:49:45
4 starting times at that time was 10:00 o'clock in 11:49:47
5 the morning to 8:00 -- I'm sorry -- 6:00 o'clock 11:49:52
6 in the evening. 11:49:54

7 Q And you said every 28 days it would rotate 11:49:55
8 between second and third watch? 11:50:01

9 A Yes. 11:50:03

10 Q What was the third-watch hours? 11:50:03

11 A To the best of my knowledge, third watch 11:50:05
12 or the evening shift for the tactical teams were 11:50:08
13 1600 hours to -- or that's 4:00 o'clock in the 11:50:13
14 afternoon to 2:00 o'clock in the morning. 11:50:16

15 Q Did you have a preference for one shift 11:50:17
16 over another? 11:50:23

17 A I prefer the evening shift. 11:50:24

18 Q Why did you prefer the evening shift? 11:50:26

19 A For me personally I -- I'm not much of 11:50:28
20 a -- excuse me -- a morning person. I felt 11:50:30
21 working afternoons or evening, it gave me more 11:50:34
22 time to do personal things that I needed to take 11:50:39
23 care of like laundry, whatever grocery shopping, 11:50:40
24 things of that nature. And also it just give you 11:50:45

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1 more free time, to me personally, to do other 11:50:49
2 things. 11:50:52

3 Q And where did you go when you left the 11:50:58
4 Watts team? Did you go straight to the other 11:51:00
5 tactical team, or did you go back to being a 11:51:02
6 patrol officer? 11:51:05

7 A I went back to being a patrol officer. 11:51:05

8 Q I'm sorry if I've already asked you this, 11:51:07
9 but do you know how much time elapsed between then 11:51:09
10 and when you joined the 263 tac team? 11:51:11

11 A As I sit here today, I don't recall 11:51:15
12 specifically. 11:51:18

13 Q Do you remember how you ended up on the 11:51:18
14 263 team? 11:51:21

15 A Again, I don't recall specifically, but I 11:51:21
16 think I had a conversation with Nathan Silas, like 11:51:25
17 I said, who I knew a little bit about at that 11:51:30
18 time; and he knew me, of course, while I was 11:51:32
19 working for Sergeant Watts team. And I'm not for 11:51:36
20 certain. I believe he approached me about coming 11:51:39
21 to his team. 11:51:42

22 Q Did you go to his team voluntarily? 11:51:43

23 A Yes. Right after I had a conversation 11:51:45
24 with him, to the best of my knowledge. 11:51:50

Transcript of Elsworth Smith, Jr.
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1 Q What -- when you were on patrol after you 11:51:51
2 left the Watts team, what shift were you on? 11:51:53
3 A I went to first watch. 11:51:56
4 Q When is first watch? 11:51:58
5 A Well, at the time -- at that time, our 11:52:00
6 schedules are changed because I believe at that 11:52:04
7 time when I left Watts team, we were still working 11:52:07
8 on the six-to-two schedule, meaning working six 11:52:10
9 days consecutively and had two days off. 11:52:14
10 Q That's -- when you were on the Watts team, 11:52:17
11 you had six on and two off? 11:52:17
12 A Yes. I believe at that time the whole 11:52:19
13 entire department was still working the 11:52:21
14 six-and-two schedule. 11:52:24
15 Q Okay. 11:52:25
16 A And those days were like eight-hour days, 11:52:25
17 from the best of my knowledge. 11:52:28
18 Q And then when you moved over -- when you 11:52:29
19 left the Watts team to get back on patrol, were 11:52:32
20 you still six on, two off? 11:52:35
21 A To the best of my knowledge, as I sit here 11:52:37
22 today, I don't recall what our schedule was. 11:52:41
23 Q Do you recall what hours that you worked, 11:52:42
24 though, on patrol? 11:52:44

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A When I went back to patrol after I left 11:52:45
2 Watts team? 11:52:50
3 Q Yeah. 11:52:50
4 A Like I said, I think at that time we were 11:52:51
5 still working the six-and-two schedule. So I 11:52:53
6 believe at that time, and, like I said, I'm not 11:52:57
7 for certain, I think I was working -- the start 11:53:00
8 time was either at 11 -- 11:00 p.m. or midnight, 11:53:03
9 and I'm not 100 percent certain. 11:53:08
10 Q That was the first shift? 11:53:11
11 A Yes. And, like I said, I'm not 100 11:53:12
12 percent certain -- 11:53:15
13 Q Okay. 11:53:15
14 A -- because many years have passed when I 11:53:15
15 was on that schedule. 11:53:18
16 Q It was like an overnight shift? 11:53:18
17 A Yes. 11:53:20
18 Q About what time did you finish? 11:53:21
19 A To the best of my knowledge, either 7:00 11:53:22
20 o'clock or 8:00 o'clock in the morning. 11:53:26
21 Q So was the patrol -- even though you had 11:53:27
22 six days on and two days off, you were 11:53:33
23 consistently on the first watch, though? 11:53:36
24 A From the best of my knowledge, yes. 11:53:38

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Conducted on February 17, 2020

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1 Q When you were on the Watts tactical team, 11:53:42
2 was there a difference in the amount of criminal 11:53:47
3 activity during the second watch and the third 11:53:52
4 watch? 11:53:56

5 A To the best of my knowledge, I don't 11:53:56
6 recall. Criminal activity can occur at any point 11:54:04
7 in time, different times, different -- different 11:54:06
8 times of the day and different hours of the day. 11:54:09

9 Q Was there more drug sales, for example, 11:54:11
10 during the day versus at night in Ida B. Wells 11:54:15
11 when you were on the Watts team? 11:54:18

12 MR. KOSOKO: Objection; foundation. 11:54:21

13 A As I sit here today, from the best of my 11:54:23
14 knowledge, I believe there was more activity 11:54:26
15 during the day. 11:54:27

16 Q Did the things that the team did change 11:54:27
17 from day to night? 11:54:46

18 A As I sit here today, from my experience as 11:54:47
19 a police officer, things change day-to-day just 11:54:55
20 from -- it doesn't matter if you're a patrolman or 11:54:58
21 a tactical officer. 11:55:01

22 Q All right. Let me try to give you a more 11:55:06
23 specific example. 11:55:08

24 A Are you familiar with a reverse sting? 11:55:10

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	A Yes, I am.	11:55:11
2	Q Did you participate in reverse stings as a	11:55:12
3	tactical team member on the Watts team?	11:55:17
4	A Yes, we did.	11:55:18
5	Q Did the team do reverse stings during the	11:55:19
6	second shift and the third shift?	11:55:22
7	A To the best of my knowledge, as I sit here	11:55:23
8	today, I don't recall ever doing a reverse sting	11:55:25
9	operation when we were working the evening shift.	11:55:27
10	Q Are there -- and that's the third shift,	11:55:30
11	the third watch?	11:55:33
12	A Yes.	11:55:34
13	Q Are there other things like reverse stings	11:55:35
14	that you can think of that you did only during	11:55:39
15	certain shifts?	11:55:43
16	A As I sit here today, I don't recall. And	11:55:44
17	from the best of my knowledge, there were certain	11:55:47
18	missions that we didn't do in the evening time.	11:55:51
19	And, like I said, it's been many years ago, but I	11:55:55
20	don't recall -- I know specifically we didn't do	11:56:00
21	reverse sting operations during the evening, from	11:56:01
22	the best of my memory.	11:56:05
23	Q And you said there were specific missions	11:56:05
24	you didn't do in the evening?	11:56:08

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A That's -- I misspoke. That's what I meant
2 to say. From the best of my knowledge, I don't
3 recall us doing a reverse sting operation during
4 the evening hours.

11:56:09
11:56:13
11:56:16
11:56:18

5 Q Other than reverse stings, what other type
6 of activities did you all do on the tac team to
7 carry out your job?

11:56:19
11:56:28
11:56:35

8 A From the best of my knowledge and my
9 memory, we did narcotics missions.

11:56:36

10 Q What kind of narcotics missions?

11:56:40

11 A And that varied from day-to-day working
12 from mission-to-mission. Normally, it would be
13 covert operations, or sometimes we would do
14 surveillance.

11:56:43
11:56:48
11:56:52
11:56:56

15 Q A reverse sting is their own category, or
16 do they fall into surveillance or covert missions?

11:56:56

17 A I guess that's, like, a combination of
18 both because that was separate from that.

11:57:04

19 Q Are there any other types of acts that you
20 can think of other than reverse stings, covert
21 missions, and surveillance?

11:57:07
11:57:13
11:57:16

22 A As I sit here at this moment, I don't
23 recall.

11:57:17

24 Q Would you just walk around patrolling,

11:57:19

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 looking for drug activity? 11:57:23

2 A That varied from day-to-day, from the best 11:57:25

3 of my memory. 11:57:29

4 Q Sometimes you would walk around looking 11:57:29

5 for drug activity and sometimes you wouldn't? 11:57:32

6 A Yes. 11:57:34

7 Q And would you frequently catch people 11:57:34

8 engaging in illegal drug activity when you were 11:57:38

9 just out walking around patrolling? 11:57:41

10 A From the best of my memory, yes. 11:57:43

11 Q You mentioned a number of people who you 11:57:47

12 remember being kind of the bigger players in the 11:57:52

13 drug trade at Ida B. Wells. Some of them are 11:57:55

14 plaintiffs. So I'm not going to ask you right now 11:57:58

15 about those people because we have an agreement on 11:58:01

16 which plaintiffs we can address on certain days. 11:58:03

17 But I am going to ask you about Big Shorty. 11:58:05

18 Tell me -- actually, before I do that, 11:58:08

19 when you listed their names, were you saying from 11:58:09

20 personal knowledge you know that they were 11:58:12

21 involved in the drug trade or you had heard or you 11:58:14

22 had heard from Watts or was it something else? 11:58:18

23 A As I sit here today, a few of them are 11:58:20

24 from personal knowledge; and, again, as I stated, 11:58:22

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 as of today, to the best of my memory, some of 11:58:24
2 them may have been conversations I've had with 11:58:27
3 Sergeant Watts or possibly other members of the 11:58:29
4 264 team. 11:58:32

5 Q So without getting into details on anyone 11:58:34
6 other than Big Shorty, can you just tell me which 11:58:37
7 ones are from personal knowledge and which ones 11:58:40
8 came from Watts or other sources? 11:58:42

9 A I don't recall every individual's name who 11:58:44
10 I gave you and -- 11:58:47

11 Q I can tell you, if you want, if that would 11:58:48
12 help. 11:58:50

13 A Okay. 11:58:50

14 Q By the way -- sorry. I didn't mean to cut 11:58:50
15 you off. 11:58:51

16 A I'm sorry. Yeah. 11:58:51

17 Q So you said Big Shorty? 11:58:53

18 A Yeah. Big Shorty. The best of my memory 11:58:54
19 right here, I might have heard that from Watts or 11:58:59
20 someone else on the 264 team. 11:59:02

21 Q Allen J? 11:59:03

22 A Allen J, from the best of my memory, I've 11:59:06
23 had interactions with him. 11:59:11

24 Q Leonard Gipson, Fuzz? 11:59:11

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A And as I sit here today, to the best of my 11:59:15
2 memory, I think I've had interactions with him 11:59:19
3 also. 11:59:22

4 Q Okay. Angelo Shenault either Jr. or Sr.? 11:59:22

5 A And to the best of my memory, from what I 11:59:26
6 recall, it might have been from either Sergeant 11:59:28
7 Watts or possibly other members of the 264 team. 11:59:31

8 Q B-Lo? 11:59:33

9 A From the best of my memory, as I sit here 11:59:37
10 today, I believe I might have had some personal 11:59:40
11 interaction and possibly hearing from other 11:59:43
12 members of my team. 11:59:46

13 Q Ben Baker? 11:59:47

14 A And as I sit here today, the best of my 11:59:49
15 knowledge, I remember hearing Ben Baker through 11:59:52
16 Sergeant Watts and possibly other members of the 11:59:56
17 264 team. 11:59:58

18 Q Torlorn Fumbanks? 11:59:58

19 A From the best of my knowledge, I do 12:00:04
20 remember having some interaction with him. 12:00:07

21 Q And then Harry O, I think, was the last 12:00:08
22 name. 12:00:10

23 A And to the best of my knowledge, as I'm 12:00:10
24 sitting here today, I believe I heard about Harry 12:00:12

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 O from Sergeant Watts and possibly other members 12:00:16
2 of the 264 team. 12:00:18

3 Q All right. What do you remember learning 12:00:19
4 about Big Shorty? 12:00:21

5 A As I sit here today, to the best of my 12:00:22
6 memory, all I remember is that he sold drugs or he 12:00:27
7 controlled the drugs that were sold in the Ida B. 12:00:31
8 Wells. 12:00:33

9 Q And did he control a specific building or 12:00:33
10 the whole complex or something else? 12:00:35

11 A I don't recall. 12:00:37

12 Q Do you remember who told you about Big 12:00:38
13 Shorty? 12:00:42

14 A As again I stated, it might have been 12:00:42
15 through Sergeant Watts or other members of the 12:00:45
16 264 team. 12:00:47

17 Q Which other members of the 264 team do you 12:00:48
18 remember getting information from about who the 12:00:52
19 players were in the drug trade other than Watts? 12:00:55

20 A As I sit here today, I don't recall 12:00:57
21 specifically, and probably a combination of 12:01:00
22 everyone that I worked with. Like I said, 12:01:02
23 possibly Alvin Jones. 12:01:06

24 And I just had a flashback. When you were 12:01:09

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 asking about members who I worked with during my 12:01:13
2 time, I remember one other officer -- 12:01:16
3 Q Okay. Who is that? 12:01:18
4 A -- that I didn't mention earlier. That 12:01:19
5 was Kenneth Young. 12:01:22
6 Q How long did you work with Young? Do you 12:01:27
7 remember? 12:01:31
8 A As I sit here today, I don't recall the 12:01:31
9 exact amount of time that I worked with him. 12:01:35
10 Q And did you socialize with him at all? 12:01:38
11 A Initially when I first became a part of 12:01:42
12 the team, not that much; but toward the end of his 12:01:46
13 tenure working under Sergeant Watts, I did have a 12:01:49
14 relationship with him. But I didn't recall -- I 12:01:54
15 don't recall hanging out with him outside of work. 12:01:57
16 Q When you say you had a relationship with 12:01:59
17 him, you mean with -- what do you mean? 12:02:01
18 A More so I was friendly with him. I've had 12:02:04
19 conversations with him over the phone, to the best 12:02:08
20 of my knowledge, with him. I don't remember the 12:02:11
21 extent of our conversations, but Kenny was someone 12:02:15
22 that I liked also. 12:02:19
23 Q Did he leave the team -- the Watts team 12:02:20
24 before you did? 12:02:25

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A To the best of my knowledge, I believe, he 12:02:27
2 did. 12:02:30

3 Q Do you know why he left the Watts team? 12:02:30

4 A And from what I remember, to the best of 12:02:32
5 my knowledge, he was kicked off the team. 12:02:36

6 Q Who kicked him off the team? 12:02:37

7 A To the best of my knowledge, it was 12:02:40
8 Sergeant Watts. 12:02:42

9 Q Do you know why Watts kicked him off the 12:02:42
10 team? 12:02:45

11 A From what I recall, it was because -- I 12:02:45
12 was told that he was abusing the medical or the 12:02:48
13 injury-on-duty status. 12:02:53

14 Q Who told you that? 12:02:54

15 A As I sit here today, I don't recall 12:02:59
16 specifically. It might have been members of the 12:03:02
17 264 team and possibly other officers -- the other 12:03:05
18 tactical officers. 12:03:10

19 THE WITNESS: I'm sorry? 12:03:11

20 Q He's just asking to put your hand down, I 12:03:11
21 think. 12:03:16

22 A Oh, I'm sorry. Did you -- were you able 12:03:16
23 to copy my -- 12:03:17

24 Q I heard you say it was -- 12:03:17

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	A Okay. Sorry.	12:03:17
2	Q You think it was someone -- people on the	12:03:20
3	team talked about it?	12:03:22
4	A I would say, to the best of my knowledge,	12:03:23
5	it might have been members of the 264 team or	12:03:26
6	possibly other tactical officers.	12:03:28
7	Q Did you have any reason to think that	12:03:32
8	Young was abusing the medical or injury-on-duty	12:03:35
9	status?	12:03:39
10	A As I sit here today, I don't recall. The	12:03:39
11	only thing I recall about Kenny in my personal	12:03:44
12	experience, and I don't remember when exactly that	12:03:48
13	was, the inside joke was -- with members of the	12:03:53
14	264 team is if Al wasn't at work, Kenny didn't	12:03:56
15	want to work, and he would call off. I don't know	12:04:03
16	if he used his own personal comp time or whatever.	12:04:07
17	Q Do you know why Kenny didn't want to work	12:04:08
18	if Al wasn't there?	12:04:12
19	A I am not certain.	12:04:13
20	Q Did you ever ask him?	12:04:14
21	A From the best of my knowledge, I don't	12:04:15
22	recall ever asking him.	12:04:18
23	Q Was there any more to the joke other than	12:04:18
24	just if Al wasn't there, Kenny wasn't there?	12:04:19

Transcript of Elsworth Smith, Jr.
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1	A To the best of my knowledge, no.	12:04:21
2	Q Did you ever talk to Kenny Young about why	12:04:23
3	he left the Watts team?	12:04:31
4	A To the best of my knowledge, I don't	12:04:32
5	recall.	12:04:34
6	Q You don't recall one way or the other	12:04:34
7	whether you talked to him about it?	12:04:38
8	A No.	12:04:39
9	Q Do you know why -- well, were there other	12:04:45
10	members of the -- I guess there were other	12:04:47
11	members.	12:04:49
12	I think you've already said there were	12:04:49
13	other members of the Watts tactical team who left	12:04:50
14	the team while you were there; right?	12:04:53
15	A I don't recall saying that, but there was.	12:04:55
16	Q Okay. Do you know why any other members	12:04:57
17	of the team left?	12:05:00
18	A I later -- this was -- like I said, I	12:05:01
19	don't recall exactly; and to the best of my	12:05:06
20	knowledge, I wasn't a part of Watts team at the	12:05:08
21	time when someone else left his team.	12:05:12
22	Q Oh, so nobody left while you were there?	12:05:14
23	A To the best of my knowledge, in my time	12:05:17
24	when I recall working with Watts, other than Kenny	12:05:20

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1 Young, no. 12:05:23

2 Q Okay. Did you ever learn later why 12:05:23

3 anybody left Watts team even if they didn't do it 12:05:27

4 while you were there? 12:05:31

5 A I don't recall but I don't -- I do recall 12:05:32

6 at some point in time that Officer Lamonica Lewis 12:05:34

7 had either left -- from what I heard, and I don't 12:05:39

8 recall exactly, and I don't remember who told me 12:05:42

9 this. At some point in time, I did discover that 12:05:45

10 she had left his team or was either kicked off his 12:05:48

11 team. 12:05:51

12 Q And what were the -- what did you learn 12:05:51

13 about the reasons for Lamonica Lewis leaving the 12:05:53

14 Watts team? 12:05:57

15 MR. MICHALIK: Object to the form. 12:05:59

16 A As I sit here today, I don't recall. 12:06:01

17 Q Was there a rumor about why she left the 12:06:02

18 team? 12:06:04

19 A I don't recall. I heard -- to the best of 12:06:04

20 my knowledge, and I don't recall who told me this 12:06:08

21 specifically, I heard that she had some type of -- 12:06:10

22 the only thing I heard is she had some type of 12:06:14

23 conflict or beef with Ronald Watts, and I don't 12:06:17

24 recall what that was. 12:06:20

Transcript of Elsworth Smith, Jr.
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1	Q Did you ever -- do you think you knew at	12:06:20
2	the time when you heard it what the beef was?	12:06:24
3	A As I sit here today, I don't recall.	12:06:26
4	Q Do you remember who told you that she had	12:06:27
5	a beef with Watts?	12:06:29
6	A Again, I don't recall who told me that.	12:06:30
7	Q Do you think it was Mohammed?	12:06:33
8	A As I sit here today, I -- it possibly	12:06:34
9	could have been, but I don't recall. Because if	12:06:38
10	me and Mohammed had talked about it, I'm certain I	12:06:41
11	would have asked him specifically why did she	12:06:44
12	leave the team or why she was kicked off. But	12:06:47
13	I -- to the best of my knowledge, I don't recall	12:06:50
14	who it was.	12:06:51
15	Q How frequently did the Watts team conduct	12:06:52
16	reverse stings when you were on the team?	12:07:09
17	A As I sit here today, I don't recall.	12:07:11
18	Q Was it a weekly occurrence?	12:07:14
19	A To the best of my knowledge, and there	12:07:18
20	again I don't know, but I don't believe it was on	12:07:22
21	a weekly basis.	12:07:24
22	Q How frequently did the Watts team conduct	12:07:25
23	covert operations while you were on the team?	12:07:36
24	A As again, as I sit here today, I don't	12:07:40

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1 know. I couldn't give you an exact amount, but it 12:07:42
2 could have happened quite frequently, a lot more 12:07:46
3 frequently than the reverse -- the covert -- I 12:07:50
4 mean, sorry -- the reverse sting operations. 12:07:53

5 Q And how frequently did the Watts team 12:07:54
6 conduct surveillance operations? 12:07:59

7 A There again, I couldn't give you an exact 12:08:00
8 amount, but we did do surveillance quite often. 12:08:05

9 Q More than reverse stings? 12:08:08

10 A To the best of my knowledge, yes. 12:08:10

11 Q All right. So can you just describe, give 12:08:12
12 me an overview of what a covert operation is and 12:08:15
13 what a surveillance operation is? 12:08:17

14 A Well, a covert operation is where you -- 12:08:20
15 and -- would not necessarily, we would do this in 12:08:23
16 the Ida B. Wells. It was nearly impossible other 12:08:25
17 than the reverse sting operations. 12:08:28

18 But, generally, a covert operation is 12:08:30
19 where you try to act as a drug dealer or whatever. 12:08:34
20 A lot of times when we do a covert mission, it 12:08:41
21 might not be for drugs. But we act like a gang 12:08:45
22 member or, you know, whatever the mission 12:08:47
23 required. 12:08:50

24 And from what I recall about missions is 12:08:52

Transcript of Elsworth Smith, Jr.

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1 when we did covert operations, it would depend on 12:08:55
2 what the mission was or the -- what our assignment 12:08:58
3 was, whatever the intended specifics of that 12:09:03
4 mission. 12:09:07

5 Q You said it was almost impossible to act 12:09:07
6 like a drug dealer in Ida B. Wells? 12:09:11

7 A Yes. 12:09:12

8 Q Tell me why it was almost impossible for a 12:09:12
9 police officer to act as a drug dealer in Ida B. 12:09:17
10 Wells? 12:09:19

11 A From the best of my knowledge, from my 12:09:19
12 experience working with Ronald Watts and the 264 12:09:22
13 team, after a while, a lot of people knew us in 12:09:24
14 the Ida B. Wells. 12:09:28

15 Q What types of covert operations, then, did 12:09:28
16 the Watts team conduct while you were on the team? 12:09:36

17 A As I sit here today, I don't remember the 12:09:39
18 specific covert missions that we did. There are 12:09:42
19 some areas in the district that we would do covert 12:09:46
20 operations; and, again, I don't recall the 12:09:50
21 specifics and the exact time and date of those 12:09:53
22 missions. 12:09:56

23 Q Do you remember any types of covert 12:09:56
24 operations that the Watts team ran in Ida B. 12:10:00

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1	We'd just try to position ourselves in	12:11:13
2	a -- in different areas where we would try to --	12:11:16
3	where we thought we wouldn't be visible or be seen	12:11:19
4	by anyone to observe -- make observations.	12:11:23
5	Q How did you get into the vacant apartments	12:11:26
6	when you were using them for surveillance	12:11:30
7	operations?	12:11:33
8	A From the best of my knowledge, what I	12:11:33
9	recall, the lady who was the manager of the Ida B.	12:11:35
10	Wells housing development. Her name was	12:11:40
11	Ms. Osborn. I don't recall her first name. She	12:11:43
12	would give access to -- give us access to the	12:11:47
13	vacant units.	12:11:49
14	Q Did you ever just walk into the units?	12:11:50
15	A From the best of my knowledge, no, not	12:11:57
16	that I recall.	12:11:58
17	Q Did you ever conduct surveillance	12:11:58
18	operations from an occupied apartment?	12:12:04
19	A From the best of my knowledge, if we did,	12:12:06
20	it was -- we might have obtained a search warrant	12:12:12
21	or gained permission from someone else. And as I	12:12:14
22	sit here today, I don't recall specifically.	12:12:18
23	Q You think you might have gotten a search	12:12:19
24	warrant and then used the search warrant to	12:12:22

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1 conduct a surveillance operation? 12:12:24

2 A I'm not certain, like I said. Like I 12:12:25

3 said, I don't recall the specifics of that, and I 12:12:29

4 don't recall if we exactly -- if that's exactly 12:12:32

5 what we did. If we did, it wouldn't be without 12:12:34

6 permission of the person who lived in that unit. 12:12:38

7 Q Do you remember ever doing a surveillance 12:12:41

8 operation from an occupied apartment in Ida B. 12:12:44

9 Wells at all? 12:12:47

10 A As I sit here today, I don't recall. I'm 12:12:48

11 not saying that we did or did not, but I don't 12:12:51

12 recall. 12:12:53

13 Q Did you develop any confidential 12:12:53

14 informants over the years while you were on the 12:13:07

15 Watts team? 12:13:09

16 A From the best of my knowledge, no. 12:13:10

17 Q Did you use any CIs while you were on the 12:13:11

18 Watts team, even if you didn't develop them on 12:13:14

19 your own? 12:13:17

20 A To the best of my knowledge, probably -- 12:13:18

21 I'm certain I probably did, but I don't recall. I 12:13:20

22 probably received information from individuals 12:13:24

23 from time to time, but I don't remember any 12:13:27

24 particular person who I used for personal 12:13:29

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1 information. 12:13:32

2 Q Do you remember any CIs from Ida B. Wells 12:13:32

3 at all? 12:13:37

4 A Yes. I don't remember -- from the best of 12:13:38

5 my knowledge, I don't remember every one. 12:13:42

6 Q Which ones do you remember? 12:13:44

7 A Again, this is from -- to the best of my 12:13:45

8 knowledge, I don't remember specifically. I 12:13:50

9 remember there was a guy named Charlie. 12:13:52

10 Q What did Charlie look like? 12:13:56

11 A He was African-American, probably about 12:13:58

12 6-foot or 6-foot-1, somewhere between 200 to 210 12:14:02

13 pounds, dark complected, had a low hair cut, had a 12:14:07

14 goatee, from the best of my memory. 12:14:17

15 Q Goatee you said? 12:14:20

16 A Yes. 12:14:21

17 Q Okay. 12:14:21

18 A There was another guy -- 12:14:25

19 Q Sorry. Do you know Charlie's last name? 12:14:27

20 A No, I don't recall. 12:14:30

21 Q Do you know if Charlie was his real name? 12:14:31

22 A The best of my knowledge, I believe so. I 12:14:34

23 don't recall. 12:14:36

24 Q Do you know if he lived in Ida B. Wells? 12:14:36

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A And as I sit here today, I don't recall. 12:14:39
2 Q Do you know if you ever got information 12:14:40
3 from Charlie? 12:14:43
4 A Again, as I stated, I don't recall. 12:14:44
5 Probably, but I don't recall at this time. 12:14:47
6 Q Was Charlie given anything in exchange for 12:14:48
7 giving information? 12:14:51
8 A Not that I'm aware of. 12:14:52
9 Q Do you know why Charlie gave information? 12:14:53
10 A Again, I don't know. 12:14:56
11 Q Was he registered as a CI with the Chicago 12:14:57
12 Police Department? 12:15:03
13 A As I sit here today, I have no 12:15:03
14 information, and I'm unaware of that. 12:15:05
15 Q Okay. And you were going to say someone 12:15:10
16 else. 12:15:10
17 A There was a guy. I don't recall his real 12:15:12
18 name. He called himself Fantasia. I believe his 12:15:14
19 first name was Bobby. 12:15:18
20 Q What do you remember about Fantasia? 12:15:19
21 A I don't know if he would -- I -- today, 12:15:29
22 I'm trying to be politically correct, I don't know 12:15:32
23 if he would identify himself as a transgender 12:15:34
24 person or if he was just a homosexual. I don't 12:15:37

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 know if that's the correct word to use today 12:15:42
2 or not, but that's what I remember about him. 12:15:45
3 Q Can you describe Fantasia's appearance? 12:15:49
4 A From what I recall, the best of my memory, 12:15:52
5 I believe Fantasia was probably between the height 12:15:55
6 of 5-foot-7 and 5-foot-9, male African-American. 12:15:59
7 Excuse me. I think he -- he wore -- his 12:16:06
8 hairstyle, from the best of my memory, would vary 12:16:10
9 because I think he would change it from time to 12:16:14
10 time, to the best of my knowledge. He was dark 12:16:16
11 complected, and he may have been 150 pounds, 12:16:21
12 160 pounds. 12:16:24
13 Q Do you remember anything else about 12:16:25
14 Fantasia? 12:16:31
15 A Not at this point. 12:16:31
16 Q Did you ever get information from 12:16:32
17 Fantasia? 12:16:34
18 A As I sit here today, I'm not certain, but 12:16:34
19 I believe I may have. 12:16:37
20 Q Okay. And why do you believe you may have 12:16:38
21 gotten information from Fantasia? 12:16:41
22 A As, again, I'm not certain, but I do 12:16:42
23 remember being present around him and other 12:16:45
24 members of my team, and I do recall, I'm not 12:16:50

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

122

1	certain exactly when, that he may have shared	12:16:54
2	information with us.	12:16:56
3	Q Was Fantasia given anything for the	12:16:57
4	information that he shared?	12:17:00
5	A As I sit here today, not to my knowledge.	12:17:02
6	Q Was Fantasia registered as a CI with the	12:17:03
7	Chicago Police Department?	12:17:09
8	A To the best of my knowledge, I'm unaware	12:17:09
9	if he was or not.	12:17:09
10	Q Do you know why Fantasia shared	12:17:12
11	information with the tactical team?	12:17:14
12	A That I would not know.	12:17:15
13	Q Were Charlie or Fantasia drug addicts?	12:17:16
14	A To the best of my knowledge and my memory,	12:17:20
15	Charlie was; and as I sit here today, I don't	12:17:23
16	recall if Fantasia was.	12:17:27
17	Q Do you know if Fantasia was a drug user?	12:17:28
18	A Again, I'm not certain. Perhaps, but	12:17:33
19	I'm not -- as I sit here today, I'm not certain.	12:17:36
20	Q Do you know what kind of drugs Charlie was	12:17:37
21	addicted to?	12:17:42
22	A To the best of my knowledge, I'm not	12:17:42
23	certain. I don't recall.	12:17:44
24	Q Are there any other CIs that you remember	12:17:46

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

123

1 from your time on the Watts tac team? 12:17:57

2 A As I sit here today, I don't recall. I'm 12:18:00

3 sure there's probably more, but those are the two 12:18:03

4 that I can remember. 12:18:05

5 Q Do you know if Fantasia lived in Ida B. 12:18:06

6 Wells? 12:18:09

7 A To the best of my knowledge, I believe so. 12:18:09

8 I'm not certain. 12:18:12

9 Q Do you know if Charlie or Fantasia are 12:18:12

10 alive today? 12:18:19

11 A To the best of my knowledge, I'm not 12:18:19

12 certain. 12:18:23

13 Q Do you remember the last time you saw 12:18:23

14 either of them? 12:18:26

15 A From what I recall, a few years ago, I ran 12:18:27

16 into Charlie, and I couldn't tell you what year 12:18:31

17 that was. It's probably been more than a couple 12:18:34

18 years ago. 12:18:36

19 Q Where did you run into Charlie? 12:18:37

20 A I was at 47th Street near King -- I mean, 12:18:39

21 sorry -- near Cottage Grove. I was going to the 12:18:46

22 Popeyes restaurant before I came into work; and as 12:18:48

23 I was leaving out, I saw Charlie. 12:18:52

24 Q Did you talk to Charlie? 12:18:54

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 A Just briefly. 12:18:55

2 Q What did you talk about? 12:18:56

3 A Nothing other than saying hi and bye, and 12:18:57

4 that was it. 12:19:02

5 Q Did Charlie recognize you? 12:19:02

6 A Yeah. He recognized me before I 12:19:04

7 recognized him. 12:19:06

8 Q Did he come up to you to say hi? 12:19:06

9 A Yes, he did. 12:19:09

10 Q Were you wearing your uniform? 12:19:09

11 A I don't recall how I was dressed that day. 12:19:11

12 Q And then when he came and said hi to you, 12:19:14

13 did you recognize him? 12:19:15

14 A After a second or two. 12:19:17

15 Q Did he look about the same to you? 12:19:18

16 A No, he did not. 12:19:20

17 Q How did he look differently? 12:19:21

18 A He looked totally different. He -- his 12:19:23

19 whole appearance looked much different. He looked 12:19:26

20 healthier, cleaner. He had new teeth. He looked 12:19:30

21 like he put on some weight. 12:19:35

22 Q Did he seem sober when you talked to him? 12:19:37

23 A At that time, to the best of my memory -- 12:19:46

24 excuse me -- yes. 12:19:49

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

125

1 Q Did he still have a low hair cut? 12:19:49
2 A From the best of memory, I don't recall. 12:19:52
3 Q All right. Can you tell me what you know 12:19:57
4 about Big Shorty? 12:20:05
5 A As I sit here today, I don't recall much 12:20:06
6 other than what I've told you earlier. Either 12:20:11
7 through sar -- excuse me -- Sergeant Watts or 12:20:17
8 possibly other members of my team, that he was a 12:20:18
9 drug dealer, and he was the main guy. 12:20:22
10 Q In Ida B. Wells? 12:20:24
11 A Yes. 12:20:27
12 Q Was he ever arrested while you were there? 12:20:27
13 Let me rephrase that. 12:20:31
14 Was Big Shorty ever arrested, to your 12:20:32
15 knowledge, during your entire time on the Watts 12:20:34
16 tac team? 12:20:37
17 A From the best of my knowledge, I believe I 12:20:38
18 arrested him once. 12:20:40
19 Q Tell me what you remember about arresting 12:20:42
20 Big Shorty. 12:20:47
21 A To the best of my memory, I believe I 12:20:47
22 locked him up for criminal trespass. 12:20:51
23 Q Was Watts working that day? 12:20:54
24 A To the best of my knowledge, yes, he was. 12:20:56

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	Q About how long into your career on the tac	12:20:57
2	team was it when you arrested Big Shorty for	12:21:03
3	trespassing?	12:21:06
4	A Sitting here today, I don't recall when	12:21:08
5	exactly that was.	12:21:11
6	Q Was it toward the beginning?	12:21:11
7	A Again, I don't recall.	12:21:13
8	Q Do you remember where he was trespassing?	12:21:13
9	A I don't recall which building it was; but	12:21:16
10	from the best of my knowledge, I locked him up for	12:21:22
11	trespassing or arrested him for trespassing	12:21:25
12	because I knew he wasn't a resident in the Ida B.	12:21:27
13	Wells.	12:21:30
14	Q How did you know that Big Shorty didn't	12:21:30
15	live in Ida B. Wells?	12:21:35
16	A Sitting here today, to the best of my	12:21:36
17	knowledge, I don't recall; but if I charged him	12:21:40
18	with criminal trespass, I had to discover either	12:21:44
19	from some type of ID or from prior knowledge	12:21:47
20	knowing that he wasn't a resident in the Ida B.	12:21:52
21	Wells.	12:21:54
22	Q Did you talk to Watts about the fact that	12:21:54
23	you had arrested Big Shorty?	12:22:00
24	A I don't recall at this time.	12:22:01

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

127

1 Q Was Big Shorty transported to the police 12:22:03
2 station? 12:22:10

3 A Yes, he was, to the best of my memory. 12:22:10

4 Q Who transported Big Shorty to the police 12:22:12
5 station? 12:22:15

6 A To the best of my knowledge at this time, 12:22:15
7 I believe he was transported by the wagon. 12:22:18

8 Q Do you have an independent recollection of 12:22:21
9 this, or did you look at some reports? 12:22:23

10 A I've never -- to the best of my knowledge, 12:22:25
11 I've never received -- looked at any reports 12:22:27
12 related to this arrest. And I don't think I've -- 12:22:30
13 to the best of my knowledge, I don't think I've 12:22:33
14 ever discussed this with my counsel. 12:22:35

15 MR. STEFANICH: You don't have to say -- 12:22:35

16 MR. RAUSCHER: Go ahead. 12:22:37

17 MR. STEFANICH: You don't have to say what 12:22:37
18 we've discussed -- 12:22:39

19 THE WITNESS: Oh, I'm sorry. 12:22:40

20 MR. STEFANICH: -- or not discussed. 12:22:40

21 Q All right. So you think you transported 12:22:44
22 Big Shorty -- you think Big Shorty was transported 12:22:46
23 in a wagon. 12:22:48

24 Do you think -- was -- were other people 12:22:49

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 transported with him? 12:22:51
2 A To the best of my knowledge, yes. 12:22:51
3 Q Do you remember anyone else who was 12:22:54
4 transported with him? 12:22:57
5 A I don't recall exactly -- don't remember 12:22:58
6 exactly, but I believe maybe Brian Ford, and I 12:23:01
7 don't remember the other individuals. 12:23:05
8 Q Brian Ford was B-Lo? 12:23:06
9 A To the best of my knowledge, I believe, 12:23:08
10 B-Lo was with him. Like I said, I'm not 100 12:23:09
11 percent certain. 12:23:09
12 Q Was he -- was Big Shorty arrested -- this 12:23:17
13 incident where he was arrested, was that part of 12:23:17
14 some sort of drug investigation? 12:23:20
15 A As I sit here today, I don't recall. 12:23:21
16 Q Do you remember who decided to transport 12:23:23
17 Big Shorty in the wagon? 12:23:30
18 A Again, as I sit here today, I don't 12:23:33
19 recall. It might have been my decision, and I'm 12:23:34
20 not 100 percent certain. 12:23:38
21 Q Do you know what happened with the 12:23:39
22 charges? 12:23:44
23 A As I sit here today, I don't recall. 12:23:45
24 Q Did Watts say anything to you about the 12:23:48

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

129

1 arrest of Big Shorty? 12:23:54

2 A From the best of my memory, I think he 12:23:55

3 asked me why did I lock him up, and I'm not 100 12:23:59

4 percent certain. 12:24:05

5 Q What did you say to Watts when he asked 12:24:06

6 you why did you lock him up? 12:24:09

7 A I don't recall exactly what I said to 12:24:10

8 Watts, other than, and, like I said, I don't 12:24:12

9 recall, probably just said that I arrested him for 12:24:14

10 trespassing. 12:24:18

11 Q And what did Watts say to you in response? 12:24:18

12 A As, again, as I sit here today, I don't 12:24:21

13 recall the exact conversation that I had 12:24:22

14 pertaining to Wilbert Moore's arrest with Sergeant 12:24:23

15 Watts. 12:24:27

16 Q Who else -- well, did Watts ever ask you 12:24:27

17 any other times why you arrested people for 12:24:31

18 trespassing? 12:24:34

19 A As I sit here today, to the best of my 12:24:34

20 memory, I don't recall. 12:24:38

21 Q You don't recall him ever doing that? 12:24:39

22 A To the best of my memory, no. 12:24:41

23 Q Do you remember anyone else specifically 12:24:42

24 who you arrested for trespassing over the years? 12:24:46

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

130

1 A As I sit here today, no, I don't. 12:24:49

2 Q Do you know why you remember the Big 12:24:52

3 Shorty arrest? 12:24:56

4 A Yes. From the best of my knowledge, I 12:24:56

5 remember it because I locked him up because -- and 12:25:01

6 I don't remember the specific details. I knew who 12:25:03

7 he was because I was -- from, like I said, from 12:25:06

8 receiving information from either Sergeant Watts 12:25:09

9 or possibly other members of my team that he was 12:25:12

10 the main guy who sold drugs in Ida B. Wells. 12:25:15

11 Q Did you see Big Shorty at Ida B. Wells 12:25:18

12 more than once? 12:25:24

13 A Again, sitting here today, I couldn't give 12:25:25

14 you an estimate how many times I saw him. 12:25:28

15 Q But do you know that it was more than 12:25:30

16 once? 12:25:32

17 A To the best of my knowledge, it was more 12:25:32

18 than once. I couldn't tell you specifically how 12:25:34

19 many times. 12:25:37

20 Q Did you see him after the time when you 12:25:37

21 arrested him for trespassing? 12:25:39

22 A Again, I'm not certain, but I may have. 12:25:41

23 I'm not 100 percent certain. 12:25:45

24 Q Do you think you did? 12:25:46

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A Like I said, I don't want to speculate, 12:25:48
2 but I'm certain I may have. I'm not 100 percent 12:25:50
3 certain. 12:25:53

4 Q I'm not asking you to speculate, but do 12:25:53
5 you think it's more likely than not that you saw 12:25:54
6 him at Ida B. Wells at some point after you 12:25:57
7 arrested him for trespassing? 12:25:59

8 A It's probably more likely than not. 12:26:00

9 Q That you saw him again -- 12:26:03

10 A Yes. 12:26:03

11 Q -- at Ida B. Wells. 12:26:04

12 Did you ever arrest him again for 12:26:05
13 trespassing at Ida B. Wells? 12:26:08

14 A To the best of my knowledge, as I sit here 12:26:09
15 today, I don't recall. 12:26:12

16 Q You don't recall one way or the other? 12:26:12

17 A No. 12:26:13

18 Q Do you think you would remember if you 12:26:14
19 would have arrested him for trespassing more than 12:26:17
20 once? 12:26:19

21 A Probably so, but as I sit here today, I 12:26:19
22 don't recall or don't remember ever locking him up 12:26:23
23 for anything after that point in time. 12:26:27

24 Q Can you think of any reasons why you 12:26:28

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 wouldn't have arrested him for trespassing again 12:26:31
2 if you would have seen him at Ida B. Wells? 12:26:35
3 A I'm not certain. I can't give you an 12:26:35
4 answer for that. 12:26:39
5 Q Did Watts ever tell you that you shouldn't 12:26:39
6 arrest Big Shorty? 12:26:42
7 A As I stated before, I don't recall Ronald 12:26:43
8 Watts ever telling me who I could and could not 12:26:45
9 arrest. 12:26:48
10 Q Did he ever suggest to you in any way that 12:26:48
11 you shouldn't arrest Big Shorty? 12:26:51
12 A To the best of my knowledge, I don't 12:26:53
13 recall him ever suggesting anyone I should arrest 12:26:56
14 or should not arrest. 12:26:58
15 Q How many people do you think, to your best 12:26:59
16 estimate of how many people you've arrested for 12:27:01
17 trespassing over the years? 12:27:03
18 A As I sit here today, I don't know. I 12:27:04
19 couldn't give you an answer. 12:27:06
20 Q Was it common for people to get arrested 12:27:07
21 for trespassing at Ida B. Wells when you were on 12:27:10
22 the tac team? 12:27:15
23 A I wouldn't say it was common, but I'm 12:27:15
24 certain we have locked up individuals for 12:27:17

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

133

1 trespassing. I couldn't give you an exact number. 12:27:20
2 Q Did you use trespassing arrests as one way 12:27:22
3 to stop the drug trade or stop the flow of drugs 12:27:25
4 at Ida B. Wells? 12:27:28
5 A To the best of my knowledge, we used 12:27:28
6 whatever tools or means as necessary to stop the 12:27:31
7 flow or distribution of illegal narcotics. 12:27:34
8 Q And were trespassing arrests one of the 12:27:37
9 tools that you used to stop or slow down the flow 12:27:39
10 of drugs at Ida B. Wells? 12:27:41
11 A From the best of my knowledge, possibly. 12:27:43
12 Q Possibly or yes? 12:27:45
13 A As I said, I don't have an exact memory 12:27:47
14 but possibly, yes. 12:27:51
15 Q Is there any other reason why you would 12:27:52
16 have been arresting people for trespassing at 12:27:55
17 Ida B. Wells? 12:27:59
18 MR. KOSOKO: Object to the form of the 12:28:00
19 question. 12:28:01
20 A At this present moment, no, other than if 12:28:02
21 you -- after a certain point in time, from my 12:28:04
22 knowledge, you pretty much knew who the main 12:28:06
23 players were or people who are residents who lived 12:28:08
24 in that area. If you had any doubts about 12:28:11

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 anybody, you would do a street interview with them 12:28:15
2 and ask them information, to produce an ID. 12:28:17
3 And if you -- if during that time, if they 12:28:20
4 had no valid reason or give you a valid reason 12:28:22
5 for their -- a reason -- or a valid reason for 12:28:26
6 being in the Ida B. Wells at that point in time, 12:28:28
7 we probably did lock them up or arrest them for 12:28:33
8 criminal trespassing. 12:28:36
9 Q And when you say "a valid reason," do you 12:28:36
10 mean a reason other than being there to buy or 12:28:39
11 sell drugs? 12:28:42
12 A A valid reason would be if they, number 12:28:43
13 one, was a resident there, had a family member 12:28:45
14 that lived there, or were there for any other 12:28:47
15 personal reason. Maybe they had a friend that 12:28:50
16 lived there. 12:28:53
17 Q So would it be fair to say a valid reason 12:28:53
18 would be anything that wasn't criminal in nature? 12:28:55
19 A Anything that was -- anything that wasn't 12:28:57
20 criminal in nature, we would not lock them up. 12:29:00
21 Q Did you ever hear that Big Shorty was 12:29:03
22 paying Watts? 12:29:10
23 A At some point in time, I did hear that. 12:29:10
24 Q When do you think you heard that Big 12:29:15

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

135

1 Shorty was paying Watts? 12:29:18

2 A It had to be after I left Watts team and 12:29:19

3 probably before the -- or after the indictment. 12:29:23

4 I'm not 100 percent certain. 12:29:27

5 Q Do you know who told you that Big Shorty 12:29:28

6 was paying Watts? 12:29:30

7 A And I don't recall who specifically told 12:29:31

8 me that. 12:29:33

9 Q Why do you think it was after the 12:29:34

10 indictment? 12:29:37

11 A I am aware that it was after the 12:29:37

12 indictment because the first time I heard that -- 12:29:40

13 like I said, when Ronald Watts and Kallatt 12:29:43

14 Mohammed was indicted, I was shocked when I saw 12:29:47

15 the -- saw it on the news. 12:29:49

16 Q Do you think you heard on the news that 12:29:50

17 Watts was taking money from Big Shorty? 12:29:53

18 A As I sit here today, I don't recall. It 12:29:55

19 could be possible. I'm not 100 percent certain. 12:29:58

20 Q Do you know how many times over the years 12:30:14

21 you arrested Brian Ford? 12:30:16

22 A As I sit here today, I don't recall if I 12:30:19

23 ever arrested him; or if I did, I couldn't give 12:30:21

24 you a number how many -- a number of how many 12:30:24

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 times I arrested him. 12:30:27

2 Q Did you ever write -- well, do you 12:30:28

3 remember writing in reports that you had -- you or 12:30:33

4 others on your team had received information from 12:30:37

5 concerned citizens? 12:30:41

6 A To the best of my knowledge, yes. 12:30:42

7 Q And Is a concerned citizen different than 12:30:43

8 a CI? 12:30:46

9 A To the best of my knowledge, yes. 12:30:47

10 Q What's the difference between a concerned 12:30:50

11 citizen and a CI? 12:30:54

12 A Concerned citizen and sometimes we would 12:30:55

13 use the phrase "anonymous citizen" is someone who 12:30:58

14 might give you information but don't want to 12:31:02

15 reveal their identity or their name specifically. 12:31:05

16 Q And how was that different than a CI? 12:31:07

17 A From the best of my knowledge, a CI is 12:31:13

18 someone -- a confidential informant; and, like I 12:31:17

19 said, a confidential informant is different than a 12:31:22

20 concerned citizen or an anonymous citizen because 12:31:25

21 the confidential informant -- I don't know if they 12:31:29

22 are either registered with the City or the Chicago 12:31:34

23 Police Department. 12:31:39

24 Q You're not aware of either of the two 12:31:39

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 confidential informants that you know of being 12:31:43
2 registered with the City, though? 12:31:44
3 A Not that I'm aware of. 12:31:45
4 Q When you say concerned citizens or 12:31:47
5 anonymous citizens didn't want to give their name, 12:31:50
6 are you saying that if the police report says a 12:31:51
7 concerned citizen told us that, that person didn't 12:31:54
8 even give you their name? 12:31:57
9 A I'm not saying that as to what exactly 12:32:00
10 happened. A lot of times when we received 12:32:01
11 information from a concerned citizen or sometimes 12:32:03
12 we would use the phrase "anonymous citizen," it 12:32:06
13 was someone who might have been a resident in the 12:32:09
14 Ida B. Wells or some other housing development, 12:32:12
15 and they didn't want their identity to be revealed 12:32:14
16 because they lived in there, and they were afraid 12:32:17
17 of some type of retaliation. 12:32:20
18 Q And what -- I think what I'm -- let me 12:32:22
19 rephrase. 12:32:28
20 How is that person that you just talked 12:32:29
21 about, that concerned citizen who wanted to remain 12:32:30
22 anonymous for fear of some sort of retaliation 12:32:33
23 different than a CI? 12:32:38
24 A To the best of my knowledge, there's 12:32:39

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 really no difference as both people are providing 12:32:41
2 a police officer with information of criminal 12:32:44
3 activity that they're concerned about and want 12:32:47
4 something done. 12:32:50

5 Q How would you, as an officer on the tac 12:32:51
6 team, decide whether to write that you got 12:32:54
7 information from a confidential informant or a 12:32:57
8 concerned or anonymous citizen? 12:32:59

9 A As I stated before, I don't recall who was 12:33:01
10 a confidential informant. I didn't use any -- to 12:33:03
11 the best of my knowledge, I didn't have any 12:33:06
12 confidential informants that I relied upon for 12:33:08
13 information. 12:33:11

14 Q Do you think the terms "concerned citizen" 12:33:11
15 and "anonymous citizen" are interchangeable with 12:33:14
16 CI, confidential informant? 12:33:17

17 A As I sit here today, no. I don't think 12:33:18
18 there's any difference. As I stated, it's someone 12:33:22
19 that might be concerned with crime that's going on 12:33:24
20 in their community or the area where they reside 12:33:27
21 and they want something to be done. 12:33:30

22 And they provide you with that 12:33:33
23 information, you know, to try to seek a problem. 12:33:36
24 They don't want their identity to be revealed 12:33:39

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 because they don't want some type of retaliation 12:33:42
2 against them. 12:33:45

3 Q A report, though, could use concerned 12:33:45
4 citizen or CI interchangeably; is that fair? 12:33:48

5 MR. MICHALIK: Objection; form, 12:33:53
6 foundation. 12:33:55

7 A As I sit here today, the best of my 12:33:56
8 memory, I don't recall that we 12:33:57
9 interchangeably used one term or the other. 12:34:01

10 MR. RAUSCHER: I'm happy to keep going, 12:34:14
11 but if at some point, you all want to take a lunch 12:34:15
12 break, just let me know. It's 12:30 or something 12:34:17
13 like that. 12:34:20

14 THE WITNESS: I'm good. 12:34:20

15 MR. STEFANICH: How about if we go for, 12:34:20
16 like, a half hour and then break. 12:34:23

17 MR. RAUSCHER: Sure. 12:34:24

18 BY MR. RAUSCHER: 12:34:24

19 Q Do you think that the Chicago Police 12:34:27
20 Department has a code of silence? 12:34:29

21 A I have heard of the term and am aware of 12:34:33
22 the term. From my experience, I can't -- you 12:34:36
23 know, I can't say one way or the other. 12:34:41

24 Q What do you think of when you hear the 12:34:41

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1 phrase "code of silence"? What does that mean 12:34:47
2 to you? 12:34:49

3 A To the best of my knowledge or my 12:34:50
4 experience as a police officer, from what I know 12:34:52
5 being a -- the code of silence is an officer if he 12:34:56
6 witnessed something unethical or something 12:35:01
7 criminal and not reporting it. 12:35:04

8 Q You said criminal, or was there something 12:35:08
9 else in there? 12:35:10

10 A I said unethical. 12:35:10

11 Q Unethical. 12:35:12

12 A And you are not sure one way or the other 12:35:14
13 whether CPD has a problem with the code of 12:35:17
14 silence. 12:35:20

15 MR. MICHALIK: Object to the form. 12:35:22

16 A Me, myself personally, I have not been 12:35:24
17 witness to a code of silence. I've heard rumors, 12:35:27
18 of course. I would be lying if I said I did not 12:35:32
19 hear about a code of silence; but from my personal 12:35:36
20 experience, I've never experienced a code of 12:35:39
21 silence. 12:35:41

22 Q Do you think a code of silence is a good 12:35:41
23 thing or a bad thing? 12:35:44

24 A It's a bad thing. 12:35:45

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1 Q Why is the code of silence a bad thing? 12:35:46
2 A Because if someone is doing something 12:35:49
3 unethical or criminal, then it should be reported. 12:35:51
4 Q Tell me about the rumors you've heard of 12:35:53
5 CPD having a code of silence. 12:35:57
6 MR. MICHALIK: Object to the form. 12:35:59
7 A I can't give you any specific because 12:36:01
8 there have been many cases or instances about the 12:36:04
9 reports of -- mainly, what I've learned about the 12:36:10
10 code of silence within the police department has 12:36:13
11 come through the media from the Jason Van Dyke 12:36:17
12 trial and also -- that's the main one I can think 12:36:20
13 of, the Jason Van Dyke trial, and, like I said, 12:36:24
14 it's from the media. 12:36:27
15 Q So when you say "rumors," you're talking 12:36:30
16 about media reports? 12:36:32
17 A Absolutely. From my experience as a 12:36:34
18 police officer, I have never heard anyone within 12:36:38
19 the police department discuss or say anything 12:36:41
20 about the code of silence. 12:36:44
21 Q Have you ever heard anyone discuss 12:36:44
22 retribution for telling on another police officer? 12:36:49
23 A As I stated before, I have never 12:36:51
24 experienced a code of silence myself, other than 12:36:53

Transcript of Elsworth Smith, Jr.
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1 what I've observed or what I've heard on -- I'm 12:36:56
2 sorry -- what I've heard through the media. 12:36:59
3 Q Do you think the code of silence allowed 12:37:01
4 Ronald Watts and Kallatt Mohammed to go unchecked? 12:37:05
5 MR. STEFANICH: Objection -- 12:37:08
6 MR. MICHALIK: Objection. 12:37:09
7 MR. STEFANICH: -- form and foundation. 12:37:10
8 You can answer. 12:37:11
9 A I have no idea. 12:37:12
10 Q Before you became a patrol officer, did 12:37:28
11 you receive any training on how to write police 12:37:32
12 reports? 12:37:34
13 A Yes, I did. 12:37:34
14 Q Tell me about the training that you 12:37:34
15 received on how to be -- how to write police 12:37:36
16 reports? 12:37:38
17 A Any training that I've had about writing 12:37:38
18 reports would have been while I was in the police 12:37:43
19 academy, which was 20 years ago. And as I sit 12:37:46
20 here today, I don't remember the specific training 12:37:49
21 that I received from any classes in the police 12:37:53
22 academy. 12:37:57
23 Q Did you take any written tests on your 12:37:57
24 training while you were at the academy? 12:38:04

Transcript of Elsworth Smith, Jr.

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1 A Yes. To the best of my knowledge, yes. 12:38:05
2 Q Do you remember what subjects those tests 12:38:07
3 or that test covered? 12:38:11
4 A As I sit here today, I don't remember 12:38:13
5 every single test that I was given. 12:38:14
6 Q Do you remember any of them? 12:38:16
7 A Yes, I can remember a few. There was a 12:38:17
8 state certification test that we had to take, and 12:38:20
9 there was about basic law, and I don't recall what 12:38:24
10 else was in there. We had to pass a firearm 12:38:27
11 certification course, training course. 12:38:31
12 And I don't remember all the other 12:38:34
13 training classes that -- from my time in the 12:38:37
14 academy. 12:38:41
15 Q Did you receive any on-the-job training on 12:38:41
16 writing police reports after you left the academy? 12:38:50
17 A As I sit here today, I'm certain we 12:38:52
18 probably have, but I don't recall specifically. 12:38:55
19 Q Why are you certain you probably got 12:38:57
20 on-the-job training about writing reports? 12:38:58
21 A There again, I'm not 100 percent certain; 12:39:02
22 but from time to time, we do have to do monthly 12:39:05
23 training. You either do the computer, or there 12:39:07
24 are some times that we are sent to take training 12:39:11

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1 at other -- at other colleges or go back to the 12:39:14
2 training academy. 12:39:18

3 Q Did you ever receive training on 12:39:19
4 conducting narcotics investigations? 12:39:28

5 A From the best of my knowledge, I don't 12:39:30
6 recall. 12:39:33

7 Q You don't recall one way or the other, or 12:39:33
8 you don't recall ever receiving it? 12:39:36

9 A To the best of my knowledge, I don't 12:39:38
10 recall one way or the other. 12:39:41

11 Q Did you ever receive training on 12:39:41
12 conducting investigations annually? 12:39:47

13 A From the best of my knowledge, I don't 12:39:50
14 recall. 12:39:52

15 Q When you were on the Watts tactical team, 12:39:52
16 did you ever go out into the field alone? 12:40:05

17 A To the best of my knowledge, I don't 12:40:07
18 recall. Let me rephrase that -- sorry -- to 12:40:10
19 answer your question. 12:40:16

20 I wouldn't say -- there have been times 12:40:16
21 that we have been by ourselves for a brief moment 12:40:18
22 of time. I wouldn't say we were completely alone 12:40:23
23 because we have had -- we are in a situation where 12:40:27
24 we are by ourself, we are in constant radio 12:40:28

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1 communication with someone on our team or the 12:40:33
2 sergeant. 12:40:34

3 Q Did you use cell phones to communicate 12:40:34
4 with each other? 12:40:39

5 A To the best of my knowledge, we might 12:40:40
6 have. 12:40:42

7 Q Do you think that you used cell phones to 12:40:42
8 communicate with other members of the Watts team 12:40:47
9 during work? 12:40:49

10 A As I stated, to the best of my knowledge, 12:40:50
11 we may have. 12:40:52

12 Q Do you remember your cell phone number 12:40:53
13 from when you were on the Watts team? 12:40:55

14 A As I sit here today, no, because I've 12:40:57
15 changed my phone number quite a few times. 12:41:00

16 Q As a general matter, though, you weren't 12:41:03
17 going out into the field alone when you were on 12:41:16
18 the Watts team? 12:41:18

19 A Generally, no. 12:41:19

20 Q If multiple officers were involved in an 12:41:19
21 arrest while you were on the Watts team, how did 12:41:24
22 you decide who would create the police reports 12:41:27
23 relating to that arrest? 12:41:30

24 A It would vary from the -- from each moment 12:41:31

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1 or each incident. It depends on who made the 12:41:35
2 recovery, if there was a recovery in some form 12:41:39
3 or -- some form or fashion what they witnessed or 12:41:42
4 observed. 12:41:46

5 Q It depends on who made the recovery and 12:41:48
6 who witnessed what? 12:41:53

7 A If there was a recovery, it depends, or, 12:41:54
8 like I said, based on the observation or what that 12:41:58
9 particular officer witnessed. 12:42:01

10 Q How -- can you tell me what that means as 12:42:03
11 far as who would write the report or reports? 12:42:10

12 A What does that mean? Like I said, 12:42:13
13 basically who -- if there was -- say, if there was 12:42:17
14 a gun arrest, the person who recovered the gun 12:42:20
15 might be Box 1. If there was a narcotics arrest, 12:42:24
16 the person who might have witnessed or recovered 12:42:29
17 the narcotics might be the person that would go 12:42:32
18 into Box 1. It would vary from different 12:42:35
19 situations. 12:42:38

20 Q How would you make the decision on who 12:42:39
21 would be the -- 12:42:40

22 A Well, you would discuss it with your 12:42:42
23 partner. 12:42:44

24 Q Then how would you and your partner -- 12:42:45

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1 what factors would you look at to decide who 12:42:46
2 should write the report? 12:42:48

3 A Well, if my partner witnessed and did the 12:42:50
4 recovery, then, of course, he would be in Box 1. 12:42:52

5 Now, if I made the observation and he made 12:42:56
6 the recovery, then we might have a conversation 12:42:58
7 with one another who is going to take the -- go in 12:43:01
8 Box 1. Because you have to have the situation 12:43:05
9 you -- I observed something, but he made the 12:43:08
10 recovery. 12:43:10

11 Q All right. So let me make sure that I 12:43:10
12 understand. 12:43:19

13 If you saw someone purchase drugs and then 12:43:19
14 you went up and you recovered the drugs from that 12:43:25
15 person, you would automatically be Box 1. 12:43:27

16 MR. MICHALIK: Object to the form. 12:43:30

17 A If you're saying if I made the -- if I 12:43:32
18 witnessed the drugs or the transaction take place 12:43:34
19 and made the recovery, of course, I would be 12:43:38
20 Box 1. 12:43:41

21 Q Box 1, that's the first person listed on 12:43:41
22 the report? 12:43:44

23 A Yes. 12:43:45

24 Q And you -- so that means you'd create the 12:43:45

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1 report, and you signed it? 12:43:47

2 A Yes. 12:43:49

3 Q And if in that same situation your partner 12:43:49

4 was standing next to you, you both saw the 12:43:54

5 transaction, and then your partner recovered the 12:43:57

6 drugs, would you discuss between the two of you 12:43:59

7 who would go in Box 1 and who would go in Box 2? 12:44:02

8 A From the best of my knowledge, yes, we 12:44:06

9 probably would. 12:44:08

10 Q What is -- we're saying Box 1. 12:44:08

11 What does Box 1 indicate? 12:44:10

12 A Box 1 is usually the reporting officer or 12:44:12

13 the person who wrote the report. That's not 12:44:16

14 necessarily true on every circumstance. 12:44:19

15 Again, like I gave the examples when it 12:44:21

16 might -- I've used certain examples when it might 12:44:24

17 be different, like I said, based on the 12:44:29

18 observation or recovery. 12:44:32

19 Q I'm not following the last part. 12:44:34

20 A As I described earlier, if I witnessed 12:44:36

21 something and my partner recovered -- I make it -- 12:44:40

22 like if I'm doing surveillance from somewhere, a 12:44:44

23 particular point; and I'm relaying this 12:44:48

24 information to my partner and said, Hey, this 12:44:50

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1 person, he has a bag of drugs on him, and, you 12:44:52
2 know, give a description or whatever, that person 12:44:55
3 there, whatever has on a tan jacket or whatever, 12:44:58
4 shirt or whatever, and he goes and grabs him and 12:45:01
5 makes the recovery. Then, you know, we've got to 12:45:04
6 determine between ourselves who is going to go in 12:45:07
7 the first box as the first reporting officer. 12:45:09

8 Q You're giving a situation where one 12:45:12
9 officer maybe didn't see the entire thing from 12:45:16
10 start to finish? 12:45:19

11 A Sometimes that might happen. 12:45:20

12 Q And if that's the case then you -- that's 12:45:22
13 when you discuss who goes in Box 1. 12:45:23

14 A Yes. 12:45:25

15 Q But if an officer sees everything from 12:45:26
16 start to finish, they are in Box 1. 12:45:28

17 MR. MICHALIK: Object to the form, 12:45:30
18 foundation. 12:45:31

19 A From the best of my memory, yes. 12:45:32

20 Q Do you know what Box 1 is supposed to 12:45:39
21 indicate to a reader of a police report? 12:45:42

22 A Box -- that box, if you're talking about 12:45:45
23 on the old vice case reports for reporting 12:45:47
24 officer, it can indicate anything. It could 12:45:54

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1 mean -- it has many different reasons. 12:45:56

2 I gave you an example just now. It could 12:45:59

3 mean you're the first reporting officer or the 12:46:02

4 arresting officer and also it means that -- who 12:46:05

5 you were working with that day. There's two 12:46:09

6 boxes, I believe, if I'm going back to the best of 12:46:11

7 my memory how those old vice case reports or 12:46:15

8 general offense reports were laid out. Because 12:46:18

9 the reports today are automated, and back then 12:46:21

10 they were on paper. 12:46:25

11 Q So the vice case report, the second box 12:46:26

12 was just supposed to indicate who your partner 12:46:30

13 was? 12:46:32

14 A Yes. From the best of my knowledge, like 12:46:33

15 I said, there was a section where you would 12:46:36

16 have -- where the reporting officers went. Like I 12:46:38

17 said it was either on the general offense case 12:46:42

18 report or the vice case report. Because back then 12:46:44

19 when I -- from the best of my memory, when I 12:46:46

20 started on -- as a tactical officer, most of the 12:46:49

21 reports were on paper. 12:46:53

22 Q Would you list your partner as the second 12:46:55

23 reporting officer on a vice case report even if 12:46:58

24 your partner didn't see the incident or make the 12:47:00

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1 recovery? 12:47:04

2 MR. KOSOKO: Objection; incomplete 12:47:05

3 hypothetical. 12:47:08

4 A From the best of my knowledge, yes. 12:47:08

5 BY MR. RAUSCHER: 12:47:08

6 Q What would be the purpose of listing your 12:47:10

7 partner in Box 2 even if they didn't see anything? 12:47:12

8 A You would indicate in the narrative of 12:47:15

9 your report whether or not your partner made this 12:47:16

10 observation or not; but on the report, you would 12:47:17

11 have to indicate who you were partnered with that 12:47:20

12 day or who you were working with. From the best 12:47:23

13 of my memory, that's the way we were taught in the 12:47:26

14 police academy. 12:47:28

15 Q Is it your recollection that there was -- 12:47:29

16 that the form, the vice case report actually said 12:47:32

17 in Box 2 partner? 12:47:34

18 A Again, from the best of my memory, no, it 12:47:35

19 does not; but it has a box on the report that says 12:47:41

20 "reporting officer." And based on my memory from 12:47:45

21 what I was trained in the police academy, on 12:47:48

22 that -- in that box whether it's the general or 12:47:51

23 the vice case report or any other handwritten 12:47:55

24 report, the second box does not state what your 12:47:58

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1	partner does. You would indicate that in the	12:48:03
2	narrative of the report. On whatever reporting	12:48:05
3	officers, it would just state who was partnered	12:48:08
4	together.	12:48:11
5	Because, you know, like I said, generally,	12:48:12
6	when I first got on the team, I worked with	12:48:14
7	different officers, whether it was Cynthia Tornes,	12:48:16
8	Miguel Cabrales, Kallatt Mohammed, or Alvin Jones.	12:48:18
9	Then I would put who I was working with that day.	12:48:22
10	Q Just as a matter of course, if you were	12:48:25
11	the first box and Al Jones was your partner, you'd	12:48:28
12	put Jones in the second box?	12:48:32
13	A Yes.	12:48:34
14	Q What's the purpose of doing that if Jones	12:48:34
15	didn't see anything, using Jones as an example?	12:48:37
16	MR. MICHALIK: Object to the form.	12:48:40
17	A As I stated before, that box does not	12:48:41
18	indicate what either one of us saw. In the	12:48:45
19	narrative of the report it states -- that's where	12:48:49
20	you would indicate what either yourself or your	12:48:52
21	partner did.	12:48:55
22	Generally, like I said, it doesn't state	12:48:56
23	specifically first arresting officer. From the	12:48:59
24	best of my memory, what I recall from the	12:49:02

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1 handwritten reports or the old paper reports, it 12:49:04
2 doesn't say who -- what role each one had. The 12:49:08
3 box just said, from the best of my memory, 12:49:11
4 reporting officer. 12:49:14

5 BY MR. RAUSCHER: 12:49:14

6 Q So should the narrative description then 12:49:14
7 say what each particular officer saw or did in 12:49:18
8 connection with the arrest? 12:49:21

9 MR. MICHALIK: Objection; form, incomplete 12:49:23
10 hypothetical. 12:49:24

11 A As I stated before, that's what you would 12:49:25
12 try to do in the narrative of any report. Whether 12:49:28
13 it was a vice case report, a general offense case 12:49:30
14 report, a burglary report, whatever, you would 12:49:32
15 state the facts within the report. 12:49:35

16 Q The narrative would need to state the 12:49:37
17 facts or else nobody would know what each officer 12:49:39
18 did; right? 12:49:44

19 A There again, like I said, at the end of 12:49:45
20 the report, the narrative of the report, that's 12:49:46
21 where you would make the indication or the 12:49:48
22 distinction between each person's role. 12:49:50

23 Q Because if you don't do that, then there 12:49:53
24 is no record of each person's role; correct? 12:49:56

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1 MR. MICHALIK: Object to the form. 12:49:59

2 MR. KOSOKO: Join. 12:50:00

3 A I would not say that there would be no 12:50:02

4 indication of it. 12:50:05

5 BY MR. RAUSCHER: 12:50:05

6 Q I'm sorry. Can you repeat that? 12:50:05

7 A It does not indicate whether -- if it's 12:50:06

8 not in the narrative of the report, doesn't that 12:50:10

9 mean -- because it's a summary. The case report 12:50:12

10 is a summary of the events. 12:50:16

11 Now, if, say, for example, you made a UUW 12:50:18

12 arrest or a narcotics arrest, you might have your 12:50:21

13 partner listed as the second reporting officer, or 12:50:24

14 you might have other assisting officers. Because 12:50:28

15 the old handwritten reports, they had limited 12:50:33

16 space so -- a limited amount of space so you could 12:50:36

17 not put in complete details what everyone did. 12:50:38

18 Now, if this particular report led to 12:50:42

19 going to trial, when you are questioned during a 12:50:46

20 trial, that's when you would relate to the state's 12:50:49

21 attorneys or the defense attorneys what role each 12:50:52

22 officer played in that particular narrative. 12:50:56

23 Q And how would you remember for each arrest 12:50:58

24 what role each officer played if it wasn't written 12:51:01

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1 down anywhere? 12:51:05

2 MR. KOSOKO: Objection; form, foundation. 12:51:05

3 A Again, from the best of my memory, just 12:51:08

4 you would -- to the best of your memory. 12:51:11

5 Q Would it have been better to write down 12:51:12

6 the description of what everyone did -- 12:51:15

7 MR. KOSOKO: Objection. 12:51:15

8 Q -- in the report? 12:51:17

9 A Again, like I said, yes, it would be; and, 12:51:20

10 again, like I said, generally, that's what we 12:51:21

11 would try to do, write the report and put down 12:51:25

12 what each person did perhaps. But, again, like I 12:51:28

13 said, the reports are just a general summary of 12:51:31

14 the event. 12:51:34

15 Q Is there supposed to be a record that's a 12:51:34

16 complete summary of the event? 12:51:41

17 MR. STEFANICH: Objection; form. 12:51:45

18 A As I sit here today, based on what I was 12:51:46

19 trained in the police academy, yes. I'm sure you 12:51:48

20 probably are supposed to indicate -- make a 12:51:52

21 complete description of what's going on. But from 12:51:55

22 what I remember from my training, like I said, 12:51:59

23 you're supposed to make a summary of the report. 12:52:03

24 The arrest -- I mean, the case report 12:52:06

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1 might have more details than the arrest report. 12:52:09
2 The arrest report is just a basic summary of the 12:52:12
3 probable cause that led to the arrest, so it's not 12:52:15
4 going to be as detailed as a case report. 12:52:18
5 BY MR. RAUSCHER: 12:52:18
6 Q But -- I'm sorry. Go ahead. 12:52:20
7 A But, like I said, again, generally, you do 12:52:21
8 try to detail all the facts or the details in the 12:52:25
9 report. But like those old -- and I'm not trying 12:52:28
10 to justify anything, but those old case reports, 12:52:31
11 there was a limited amount of space. So you would 12:52:35
12 try to put as much detail in there as possible. 12:52:38
13 Q So I understand there are arrest reports; 12:52:41
14 and then back in the day at least, there were vice 12:52:43
15 case reports you could type; right? 12:52:46
16 A Yes. To the best of my memory, most of 12:52:47
17 the reports at that time were paper reports. 12:52:51
18 Q And did the vice case reports -- were they 12:52:53
19 supposed to, at least, have all the details about 12:52:59
20 who did what on the arrest? 12:53:00
21 MR. MICHALIK: Object to the form. 12:53:02
22 A Again, from the best of my memory, yes, 12:53:04
23 you are, but I'm sure that there were minor, 12:53:07
24 unintentional errors made or mistakes in reports. 12:53:09

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1 I'm trying to ask something, I think, is slightly 12:54:09
2 different. 12:54:11

3 Which is when you were on the Watts 12:54:12
4 tactical team, do you ever remember thinking, Oh, 12:54:14
5 this is a problem. We have these vice case 12:54:14
6 reports, and there's not enough room on them to 12:54:18
7 put down the information about what's going on out 12:54:19
8 here. 12:54:23

9 A I don't know what I was thinking at that 12:54:23
10 time. 12:54:25

11 Q You don't -- 12:54:25

12 A As I sit here today, I can't recall what I 12:54:25
13 was thinking at any time when I made a report 12:54:27
14 while I worked for Sergeant Watts -- Ronald Watts. 12:54:30

15 Q And so is it your testimony that you 12:54:32
16 believe you were trained in the academy that you 12:54:35
17 should put your partner down as the second 12:54:36
18 arresting officer -- as the second reporting 12:54:42
19 officer even if your partner didn't have anything 12:54:42
20 to do with an arrest? 12:54:45

21 MR. KOSOKO: Object to the form. 12:54:48

22 A From the best of my memory, from what I 12:54:50
23 was -- my training, yes. 12:54:51

24 Q And do you remember any specifics about 12:54:52

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1 that training? 12:54:57

2 A As I stated earlier, I don't remember 12:54:57

3 specifically -- 12:55:00

4 Q That was - 12:55:00

5 A -- that -- 12:55:01

6 Q Go ahead. I'm sorry. 12:55:01

7 A As I stated before, I don't remember 12:55:02

8 specifically, and to the best of my knowledge; but 12:55:07

9 there again, as I said, if you listed your 12:55:08

10 partner, that does not mean that he witnessed or 12:55:12

11 witnessed everything that you did. 12:55:15

12 Q It sounds like it doesn't mean he 12:55:17

13 witnessed anything necessarily. 12:55:20

14 A Like I said, it does not. But, like I 12:55:22

15 said, generally, you would try to convey that in 12:55:26

16 the narrative of your report. 12:55:29

17 Q Can you think of any good reason why the 12:55:29

18 second person listed on the report would 12:55:32

19 automatically be your partner even if that person 12:55:34

20 didn't witness anything? 12:55:37

21 MR. MICHALIK: Object to the form. 12:55:38

22 A When you are in patrol or as a tactical 12:55:40

23 officer, not always in patrol, you are assigned a 12:55:45

24 person to work with on a daily basis. So that's 12:55:47

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1 why you would list your partner on the reports 12:55:51
2 that you make. 12:55:53
3 Q Why does the fact that you're assigned to 12:55:55
4 work with someone on a daily basis mean you would 12:55:56
5 list them in all your reports? 12:55:59
6 A Because that's who you were assigned to 12:56:01
7 work with. 12:56:04
8 Q So what? 12:56:06
9 A And as I stated before, that was based -- 12:56:06
10 based on my memory and my training in the police 12:56:08
11 academy, that's what I was told to do when you 12:56:11
12 make your report. 12:56:13
13 Q Can you think of any reasons why it would 12:56:14
14 be helpful for the police department or for anyone 12:56:17
15 else to have a person listed in Box 2 even if they 12:56:19
16 had nothing to do with the arrest? 12:56:23
17 MR. STEFANICH: Objection -- 12:56:23
18 MR. KOSOKO: Objection; form. 12:56:24
19 MR. STEFANICH: -- form, asked and 12:56:25
20 answered. 12:56:25
21 A As I -- I stated, I don't know. But if 12:56:29
22 you're working with some partner -- if it's your 12:56:30
23 partner, at some point in time, you may have 12:56:31
24 witnessed some aspect of the incident which took 12:56:33

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1 place. 12:56:36

2 BY MR. RAUSCHER: 12:56:36

3 Q Or maybe you didn't. 12:56:37

4 A Or maybe you didn't. 12:56:38

5 Q Over the years, did you ever hear citizens 12:56:40

6 saying that they had been wrongfully arrested? 12:56:48

7 MR. KOSOKO: Object to the form. 12:56:52

8 A As I sit here today, I don't recall. When 12:56:54

9 I was working for Sergeant Watts, I don't recall 12:56:56

10 no one ever stating to myself or anyone else that 12:57:00

11 I was working with about being wrongfully 12:57:02

12 arrested. 12:57:06

13 Q Do you ever -- and when I say that they 12:57:06

14 said that they were wrongfully arrested, I mean 12:57:07

15 that as broadly as possible. Like people even 12:57:09

16 yelling out, What are you doing? I didn't do 12:57:12

17 this. You're framing me. I didn't have drugs. 12:57:14

18 Anything like that at all, even just yelling at 12:57:17

19 people? 12:57:19

20 A To the best of my memory, maybe a few. I 12:57:20

21 don't remember each and every person or exact date 12:57:23

22 and time. 12:57:27

23 Q Do you remember any specific incidents 12:57:27

24 like that? 12:57:29

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1 A No, I don't. 12:57:29

2 Q Did you ever tell anybody how to file a 12:57:31

3 complaint with OPS or IAD or IPRA or COPA? 12:57:37

4 A As I sit here today, I don't recall, but I 12:57:44

5 may have. 12:57:45

6 Q And why do you think you may have? 12:57:45

7 A I don't recall when exactly, but I do 12:57:47

8 remember having conversations with people at some 12:57:51

9 point in time. I don't remember if it was while I 12:57:53

10 was working as a tactical officer or when exactly 12:57:57

11 it was. I don't recall, but I do remember at some 12:58:00

12 point in time telling people or giving people 12:58:03

13 information how to file a complaint. 12:58:06

14 Q Do you remember any specifics about that 12:58:08

15 at all? Who the people were? How many times that 12:58:14

16 happened? 12:58:16

17 A As I sit here today, I don't recall who it 12:58:16

18 was or when the time and date it was. 12:58:19

19 MR. RAUSCHER: Take another quick break. 12:58:26

20 MR. STEFANICH: Do you want to just do, 12:58:28

21 like, a lunch break? 12:58:29

22 MR. RAUSCHER: Sure. That's fine with me. 12:58:33

23 THE VIDEOGRAPHER: Off the record, 12:58. 12:58:33

24 (A recess was taken from 12:58 p.m. to 13:48:23

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1	1:48 p.m.)	13:48:23
2	THE VIDEOGRAPHER: Back on the record,	13:48:24
3	1:48.	13:48:31
4	BY MR. RAUSCHER:	13:48:33
5	Q Has your star number always been 11737?	13:48:36
6	A Yes, sir.	13:48:39
7	Q Have you ever had a different star number?	13:48:39
8	A No.	13:48:43
9	Q About how many times have you testified in	13:48:43
10	your role as a police officer?	13:48:48
11	A As I sit here today I -- excuse me -- as I	13:48:49
12	sit here today, I couldn't give you an exact	13:48:54
13	count.	13:48:56
14	Q Is it -- do you think it's in the	13:48:56
15	hundreds?	13:48:59
16	A Possibly. But, again, I'm not certain.	13:49:00
17	Q Do you know how it was determined which	13:49:04
18	members of a tactical team, the Watts tactical	13:49:07
19	team would testify in court about arrests the team	13:49:09
20	made while you were on the team?	13:49:14
21	A As I sit here today, I don't recall.	13:49:16
22	Q Have you ever given false testimony?	13:49:17
23	A No, I have not.	13:49:20
24	Q Do you know whether any of the members of	13:49:20

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1 the Watts team have ever given false testimony? 13:49:23

2 A From my experience of working with them, 13:49:26

3 no, I don't believe so. 13:49:30

4 Q Have you ever seen a Chicago police 13:49:30

5 officer use excessive force? 13:49:34

6 A From my experience, no. 13:49:38

7 Q All right. I'm going to ask you some 13:49:40

8 questions about certain plaintiffs in these cases. 13:49:51

9 We have a list of cases we've agreed to try to 13:49:55

10 cover today. 13:50:00

11 MR. RAUSCHER: And just mostly for counsel 13:50:01

12 in the room, we had included Lionel White, Sr., on 13:50:04

13 that list, and then we have agreed to postpone 13:50:04

14 that until his second date. 13:50:04

15 MR. STEFANICH: That's correct. 13:50:04

16 THE REPORTER: What was that name? 13:50:04

17 MR. RAUSCHER: Lionel White, Sr., 13:50:09

18 L-i-o-n-e-l. 13:50:16

19 Q So the first person I'm going to ask about 13:50:17

20 is Allen Jackson. You mentioned Mr. Jackson 13:50:29

21 earlier. 13:50:32

22 What do you know about Allen Jackson? 13:50:32

23 A As I stated before, to the best of my 13:50:35

24 memory, what I recall is that he was a drug 13:50:38

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1 dealer. 13:50:42

2 Q And how do you know he was a drug dealer? 13:50:42

3 A As I stated, either from my own experience 13:50:47

4 with dealing with him or from either Sergeant 13:50:49

5 Watts or possibly other members of the 264 team. 13:50:53

6 Q Do you remember dealing with Mr. Jackson 13:50:56

7 personally? 13:50:59

8 A On a few occasions. I don't remember any 13:50:59

9 exact details. 13:51:03

10 Q Tell me what you remember generally about 13:51:05

11 your interactions with Mr. Jackson. 13:51:08

12 A I don't recall specifically. Like I said. 13:51:10

13 I do recall encountering him some -- on a few 13:51:13

14 occasions, and generally, he was very cocky and 13:51:16

15 arrogant. 13:51:20

16 Q What did he do that you perceived as cocky 13:51:21

17 and arrogant? 13:51:25

18 A I don't recall the specifics, but that's 13:51:26

19 what I recall at this particular time. 13:51:27

20 Q About how many times did you come across 13:51:29

21 him while you were a member of the Watts team? 13:51:34

22 A As I sit here today, I couldn't give you 13:51:37

23 an exact count. 13:51:38

24 Q Do you remember the last time you saw him? 13:51:40

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1 A As I sit here today, I don't recall when 13:51:43
2 it was; but it was sometime after the indictment. 13:51:47
3 Q After Watts was indicted? 13:51:52
4 A Yes. 13:51:57
5 Q Do you remember where you saw him? 13:51:58
6 A I don't remember the exact address. From 13:52:00
7 what I recall, I believe, I was on duty, and it 13:52:05
8 might have been at a car wash. 13:52:08
9 Q Did you talk to him? 13:52:10
10 A Briefly. 13:52:13
11 Q And what did you talk about? 13:52:14
12 A I don't recall exactly the conversation 13:52:15
13 but it's -- I believe we did -- he brought it up 13:52:19
14 because I don't bring it up, but I think he 13:52:23
15 brought up something about Sergeant Watts. 13:52:26
16 Q What did he say? 13:52:28
17 A Again, sitting here today, I don't 13:52:30
18 remember the exact conversation that I had with 13:52:35
19 him, but it might have been something to the 13:52:36
20 effect that aren't you glad you didn't go down 13:52:39
21 with Sergeant Watts. And I don't recall the exact 13:52:44
22 conversation. 13:52:46
23 Q And what did you say to him? 13:52:47
24 A I don't recall what I said to him. 13:52:49

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1 Q Do you recall even generally what you 13:52:51
2 said? 13:52:55

3 A I -- I don't want to speculate. I can't 13:52:55
4 recall. 13:52:59

5 Q Did you respond to him? 13:52:59

6 A I'm sure I did, but I don't recall what I 13:53:01
7 said exactly to him. 13:53:05

8 Q Was he cocky and arrogant during that 13:53:06
9 conversation? 13:53:08

10 A No. At that point in time, from what I 13:53:09
11 recall, his attitude appeared to have changed. 13:53:15

12 Like I said, I don't remember the specifics, but I 13:53:18
13 think he said that he -- I recall, and I'm not 100 13:53:19
14 percent certain, that he was -- he had a regular 13:53:23
15 job now and that he gave up being a drug dealer. 13:53:25

16 Q Do you have any reason to believe that 13:53:29
17 isn't true? 13:53:34

18 A I have no way to -- based on sitting here 13:53:34
19 today, I don't believe whether or not that he's 13:53:39
20 telling the truth or not. 13:53:42

21 Q You just don't know one way or the other? 13:53:43

22 A I don't know one way or the other. 13:53:47

23 Q Had you seen Allen Jackson in between the 13:53:50
24 time you left the Watts team and the time when 13:53:54

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1 you're talking about right now after Watts was 13:53:57
2 indicted? 13:54:00
3 A That was after I left Watts team. 13:54:00
4 Q I'm sorry. Any other time other than 13:54:03
5 that? 13:54:05
6 A To the best of my memory, no. 13:54:05
7 Q Do you remember any specific run-ins or 13:54:07
8 interactions with him while you were on -- while 13:54:13
9 you were on the Watts team? 13:54:16
10 A As I stated before, I don't recall 13:54:16
11 exactly; but I do remember him while I was a 13:54:19
12 member of the Watts team. 13:54:22
13 Q Do you remember if he worked or sold drugs 13:54:23
14 at a particular building in Ida B. Wells? 13:54:27
15 A Again, sitting here today, I don't recall 13:54:28
16 which building he operated out of. 13:54:31
17 Q Do you know whether he operated out of a 13:54:33
18 specific building? 13:54:36
19 A Again, I couldn't tell you. I don't 13:54:38
20 recall. 13:54:40
21 Q Do you know for a fact that Allen Jackson 13:54:40
22 was a drug dealer while you were on the Watts 13:54:43
23 team? 13:54:45
24 A At I stated before, to the best of my 13:54:45

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1 memory, he was. 13:54:48

2 Q Do you know if he was affiliated with a 13:54:49

3 gang at the time? When I say "at the time," I 13:55:01

4 mean while you worked on the Watts team. 13:55:04

5 A As I sit here today, I don't recall. 13:55:06

6 (Smith Deposition Exhibit 2 marked for 13:55:06

7 identification and attached to the transcript.) 13:55:08

8 Q We're going to mark Exhibit 2, which is 13:55:08

9 PL JOINT 041862 to 863. Just let me know when 13:55:29

10 you've had a chance to look this over. 13:56:54

11 A I've had a chance to look it over. 13:56:57

12 Q Do you recognize this document? 13:56:59

13 A Yes, I do. 13:57:01

14 Q Can you please tell me what it is? 13:57:02

15 A It's a vice case report. 13:57:04

16 Q Is it a vice case report of an arrest -- 13:57:06

17 or of Allen Jackson's arrest on January 16, 2006? 13:57:09

18 A Yes, it is. 13:57:14

19 Q And was Mr. Jackson arrested at 7:15 that 13:57:14

20 night? 13:57:20

21 A According to this report, yes. 13:57:20

22 Q And was the address where he was arrested 13:57:25

23 574 East 36th Street? 13:57:27

24 A According to the report, yes. 13:57:29

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1 Q Do you remember the 5 -- that building 13:57:31
2 from Ida B. Wells? 13:57:32
3 A I have a vague memory of it. 13:57:33
4 Q What do you remember about 574 East 36th 13:57:37
5 Street? 13:57:41
6 A It was a CHA development, housing 13:57:41
7 building. 13:57:47
8 Q Was it a high-rise? 13:57:47
9 A A mid-size complex. 13:57:48
10 Q Was it one of the bigger buildings in the 13:57:51
11 Ida B. Wells development? 13:57:55
12 A At that time, yes. 13:57:56
13 Q There were mid-size and then row houses; 13:57:57
14 is that right? 13:58:00
15 A At this time, from my memory, this was 13:58:00
16 like the biggest building. There was low-rise 13:58:03
17 buildings. 13:58:08
18 Q Were you still on the Watts team at the 13:58:08
19 time of this arrest? 13:58:12
20 A At this time, I believe I was. 13:58:13
21 Q Who was your partner in January 2006? 13:58:17
22 A According to this report, Alvin Jones. 13:58:19
23 Q And were you working the second shift or 13:58:23
24 the third shift at this time or the first? 13:58:29

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1 A Based off of the times on the report, it 13:58:30
2 would have been on third watch. 13:58:34
3 Q And were you on third watch at this time 13:58:36
4 just because of the rotation? 13:58:40
5 A Again, without seeing the A&A sheets from 13:58:41
6 that work date -- but based off the reports, I 13:58:48
7 would say that we were working third watch on 13:58:52
8 January 16, 2006. 13:58:56
9 Q Do you know why you were working third 13:58:56
10 watch? 13:58:59
11 A As I sit here today, no. 13:58:59
12 13:58:59
13 13:59:01
14 Q Why don't we just go ahead and mark the 13:59:01
15 A&A sheets as Exhibit 3. The Bates range for this 13:59:02
16 is CITY-BG-053978 to 053981. 13:59:06
17 13:59:55
18 13:59:58
19 14:00:07
20 A Okay. 14:00:07
21 Q Do you see on page labeled CITY-BG-053980, 14:00:12
22 your name? 14:00:18
23 A Yes, I do. 14:00:19
24 Q Can you just tell me what this document 14:00:19

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1 is? 14:00:22

2 A It's the attendance & assignment record 14:00:22

3 from January 16, 2006. 14:00:25

4 Q This is the same day that Allen Jackson 14:00:30

5 was arrested? 14:00:32

6 A Yes, it was. 14:00:33

7 Q What's the purpose of an attendance & 14:00:34

8 assignment record? 14:00:36

9 MR. KOSOKO: Objection. 14:00:40

10 MR. MICHALIK: Objection; foundation. 14:00:38

11 A Based on my knowledge, it's to keep a 14:00:41

12 record of the officers who were either working or 14:00:45

13 on furlough or vacation. It's an attendance 14:00:49

14 sheet. 14:00:55

15 Q Have you become familiar with attendance & 14:00:55

16 assignment records over the years as a police 14:00:57

17 officer? 14:00:59

18 A Yes, I have. 14:00:59

19 Q And how have you become familiar with the 14:01:01

20 attendance & assignment records? 14:01:04

21 A Just has been on-the-job training for 14:01:05

22 quite a long time and heard about it. I don't 14:01:12

23 think I've ever been responsible for filling these 14:01:16

24 out. 14:01:19

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1 Q Did you write on here at all? Is any of 14:01:20
2 the writing on here -- do you check yourself, or 14:01:24
3 did someone else put you down? 14:01:26

4 A This is not my handwriting. I don't know 14:01:28
5 whose handwriting it is. This is prepared by 14:01:33
6 another officer, and I'm not responsible. So I 14:01:36
7 don't know who would be responsible for doing the 14:01:37
8 A&A sheets. 14:01:40

9 Q Do you know who is -- can you read whose 14:01:43
10 signature it is down there? 14:01:46

11 A I'm sorry? 14:01:47

12 Q Can you read whose signature that is on 14:01:48
13 the bottom right-hand corner? 14:01:51

14 MR. STEFANICH: The first page. 14:01:53

15 A No, I can't make that out. 14:01:54

16 Q Does anything on this attendance & 14:01:56
17 assignment record indicate why you were working 14:01:59
18 the particular shift that you were working? 14:02:01

19 A No, it does not. It just gives the time 14:02:03
20 that I was working. 14:02:08

21 Q All right. Can you take a look back at 14:02:09
22 Exhibit 2, which is the vice case report. 14:02:21

23 And before I ask you questions about the 14:02:22
24 report, do you have any recollection of Allen 14:02:30

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1	Jackson's arrest on January 6 -- on January 16,	14:02:33
2	2006?	14:02:38
3	A No, I do not.	14:02:38
4	Q Did reviewing the report refresh your	14:02:39
5	recollection in any way about the arrest?	14:02:42
6	A No, it doesn't.	14:02:45
7	Q Can you determine by looking at this	14:02:46
8	report what involvement you had with the arrest?	14:02:49
9	A Other than seeing my name listed as a	14:02:51
10	reporting officer, I don't know what my role was	14:02:57
11	at this particular time other than being partnered	14:03:00
12	with Alvin Jones.	14:03:02
13	Q And we had talked earlier, and you had	14:03:03
14	given some general descriptions about what it	14:03:06
15	means to be in Box 1 or Box 2.	14:03:08
16	Can you tell me, looking at this report,	14:03:11
17	what's Box 1 and what's Box 2?	14:03:14
18	A On this report, it doesn't specifically	14:03:16
19	say Box 1 and 2. Box 45 and 46 asks -- or states	14:03:20
20	reporting officer's name. And in Box 45, it has	14:03:25
21	Alvin Jones; and in Box 46, it has my name as	14:03:33
22	reporting officer.	14:03:37
23	Q Does your testimony about Box 1 and Box 2	14:03:37
24	apply to Boxes 45 and 46 in this vice case report?	14:03:40

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1 A From what I recall, yes. 14:03:43

2 Q It says in the narrative description, 14:03:47

3 among other things, "In summary, R/Os received 14:03:52

4 information from a certain citizen that a M/B 14:03:57

5 named 'Allen J' was on his way to pick up the 14:04:02

6 remaining narcotics and money from sales at the 14:04:03

7 above location." 14:04:06

8 Do you see that? 14:04:07

9 A Yes, I do. 14:04:07

10 Q Can you tell me what that means? 14:04:08

11 A Our roles would imply for -- but that does 14:04:10

12 not mean -- and, like I said, I did not author 14:04:16

13 this report, so I don't know why it was written 14:04:23

14 that way. But if you're reading just from the 14:04:26

15 report, it would mean both officers. But then as 14:04:28

16 I stated before earlier, does that mean that both 14:04:31

17 officers made the same observation. 14:04:34

18 Q It does not mean that. 14:04:38

19 A No, it does not. 14:04:39

20 Q R/Os is reporting officers? 14:04:41

21 A That's what it states here. R/Os meaning 14:04:45

22 plural. But, like I said, I don't have a -- 14:04:47

23 sitting here today, I do not have an independent 14:04:50

24 recollection of this event or this incident from 14:04:53

Transcript of Elsworth Smith, Jr.
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1 this date. 14:04:55

2 Q You said that you didn't write this 14:04:57

3 report? 14:05:00

4 A Based on -- if I'm listed as the second 14:05:00

5 officer, that does not mean that I wrote this 14:05:06

6 report. That does not state the fact that I 14:05:08

7 was -- that I'm not denying that I was at work. I 14:05:11

8 don't have a recollection of this report. 14:05:14

9 But based off of the report, the way it's 14:05:16

10 written and assuming that from looking at Box 45, 14:05:18

11 my partner was listed in the first box. 14:05:24

12 But also if I point your direction to Box 14:05:28

13 No. 12 where it says victim, slash, complainant. 14:05:31

14 If you look at that box, it says, State of 14:05:35

15 Illinois/P.O. Jones, Star No. 14662 [sic]. 14:05:38

16 Now, generally, the person that is listed 14:05:44

17 in Box 12 list themselves as the victim, if it's a 14:05:47

18 police officer or the complainant. That is the 14:05:51

19 person who either wrote the report or made the 14:05:54

20 observations or the recovery. 14:05:59

21 Q Who wrote the report and made the 14:06:00

22 observations or made the recovery? 14:06:08

23 A It could have been a combination of one or 14:06:10

24 the other. 14:06:12

Transcript of Elsworth Smith, Jr.
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1 Q So it doesn't really drill down on exactly 14:06:12
2 what No. 12 saw or did either then? 14:06:17

3 A No. 12 -- as I stated, the person in 14:06:20
4 No. 12 is assuming the responsibility of the first 14:06:23
5 arresting officer; and by not writing this, from 14:06:26
6 looking at it, this does not refresh my memory or 14:06:30
7 anything. 14:06:35

8 But based on the way this report is 14:06:35
9 written, Officer Jones would have been the 14:06:40
10 reporting officer who wrote this report. So I 14:06:42
11 cannot answer for Officer Jones. 14:06:45

12 Q You can't answer what for him? 14:06:46

13 A Can't answer to how he had written this 14:06:49
14 report or the observations that he made or 14:06:52
15 anything. 14:06:54

16 Q Did you review this report? 14:06:54

17 A Yes, I have. 14:06:55

18 Q Did you review it at the time -- around 14:06:56
19 the time it was made? 14:06:58

20 A I don't -- as I'm sitting here today, I 14:07:00
21 don't recall. I'm certain I probably have, but I 14:07:03
22 don't recall. 14:07:05

23 Q Would your standard practice have been to 14:07:05
24 review all reports that listed you? 14:07:09

Transcript of Elsworth Smith, Jr.

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1 A As I sit here today, I don't recall what 14:07:10
2 my standard practice was. 14:07:13
3 Q Did you ever authorize Jones to sign your 14:07:14
4 name on a report? 14:07:17
5 A If he signed my name on a report, it 14:07:18
6 probably would have been with my authorization. 14:07:21
7 Q I'm just asking if you remember -- 14:07:23
8 A I don't remember this particular case 14:07:24
9 report or any other case report; but if someone 14:07:28
10 signed my name, whether it was Alvin Jones or 14:07:30
11 another member of the 264 team while I worked with 14:07:33
12 them, it would have been with my authorization. 14:07:37
13 Q Do you remember one way or the other 14:07:39
14 whether -- I'm not talking about this specific 14:07:41
15 report. 14:07:43
16 Do you remember one way or the other 14:07:44
17 whether you ever authorized Jones or anyone else 14:07:45
18 on your team to sign your name for you? 14:07:48
19 A As I stated before, if they signed my name 14:07:51
20 on any reports, it would have been with my 14:07:55
21 authorization. 14:07:58
22 Q I just want to know if you remember if 14:07:58
23 that ever happened. 14:08:01
24 A As I sit here today, I don't recall; but 14:08:02

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 as I stated, if I gave them -- if they signed my 14:08:04
2 name, it would have been with my authorization. 14:08:07

3 Q How would you know that they didn't sign 14:08:08
4 your name without your authorization? 14:08:11

5 A Sitting here, that's a good question; but 14:08:12
6 if they -- I doubt if they would sign my name 14:08:16
7 without -- I would not allow anyone to sign my 14:08:19
8 name on any reports without my authorization. 14:08:22

9 Just because I don't have a recollection 14:08:24
10 of the report does not mean that it's a false 14:08:26
11 report, if that's what you're trying to imply. 14:08:31

12 Q I'm just asking you a question. 14:08:34

13 A And I'm trying to answer your question. 14:08:35

14 Q I'm not asking you about this report. I'm 14:08:36
15 sorry. I don't mean to talk over you. I am 14:08:38
16 not -- that question is just a question. 14:08:40

17 And the question I was trying to ask is do 14:08:42
18 you remember one way or the other whether you ever 14:08:46
19 authorized anyone on the Watts team to sign your 14:08:47
20 name for you. 14:08:50

21 A As I sit here today, as I stated before, I 14:08:51
22 don't remember; but I would not have given anyone 14:08:53
23 permission or authorization to sign any reports 14:08:57
24 for me. 14:08:59

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	Maybe I'm confusing you; but to answer	14:09:05
2	your question, no, I would not have given anyone	14:09:08
3	authorization to sign a report.	14:09:11
4	Q You would not have given authorization for	14:09:12
5	someone else to sign your name on a report.	14:09:16
6	A No, I would not.	14:09:18
7	Q Why would you have not given authorization	14:09:21
8	for someone else to sign your name on a report?	14:09:24
9	A I would not have, you know -- if I did	14:09:27
10	not -- if I wouldn't feel comfortable with the	14:09:29
11	report or the contents of the report, and I had no	14:09:32
12	reason to doubt that any one of my teammates or my	14:09:34
13	partner would lie about any information in the	14:09:38
14	report. So assuming that if they signed my name	14:09:42
15	on a report, it had to be with my authorization.	14:09:46
16	Q So now I am confused.	14:09:48
17	MR. STEFANICH: Yeah. You just need to,	14:09:51
18	like, listen to his question and then just try to	14:09:52
19	answer his question because you guys aren't --	14:09:55
20	THE WITNESS: I thought I've answered it.	14:09:57
21	MR. RAUSCHER: I think we're talking past	14:09:59
22	each other.	14:10:00
23	THE WITNESS: Okay. As I stated before --	14:10:01
24	MR. STEFANICH: So let him ask a question.	14:10:01

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Okay. 14:10:04

2 BY MR. RAUSCHER: 14:10:04

3 Q Yeah. Let's just -- I will try to ask 14:10:04

4 this directly and clearly. Tell me if you don't 14:10:05

5 understand it. 14:10:08

6 Do you remember ever telling anybody on 14:10:09

7 the Watts team that they could sign your name for 14:10:13

8 you on a report that they created? 14:10:15

9 A No. Sitting here today, I do not recall 14:10:17

10 telling or giving anyone permission to sign my 14:10:21

11 name on a report without my authorization. 14:10:25

12 Q Okay. That last part -- I think that last 14:10:27

13 part is you're adding in information that I was 14:10:29

14 not trying to ask you. 14:10:32

15 I want to know -- I want to know if you 14:10:32

16 remember ever giving that authorization, the 14:10:37

17 authorization to sign your name? 14:10:39

18 A As I'm sitting here today, I do not recall 14:10:41

19 giving anyone authorization to sign my name on any 14:10:44

20 reports. 14:10:47

21 Q Does looking at this report today refresh 14:10:48

22 your recollection in any way about the arrest of 14:10:57

23 Allen Jackson? 14:11:00

24 A As I stated before, I do not recall 14:11:01

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 anything, and this report does not refresh my 14:11:03
2 memory. 14:11:08

3 Q Is there anything you can think of that is 14:11:09
4 out there that might refresh your recollection 14:11:11
5 about the arrest of Allen Jackson on January 16, 14:11:13
6 2006? 14:11:17

7 A As I sit here today, possibly; but looking 14:11:17
8 at these reports, no, it does not. 14:11:24

9 Q What else do you think might help refresh 14:11:26
10 your recollection about Allen Jackson's 14:11:29
11 January 2006, arrest? 14:11:32

12 A At this present moment, I don't know. 14:11:33

13 Q Yeah. I'm just -- 14:11:33

14 A There might be some other reports out 14:11:35
15 there that might refresh my memory; but based off 14:11:36
16 of these reports, it does not refresh my memory. 14:11:40

17 Q Are the vice case reports supposed to be 14:11:43
18 the most comprehensive types of reports about 14:11:47
19 narcotics arrests? 14:11:51

20 MR. MICHALIK: Objection; foundation, 14:11:53
21 form. 14:11:54

22 A To the best of my memory, yes. 14:11:56

23 (Smith Deposition Exhibit 4 marked for 14:11:56
24 identification and attached to the transcript.) 14:11:56

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 BY MR. RAUSCHER: 14:11:56

2 Q We're going to mark Exhibit 4, which is an 14:12:01

3 arrest report, PL JOINT 041864 to 868. 14:12:03

4 Have you had a chance to look at this 14:12:56

5 report? 14:13:14

6 A Yes, I have. 14:13:14

7 Q Did you look at this report to prepare for 14:13:15

8 your deposition today? 14:13:17

9 A Yes, sir. 14:13:18

10 Q And looking at this report did not refresh 14:13:19

11 your recollection? 14:13:22

12 A No, it did not. 14:13:22

13 Q Do you see in the incident narrative it 14:13:23

14 says at the end, "Name check and investigative 14:13:27

15 alert are clear." 14:13:30

16 A Yes. 14:13:31

17 Q What does that mean? 14:13:32

18 A That is what we were told to put in the 14:13:33

19 report, to make sure we did a comprehensive check 14:13:37

20 on the individual after being placed in custody 14:13:41

21 because sometimes the individual could have a 14:13:44

22 warrant or an investigative alert. 14:13:46

23 Q What did. Sorry. 14:13:49

24 A Sorry. 14:13:50

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 Q What does it mean to -- for a name check 14:13:52
2 and investigative alert to be cleared? 14:13:56

3 A That means you do the background check, 14:13:59
4 check the name to see if he had any warrants, and 14:14:01
5 also an investigative alert could be whether or 14:14:04
6 not he is wanted for some type of questioning in 14:14:07
7 regards to another case. 14:14:10

8 Q Do you see on the next page, Al Jones is 14:14:11
9 listed as the attesting officer? 14:14:19

10 A Yes, I do. 14:14:20

11 Q What is the attesting officer? 14:14:22

12 A That means that he was the first arresting 14:14:25
13 officer or the officer that signed the complaints 14:14:30
14 for this particular arrest. 14:14:31

15 Q What's the role of the attesting officer? 14:14:32

16 A First arresting officer. 14:14:34

17 Q And what is the officer attesting to? 14:14:36

18 A That the information in the report is 14:14:38
19 factual. 14:14:41

20 Q Does that mean that they had to witness 14:14:41
21 the information? 14:14:45

22 A Again, like I said, the roles would vary 14:14:46
23 from time to time; but if he's attesting to this 14:14:49
24 information, he's making the observation or 14:14:51

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 recovery or he witnessed something involving the 14:14:54
2 incident which led to the arrest. 14:14:57

3 Q Did you ever see any members of the Watts 14:14:58
4 team steal money from civilians? 14:15:02

5 A No, I did not. 14:15:06

6 Q Were you at work, if you remember, the day 14:15:07
7 that Big Shorty was killed? 14:15:18

8 A To the best of my memory, I believe I was. 14:15:19

9 Q Tell me what you remember about the day 14:15:22
10 when Big Shorty was killed? 14:15:24

11 A From what I recall, that I was just 14:15:27
12 starting work, and I don't remember the exact time 14:15:30
13 this was, but I believe I was there early. And I 14:15:33
14 heard -- I believe that that particular day, I 14:15:38
15 don't recall who was at work at that time, but the 14:15:44
16 call came out over the radio that a person was 14:15:47
17 shot, and I forgot the address where this incident 14:15:49
18 occurred at. 14:15:53

19 And I don't recall if it was either 14:15:54
20 Sergeant Watts or I believe at the time the tac 14:15:58
21 commander -- or I'm sorry -- the tac lieutenant 14:16:02
22 may have been Kenneth Mann; and, like I said, I 14:16:05
23 don't recall specifically. But I was asked by 14:16:08
24 either one of them to ride with them to respond to 14:16:09

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 this call of shots fired. 14:16:12

2 Q And if when -- at that time when you were 14:16:14

3 responding, did you know who had been shot? 14:16:19

4 A From the best of my memory, sitting here 14:16:22

5 now, no, I do not. 14:16:25

6 Q And you think it was either Mann or Watts? 14:16:26

7 A Like I said, I don't have a clear memory 14:16:29

8 of that incident. It was either one of them. 14:16:33

9 Q Were you driving the car? 14:16:35

10 A Sitting here today, I don't recall. 14:16:36

11 Q Do you know if you put out on the radio 14:16:39

12 that you were going to be responding to the scene? 14:16:41

13 A Again, like I said, not having a clear 14:16:43

14 memory of that date, I don't recall. 14:16:46

15 Q Did you ever talk to Watts about Big 14:16:47

16 Shorty's death? 14:16:50

17 A I don't recall. 14:16:51

18 Q Did you ever hear Watts talk about Big 14:16:52

19 Shorty's death? 14:16:56

20 A As I sit here today, to the best of my 14:16:57

21 memory, no. 14:16:59

22 Q Do you remember people having any sort of 14:16:59

23 celebration after Big Shorty died? 14:17:03

24 A No. 14:17:06

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q Do you remember people being out on the 14:17:06
2 street drinking, smoking cigars? 14:17:10
3 A Sitting here today, I don't recall that. 14:17:11
4 Q If you look at Exhibit 4, the one right in 14:17:15
5 front of you, do you see a picture in the top 14:17:18
6 right-hand corner? 14:17:20
7 A Yes. 14:17:21
8 Q Do you recognize the person in that 14:17:23
9 picture? 14:17:26
10 A That's Allen Jackson, aka Allen J. 14:17:26
11 Q Does he look similar -- well, no. Never 14:17:30
12 mind. 14:17:36
13 Can you describe what you looked at -- 14:17:37
14 what you looked like when you were a member of the 14:17:40
15 Watts tactical team? 14:17:44
16 A Sitting here today, I was younger, looked 14:17:45
17 pretty much the same as I do now. There might be 14:17:52
18 some differences in my weight. I got a few more 14:17:55
19 grays than I had back then, and my hairstyle 14:18:00
20 varied from time to time. 14:18:05
21 Q Did you have a mustache back at the time? 14:18:06
22 A To the best of my memory, yes. 14:18:10
23 Q And what was your hair -- what different 14:18:11
24 types of hairstyles did you have when you were on 14:18:15

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 the Watts team? 14:18:18

2 A It would vary from time to time, like I 14:18:18

3 said. I don't recall every particular hairstyle 14:18:23

4 that I wore. Sometimes I wear my hair long. 14:18:23

5 Sometimes I would wear it short. 14:18:25

6 Q When it was long, was it in braids or 14:18:26

7 anything like that? 14:18:30

8 A From the best of my memory, no. 14:18:30

9 Q Okay. And you said your weight may have 14:18:33

10 been different. 14:18:40

11 Did you weigh more or less? 14:18:40

12 A From the best of my memory, my weight 14:18:42

13 fluctuated. 14:18:44

14 Q What was the range, if you remember, of 14:18:44

15 your weight while you were on the Watts team? 14:18:49

16 A From the best of my memory, my weight was 14:18:51

17 somewhere between 2 -- 215 pounds to 225 pounds. 14:18:59

18 Q About how much do you weigh now? 14:19:02

19 A I haven't weighed myself in months. So I 14:19:05

20 would say I'm over 200 pounds. I couldn't tell 14:19:10

21 you exactly. 14:19:12

22 Q And about how tall are you? 14:19:13

23 A About 6-foot-1. 14:19:14

24 Q What beat were you in in January of 2006? 14:19:16

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1	What beat were you assigned to?	14:19:31
2	A Off the top of my head sitting here today,	14:19:32
3	I couldn't tell you; but looking at this report,	14:19:37
4	it states I was working 264 David.	14:19:40
5	Q And how many people typically would	14:19:44
6	ride -- sorry. Let me back up a step.	14:19:47
7	264 David, does that indicate, like, a	14:19:49
8	particular police car or what does that -- what	14:19:53
9	does that signify?	14:19:57
10	A That was your beat designation.	14:19:57
11	Q And would it -- would all the people who	14:20:01
12	are designated as 264D have been riding in the	14:20:03
13	same car that day?	14:20:07
14	A It varied from time to time. Sitting here	14:20:08
15	today, regarding this date, I have no idea.	14:20:10
16	Q If you look at the last page on here, it	14:20:15
17	lists Mohammed as being in 264D also.	14:20:20
18	Do you see that?	14:20:26
19	A Page 5, yes.	14:20:26
20	Q Does that indicate that Mohammed was in	14:20:28
21	the same car as you and Jones that day?	14:20:30
22	A Again, like I said, it doesn't necessarily	14:20:33
23	mean that he was in the same car with us, but it	14:20:37
24	could mean that he was working with us at some	14:20:40

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 point in time. 14:20:43

2 Q What is it about looking at -- what is it 14:20:43

3 that would indicate he was working with you at 14:20:52

4 some point in time that day? 14:20:54

5 A Like I said, I don't know the specifics on 14:20:55

6 this particular date. Just because he's listed as 14:21:01

7 264 David, that could have been just for the 14:21:04

8 attendance purposes which I have not -- did not 14:21:09

9 have any control over. He could have been working 14:21:12

10 with us as a three-man unit. Sometimes he could 14:21:16

11 have been working with someone else. 14:21:20

12 Q When you say a "three-man unit," what does 14:21:21

13 it mean to be a three-man unit? 14:21:25

14 A Three officers usually working together 14:21:27

15 maybe in some capacity, whether they were assigned 14:21:30

16 to the same car or not. 14:21:32

17 Q Who made the assignments? 14:21:34

18 A From the best of my memory, the sergeant 14:21:36

19 did. 14:21:40

20 Q Sergeant Watts? 14:21:40

21 A Yes. Whoever the sergeant was for that 14:21:41

22 particular team or patrol unit. 14:21:44

23 Q What was your practice, when you were on 14:21:47

24 the Watts team, for documenting the time of 14:21:50

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 arrest? 14:21:53

2 A Based on my memory, it was either an 14:21:53

3 approximation of the time or the exact time. 14:21:59

4 Q How would you go about doing an 14:22:00

5 approximation? 14:22:04

6 A There again, it was a long time ago, and I 14:22:04

7 don't have an exact memory. I guess we would 14:22:07

8 probably use a clock or something or a watch. 14:22:11

9 Q Did you typically try to put the exact 14:22:13

10 time, or did you do approximations for it? 14:22:19

11 A Sitting here today, I have no idea. 14:22:22

12 Q When you made approximations, were you 14:22:26

13 using round numbers? Like, for example, 11 -- 14:22:28

14 11:00 o'clock as opposed to 11:06? 14:22:32

15 A Sitting here today, I couldn't guess how I 14:22:36

16 may have approximated the time that many years 14:22:40

17 ago. 14:22:42

18 Q Do you remember Lionel White, Jr.? 14:22:42

19 A Sitting here today, to the best of my 14:23:11

20 memory, not much. 14:23:16

21 Q Do you remember anything about Lionel 14:23:17

22 White, Jr.? 14:23:18

23 A Without looking at a picture of him, I 14:23:19

24 don't know because I believe there was two Lionel 14:23:23

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 whites, a Sr. and a Jr. 14:23:24

2 (Smith Deposition Exhibit 5 marked for 14:23:24

3 identification and attached to the transcript.) 14:23:24

4 Q So I'm going -- why don't we mark the next 14:23:26

5 exhibit. I think we're on 5. This goes DO-JOINT 14:23:29

6 007439 to 7443. 14:24:07

7 MR. RAUSCHER: Do you guys have all the 14:24:14

8 pages. 14:24:15

9 MR. MICHALIK: Yeah. 14:24:17

10 Q Do you recognize the -- well, do you see 14:24:33

11 the picture on the top-right corner? 14:24:35

12 A Yes, I do. 14:24:37

13 Q Do you recognize the person in that 14:24:38

14 picture? 14:24:39

15 A Vaguely. 14:24:40

16 Q Do you remember anything about that 14:24:40

17 person? 14:24:42

18 A Not much at this present moment. 14:24:43

19 Q Do you remember anything about him? 14:24:46

20 A From the best of my memory of him -- like 14:24:48

21 I said, I don't have a clear memory of him. I 14:24:53

22 believe that he was involved in some type of drug 14:24:56

23 activity. 14:24:59

24 Q Why do you believe he was involved in some 14:24:59

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 kind of drug activity? 14:25:03

2 A From the best of my memory, I recall 14:25:04

3 either from Sergeant Watts or possibly other 14:25:06

4 members of my team that he was involved in some 14:25:09

5 type of drug activity. 14:25:13

6 Q Buying? Selling? 14:25:14

7 A As I sit here today, I don't recall what 14:25:19

8 his specific role was. 14:25:22

9 Q Do you remember the person or people who 14:25:23

10 told you that he was involved in drugs in some 14:25:26

11 fashion? 14:25:29

12 A As I stated before, I don't recall 14:25:29

13 exactly, but it had to be either Sergeant Watts or 14:25:31

14 possibly other members of my team. 14:25:35

15 Q It's not something that you came upon 14:25:37

16 independently? 14:25:41

17 A From the best of my memory, no. 14:25:41

18 Q Do you see it says Lionel White, Pig, in 14:25:44

19 the top left-hand corner? 14:25:46

20 A Yes, I do? 14:25:47

21 Q Do you remember anyone known as Pig in 14:25:47

22 Ida B. Wells? 14:25:50

23 A Sitting here today, from the best of my 14:25:51

24 knowledge, no. 14:25:55

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q Do you remember being involved in the 14:25:55
2 arrest of Lionel White, Jr., on July 23rd, 2006? 14:25:59
3 A As I'm sitting here today, I don't recall 14:26:03
4 this arrest. 14:26:06
5 Q Did you look at this arrest report to 14:26:07
6 prepare for your deposition today? 14:26:09
7 A I do believe I did. 14:26:11
8 Q And did looking at it then or looking at 14:26:13
9 it now refresh your recollection at all about the 14:26:15
10 arrest? 14:26:20
11 A No, it does not. 14:26:20
12 Q Do you see, if you look at the last page, 14:26:21
13 you're listed as an assisting arresting officer? 14:26:21
14 A That's correct. 14:26:26
15 Q What does it mean to be an assisting 14:26:26
16 arresting officer? 14:26:32
17 A That I assisted in this arrest in some 14:26:34
18 type of fashion. 14:26:36
19 Q Do you know how you assisted in the 14:26:37
20 arrest? 14:26:40
21 A Looking at this report and from the best 14:26:40
22 of my memory, I don't recall. 14:26:43
23 Q What are the different ways that people 14:26:44
24 can assist an arrest that would get them on a 14:26:47

Transcript of Elsworth Smith, Jr.
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1 report as an assisting arresting officer? 14:26:50

2 A Once a person is placed in custody, you 14:26:53

3 can assist them by transporting the arrestee to 14:26:57

4 the district for processing. You could also 14:27:03

5 assist your fellow teammates or other officers 14:27:08

6 either by watching the prisoner as they prepare 14:27:14

7 the reports, helping out by writing the complaint 14:27:17

8 that needs to be -- the complaint form, or do 14:27:20

9 inventories, or by possibly doing searchs of the 14:27:24

10 prisoner. 14:27:32

11 Q Was Kallatt Mohammed your partner on the 14:27:32

12 day of this arrest? 14:27:37

13 A That's what's stated on the report, yes. 14:27:38

14 Q Why is he the attesting officer? 14:27:42

15 A I saw -- 14:27:48

16 MR. MICHALIK: Objection; foundation. 14:27:48

17 A Referring to page 3, I saw that when I 14:27:51

18 over-looked the report, but I have no idea sitting 14:27:54

19 here today. 14:27:57

20 Q I'm sorry. I missed -- I think I missed 14:27:58

21 some of the words. 14:28:00

22 You saw that something the report? 14:28:01

23 A I saw that in the report on page 3. 14:28:03

24 Q Okay. 14:28:05

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1 MR. MICHALIK: Object to the form. 14:29:18

2 A As I stated before, I don't think I stated 14:29:21

3 specifically that the attesting officer would be 14:29:24

4 the one to create the report. Maybe Mohammed was 14:29:26

5 assisting in preparing this report for Alvin Jones 14:29:29

6 and Brian Bolton, who are listed as the first 14:29:34

7 arresting -- first and second arresting officers. 14:29:37

8 BY MR. RAUSCHER: 14:29:37

9 Q Is it fair to say you don't really have 14:29:47

10 any idea why Mohammed is listed as the attesting 14:29:49

11 officer? 14:29:52

12 A As I'm sitting here today, I do not know. 14:29:52

13 Q Is it unusual that he was your partner 14:29:55

14 that day, he's the attesting officer, and you're 14:29:58

15 not the first or second arresting officer? 14:30:00

16 MR. MICHALIK: Object to the form. 14:30:02

17 A As I stated before, I do not have a 14:30:04

18 mem- -- I do not have any memory of this arrest, 14:30:08

19 and I do not recall, so I cannot answer that 14:30:09

20 question. 14:30:13

21 Q So you can't answer whether generally you 14:30:13

22 think it's unusual to have the attesting officer's 14:30:15

23 partner not be listed as the first or second 14:30:18

24 arresting officer? 14:30:21

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 MR. MICHALIK: Object to form. 14:30:22

2 A Generally, it's not -- I wouldn't say it's 14:30:24

3 unusual. I mean, it could be looked at as being 14:30:26

4 unusual; but like I said, maybe Mohammed was 14:30:31

5 assisting Jones and Bolton in writing this report. 14:30:33

6 That doesn't mean that he -- just because you are 14:30:37

7 the attesting officer doesn't mean that you made 14:30:39

8 the observations or the recovery which was made in 14:30:42

9 this arrest. 14:30:46

10 He was probably helping them out writing 14:30:48

11 this report; but then again, I don't have any 14:30:51

12 memory of what happened that day. You would have 14:30:53

13 to either ask Officer Bolton or Officer Jones. 14:30:56

14 BY MR. RAUSCHER: 14:30:56

15 Q Do you see that the attesting officer 14:31:02

16 declares under penalty of perjury that the facts 14:31:06

17 stated in the report are accurate to the best of 14:31:06

18 their knowledge, information, and/or belief? 14:31:10

19 A Yes, I do. 14:31:13

20 Q How would the attesting officer make that 14:31:14

21 statement under oath if they didn't know that the 14:31:16

22 facts were true? 14:31:19

23 MR. MICHALIK: Object to form. 14:31:20

24 A Maybe talked to Jones and Bolton. I can 14:31:25

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 only assume, but I do not know. 14:31:26
2 BY MR. RAUSCHER: 14:31:26
3 Q Why would Jones or Bolton need help 14:31:27
4 writing an arrest report? 14:31:31
5 MR. MICHALIK: Objection; form, 14:31:33
6 foundation. 14:31:34
7 A Like I said, I do not speak for Officer 14:31:36
8 Jones or Bolton, so I have no idea, not having a 14:31:38
9 memory of what happened on this particular arrest. 14:31:41
10 Q Do you see the narrative, it says, "This 14:31:42
11 is an arrest by tact units 246B, C, and D"? 14:31:47
12 A Yes, I do. 14:31:52
13 Q Does that mean that you witnessed the 14:31:53
14 arrest and didn't just assist in some other way? 14:31:55
15 MR. MICHALIK: Object to form and 14:32:00
16 foundation. 14:32:01
17 A According to this report, it doesn't 14:32:02
18 specify what our roles was. 14:32:04
19 Q Should the report have specified what 14:32:05
20 people's roles were? 14:32:08
21 MR. MICHALIK: Form; foundation. 14:32:09
22 A Again, you would have to talk to Officer 14:32:11
23 Jones or Bolton. 14:32:13
24 Q Well, in your opinion as an experienced 14:32:14

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	police officer, should this report have indicated	14:32:16
2	what different people's roles were?	14:32:18
3	MR. MICHALIK: Object to form.	14:32:20
4	A Again, like I said, if I authored it,	14:32:22
5	maybe I probably would have; but, again, that does	14:32:24
6	not mean that there was anything false or anything	14:32:26
7	unusual with this report. Again, like I said, I	14:32:29
8	did not author the report. You have to ask	14:32:33
9	Officer Jones or Bolton.	14:32:35
10	BY MR. RAUSCHER:	14:32:35
11	Q Why would you have included more	14:32:37
12	information in the report if you would have been	14:32:39
13	the author?	14:32:41
14	A I'm certain at some point in time that all	14:32:41
15	of us probably made unintentional mistakes on the	14:32:44
16	reports, like I said, but I cannot answer for	14:32:49
17	someone else. I can't explain why someone else	14:32:51
18	wrote a report differently than what I may have	14:32:56
19	wrote -- written a report.	14:32:58
20	Q Did your team ever talk about how to write	14:32:58
21	reports or about what information should be in the	14:33:00
22	reports?	14:33:03
23	A As I sit here today, I don't recall that.	14:33:03
24	Q Do you ever recall reviewing someone	14:33:05

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	else's report that they wrote?	14:33:08
2	A As I sit here today, I don't have a	14:33:09
3	memory; but I'm certain I probably have.	14:33:11
4	Q Do you ever remember looking at a report	14:33:12
5	that you reviewed while you were on the tac team	14:33:15
6	and saying, This doesn't have all the information	14:33:17
7	that I think should be in there?	14:33:20
8	A As I sit here today, I don't recall.	14:33:21
9	Q You kept saying that I'd have to ask Jones	14:33:23
10	or Bolton questions about this report.	14:33:25
11	Why not Mohammed?	14:33:29
12	A Well, as far as I know, I'm aware that	14:33:29
13	officer Mohammed -- I'm sorry -- not Officer	14:33:33
14	Mohammed but Kallatt Mohammed has not agreed to	14:33:36
15	testify in this proceeding. So that's why. Jones	14:33:40
16	and Bolton are still on the Chicago Police	14:33:45
17	Department.	14:33:49
18	Q I see. You're saying that because	14:33:49
19	Mohammed is taking the Fifth, you assume I can't	14:33:53
20	get information from him about this?	14:33:55
21	A I don't know. I'm not -- if he pled -- if	14:33:57
22	he's pleading the Fifth, then I'm assuming that	14:34:01
23	he's not agreeing to cooperate.	14:34:04
24	Q You're saying -- I'm sorry -- let me --	14:34:07

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 are you saying you know he's taking the Fifth or 14:34:09
2 you don't know? 14:34:13

3 A I was -- from what I was told that he -- I 14:34:13
4 have heard that he was pleading the Fifth. 14:34:16

5 Q And did that information come from your 14:34:18
6 lawyers or somebody else? 14:34:20

7 MR. MICHALIK: Objection. 14:34:21

8 Q I'm not trying to ask -- I'm actually not 14:34:22
9 trying to get your conversation with your lawyers. 14:34:24
10 I just didn't have a better way to ask that. 14:34:26

11 Have you talked about Mohammed pleading 14:34:29
12 the Fifth or cooperating with anyone other than 14:34:31
13 your lawyers? 14:34:33

14 A No, I have not. 14:34:33

15 Q Okay. Did you have any certain pattern or 14:34:34
16 order of how -- the way you'd list people as 14:34:55
17 assisting officers? 14:34:59

18 A As I sit here today, to the best of my 14:35:00
19 memory, I do not. Again, based -- it would be 14:35:03
20 based on the circumstances that led to the 14:35:08
21 incident. 14:35:11

22 Q And maybe I can try to clarify that 14:35:12
23 question. I meant -- so this one has four 14:35:14
24 assisting arresting officers. 14:35:17

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

203

1 When you create reports with multiple 14:35:21
2 assisting arresting officers, was there any -- did 14:35:25
3 the order in which they were listed signify 14:35:25
4 anything? 14:35:29

5 A To the best of my knowledge, no. 14:35:29

6 Q I mentioned earlier we're going to cover 14:35:32
7 Lionel White, Sr.'s case the next time we talk; 14:35:54
8 but when you -- when Lionel White, Jr., was 14:35:57
9 arrested, did you know one way or the other 14:36:00
10 whether Lionel White, Sr., had filed any sort of 14:36:01
11 complaints against Watts or anyone on the team? 14:36:04

12 A As I sit here today, from best of my 14:36:07
13 memory, no, I do not. 14:36:10

14 Q You don't know one way or the other, or 14:36:11
15 you didn't know? 14:36:12

16 A As I stated, I do not -- from the best of 14:36:13
17 my memory, I do not know. I do not know. 14:36:18

18 Q You don't know one way or the other 14:36:20
19 whether at the time you knew that Lionel White, 14:36:22
20 Sr., had filed a complaint? 14:36:25

21 A As I sit here today, I do not recall. 14:36:26

22 Q Okay. Do you remember Anthony McDaniels? 14:36:29

23 A As I sit here today, I don't recall. 14:36:40

24 Q Did you see a picture of Anthony McDaniels 14:36:43

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 preparing for your deposition today? 14:36:47

2 A I'm not certain. 14:36:48

3 (Smith Deposition Exhibit 6 marked for 14:36:48

4 identification and attached to the transcript.) 14:36:49

5 Q All right. We're going to mark Exhibit 6, 14:36:49

6 DO-JOINT 005727 to 5731. 14:36:52

7 Have you had a chance to look this report 14:38:09

8 over? 14:38:11

9 A Yes. When you initially asked me did I 14:38:12

10 have a chance to look at this report prior to 14:38:15

11 coming here today, I did. I just didn't recall at 14:38:18

12 the present moment. 14:38:20

13 Q I might have even just asked you if you 14:38:20

14 looked at his picture. 14:38:21

15 A Okay. 14:38:22

16 Q I guess the picture is on the report. 14:38:23

17 A Yes. 14:38:25

18 Q Do you recognize the person pictured in 14:38:25

19 the top-right corner of the first page? 14:38:28

20 A As I'm sitting here today, no, I do not. 14:38:30

21 Q Do you -- does looking at this report 14:38:35

22 refresh your recollection about Anthony McDaniels' 14:38:37

23 November 21st, 2008, arrest? 14:38:40

24 A As of today, no? 14:38:40

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q And does it refresh your recollection 14:38:43
2 about whether you knew Anthony McDaniels? 14:38:44
3 A As of today right now, no. 14:38:49
4 Q Are there any other documents that you can 14:38:51
5 think of that might refresh your recollection? 14:38:54
6 A At the present moment, no. 14:38:55
7 Q You see it talks about the recovery of a 14:38:57
8 blue steel Glock, orange barrel? 14:39:09
9 A Yes. 14:39:16
10 Q Is blue steel a common finish on guns that 14:39:16
11 you've recovered or that were recovered while you 14:39:22
12 were a tac team member? 14:39:23
13 A From the best of my knowledge, that's the 14:39:24
14 way we were told -- instructed or taught to report 14:39:28
15 the description of the weapon at the police 14:39:34
16 academy, distinguish between blue steel or chrome 14:39:39
17 finish. 14:39:42
18 Q So there were two different types of 14:39:42
19 finishes. 14:39:47
20 You could write blue steel or chrome? 14:39:47
21 A Yes. It depends on the finish of the 14:39:49
22 weapon. 14:39:52
23 Q You see the top of the narrative says, "In 14:39:53
24 summary R/Os were on a narcotics surveillance in 14:39:59

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 the vicinity of 5600 South Prairie." 14:40:02

2 A Yes, I do. 14:40:06

3 Q And where is -- well, is 5600 South 14:40:07

4 Prairie in the same area as Ida B. Wells? 14:40:17

5 A No, it is not. 14:40:19

6 Q How far away is it from Ida B. Wells? 14:40:21

7 A I cannot tell you exactly. 14:40:24

8 Q Were you still on the Watts tac team in 14:40:26

9 November 2008? 14:40:29

10 A As of this report -- according to this 14:40:31

11 report, yes. I was listed as an assisting 14:40:39

12 officer. So yes, I would assume that I was still 14:40:42

13 a part of the team. 14:40:44

14 Q And we may have covered this. I don't 14:40:45

15 know that we got on an exact answer. 14:40:48

16 But do you remember when you left the 14:40:49

17 team? 14:40:50

18 A I don't remember the exact date that I 14:40:50

19 left his team. 14:40:53

20 Q Do you remember the year? 14:40:53

21 A I don't recall. 14:40:55

22 Q Do you see -- it looks like you were on 14:40:57

23 beat 246A that day? 14:41:07

24 A That's what it states in this report. 14:41:09

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	Q And do you see in the report that it says,	14:41:10
2	"Beat 274A located said vehicle at 5720 South King	14:41:12
3	Drive in the west alley unoccupied. Beat 264A	14:41:18
4	relocated the vehicle to the 002 District." It's	14:41:22
5	way at the end.	14:41:29
6	A Yes, I see that in the report.	14:41:29
7	Q Do you know how the vehicle was relocated?	14:41:34
8	A As I sit here today, I do not recall this	14:41:38
9	arrest or anything in particular --	14:41:43
10	Q So you don't know -- sorry.	14:41:44
11	A -- with this incident.	14:41:46
12	Q You don't know whether you were the person	14:41:48
13	or one of the people who relocated the vehicle?	14:41:50
14	A As I'm sitting here today, I have no	14:41:53
15	memory.	14:41:56
16	Q Do you know whether the vehicle was towed	14:41:56
17	from 57 South 20 or moved in some other way?	14:41:58
18	A As I stated before, I do not have a memory	14:42:03
19	of this incident.	14:42:06
20	Q Do you recall ever driving a civilian's	14:42:07
21	car while you were a police officer?	14:42:10
22	A As I'm sitting here today, I don't	14:42:11
23	remember the exact date and times, but I'm certain	14:42:15
24	I may have.	14:42:15

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 Q And what were the circumstances in which 14:42:18
2 you would be driving a civilian's car? 14:42:22

3 A I'll give you an example. If I'm doing 14:42:23
4 the traffic stop, and that particular person is 14:42:24
5 driving on a revoked or suspended license and does 14:42:27
6 not have any insurance, we're going to tow it in 14:42:31
7 to impound their vehicle. 14:42:35

8 Q You tow -- I'm sorry. Go ahead. 14:42:35

9 A You're going to tow and impound the 14:42:39
10 vehicle; and at that point in time, the subject or 14:42:40
11 the driver of that vehicle is unable to drive. So 14:42:42
12 you're going to drive the vehicle in. 14:42:46

13 Q And then -- so you drive it in somewhere, 14:42:48
14 and then it's towed? 14:42:51

15 A You're going to drive it into the district 14:42:52
16 where you're assigned to. 14:42:54

17 Q And then is it towed from there? 14:42:55

18 A Yes, it is. 14:42:58

19 Q All right. And then do you ever recall 14:42:59
20 moving someone's car after they were arrested for 14:43:03
21 something other than having, like, a suspended 14:43:06
22 license or no insurance? 14:43:09

23 A I'm certain. I can't think of anything 14:43:10
24 off the top of my head; but like I said, not 14:43:15

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 having a memory of this arrest or this incident, I 14:43:16
2 can't state -- say at this particular time. 14:43:19

3 Q And why are you certain that there are 14:43:21
4 other types of reasons why you would have moved 14:43:28
5 someone's car in your career? 14:43:30

6 A As I stated, there are probably several 14:43:32
7 reasons. I can't think of any other reasons at 14:43:36
8 this particular time that I can think of, but 14:43:38
9 there are particular moments where you can tow the 14:43:39
10 person's car. 14:43:42

11 Q Do you remember ever towing a car -- I'm 14:43:43
12 sorry -- not towing a car. So I'm not talking 14:43:47
13 having a tow truck come to do it. I'm talking 14:43:49
14 about you doing it. 14:43:52

15 Is that what you're saying? 14:43:53

16 A Well, repeat your questions. I'm not 14:43:54
17 exactly certain what you were trying to state. 14:43:57

18 Q I think you said that one reason that you 14:44:00
19 would have been driving -- you personally would 14:44:02
20 have driven a civilian's car was if you arrested 14:44:04
21 them for driving without -- with a suspended 14:44:07
22 license or not having insurance? 14:44:08

23 A I was giving you an example. 14:44:10

24 Q Right. You're saying in that situation, 14:44:12

Transcript of Elsworth Smith, Jr.

Conducted on February 17, 2020

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1 you personally would get in their car, you'd drive 14:44:14
2 it to the station, and then it would be towed from 14:44:16
3 the station? 14:44:18

4 A Yes. And it's not uncommon from my 14:44:18
5 experience as a law enforcement officer. 14:44:21

6 Q And what I want to know is are there any 14:44:22
7 other situations other than that one that you can 14:44:24
8 think of when you, as an officer, would have been 14:44:28
9 driving a civilian's car? 14:44:30

10 A As I stated before, I can't think of any 14:44:32
11 right now, but it's not uncommon to drive 14:44:34
12 someone's car in to tow the vehicle. 14:44:37

13 Q Drive it in so that it can be towed? 14:44:37

14 A Yes. 14:44:40

15 Q Do you remember ever driving in someone's 14:44:40
16 car so that it can be towed when the car was 14:44:44
17 unoccupied when you went there? 14:44:47

18 A I don't understand your question. 14:44:49

19 Q So the example that you gave, I think, is 14:44:50
20 you pulled someone over, and you find out they 14:44:53
21 don't have insurance and a license; right? So 14:44:58
22 when you saw them at first, they were in the car; 14:45:01
23 correct? Is that right? 14:45:04

24 A I don't understand your question. 14:45:04

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q That's the first half of it. I'm going to 14:45:08
2 try to do -- all right. 14:45:13

3 In the situation you described where you 14:45:13
4 would have moved someone's car, did that incident 14:45:16
5 start with you observing that person inside of 14:45:19
6 their car? 14:45:21

7 A I think I stated, when I gave an example, 14:45:22
8 if someone was driving on a suspended or revoked 14:45:24
9 license. 14:45:27

10 Q Right. I guess I'm trying to contrast 14:45:28
11 that situation where you have observed someone 14:45:31
12 driving their car to see if there were any 14:45:34
13 situations where you remember where you moved a 14:45:36
14 civilian's car where the incident from your point 14:45:38
15 of view started with the car being unoccupied 14:45:41
16 completely? 14:45:44

17 A As I'm sitting here today, I don't recall. 14:45:44

18 Q You don't recall doing that? 14:45:47

19 A Sitting here today, I do not recall doing 14:45:49
20 that. 14:45:53

21 Q Were you involved in proceedings relating 14:45:53
22 to Mr. McDaniels' arrest at all after 14:45:58
23 November 21st, 2008? 14:46:02

24 A From the best of my memory, no. 14:46:03

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	Q	Do you remember Frank Saunders?	14:46:05	
2	A	As I'm sitting here today, no, I do not.	14:46:38	
3	Q	Do you remember Catrina Bonner?	14:46:41	
4	A	As I'm sitting here today, no, I do not.	14:46:47	
5	(Smith Deposition Exhibit 7 marked for			
6	identification and attached to the transcript.)			14:46:51
7	Q	We're going to mark Exhibit 7, DO-JOINT	14:46:51	
8	006076 through 6080.			14:47:00
9	Do you see the picture up in the top			14:47:03
10	right-hand corner of this report?			14:48:11
11	A	Yes, I do.	14:48:12	
12	Q	Do you recognize the person in that	14:48:13	
13	picture?			14:48:14
14	A	As of today, no.	14:48:15	
15	Q	This is a report of an arrest from	14:48:17	
16	March 28th, 2007.			14:48:22
17	Do you see that?			14:48:23
18	A	Yes, I do.	14:48:24	
19	Q	Do you have any memory of being involved	14:48:25	
20	in this arrest at all?			14:48:27
21	A	No, I do not. As of today, I do not have	14:48:28	
22	a memory of this arrest.			14:48:31
23	Q	You don't have any way to determine what	14:48:33	
24	role, if any, you had in the arrest?			14:48:49

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A As of today, from my memory, I do not 14:48:52
2 other than looking at the report, which states 14:48:56
3 that I'm an assisting officer. 14:48:58

4 Q And that can mean many things, including 14:48:59
5 that you didn't see it at all? 14:49:03

6 A It can mean many things. Like I said, I 14:49:04
7 do not recall. 14:49:07

8 (Smith Deposition Exhibit 8 marked for 14:49:07
9 identification and attached to the transcript.) 14:49:10

10 Q All right. We're going to mark the vice 14:49:10
11 case report as Exhibit 8, and that's PL JOINT 14:49:26
12 026998 to PL JOINT 026999. 14:49:33

13 Do you know why your name is not listed on 14:50:48
14 this report at all? 14:50:55

15 A No, I do not. 14:50:56

16 Q If you had seen any part of the arrest or 14:50:58
17 the incident described in the narrative, should 14:51:03
18 your name have been listed in the report? 14:51:05

19 MR. MICHALIK: Object to form. 14:51:09

20 A If I'm listed as an assisting officer -- 14:51:14
21 as I stated before, and I did not write this 14:51:17
22 report -- does not mean that I witnessed the exact 14:51:21
23 events as it occurred. It might mean that I 14:51:23
24 witnessed at some point in time something 14:51:26

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 involving the nature of this arrest. 14:51:29

2 But there again, I did not author this 14:51:31

3 report, I do not recall this incident, and I 14:51:34

4 cannot speak for Kallatt Mohammed or Officer 14:51:38

5 Lewis. 14:52:04

6 MR. STEFANICH: Let's take a break. 14:52:04

7 MR. RAUSCHER: Yeah, of course. 14:52:06

8 THE VIDEOGRAPHER: Off the record, 2:52. 14:52:08

9 (A recess was taken from 2:52 p.m. to 14:58:06

10 2:58 p.m.) 14:58:06

11 THE VIDEOGRAPHER: Back on the record 14:58:06

12 2:58. 14:58:10

13 BY MR. RAUSCHER: 14:58:10

14 Q When you were on the Watts team, were 14:58:10

15 there any members of the team that did not get 14:58:12

16 along with each other? 14:58:15

17 A To the best of my memory, not that I 14:58:17

18 recall. 14:58:19

19 Q Do you recall any tension between team 14:58:19

20 members while you were on the Watts team? 14:58:23

21 A As I sit here today, I don't recall, but 14:58:25

22 there might have been. 14:58:28

23 Q Why do you think there might have been? 14:58:29

24 A Just my experience as a police officer, 14:58:31

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 just because you work with someone don't mean that 14:58:36
2 you get along with them. 14:58:39
3 Q That's just a general observation about 14:58:40
4 your experience as a police officer, not anything 14:58:43
5 specific about the Watts team? 14:58:46
6 A That's just my experience, not anyone 14:58:47
7 else's. 14:58:51
8 Q Do you remember you having any tension 14:58:51
9 with any members of the Watts team? 14:58:54
10 A I'm sure I have. I can't recall anything 14:58:56
11 that in particular stands out in my mind. 14:59:00
12 Q Do you recall any people who you had 14:59:01
13 tension with on the Watts team? 14:59:03
14 A Yeah, I could recall a few people. 14:59:04
15 Q Tell me which people you recall having 14:59:07
16 tension with on the Watts team. 14:59:10
17 A Probably everyone on the team. 14:59:10
18 Q But do you remember any reasons for the 14:59:11
19 tension? 14:59:16
20 A No, I don't. Sitting here today, I don't 14:59:16
21 recall any particular incidents or moments that 14:59:21
22 occurred. 14:59:24
23 Q Did you have more tension with members of 14:59:24
24 the Watts team than you did with other coworkers 14:59:27

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 over the years on the police force? 14:59:30

2 A I wouldn't say any more or less. 14:59:32

3 Q Have you always had tension with 14:59:35

4 colleagues on the CPD? 14:59:38

5 A I'm not going to say how many incidents 14:59:39

6 I've had occur. Yes, I've had moments of tension 14:59:43

7 with other police officers. 14:59:46

8 Q Do you remember Shaun James or Taurus 14:59:47

9 Smith? 14:59:54

10 A Yes, I do. 14:59:55

11 Q And what do you remember about Shaun James 14:59:56

12 and Taurus Smith? 14:59:59

13 A From what I remember of them, they were 15:00:00

14 drug dealers. 15:00:03

15 Q Do you remember anything specific about 15:00:04

16 them? 15:00:10

17 A Sitting here today, nothing in particular. 15:00:11

18 Q Can you describe either of them? 15:00:13

19 A It's been many years ago, vaguely. Shaun 15:00:15

20 James, I think, his nickname was Smoke. I think 15:00:22

21 he's about 5-foot-7, 5-foot-9, African-American, I 15:00:26

22 think medium complexion. I think he wore his hair 15:00:33

23 like in a box style fade or hairdo. I don't think 15:00:37

24 he weighed no more than 150 pounds. 15:00:42

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	Q	What about Taurus Smith?	15:00:45
2	A	Taurus Smith at that time -- I'm sure his	15:00:52
3		appearance might have changed. I think he was	15:00:55
4		much younger. I think he was in his teens or	15:00:57
5		possibly early 20s, African-American male. From	15:01:00
6		what I remember him at that time, he was light	15:01:05
7		complexed, wore his hair in some type of braids.	15:01:07
8		I don't think he was -- I think he was between the	15:01:12
9		height of 5-foot-5 and 5-foot-7, weighing no more	15:01:15
10		than 170 pounds.	15:01:21
11	Q	Do you remember arresting either of them?	15:01:22
12	A	Sitting here as -- at this moment, I don't	15:01:26
13		know, possibly.	15:01:29
14	Q	Do you remember ever seeing either Shaun	15:01:30
15		James or Taurus Smith engage in any drug-related	15:01:38
16		activity?	15:01:42
17	A	As I'm sitting today, I don't recall any	15:01:42
18		specific moments, but I'm certain possibly I may	15:01:46
19		have.	15:01:48
20	Q	What does it mean to say "I'm certain	15:01:48
21		possibly I may have"?	15:01:50
22	A	It's possible that I may have.	15:01:50
23	Q	You might or might not have?	15:01:53
24	A	I don't recall at this particular moment.	15:01:56

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q What's the basis for your belief that 15:01:58
2 Shaun James and Taurus Smith were involved in the 15:02:02
3 drug trade? 15:02:06

4 A From the best of my memory, I recall them 15:02:07
5 being -- I had a prior knowledge or from members 15:02:09
6 of my team that they sold drugs. 15:02:12

7 Q Do you remember any conversations you had 15:02:15
8 with any particular team members about them 15:02:17
9 selling drugs? 15:02:20

10 A Nothing in particular stands out in my 15:02:21
11 mind at this moment. 15:02:24

12 (Smith Deposition Exhibit 9 marked for 15:02:24
13 identification and attached to the transcript.) 15:02:24

14 BY MR. RAUSCHER: 15:02:24

15 Q I'll mark as Exhibit 9 City-BG-052340. 15:02:38
16 This is a report of an arrest from April 3rd, 15:03:17
17 2004. 15:03:20

18 Were you working on the Watts team in 15:03:22
19 April of 2004? 15:03:27

20 A No, I was not. I was assigned to the 3rd 15:03:27
21 District. 15:03:31

22 Q And I think we've already covered this, at 15:03:32
23 least generally; but is there any way you were 15:03:34
24 detailed or assigned to or even temporarily put in 15:03:36

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	the 2nd District for April 3rd, 2004?	15:03:40
2	A No. As I stated before, in April 2004, I	15:03:42
3	did not know Sergeant Watts or any members of the	15:03:47
4	264 team.	15:03:50
5	Q So your knowledge of Taurus Smith and	15:03:50
6	Shaun James came sometime after April of 2004?	15:03:54
7	A From the best of my memory, it would have	15:03:57
8	to be.	15:03:59
9	Q Did you know any people involved in the	15:04:00
10	drug trade in Ida B. Wells before you worked in	15:04:02
11	Ida B. Wells?	15:04:06
12	A No, sir.	15:04:07
13	Q Do you know who Christopher Scott is?	15:04:08
14	A As I'm sitting here today, to the best of	15:04:34
15	my memory, I do not.	15:04:38
16	(Smith Deposition Exhibit 10 marked for	15:04:38
17	identification and attached to the transcript.)	15:04:38
18	Q All right. We're going to mark Exhibit	15:04:42
19	10, CITY-BG-032187 through 032191.	15:04:46
20	Have you had a chance to look at this	15:04:55
21	report?	15:05:35
22	A Yes, I did.	15:05:35
23	Q Have you seen this report before today?	15:05:36
24	A I think I -- I believe I did.	15:05:38

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q And did looking at this report refresh 15:05:40
2 your recollection about the arrest of Christopher 15:05:44
3 Scott on April 4th, 2006? 15:05:47
4 A No, it does not. 15:05:49
5 But prior to looking at this report, when 15:05:51
6 you asked me did I remember Christopher Scott, 15:05:53
7 without looking at his photo, I was unaware of 15:05:57
8 him. But I am aware who he is now; and looking at 15:06:00
9 his name and his street name, Greedy, I am aware 15:06:04
10 of who he is. 15:06:09
11 Q All right. And did looking at his photo 15:06:10
12 on City-BG-032187 refresh your recollection? 15:06:13
13 A It does not refresh my recollection of the 15:06:17
14 arrest. 15:06:21
15 Q It does not, you said? 15:06:22
16 A No, it does not. 15:06:23
17 Q Did it refresh your recollection about 15:06:24
18 just knowing who he was generally? 15:06:26
19 A Just reflect -- refresh my memory of who 15:06:28
20 he was. 15:06:31
21 Q And in what way did it refresh your 15:06:31
22 recollection about Mr. Scott? 15:06:34
23 A Mr. Scott, as I recall, like I said, his 15:06:35
24 street name was Greedy. He was a drug dealer in 15:06:39

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Ida B. Wells. 15:06:43

2 Q How do you know he was a drug dealer in 15:06:43

3 Ida B. Wells? 15:06:45

4 A From either prior experience with him or 15:06:46

5 from other members of my team. 15:06:48

6 Q Do you remember having any experience with 15:06:50

7 him personally? 15:06:55

8 A Personally, no. 15:06:56

9 Q And do you remember anyone on your team 15:06:57

10 telling you Mr. Scott was a drug dealer? 15:07:00

11 A As I stated before, yes, either from 15:07:02

12 personal experience or from other members, 15:07:06

13 possibly, on my team. 15:07:09

14 Q But you already said you didn't have 15:07:10

15 personal experience; right? 15:07:12

16 A Personal meaning in what regards? 15:07:13

17 Q Well, what do you mean when you say 15:07:16

18 personal experience -- from personal experience 15:07:20

19 you knew he was a drug dealer? 15:07:21

20 A My personal experience is -- that would be 15:07:22

21 the only personal experience I would have with him 15:07:25

22 in coming in contact with him as a police officer. 15:07:30

23 I wouldn't have any other personal experience with 15:07:33

24 him. If you mean was I a personal friend with him 15:07:35

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 or associated with him in any type of way, no. 15:07:38

2 Q What I mean is you said you either -- you 15:07:41

3 knew he was a drug dealer either from personal 15:07:43

4 experience or from other members of your team 15:07:46

5 telling you he was a drug dealer; right? 15:07:49

6 A Yes. 15:07:51

7 Q And then I asked if you had any personal 15:07:52

8 interactions with him, and you said no. 15:07:53

9 A Well, I misunderstood your question then. 15:07:55

10 Q Okay. Have you had any personal 15:07:57

11 interactions with Christopher Scott? 15:07:59

12 A Other than as a police officer pertaining 15:08:01

13 to my prior experience with him or possibly other 15:08:04

14 members of my team, no. 15:08:07

15 Q What does that mean? 15:08:08

16 A Other than my personal experience with him 15:08:10

17 as a police officer or from other members of my 15:08:13

18 team, I did not have a personal relationship with 15:08:16

19 him other than as a police officer. 15:08:20

20 Q Maybe I can try to clarify. I'm not -- 15:08:21

21 when I said "personal experience," I did not mean 15:08:25

22 were you friends with him outside of work. I 15:08:28

23 meant did you ever have any interactions with him 15:08:30

24 that you remember as a police officer. 15:08:33

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A As I'm sitting here today, I don't recall 15:08:35
2 specifically; but, like I said, I do recall from 15:08:37
3 prior experience working on -- also possibly from 15:08:41
4 other members of my team, that Mr. Scott sold 15:08:47
5 drugs in the Ida B. Wells. 15:08:49

6 Q All right. Is it fair to say that your 15:08:52
7 answer is you either -- you knew he was a drug 15:08:54
8 dealer either because you saw him selling drugs or 15:08:56
9 because someone on your team told you he was a 15:08:59
10 drug dealer, but you don't remember which of those 15:09:02
11 two, as you sit here today? 15:09:05

16 Q And when you say it was either through my 15:09:13
17 personal experience -- 15:09:14

18 A I don't recall one way or the other. 15:09:15

19 Q What does it mean to say it was through 15:09:16
20 your personal experience? What would that mean? 15:09:18

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q So an example of a personal experience 15:09:31
2 would be seeing him involved in a drug 15:09:36
3 transaction. 15:09:38

4 A And as I sit here today, I do not recall 15:09:39
5 seeing him. 15:09:43

6 Q Do you recall how you got the information 15:09:46
7 that made you comfortable to be the attesting 15:09:56
8 officer relating to Mr. Scott's arrest? 15:10:01

9 A Like I said, I do not recall the specifics 15:10:03
10 of this arrest. 15:10:06

11 Q Do you know why Jones is the first 15:10:07
12 arresting officer and the victim and you are the 15:10:14
13 attesting officer? 15:10:18

14 A Like I said, going back over this report, 15:10:19
15 I do not know, although Officer Jones is listed as 15:10:24
16 the first arresting officer. I have no memory of 15:10:29
17 this incident, and I don't know why I am listed as 15:10:36
18 the attesting officer. Maybe I was assisting him 15:10:40
19 writing this report. 15:10:44

20 Q Do you know why he would have needed your 15:10:44
21 assistance writing a report? 15:10:47

22 A We were partners at some point in time. 15:10:49
23 So I'm just assuming. I do not have a memory. 15:10:52

24 Q Did the same person who created the vice 15:10:54

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 case report typically write the arrest reports? 15:11:00

2 MR. MICHALIK: Object to form. 15:11:02

3 A As I'm sitting here today, I don't recall 15:11:06

4 from this particular arrest, but it would not be 15:11:08

5 uncommon. 15:11:10

6 BY MR. RAUSCHER: 15:11:10

7 Q Would it be typically how it's done, the 15:11:11

8 person who writes the vice case report also writes 15:11:13

9 the arrest report? 15:11:16

10 MR. MICHALIK: Object to form. 15:11:19

11 Q While you were on the Watts tac team. 15:11:20

12 A As I'm sitting here today, I don't recall, 15:11:23

13 sir. As I said, it would not be uncommon if your 15:11:27

14 partner and yourself were writing a report. 15:11:28

15 Q You said you remember the nickname Greedy? 15:11:32

16 A Yes. 15:11:41

17 Q What do you remember about the nickname 15:11:42

18 Greedy? 15:11:44

19 A I remember hearing that name from other 15:11:45

20 members, possibly, on the 264 team that he was a 15:11:49

21 drug dealer in the Ida B. Wells. 15:11:53

22 Q He was arrested at 575 East Browning 15:11:54

23 Avenue? 15:12:01

24 A That's what's stated in this report. 15:12:01

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q What type of building was that? 15:12:04

2 A It was a CHA building. 15:12:06

3 Q Was it another one of the mid-rise ones? 15:12:08

4 A Yes, to the best of my memory. 15:12:10

5 Q Those are the bigger buildings in Ida B. 15:12:11

6 Wells? 15:12:14

7 A Yes, sir, from my knowledge -- from my 15:12:14

8 memory, yes. 15:12:16

9 Q Is this report saying that you got up to 15:12:16

10 the third-floor landing and observed Christopher 15:12:20

11 Scott handing off drugs? 15:12:24

12 A Like I said, I don't recall the arrest; 15:12:26

13 but what's in this report, I have no doubt that 15:12:29

14 this was a factual report. 15:12:32

15 Q Why do you have no doubt that it's a 15:12:34

16 factual report? 15:12:36

17 A Because I wouldn't have attested to this 15:12:37

18 report if any information in this report was 15:12:39

19 false. 15:12:42

20 Q Do you have any explanation for why so 15:12:43

21 many convictions have been vacated? 15:12:50

22 MR. KOSOKO: Objection; calls for legal 15:12:52

23 conclusion, vague, ambiguous, foundation, and 15:12:54

24 form. 15:12:58

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A No. My only speculation would probably be 15:13:01
2 from monetary gain. 15:13:04
3 BY MR. RAUSCHER: 15:13:04
4 Q You think that the state's attorney's 15:13:09
5 office dismissed a bunch of charges and the courts 15:13:11
6 have vacated convictions for someone's monetary 15:13:14
7 gain? 15:13:17
8 A Based on some of the allegations or 15:13:18
9 affidavits that I read and the accusations against 15:13:20
10 us, yes, because I know most of these accusations 15:13:23
11 are false. 15:13:27
12 Q You would think -- you would think that 15:13:27
13 the plaintiffs were seeking monetary gain. 15:13:29
14 A Yes. 15:13:32
15 Q Do you have any -- any basis or any 15:13:32
16 explanation for why they were able to get all 15:13:34
17 their convictions vacated? 15:13:37
18 MR. STEFANICH: Objection; form. 15:13:39
19 You can answer. 15:13:40
20 A I have no clue. You would have to ask the 15:13:41
21 state's attorney's office. 15:13:45
22 Q How were you able to get up to the third 15:13:45
23 floor without being noticed? 15:13:48
24 A As I said, I don't recall this particular 15:13:50

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 arrest; but there were ways that we could do that. 15:13:53
2 It's not impossible for us to have done that. 15:13:56
3 Q What are the ways for how you could get up 15:13:58
4 to the third floor without being noticed? 15:14:01
5 A I said I don't recall each particular 15:14:03
6 time. We would sneak into the building. 15:14:05
7 Q How would you sneak into the building? 15:14:06
8 A As I'm sitting here today, I don't recall 15:14:08
9 each -- each incident that occurred, but there 15:14:11
10 have been many times that we have done it. I 15:14:13
11 don't recall the particular -- the specifics of 15:14:17
12 how we did it. It took a lot of ingenuity, I 15:14:19
13 would say, to do it. 15:14:26
14 Q What did you typically wear when you were 15:14:27
15 out on -- well, when you remember working on the 15:14:29
16 tac team? 15:14:34
17 A Civilian clothes. 15:14:34
18 Q What kind -- what civilian clothes? 15:14:36
19 A As I'm sitting here today, I can't 15:14:38
20 remember what type of clothing that myself or 15:14:42
21 other officers that were assigned to the 264 team 15:14:44
22 were wearing at that time. It depends on the 15:14:46
23 season. 15:14:49
24 Q What would you typically wear in the 15:14:52

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 spring? 15:14:58

2 A Like I said, I don't recall the particular 15:14:58

3 outfits or clothing, articles of clothing that we 15:15:02

4 wore that particular day. Like I said, we were 15:15:05

5 wearing civilian clothing. 15:15:08

6 Myself, I would try to dress as the drug 15:15:10

7 dealers were dressed. 15:15:14

8 Q And what was that, just generally? 15:15:15

9 A I'll give you a perfect example. During 15:15:17

10 that time, from the best of my memory, in the 15:15:20

11 spring and summertime, a lot of guys at that time, 15:15:22

12 I think, that was, like, in the early 2000s, were 15:15:25

13 wearing baggy jeans, Timberland boots, or, you 15:15:28

14 know, sneakers and long white T-shirts -- long 15:15:32

15 baggy white T-shirts. 15:15:36

16 I wore the same type of clothing in the 15:15:38

17 spring or the summer. Most of the time, not 15:15:41

18 always, but I would wear some type of baggy 15:15:43

19 clothing, especially the shirts and stuff which 15:15:45

20 were popular at that time, from the best of my 15:15:48

21 memory, because it was easy to conceal your vest 15:15:50

22 and your weapons. 15:15:54

23 Q When officers approached -- when officers 15:15:55

24 on your tac team would approach buildings in Ida 15:16:00

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 B. Wells, did people commonly yell out "clean up"? 15:16:03
2 A Sometimes. 15:16:06
3 Q And what did clean up mean? 15:16:06
4 A It means that the police are on their way 15:16:07
5 or they're here. 15:16:09
6 Q Did that usually happen? 15:16:11
7 A A lot of times. 15:16:11
8 MR. MICHALIK: Object to the form. 15:16:13
9 A A lot of times it did. 15:16:15
10 Q You said it required a lot of ingenuity to 15:16:16
11 get up to the third floor without being noticed? 15:16:23
12 A That's correct. 15:16:27
13 Q Can you tell me what did you do? Like, 15:16:27
14 what kind of ingenuity? 15:16:29
15 A Sir, like I said, it was a long time ago. 15:16:31
16 We would just try to sneak in the best way we 15:16:35
17 could. To give you an example, like I said, I 15:16:37
18 don't remember the specifics, at nighttime it was 15:16:40
19 a lot easier. You know, we could blend in because 15:16:42
20 of the shadows and the darkness because a lot of 15:16:46
21 lights -- it was not a highly lit area. 15:16:49
22 So we used the darkness as our ally, or, 15:16:52
23 you know, as some type of form of concealment to 15:16:55
24 sneak into the building. Sometimes we might wear 15:16:58

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1 a baseball cap or whatever, might wear a hood over 15:17:03
2 our head. Something to try to, you know, blend in 15:17:06
3 or, you know, as I said, move within the shadows. 15:17:10
4 There was all types of different methods that we 15:17:12
5 used. 15:17:14

6 Q What were the lights like inside the 15:17:14
7 buildings? 15:17:17

8 A From the best of my memory, it was -- it 15:17:17
9 varied from building-to-building. Some buildings 15:17:20
10 didn't have lights in the lobby. Some of them 15:17:24
11 did. Some of them didn't have lights on certain 15:17:27
12 floors. Some of them did. 15:17:30

13 Q Would you say they were overall pretty 15:17:31
14 dimly lit? 15:17:33

15 A From the best of my knowledge, I can't 15:17:35
16 recall. Some were. Some wasn't. Some were. 15:17:37
17 Some wasn't. 15:17:39

18 Q Do you remember what the lighting was like 15:17:39
19 at 575 East Browning in April 2006? 15:17:43

20 A As of today, I can't recall. 15:17:46

21 Q Looking at the arrest report, can you tell 15:17:47
22 what time Mr. Scott was arrested on April 4th, 15:17:52
23 2006? 15:17:58

24 A According to this report, it says 1300 15:17:58

Transcript of Elsworth Smith, Jr.
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1 hours, which would make that 1:00 in the 15:18:01
2 afternoon. 15:18:04

3 Q All right. What are the ways that you 15:18:04
4 could get up to the third floor of 575 East 15:18:09
5 Browning at 1:00 in the afternoon without being 15:18:12
6 noticed? 15:18:14

7 A As I'm sitting here today, I don't recall 15:18:15
8 for that particular day. 15:18:18

9 Q What about any other day at 1:00 in the 15:18:19
10 afternoon? 15:18:22

11 A Like I said, it's hard to remember, but it 15:18:22
12 could be done. I'm just guessing. I don't -- 15:18:24
13 couldn't tell you. 15:18:30

14 Q Well, how could it be done? What's your 15:18:30
15 best guess? 15:18:33

16 MR. MICHALIK: I'll object to form. 15:18:34

17 A A lot of times if we -- if someone spotted 15:18:40
18 us coming into the buildings and stuff like that, 15:18:42
19 we'd tell them, you know, don't say nothing. You 15:18:45
20 better not yell -- you know, give away our 15:18:47
21 position. You know, because that would be 15:18:49
22 interference with what we are doing as far as our 15:18:53
23 operations. So that's what we would tell them. 15:18:55
24 You know, don't call us out. You better not say 15:19:00

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 nothing. 15:19:03

2 BY MR. RAUSCHER: 15:19:03

3 Q Did that work? 15:19:03

4 A A lot of times it did. Some people would 15:19:04

5 run from us. Some people would still while 15:19:07

6 they -- as they're running away, yell, you know, 15:19:08

7 "51s" are here, whatever, "clean up," whatever 15:19:11

8 they would use -- say at that particular point in 15:19:14

9 time. 15:19:18

10 Q Other than tell people on the way up don't 15:19:18

11 say anything because you'd be interfering with an 15:19:20

12 investigation, any other ways you could think that 15:19:23

13 you'd get up to the third floor at 1:00 in the 15:19:25

14 afternoon without being noticed? 15:19:27

15 A As I'm sitting here today, I can't think 15:19:28

16 of anything right now. I'm certain there probably 15:19:30

17 are, but I can't remember how we did it at that 15:19:33

18 particular time. 15:19:35

19 Q What did the stairs look like in 575 East 15:19:35

20 Browning in April 2006? 15:19:39

21 A From the best of my knowledge, they were 15:19:41

22 concrete steps. 15:19:43

23 Q Was it quiet walking up them? 15:19:43

24 A I don't recall at this particular moment. 15:19:46

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q When you would go up on a mission or 15:19:48
2 investigation, would you walk or run? 15:19:51
3 A Sitting here today, I don't recall. It 15:19:52
4 may have varied. 15:19:57
5 Q This says it's an on-view arrest. 15:19:58
6 A That's what's stated in the report. 15:20:07
7 Q What is an on-view arrest? 15:20:09
8 A To the best of my knowledge, an arrest 15:20:10
9 that occurred while some -- one or two of the 15:20:15
10 officers made this observation. 15:20:20
11 Q And it says it was done while conducting a 15:20:21
12 narcotics investigation? 15:20:26
13 A That's what's stated in the report. 15:20:27
14 Q What does it mean when it says conducting 15:20:28
15 a narcotics investigation? 15:20:29
16 A That we were doing some type of 15:20:31
17 investigation as far as the narcotics being sold 15:20:34
18 in that particular building or in that area. 15:20:38
19 Q Do you know what investigation was being 15:20:40
20 conducted? 15:20:44
21 A As I'm sitting here today, from this 15:20:45
22 incident, from this arrest, no, I do not. 15:20:48
23 Q It doesn't say on the report, does it? 15:20:50
24 A No. 15:20:53

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q Is there any other way you could figure 15:20:53
2 out what investigation was being conducted? 15:20:55
3 A At the present moment, as I'm sitting here 15:20:58
4 today, no, I could not. 15:21:02
5 Q Is there anywhere you could look to see 15:21:03
6 how you got up to the third floor without being 15:21:06
7 noticed? 15:21:08
8 A As I'm sitting here today, no, I do not. 15:21:08
9 Q What's the third-floor landing? 15:21:11
10 A As I'm sitting here today, I do not 15:21:12
11 recall. 15:21:18
12 (Smith Deposition Exhibit 11 marked for 15:21:18
13 identification and attached to the transcript.) 15:21:22
14 Q All right. We're going to mark the vice 15:21:22
15 case report as Exhibit 11, CITY-BG-032195 to 96. 15:21:25
16 Have you had a chance to look this over? 15:21:54
17 A Yes, I have. 15:22:40
18 Q Is this a vice case report of the same 15:22:41
19 arrest of Christopher Scott that we were just 15:22:44
20 looking at? 15:22:47
21 A I don't understand your question. 15:22:47
22 Q This is the -- this vice case report is 15:22:51
23 describing the same arrest as the report -- the 15:22:53
24 arrest report we just looked at; correct? 15:22:56

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A It appears so, yes. 15:22:57

2 Q Does the vice case report list a number of 15:23:00

3 other individuals arrested? 15:23:03

4 A Yes, it does. 15:23:06

5 Q And do you know why it is that the arrest 15:23:07

6 report doesn't list everybody who was arrested? 15:23:17

7 MR. STEFANICH: Objection; foundation. 15:23:22

8 Q Let me try to clarify. 15:23:26

9 Do you know why the arrest report that's 15:23:28

10 Exhibit No. 10 doesn't list everybody who was 15:23:29

11 arrested as listed in Exhibit No. 11, the vice 15:23:32

12 case report? 15:23:35

13 A As I'm sitting here today, no, I do not. 15:23:35

14 Q Do you know who David Mayberry is? 15:23:41

15 A From the best of my memory, no, I do not. 15:23:45

16 Q And I know you mentioned at the beginning 15:23:48

17 you know an Angelo Shenault, but you're not sure 15:23:50

18 if it's a Jr. or Sr.? 15:23:54

19 A That is correct. 15:23:55

20 Q Does looking at the vice case report 15:23:55

21 refresh your recollection about the arrests on 15:23:59

22 April 4, 2006? 15:24:03

23 A No, it does not. 15:24:04

24 Q Look at the narrative on the second page, 15:24:07

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 it says, "R/O, upon reaching the third-floor 15:24:24
2 landing, observed Off No. 1 give Off No. 2 small 15:24:28
3 Ziploc baggies with suspect narcotics." 15:24:34
4 Do you see that? 15:24:36
5 A Yes. 15:24:37
6 Q "From a clear plastic bag that he was 15:24:37
7 holding," do you see that? 15:24:42
8 A Yes. 15:24:43
9 Q And then it says, "Off No. 2 had given Off 15:24:43
10 No. 1 paper U.S.C. for the suspect narcotics." 15:24:47
11 Do you see that? 15:24:51
12 A Yes. 15:24:51
13 Q And is Offender No. 1 Christopher Scott? 15:24:51
14 A That's what's stated in the report. 15:24:54
15 Q Is Offender No. 2 David Mayberry? 15:24:59
16 A That's what's listed in the report. 15:25:03
17 Q Do you know why it is written in past 15:25:06
18 tense, the sentence Off No. 2, Offender No. 2 had 15:25:12
19 given Offender No. 1 paper U.S. currency for the 15:25:16
20 suspect narcotics? 15:25:19
21 MR. STEFANICH: Objection; foundation. 15:25:20
22 A As I'm sitting here today, no, I do not. 15:25:22
23 Q Do you know who created this vice case 15:25:27
24 report? 15:25:29

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A Sitting here today, just looking at the 15:25:29
2 report, no. 15:25:32

3 Q Do you see your name and a signature of 15:25:33
4 your name on this report? 15:25:39

5 A Yes, I do. 15:25:40

6 Q Is that -- did you -- is that your 15:25:41
7 handwriting? 15:25:42

8 A That's not my actual handwriting but it 15:25:42
9 appeared -- like I said, I haven't worked with 15:25:48
10 Officer Jones in many years. It appears to be his 15:25:50
11 hand -- his signature. 15:25:53

12 Q Do you know if you gave Officer Jones 15:25:54
13 permission to sign this report for you? 15:25:58

14 A If he signed the report in my name, then I 15:25:59
15 apparently gave him the authorization to do so. 15:26:03

16 Q Or he did it without your authorization. 15:26:05

17 A Well, as I stated earlier, I would not 15:26:07
18 have given him authorization if I had not had any 15:26:12
19 prior knowledge of this incident where I felt 15:26:16
20 comfortable with this arrest report or this vice 15:26:20
21 case report. 15:26:23

22 Q So if you gave him authorization to sign 15:26:23
23 it, it means that you reviewed it and you're 15:26:27
24 comfortable with the report. 15:26:29

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A As I'm sitting here today, I don't recall 15:26:30
2 this incident but if I -- if I gave him 15:26:33
3 authorization to sign my name on the report, then 15:26:36
4 perhaps I did at that time. 15:26:39

5 Q So I think that there are two options 15:26:40
6 here, and tell me if I'm wrong, on the signature. 15:26:45

7 One option is that Jones signed your name 15:26:48
8 without your permission. The other option is you 15:26:52
9 gave him your permission to sign your name, which 15:26:55
10 means that you reviewed the report and you agreed 15:26:59
11 with the contents of the report at the time. 15:27:01

12 A As I stated before, I did not give anyone 15:27:03
13 any authorization to sign any reports without my 15:27:07
14 authorization. Just because I do not remember a 15:27:09
15 report from April 4th, 2006, does not mean that I 15:27:12
16 have reviewed the report -- 15:27:16

17 MR. STEFANICH: He's not asking you 15:27:16
18 that, so. 15:27:17

19 Q I'm not sure what that means actually. 15:27:18
20 I'm trying to -- so -- 15:27:20

21 A To answer your question -- 15:27:21

22 MR. STEFANICH: So let him -- 15:27:23

23 A -- as I stated -- 15:27:23

24 MR. STEFANICH: Elsworth, let him ask you 15:27:24

Transcript of Elsworth Smith, Jr.
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1 the question again. Okay. 15:27:25

2 BY MR. RAUSCHER: 15:27:25

3 Q I'm going to try to break it down. Okay. 15:27:26

4 It is -- you don't remember today whether 15:27:28

5 you gave anyone permission to sign your name on 15:27:32

6 this report that's Exhibit 11; correct? 15:27:35

7 A As I'm sitting here today, no, I do not. 15:27:36

8 Q So either Jones signed it without your 15:27:39

9 permission, that's a possibility. You don't 15:27:42

10 remember. I'm not saying that it happened. 15:27:44

11 I'm just saying it's a possibility; right? 15:27:46

12 A That is a possibility. 15:27:47

13 Q And then the other possibility is if you 15:27:48

14 did give him permission, you only would have given 15:27:51

15 him permission after you reviewed the report and 15:27:54

16 were comfortable with the contents. 15:27:57

17 A Yes. 15:27:58

18 Q Okay. Thank you. 15:27:59

19 Looking at the report, can you tell who of 15:28:00

20 the officers saw which of the events described in 15:28:12

21 here? 15:28:14

22 A As I'm sitting here today, no, I cannot. 15:28:15

23 Q Was it common for officers to recover 15:28:25

24 heroin and crack cocaine in the same location at 15:28:28

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 the same time? 15:28:31

2 A Based on my -- as I'm sitting here today, 15:28:32

3 based off the best of my memory, no, it was not 15:28:34

4 uncommon. 15:28:37

5 Q It was not uncommon? 15:28:38

6 A No, it was not. 15:28:39

7 Q Was it common? 15:28:40

8 A Yes, it was common. 15:28:41

9 Q Was it common for people to sell crack 15:28:44

10 cocaine and heroin together? 15:28:49

11 A Yes, it was. 15:28:51

12 Q And did certain buildings sell crack 15:28:52

13 cocaine and others sell heroin or did -- were they 15:28:55

14 both sold at all the buildings? 15:28:58

15 MR. KOSOKO: Objection; form, foundation. 15:29:02

16 A As I'm sitting here today, I don't 15:29:03

17 remember exactly; but I'm certain that at some 15:29:07

18 point in time crack cocaine and heroin were sold 15:29:09

19 at the same time in probably numerous of the 15:29:14

20 buildings. 15:29:16

21 Q Yeah. All the buildings wasn't -- that 15:29:17

22 was not a great question actually. 15:29:19

23 Do you remember the name Ricki Lake as a 15:29:20

24 drug term? 15:29:29

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A Now that you've mentioned it, yes. 15:29:30

2 Q And what did Ricki Lake signify? 15:29:32

3 A That was one of the drugs that was sold 15:29:36

4 there. 15:29:39

5 Q Do you remember -- sorry, go ahead. 15:29:39

6 A I was about to say as of this moment, as 15:29:40

7 of today, I don't recall if it was for heroin or 15:29:43

8 crack cocaine, but I do remember hearing that 15:29:46

9 name. 15:29:52

10 Q Was there a particular location or 15:29:52

11 locations in Ida B. Wells buildings where drugs 15:29:54

12 were sold, meaning like in the lobby, inside 15:30:00

13 apartments, outside the buildings? 15:30:02

14 MR. KOSOKO: Objection; form, foundation. 15:30:05

15 A From the best of my memory and my 15:30:08

16 experience, it was sold in numerous locations. It 15:30:09

17 could have been sold in the lobbies. It could 15:30:13

18 have been sold within the stairwells, and 15:30:15

19 definitely as well as other people's apartments. 15:30:18

20 Q Were there locations at the third-floor 15:30:21

21 landing where you could -- at 559 Browning -- I'm 15:30:27

22 sorry -- at 575 Browning -- I'll start that 15:30:31

23 question over. 15:30:35

24 Were there locations at the third-floor 15:30:35

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 landing at 575 Browning where you could stand and 15:30:37
2 observe drugs being sold without being seen? 15:30:42
3 A Like I said, sitting here today, from the 15:30:45
4 best of my memory, I don't recall. It's been many 15:30:50
5 years ago, and those buildings have been torn 15:30:53
6 down. And I don't remember the layouts of each 15:30:55
7 one of the buildings. 15:30:57
8 Q Do you remember any buildings where you 15:30:58
9 could stand at the third-floor landing and observe 15:31:02
10 drugs being sold without being seen? 15:31:06
11 A I'm certain it could have been, but, like 15:31:08
12 I said, I do not recall at this present moment. 15:31:11
13 Q What was the process for inventorying 15:31:14
14 drugs and money that you seized when you were a 15:31:25
15 member of the Watts tac team? 15:31:28
16 A I don't understand your question. 15:31:32
17 Q Well, so you confiscated drugs or 15:31:34
18 suspected narcotics money from people. 15:31:38
19 What did you do with that -- with the 15:31:40
20 drugs or the money? 15:31:42
21 A In the 2nd District, there was a separate 15:31:42
22 safe for both. There was a safe where you'd place 15:31:45
23 the money, and there was a safe where you would 15:31:47
24 place the narcotics. 15:31:50

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 From the best of my memory, the narcotics 15:31:51
2 was sent to the evidence and recovery property 15:31:53
3 section or the Illinois State -- the Illinois 15:31:57
4 State Police Crime Lab for forensic tests, and the 15:32:01
5 money went to the evidence and recovery property 15:32:05
6 section. 15:32:08

7 Q And did you personally bring the money or 15:32:08
8 the drugs there when you confiscated that? 15:32:12

9 A No. The money that was sent to ERPS, it 15:32:17
10 had to be over a specific number, a specific 15:32:20
11 amount to be hand carried to the evidence and 15:32:23
12 recovery property section. 15:32:28

13 And at this moment, I don't recall what 15:32:30
14 the amount is. I don't recall for certain. It's 15:32:32
15 been many years ago since I've made any narcotics 15:32:35
16 arrests, but I believe it would have to be over 15:32:38
17 \$5,000. 15:32:41

18 Q What did you do with the money if it was 15:32:41
19 less than \$5,000? 15:32:44

20 A It was placed in the safe inside the 15:32:45
21 2nd District. 15:32:49

22 Q Where was the safe located in the 2nd 15:32:49
23 District? 15:32:51

24 A Usually that was in the -- near the front 15:32:51

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 desk inside the 2nd District. 15:32:54

2 Q Could you go and put money in the safe on 15:32:57

3 your own? 15:33:00

4 A You had to get a key from the desk 15:33:01

5 sergeant. 15:33:03

6 Q And was there any written record kept of 15:33:03

7 when the key was given out? 15:33:08

8 A To the best of my memory, yes. 15:33:10

9 Q Did you have to sign for it? 15:33:11

10 A Yes, from the best of my knowledge. 15:33:12

11 Q Did you sign something on paper? 15:33:13

12 A Yes, I believe so. I don't have a clear 15:33:15

13 memory, but I believe so. 15:33:18

14 MR. RAUSCHER: Actually, just give us a 15:33:46

15 second. 15:33:47

16 MR. FLAXMAN: Can we just go off the 15:34:01

17 record for a second. 15:34:04

18 THE VIDEOGRAPHER: What was that? 15:34:08

19 MR. FLAXMAN: We're just going off the 15:34:09

20 record briefly. 15:34:09

21 THE VIDEOGRAPHER: Off the record, 3:34. 15:34:19

22 (A recess was taken from 3:34 p.m. to 15:34:19

23 3:42 p.m.) 15:34:19

24 THE VIDEOGRAPHER: Back on the record, 15:42:07

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 3:42. 15:42:08

2 BY MR. RAUSCHER: 15:42:08

3 Q Do you remember Jamell Sanders? 15:42:10

4 A At this moment, not offhand. 15:42:13

5 Q Did you ever harass Jamell Sanders? 15:42:15

6 A I never harassed anyone that I recall. 15:42:19

7 Q Do you remember an Ida B. Wells resident 15:42:21

8 or someone who was around Ida B. Wells nicknamed 15:42:35

9 No Neck? 15:42:38

10 A Yes, I do. 15:42:39

11 Q Do you remember that person's name? 15:42:40

12 A Without looking at a report, not offhand, 15:42:43

13 no. 15:42:46

14 (Smith Deposition Exhibit 12 marked for 15:42:46

15 identification and attached to the transcript.) 15:42:46

16 Q All right. We're going to mark 15:42:46

17 Exhibit 12, DO-JOINT 006042 to 006046. 15:42:49

18 Have you had a chance to look at this 15:42:54

19 report? 15:44:00

20 A Yes, I did. 15:44:00

21 Q After looking at this, do you recognize 15:44:01

22 the person pictured in the top-right corner of the 15:44:03

23 first page? 15:44:07

24 A I do now. 15:44:07

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q Okay. Did he have a nickname? 15:44:09

2 A I don't know if that was his nickname 15:44:11

3 associated by residents or people who hung out in 15:44:15

4 Ida B. Wells, but he was known as -- by members of 15:44:20

5 my team as No Neck. 15:44:24

6 Q Why did your team call him No Neck? 15:44:25

7 A Because it looked like he didn't have a 15:44:28

8 neck. 15:44:31

9 Q Was that a derogatory term? 15:44:31

10 A Perhaps. 15:44:34

11 Q It was a derogatory term; right? 15:44:34

12 MR. STEFANICH: Objection; asked and 15:44:38

13 answered. 15:44:38

14 A If he wants to call it that, yes. 15:44:40

15 Q Well, it wasn't supposed to be a 15:44:42

16 compliment, was it? 15:44:45

17 A No. 15:44:46

18 Q Do you remember having any interactions 15:44:46

19 with him over the years? 15:44:50

20 A Other than him being involved with some 15:44:51

21 type of form of narcotics activities, no, I do 15:44:56

22 not. 15:44:59

23 Q Do you remember him being involved in any 15:44:59

24 narcotics activities? 15:45:02

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A Based off of my memory, I don't know of me 15:45:03
2 personally, but I do remember hearing from other 15:45:07
3 members of the 264 team that he was involved in 15:45:10
4 drugs. 15:45:12

5 Q What did they tell you about him? 15:45:13

6 A From the best of my memory, I believe that 15:45:15
7 he sold drugs. 15:45:17

8 Q Did you or other members of the team ever 15:45:18
9 steal juice from him? 15:45:25

10 A No. 15:45:27

11 Q Did you ever call him No Neck? 15:45:27

12 A No, not that I'm aware of. 15:45:29

13 Q Did you ever hear anyone on your team call 15:45:32
14 him No Neck? 15:45:35

15 A I remember hearing the name, but I don't 15:45:36
16 remember who specifically called him No Neck. 15:45:39

17 Q Do you remember hearing someone say it 15:45:41
18 to him? 15:45:45

19 A Sitting here today, I don't recall if I 15:45:45
20 did or -- if I did or did not. 15:45:48

21 Q Would you consider it harassment to call a 15:45:48
22 civilian No Neck as a derogatory term? 15:45:54

23 A If that was the term used toward him, 15:45:58
24 probably so; but looking over this report, I don't 15:46:03

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1 see my name listed in this report anywhere. 15:46:09

2 Q Yeah. Your name is not listed in this 15:46:09

3 report. 15:46:09

4 So I was going to ask do you have any 15:46:12

5 recollection of dealing with Jamell Sanders 15:46:15

6 at all? 15:46:17

7 A As I'm sitting here today, I can't say for 15:46:18

8 certain, but I'm sure I probably have had some 15:46:21

9 type of interaction with Mr. Sanders. 15:46:25

10 Q Do you have any recollection of being 15:46:27

11 involved in any arrests of Mr. Sanders? 15:46:29

12 A As I'm sitting here today, no, I do not. 15:46:31

13 Q Do you know who Marcus Gibbs is? 15:46:33

14 A Sitting here today offhand without looking 15:47:05

15 at a photo or a report, I don't recall. 15:47:10

16 Q Would you agree that even if you knew in 15:47:13

17 your heart, you believed someone was a drug 15:47:18

18 dealer, it would not be appropriate for a police 15:47:21

19 officer to create a false report attributing drugs 15:47:23

20 to that person? 15:47:26

21 A Yes, I do. 15:47:27

22 (Smith Deposition Exhibit 13 marked for 15:47:27

23 identification and attached to the transcript.) 15:47:29

24 Q We're going to mark Exhibit 13 DO-JOINT 15:47:29

Transcript of Elsworth Smith, Jr.
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1 005272 to 005276. 15:47:35

2 Are you aware of any police officers 15:47:44

3 creating false reports attributing drugs to people 15:47:46

4 that those people didn't have? 15:47:51

5 A To the best of my knowledge, no. 15:47:52

6 Q You had a chance to look at this report. 15:47:54

7 A Yes, I have. 15:48:53

8 Q Do you recognize the person in the picture 15:48:54

9 in the top right-hand corner of the first page? 15:48:56

10 A I do now. 15:48:58

11 Q And does seeing that picture refresh your 15:48:59

12 recollection about Marcus Gibbs? 15:49:01

13 A Yes. 15:49:04

14 Q How does it refresh your recollection 15:49:04

15 about Marcus Gibbs? 15:49:06

16 A I remember from either Sergeant Watts or 15:49:07

17 possibly other members of the 264 team that he was 15:49:12

18 involved in some type of drug activity in the 15:49:15

19 Ida B. Wells. 15:49:17

20 Q What do you remember about him being 15:49:17

21 involved in drug activity in Ida B. Wells? 15:49:21

22 A I don't recall specifically. 15:49:23

23 Q Is 5422 South Seeley Avenue in Chicago in 15:49:24

24 Ida B. Wells? 15:49:29

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A To the best of my knowledge, I do not 15:49:30
2 believe so. 15:49:35

3 Q Do you know where that -- where 5422 South 15:49:35
4 Seeley Avenue is? 15:49:39

5 A Just looking at this report now, that's 15:49:40
6 Beat 932. 15:49:43

7 Q And where did Beat 932 cover in 2007? 15:49:45

8 A I don't know the district boundaries of 15:49:50
9 the 9th District. 15:49:53

10 Q But not the 2nd District? 15:49:54

11 A No. It states here that that would be in 15:49:56
12 the 9th District, Beat 932. 15:50:00

13 Q And do you remember who on your team told 15:50:02
14 you that Marcus Gibbs was involved in the drug 15:50:10
15 trade? 15:50:14

16 A As of today, I don't recall specifically 15:50:14
17 who told me. 15:50:16

18 Q Can you narrow it down at all? 15:50:17

19 A No, I cannot. 15:50:20

20 Q Did you ever tell members of your team 15:50:21
21 that people were involved in the drug trade? 15:50:23

22 A As I'm sitting here today, I don't recall 15:50:25
23 if I did or did not. 15:50:27

24 Q Do you remember anything about Marcus 15:50:29

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Gibbs arrest on January 7, 2007? 15:50:36

2 A As of -- sitting here today, no. 15:50:39

3 Q After you read the report, was your 15:50:41

4 recollection refreshed? 15:50:48

5 A No, it was not. 15:50:48

6 Q Looking at the report, can you tell what 15:50:49

7 you did or didn't observe? 15:50:52

8 A Looking at this report, no, it does not. 15:50:53

9 Q Can you tell why you're listed as the 15:50:56

10 second arresting officer? 15:50:59

11 A Other than just looking at this report, 15:51:00

12 no. It just states that I was working 264. 15:51:03

13 Probably because I was partnered with Alvin Jones. 15:51:07

14 Q The report says you're the second 15:51:09

15 arresting officer, but it doesn't say why you're 15:51:14

16 listed in that role; correct? 15:51:16

17 A No, it does not. 15:51:18

18 Q The report looks like it says that there 15:51:20

19 was a pursuit with A/O. 15:51:27

20 Is that arresting officer? 15:51:30

21 A Yes. 15:51:35

22 Q That one is not plural; correct? 15:51:35

23 A In this report, no, it is not. 15:51:36

24 Q Does that mean that only Jones pursued? 15:51:38

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A Well, I have no -- 15:51:41

2 MR. STEFANICH: Objection; foundation. 15:51:41

3 A Well, I have no idea because I don't 15:51:43

4 recall authoring this report, and it does not -- 15:51:47

5 it does not specify in the report. 15:51:50

6 (Smith Deposition Exhibit 14 marked for 15:51:50

7 identification and attached to the transcript.) 15:51:50

8 BY MR. RAUSCHER: 15:51:50

9 Q All right. Let's mark the vice case 15:51:56

10 report as Exhibit 14. That's CITY-BG-031447 to 15:51:58

11 448. 15:52:04

12 Do you recognize this document? 15:52:05

13 A Yes, I do. 15:52:58

14 Q Is your name in Box 46? 15:53:00

15 A Yes, it is. 15:53:04

16 Q And is your signature below Box 46? 15:53:06

17 A Yes, it is. 15:53:11

18 Q Does that look like it's your signature in 15:53:12

19 your handwriting, or did someone else sign that 15:53:14

20 for you? 15:53:18

21 A It looks like my handwriting. 15:53:18

22 Q And what about the signature to the left? 15:53:21

23 Is that your handwriting or someone else's 15:53:23

24 handwriting? 15:53:26

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A I'm not certain. That doesn't look it's 15:53:26
2 in Alvin Jones' handwriting. 15:53:29

3 Q It looks like Alvin Jones' handwriting? 15:53:31

4 A Like I said, I don't recall that it looks 15:53:34
5 like his handwriting. 15:53:36

6 Q Did Jones ever authorize you to sign for 15:53:37
7 him on a report? 15:53:40

8 A I can't speak for Officer Jones; but if 15:53:41
9 I've authorized him to sign for myself, then he 15:53:45
10 may have authorized me to sign for him. 15:53:48

11 Q Do you see in here, it says, "As R/Os 15:53:51
12 arrived at the above location, R/O observed the 15:54:02
13 offender start to run toward the above location." 15:54:05

14 A Yes. 15:54:08

15 Q Do you know what that means? 15:54:09

16 A In the way this is written, no. It 15:54:10
17 appears it might be some type of unintentional 15:54:22
18 error. 15:54:25

19 Q It says -- it looks like -- is it saying 15:54:25
20 that as you and Officer Jones arrived at 559 East 15:54:27
21 Browning, Mr. Gibbs ran toward 559 East Browning? 15:54:33

22 A As I said, in this report, I can't make 15:54:38
23 out -- I don't recall what -- what happened and 15:54:43
24 can't make it out based on this writing. 15:54:46

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Conducted on February 17, 2020

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1 Q It probably was not the case that as you 15:54:48
2 got to the building, Gibbs ran to the building; 15:54:53
3 right? 15:54:56

4 A Like I said, not having a memory of the 15:54:56
5 incident, I can't state as of today. 15:54:59

6 Q You see there's a reference to R/O giving 15:55:01
7 chase as the offender ran up the stairs to the 15:55:08
8 sixth floor? 15:55:11

9 A Yes, I do. 15:55:12

10 Q Who ran up the stairs? 15:55:13

11 A Sitting here today, I don't know. 15:55:15

12 Q Why doesn't it say which R/O ran up the 15:55:18
13 stairs? 15:55:22

14 MR. STEFANICH: Objection; foundation. 15:55:22

15 A I have no clue. Sitting here today, I 15:55:24
16 couldn't answer that question. 15:55:26

17 Q You signed the report with your 15:55:27
18 handwriting; right? 15:55:29

19 A It appears to be my handwriting. That is 15:55:30
20 correct. 15:55:32

21 Q Why didn't you insist that it said who 15:55:32
22 did what? 15:55:36

23 A Sitting here today, I could not give you 15:55:37
24 an answer. 15:55:39

Transcript of Elsworth Smith, Jr.
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1 Q Do you remember ever seeing Al Jones run 15:55:40
2 up six flights after a suspect? 15:55:46
3 A Sitting here as of today, I don't recall. 15:55:49
4 Q Do you remember yourself chasing anybody 15:55:50
5 up six flights of stairs ever? 15:55:53
6 A Again, I don't recall. It wouldn't be 15:55:56
7 uncommon. 15:56:11
8 Q You commonly chased people up six flights 15:56:11
9 of stairs and arrested them? 15:56:16
10 A I'm not saying that it is, but I'm not 15:56:17
11 saying that it would be uncommon or oncommon. It 15:56:19
12 could have happened. If it's described in this 15:56:21
13 report, I have no doubt that this information in 15:56:24
14 this report is factual. 15:56:28
15 Q So you think you commonly chased people up 15:56:29
16 six flights of stairs and arrested them, but you 15:56:33
17 don't remember? 15:56:35
18 MR. MICHALIK: Objection; form. 15:56:36
19 MR. STEFANICH: Mischaracterizes his 15:56:37
20 testimony. 15:56:38
21 A That's not what I said, sir. 15:56:39
22 Q All right. I don't mean to 15:56:39
23 mischaracterize it. That's how I heard it. 15:56:41
24 So can you tell me what you mean? 15:56:43

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1 A No. I'm saying it would not be uncommon 15:56:44
2 for a police officer to chase anyone up six 15:56:46
3 flights of stairs. We did have to pass -- we do 15:56:48
4 have to pass physical fitness tests to get onto 15:56:50
5 this job, so. And at that time, I was much 15:56:54
6 younger, and I was in better shape than I am now. 15:56:58

7 Q So we agree that it is physically possible 15:57:01
8 for you to run up six flights of stairs. 15:57:03

9 But the question is do you remember ever 15:57:04
10 doing that and arresting anybody? 15:57:05

11 A As I stated before, I do not have any 15:57:07
12 memory of this particular arrest on this date, on 15:57:10
13 January 7th, 2007. 15:57:12

14 Q Do you remember ever chasing anybody up 15:57:14
15 six flights of stairs, while you were on the Watts 15:57:16
16 team, and then arresting them? 15:57:19

17 A I don't remember chasing anybody up six 15:57:20
18 flights of steps -- stairs, from the best of my 15:57:24
19 memory, but I do remember chasing people up the 15:57:27
20 steps, and I couldn't tell you how many floors 15:57:29
21 I've chased them. 15:57:31

22 Q Two? Three? One? 15:57:31

23 A I could not give you an answer on how many 15:57:32
24 steps or stairwells that I've chased them up, but 15:57:35

Transcript of Elsworth Smith, Jr.
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1 I do remember chasing people up stairs. 15:57:37

2 Q Do you remember ever chasing anybody on 15:57:39

3 more than one flight of stairs? 15:57:41

4 A Again, sir, I could not tell you how many 15:57:43

5 flights of steps I have chased an offender up the 15:57:46

6 steps. I have chased many people during my time 15:57:48

7 as a police officer whether I was assigned to the 15:57:52

8 tactical unit or in regular patrol. And I can't 15:57:54

9 give you an exact number of how many people I have 15:57:57

10 chased, but I have chased many people. 15:57:59

11 Q Do you ever remember chasing anybody while 15:58:01

12 you were working in the Ida B. Wells development 15:58:04

13 from lobby up to the top of the building? 15:58:07

14 A As I sit here today, I do not. 15:58:10

15 Q Okay. Do you ever remember seeing Jones 15:58:13

16 chase someone from the lobby to the top of the 15:58:17

17 building at Ida B. Wells? 15:58:20

18 A Again, sitting here today, I do not. 15:58:21

19 Q Do you know who Andre McNairy is? 15:58:27

20 A At the present moment, I do not. 15:58:33

21 Q Do you remember being involved in 15:58:36

22 arresting Andre McNairy? 15:58:39

23 A To the best of my memory right as of now, 15:58:43

24 I do not recall. 15:58:46

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1	(Smith Deposition Exhibit 15 marked for	15:58:46
2	identification and attached to the transcript.)	15:58:47
3	Q All right. Let's mark Exhibit 15,	15:58:47
4	DO-JOINT 005795 to 99.	15:58:50
5	MR. KOSOKO: This is 15, Scott?	15:59:35
6	MR. RAUSCHER: I'm sorry. What?	15:59:38
7	MR. KOSOKO: This is 15?	15:59:40
8	MR. RAUSCHER: 15, yeah.	15:59:40
9	Q Have you had a chance to review this	16:00:33
10	document?	16:00:35
11	A Yes, I have.	16:00:35
12	Q Do you recognize the person pictured in	16:00:36
13	the top right-hand corner of the first page?	16:00:38
14	A No, I do not.	16:00:40
15	Q Does seeing this document refresh your	16:00:41
16	recollection as to whether you were involved in	16:00:45
17	arresting Andre McNairy on September 15, 2008?	16:00:46
18	A No, it does not, other than seeing my name	16:00:50
19	as an assisting officer.	16:00:53
20	Q And seeing your name as an assisting	16:00:55
21	officer doesn't tell you what role, if any, you	16:00:57
22	had in the arrest; correct?	16:01:00
23	A No, it does not.	16:01:01
24	Q So as you sit here today, you can't tell	16:01:02

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1 us what role you had in arresting Mr. McNairy. 16:01:05
2 A At the present moment, no. 16:01:08
3 Q Are there any documents that you can think 16:01:10
4 of that would help refresh your recollection about 16:01:12
5 this arrest of Mr. McNairy or any of the other 16:01:14
6 specific arrests we talked about today? 16:01:17
7 A Not at the present moment. 16:01:20
8 Q Where is 657 East 40th Street? 16:01:22
9 A 657 East 40th Street -- to the best of my 16:01:37
10 memory, that was the Washington Park Homes. 16:01:44
11 (Smith Deposition Exhibit 16 marked for 16:01:44
12 identification and attached to the transcript.) 16:01:47
13 Q I'm going to mark I think one more 16:01:47
14 exhibit, 16, DO-JOINT 005805 to 5807. 16:02:03
15 Do you see the narrative here talks about 16:02:09
16 a premise check? 16:03:14
17 A Yes. 16:03:17
18 Q What's a premise check? 16:03:17
19 A To the best of my memory, you would do 16:03:19
20 a -- would walk down checking premises or the -- 16:03:25
21 of that area. 16:03:27
22 Q Did premise checks often result in 16:03:30
23 arrests? 16:03:34
24 A Sometimes, yes, to the best of my memory. 16:03:34

Transcript of Elsworth Smith, Jr.
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1 Q Did sometimes premise checks not result in 16:03:36
2 arrests? 16:03:41

3 A I'm sure they probably did. 16:03:42

4 Q Do you know who Jose Lopez is, the 16:03:44
5 approving supervisor on this report? 16:03:47

6 A To the best of my knowledge, I believe he 16:03:49
7 was a sergeant at the 2nd District. I can't -- I 16:04:01
8 don't recall exactly. 16:04:04

9 Q Do you recall ever working with him? 16:04:04

10 A To the best of my knowledge, at this 16:04:06
11 present time, no, I do not. 16:04:08

12 Q Do you know why Watts is listed as the 16:04:10
13 supervisor on scene, but he's not one of the 16:04:12
14 approving supervisors? 16:04:15

15 A No, I do not. 16:04:16

16 Q Do you know what it means to say he's the 16:04:17
17 supervisor on scene? 16:04:20

18 A That he was on scene from -- based off of 16:04:21
19 what this report said. 16:04:26

20 Q When it says that this is an on-view 16:04:27
21 arrest by 264 housing tactical team, do you know 16:04:30
22 who that refers to? 16:04:34

23 A In the narrative -- by reading the 16:04:36
24 narrative, no. The only way I would know who the 16:04:41

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1	arresting officers were if I read -- went down	16:04:45
2	further, the first arresting officer was Doug	16:04:48
3	Nichols, and the second arresting officer was	16:04:52
4	Manny Leano.	16:04:54
5	Q And you see there's a number of suspects	16:04:56
6	listed in the report?	16:05:00
7	A Yes.	16:05:01
8	Q Do you know who any of those other people	16:05:03
9	are?	16:05:06
10	A No, I do not.	16:05:06
11	Q And does looking at this report refresh	16:05:07
12	your recollection at all about the events of	16:05:13
13	September 15, 2008?	16:05:15
14	A No. Because I'm listed as an assisting	16:05:17
15	officer. I don't recall.	16:05:20
16	Q Do you know how -- well, have you heard	16:05:21
17	the phrase or used the phrase "case officer"?	16:05:32
18	A I don't believe I'm familiar with it.	16:05:35
19	Q How did you decide or did you decide who	16:05:39
20	of the team would testify at trial in a criminal	16:05:44
21	proceeding extending from one of your arrests?	16:05:48
22	MR. KOSOKO: Objection; form of the	16:05:52
23	question.	16:05:53
24	A Like I said -- I stated earlier, it	16:05:54

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1 depends on who witnessed the -- made the 16:05:55
2 observation at the time of the arrest or probably 16:05:57
3 made the recovery, if there was a recovery, 16:06:01
4 involved with the arrest. 16:06:02

5 BY MR. RAUSCHER: 16:06:02

6 Q Would it ever be the case that someone who 16:06:05
7 didn't witness anything would testify? 16:06:09

8 A Offhand I can't recall, but I'm certain 16:06:11
9 there might have been a time. 16:06:13

10 Q And why would it be the case that someone 16:06:15
11 who didn't witness any of the events would be the 16:06:18
12 person testifying? 16:06:20

13 A I have no clue. Sitting here today, I 16:06:22
14 have no answer. 16:06:25

15 Q Would it be appropriate to testify as to 16:06:26
16 what somebody else saw without saying that you 16:06:28
17 were explaining what somebody else saw? 16:06:34

18 MR. MICHALIK: Objection; form, 16:06:34
19 foundation. 16:06:34

20 A I don't understand your question. 16:06:37

21 Q Say, you were the one testifying in a 16:06:39
22 criminal case, would it be appropriate to get up 16:06:39
23 there and say Offender X did these three things 16:06:40
24 even if you didn't see any of them? 16:06:45

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1 MR. MICHALIK: Objection; form. 16:06:47

2 MR. KOSOKO: Objection; form, also 16:06:48

3 incomplete hypothetical. If he says fine and 16:06:51

4 agrees to your prelim, then that might be 16:06:55

5 appropriate versus something else. 16:06:57

6 MR. FLAXMAN: Why don't you let the 16:07:01

7 witness answer the question. 16:07:02

8 A Are you asking me if I -- would it be 16:07:05

9 acceptable for me to testify to something that I 16:07:08

10 did not witness? 16:07:10

11 Q Yes. 16:07:11

12 A Based off of that question, no. If I 16:07:12

13 didn't witness something, I wouldn't have 16:07:16

14 testified. 16:07:17

15 MR. RAUSCHER: I don't have any other 16:07:20

16 questions for today. 16:07:21

17 (An off-the-record discussion was held.) 16:07:21

18 EXAMINATION BY COUNSEL FOR CERTAIN PLAINTIFFS 16:07:21

19 BY MR. FLAXMAN: 16:07:21

20 Q Good afternoon. 16:07:52

21 A Good afternoon. 16:07:53

22 Q My name is Joel Flaxman. I'm going to ask 16:07:53

23 you a few questions about some other arrests. 16:07:55

24 Do you understand that? 16:07:57

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1 A Yes, sir. 16:07:58

2 Q Okay. We've been here for a long time 16:07:58

3 today. 16:07:58

4 Are you still comfortable answering 16:08:02

5 questions? 16:08:03

6 A Yes, sir. Yes, I am. 16:08:03

7 Q Okay. There's nothing now or earlier that 16:08:04

8 would make it hard for you to truthfully and 16:08:11

9 accurately answer questions; right? 16:08:14

10 A No. There would not be. 16:08:16

11 Q Okay. I wanted to ask you about the 16:08:17

12 arrest of Jessie Lockett on May 12th, 2005. 16:08:29

13 Do you remember that arrest? 16:08:34

14 A Yes. I somewhat remember that arrest. 16:08:35

15 Q What do you remember? 16:08:38

16 A That he was arrested for UUW. 16:08:39

17 THE REPORTER: What was that? 16:08:39

18 THE WITNESS: For a UUW. 16:08:45

19 Q Okay. And what's UUW? 16:08:47

20 A Unlawful -- what are the acronyms? 16:08:47

21 Unlawful use of a weapon. 16:08:51

22 Q Did you arrest Mr. Lockett? 16:08:53

23 A Yes, I did. 16:08:55

24 Q And what happened before you arrested him? 16:08:56

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1 A To the best of my knowledge, if I recall, 16:08:58
2 on that -- I don't remember what the date or time 16:09:05
3 was. There was a call at some point in time -- a 16:09:08
4 call shots fired. We responded to the call for 16:09:10
5 shots fired. 16:09:14
6 We received information from an anonymous 16:09:15
7 source that the possible shooter was someone that 16:09:21
8 went by the street name JJ. 16:09:24
9 To the best of my memory, having knowledge 16:09:25
10 of JJ, Jessie Lockett, his whereabouts, where he 16:09:28
11 hung out at, we relocated to the area. I can't 16:09:34
12 remember exactly what I stated in the report 16:09:37
13 without looking at it but I believe we -- myself 16:09:39
14 and Sergeant Watts relocated to 37th and 16:09:41
15 Vincennes. 16:09:45
16 At that time we -- as we were approaching 16:09:46
17 Jessie Lockett, we observed him standing with a 16:09:49
18 group of other individuals. At that time, as we 16:09:52
19 were approaching him, myself or Sergeant Watts 16:09:55
20 announced our office and I believe after -- 16:09:58
21 shortly after that, Jessie Lockett began to flee. 16:10:02
22 And at that point in time, I pursued him 16:10:07
23 on foot, and Sergeant Watts followed him in the 16:10:11
24 police vehicle. After a short foot pursuit, he 16:10:14

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1 was apprehended by Sergeant Watts, and I recovered 16:10:19
2 a weapon, I don't recall what make and model, and 16:10:21
3 then he was placed in custody and advised of his 16:10:25
4 Miranda rights. 16:10:30

5 Q And did you create a report for that 16:10:30
6 arrest? 16:10:34

7 A From the best of my knowledge, yes, I did. 16:10:34

8 Q Did you also testify in court proceedings 16:10:36
9 about Mr. Lockett? 16:10:39

10 A I don't recall, but I'm certain I probably 16:10:40
11 did. 16:10:43

12 Q Why are you certain? 16:10:43

13 A If it went to trial, then I probably did 16:10:44
14 testify. 16:10:47

15 Q Why are you sure that you would have been 16:10:47
16 the one to testify? 16:10:50

17 A If I'm not mistaken, I believe I was 16:10:51
18 listed as the first arresting officer. 16:10:53

19 Q And that was the usual practice, that the 16:10:55
20 first arresting officer would testify? 16:10:58

21 A Yes. 16:10:59

22 Q Going back to the -- your recollections, 16:10:59
23 the first thing I think you said was that there 16:11:03
24 was a call of shots fired. 16:11:05

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1 A As I sit here today, no, I do not. 16:11:58

2 Q Okay. And did whoever got that 16:12:01

3 information get it from somebody near the location 16:12:03

4 where the call came from? 16:12:06

5 A Sitting here today, I don't recall, but 16:12:07

6 perhaps it was in that area. 16:12:11

7 Q Did you have any knowledge of Jessie 16:12:12

8 Lockett before this incident? 16:12:21

9 A Sitting here today, I don't recall at the 16:12:23

10 time; but if I stated that in my report, which I 16:12:27

11 believe I did, I probably did have prior knowledge 16:12:30

12 to Jessie Lockett at that time. 16:12:32

13 Q Based on what's in your report, you 16:12:33

14 believe you did have prior knowledge -- 16:12:37

15 A Yes. I don't have a copy of my report 16:12:37

16 right here, and I don't recall, and I don't 16:12:40

17 remember what date that arrest occurred. 16:12:41

18 Q So were you present at the location of 16:12:45

19 where the call of shots fired came from? 16:13:06

20 A Present where? 16:13:09

21 Q Well, I believe you said that officers 16:13:11

22 relocated to where the call of shots fired was; is 16:13:13

23 that right? 16:13:17

24 A I said we responded to an area. I believe 16:13:17

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1 that's what I stated. 16:13:19

2 Q Okay. 16:13:19

3 A Like I say, without my reports in front of 16:13:21

4 me, I don't recall specifically. But there was a 16:13:23

5 call of shots fired, I believe, that I reported. 16:13:24

6 Q And got some information at that location; 16:13:27

7 correct? 16:13:29

8 A Yes. 16:13:29

9 Q And then you went to the location where 16:13:29

10 you believe that JJ would be hanging out; right? 16:13:32

11 A Yes. 16:13:36

12 Q Do you know how far apart those two 16:13:37

13 locations were? 16:13:40

14 A Sitting here today, I do not recall. 16:13:41

15 Q Do you know how you traveled from one 16:13:43

16 location to the second? 16:13:46

17 A Again, I don't have knowledge; but as 16:13:46

18 stated in the report, I would assume that it was 16:13:49

19 by -- we were in the squad car. 16:13:52

20 Q Okay. Do you know who was in the squad 16:13:54

21 car with you? 16:13:56

22 A Yes. 16:13:56

23 Q Who was in the squad car with you? 16:13:57

24 A Sergeant Watts. 16:13:59

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1 Q And just you and Sergeant Watts? 16:13:59
2 A Yes. 16:14:02
3 Q Okay. 16:14:02
4 A To the best of my memory, yes. 16:14:03
5 Q Who was driving? 16:14:05
6 A Sergeant Watts was. 16:14:06
7 Q Okay. How often were you in a squad car 16:14:07
8 with only Sergeant Watts? 16:14:10
9 A I don't recall how many times I have 16:14:10
10 been -- worked with Sergeant Watts. 16:14:13
11 Q Was he your partner that day? 16:14:14
12 A I don't recall. Perhaps he was. 16:14:17
13 Q So even though he was the sergeant, there 16:14:19
14 were some days where you would consider him your 16:14:22
15 partner? 16:14:24
16 A Yes. 16:14:25
17 Q How often would that happen? 16:14:25
18 A Again, I couldn't give you an exact 16:14:27
19 guesstimate or how many times I actually worked 16:14:31
20 with Sergeant Watts. But I know from that 16:14:33
21 particular day, because I remember this incident, 16:14:36
22 that I was with Sergeant Watts. 16:14:40
23 Q You said that you got out of the vehicle 16:14:41
24 and pursued Mr. Lockett on foot; is that right? 16:14:45

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1 A Yes, I did. 16:14:48

2 Q And how far did you pursue him? 16:14:49

3 A I don't know. It was a short foot 16:14:50

4 pursuit. 16:14:53

5 Q Okay. And I think you said that it was 16:14:53

6 Sergeant Watts who actually got Mr. Lockett? 16:14:55

7 A Yes, he did. 16:14:58

8 Q Okay. How did he get him? Did he tackle 16:14:59

9 him? 16:15:02

10 A I didn't see the apprehension of Jessie 16:15:02

11 Lockett. All I know, that he was apprehended by 16:15:05

12 Sergeant Watts. 16:15:08

13 Q Where were you when he was apprehended? 16:15:08

14 A I was running through the set of row 16:15:11

15 houses which Jessie was fleeing through. 16:15:14

16 Q So how did you learn that Sergeant Watts 16:15:17

17 apprehended him? 16:15:20

18 A Because when I caught up to -- finally got 16:15:21

19 up to catching JJ, he was already in custody. 16:15:24

20 Q Do you know if Mr. Lockett fell to the 16:15:28

21 ground before Sergeant Watts apprehended him? 16:15:39

22 A At this time, I don't recall exactly, but 16:15:43

23 I believe he was on the ground. 16:15:47

24 Q But you don't know how he got there? 16:15:48

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1 A Sitting here at this moment, I do not 16:15:50
2 recall. 16:15:52

3 Q Was he on the ground when you first saw 16:15:52
4 him in custody? 16:15:55

5 A Yes. 16:15:56

6 Q Was he in -- 16:15:56

7 A From the best of my knowledge, he was. 16:15:57

8 Q Was he in handcuffs? 16:15:58

9 A Yes, he was. 16:16:00

10 Q Okay. Was he on his stomach? 16:16:00

11 A From the best of my knowledge, yes, he was. 16:16:02

12 Q And Sergeant Watts was there? 16:16:04

13 A Yes, he was. 16:16:06

14 Q Were any other officers there? 16:16:07

15 A From my -- the best of my memory, I don't 16:16:08
16 recall. I'm certain at some point in time -- the 16:16:11
17 officers did arrive at some point in time. 16:16:14

18 Q Were any other officers there before you 16:16:16
19 arrived other than Sergeant Watts? 16:16:19

20 A From the best of my memory, no. 16:16:20

21 Q Did you recover a weapon? 16:16:22

22 A Yes, I did. 16:16:36

23 Q When did you recover the weapon? 16:16:37

24 A I think after Jessie Lockett was placed in 16:16:40

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1 custody. 16:16:44

2 Q Had you seen that weapon before? 16:16:44

3 A Sitting here, yes, I did while I was 16:16:46

4 chasing him. 16:16:53

5 Q Okay. What did you see while you were 16:16:53

6 chasing him? 16:16:56

7 A As I -- from what I recall, and I think 16:16:57

8 it's stated in my report, but I don't have my 16:16:58

9 report in front of me -- stated as I was chasing 16:17:00

10 him, I saw him reach underneath his sweatshirt and 16:17:03

11 pull a handgun out and start running with it by 16:17:08

12 his side. 16:17:12

13 Q That was before you lost sight of 16:17:13

14 Mr. Lockett? 16:17:19

15 A Yes, it was. 16:17:20

16 Q Did you ever take out your weapon while 16:17:21

17 you were chasing Mr. Lockett? 16:17:24

18 A Yes, I did. 16:17:25

19 Q Why did you do that? 16:17:25

20 A Because I observed him with a handgun, and 16:17:27

21 I received information that he was shooting. 16:17:29

22 Q Did you ever fire your weapon that day? 16:17:32

23 A No, I did not. 16:17:34

24 Q Why not? 16:17:35

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1 A Because I did not have a clear target, a 16:17:35
2 sight of Mr. Lockett. 16:17:38

3 Q If you had had a clear target, would you 16:17:39
4 have fired your weapon? 16:17:43

5 MR. STEFANICH: Objection -- 16:17:44

6 MR. MICHALIK: Objection. 16:17:44

7 MR. STEFANICH: -- form, foundation. 16:17:45

8 A Perhaps, maybe. 16:17:47

9 Q What else would you need to know to answer 16:17:48
10 definitively? 16:17:54

11 A I can't give you a reason. If he had 16:17:54
12 turned and pointed the gun in my direction, maybe 16:17:56
13 I would have shot him. 16:17:59

14 Q If you had had a clear target and he did 16:18:00
15 not point the gun in your direction, would you 16:18:03
16 have shot at him? 16:18:06

17 MR. KOSOKO: Objection; form, foundation, 16:18:07
18 incomplete hypothetical. 16:18:09

19 A I can answer that question because I 16:18:09
20 remember specifically chasing him, and the reason 16:18:10
21 why I did not shoot Jessie Lockett that day is 16:18:12
22 because I did not have a clear target of him 16:18:15
23 because, like I said, he was running away from me. 16:18:18

24 And it was either in the spring or the 16:18:19

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1 summer when this incident occurred, and there was 16:18:20
2 other -- there was many kids out there, which I 16:18:23
3 didn't describe in the report because that is 16:18:25
4 something that you -- other information that's not 16:18:27
5 pertinent to the arrest, that you can't put every 16:18:30
6 detail in the arrest report or your case report. 16:18:33

7 And I remember specifically I could not 16:18:36
8 shoot at him because there was other kids out 16:18:38
9 there standing around, and I didn't want to take a 16:18:41
10 chance of shooting at Jessie Lockett and shoot 16:18:43
11 some innocent bystander. That's why I did not 16:18:46
12 shoot Jessie Lockett. 16:18:49

13 BY MR. FLAXMAN: 16:18:49

14 Q My question was if you had had a clear 16:18:51
15 shot, would you have shot Mr. Lockett? 16:18:53

16 MR. MICHALIK: Objection; asked and 16:18:57
17 answered. 16:18:57

18 A And I think I stated earlier probably. 16:18:59

19 Q You mentioned the kids that were in the 16:19:05
20 area. 16:19:06

21 A Yes. 16:19:07

22 Q What other details do you remember that 16:19:08
23 are not in the reports? 16:19:10

24 A That's the only thing I can remember 16:19:11

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1 specifically. 16:19:14

2 Q Where was the weapon when you recovered 16:19:15

3 it? 16:19:21

4 A I don't recall exactly, but it was on the 16:19:21

5 ground. 16:19:25

6 Q Up close to Mr. Lockett? 16:19:25

7 A I don't recall, sir. 16:19:27

8 Q What did you do with the weapon after you 16:19:29

9 recovered it? 16:19:50

10 A I think it's -- I don't have the report in 16:19:51

11 front of me; but as I stated, the weapon was 16:19:53

12 recovered and inventoried in the 2nd District. 16:19:56

13 There should be an inventory report that reflects 16:20:01

14 that. 16:20:03

15 Q Did you transport Mr. Lockett to the 16:20:04

16 2nd District? 16:20:12

17 A I don't recall if I personally transported 16:20:12

18 him myself or if there was another unit that 16:20:15

19 transported him. 16:20:18

20 Q I think you said that you gave Miranda 16:20:18

21 warnings to Mr. Lockett? 16:20:22

22 A To the best of my knowledge -- 16:20:23

23 MR. MICHALIK: Objection; there's no such 16:20:23

24 testimony. 16:20:25

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1 A From the best of my knowledge, I believe I 16:20:27
2 did state that in my report; and, again, I don't 16:20:30
3 have my report in front of me. 16:20:32
4 BY MR. FLAXMAN: 16:20:32
5 Q Do you remember giving Miranda warnings to 16:20:34
6 Mr. Lockett? 16:20:37
7 A Sitting here today, as I recall, I don't 16:20:37
8 recall, but it's stated in my report; and if I put 16:20:40
9 that in my report, then I stand by my report. 16:20:43
10 Q Did Mr. Lockett ever fire his weapon on 16:20:46
11 the day -- I'm sorry. 16:21:15
12 Starting with the time that you first saw 16:21:15
13 Mr. Lockett and to the time that he was placed in 16:21:27
14 custody, did Mr. Lockett ever fire the weapon? 16:21:30
15 A I don't know. 16:21:32
16 Q Do you remember how much ammunition you 16:21:34
17 recovered when you recovered the weapon? 16:21:39
18 A Again, I don't have my report in front of 16:21:40
19 me; but I believe in my report, I said the weapon 16:21:42
20 was recovered with 10 live 9 mill -- 9-millimeter 16:21:47
21 rounds. 16:21:51
22 Q And that's a detail that you remember from 16:21:51
23 reviewing your report; right? 16:21:55
24 A To the best of my memory, without my 16:21:56

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1 report in front of me, I believe that's what was 16:21:59
2 stated in the report. 16:22:02

3 Q Okay. And I'm going to show you the 16:22:03
4 report in a little bit. 16:22:04

5 I just want to know do you have a personal 16:22:04
6 recollection of that or is that -- you're relying 16:22:06
7 on your report? 16:22:08

8 A From the best of my memory, I don't 16:22:09
9 recall; but if I reported that -- stated that in 16:22:11
10 my report that was what -- the weapon that he had. 16:22:14

11 Q You meant the ammunition that he had; 16:22:17
12 right? 16:22:22

13 A Yes. 16:22:22

14 The fact of the matter is, like I said, 16:22:27
15 the thing I'm -- I am definitely certain of is he 16:22:29
16 had a handgun. He had a weapon in his hand when I 16:22:32
17 was chasing him. 16:22:36

18 Q And you have an absolute personal 16:22:36
19 recollection of that; correct? 16:22:38

20 A I do recall that. Yes, I do. 16:22:38

21 Q What did the handgun look like that you 16:22:41
22 recall seeing Mr. Lockett holding? 16:22:44

23 A That I don't recall. I remember seeing 16:22:46
24 it, and I think it's stated in my report also that 16:22:49

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1 it may have been a black object that was in his 16:22:52
2 hand. 16:22:54

3 And without my report, I don't recall 16:22:58
4 specifically but I do -- like I said, I stated 16:23:00
5 seeing him retrieve an object underneath his 16:23:03
6 sweatshirt that he was wearing and pull it out and 16:23:06
7 began running with it by his side, and it looked 16:23:09
8 like a handgun. 16:23:12

9 Q Without your report, you can't describe 16:23:13
10 what it looked like; is that right? 16:23:16

11 A No. I can't -- I don't remember how I 16:23:17
12 described it in my report but I -- from the best 16:23:18
13 of my memory, I do remember putting that 16:23:23
14 information in my report. 16:23:25

15 THE WITNESS: I'm missing pages from this 16:23:59
16 report. 16:24:01

17 MR. STEFANICH: Yeah. So am I. 16:24:02

18 MR. FLAXMAN: Let's take a break. 16:24:12

19 THE VIDEOGRAPHER: Off the record, 4:24. 16:24:24

20 (A recess was taken from 4:24 p.m. to 16:29:29
21 4:29 p.m.) 16:29:29

22 THE VIDEOGRAPHER: Back on the record, 16:29:31
23 4:29. 16:29:47

24

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1	(Smith Deposition Exhibit 17 marked for	16:29:47
2	identification and attached to the transcript.)	16:29:47
3	BY MR. FLAXMAN:	16:29:47
4	Q Now that we've gotten the full exhibits,	16:29:51
5	you have Exhibit No. 17 in front of you?	16:29:55
6	A Yes, I do.	16:29:57
7	Q Is that all five pages of the arrest	16:29:58
8	report of Mr. Lockett on May 12th, 2005?	16:30:01
9	A Yes, it is.	16:30:04
10	Q Is that one of the documents you reviewed	16:30:05
11	to prepare for today's deposition?	16:30:08
12	A Yes, it is.	16:30:09
13	Q And is there anything in this arrest	16:30:10
14	report that's incorrect?	16:30:13
15	A No, there is not.	16:30:14
16	Q And did you prepare this arrest report?	16:30:16
17	A Yes, I did.	16:30:19
18	Q On the first page of the arrest report,	16:30:19
19	there's a section for felony review.	16:30:54
20	Do you see that?	16:30:57
21	A Yes, I do.	16:30:58
22	Q And that was the name of what I think is	16:30:59
23	an assistant state's attorney?	16:31:01
24	A Yes.	16:31:03

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1 Q Do you remember speaking to that assistant 16:31:03
2 state's attorney? 16:31:06

3 A As of today, I don't recall. 16:31:07

4 Q As the attesting officer on a case that 16:31:08
5 underwent felony review, would you be in 16:31:15
6 communication with the state's attorney's office? 16:31:17

7 A From the best of my experience and my 16:31:18
8 knowledge, yes. 16:31:20

9 Q Well, let me ask you -- on the second 16:31:23
10 page, the narrative section begins Event 16:31:27
11 No. 11625. 16:31:35

12 Do you see that? 16:31:36

13 A Yes. 16:31:37

14 Q Do you know why this arrest report has an 16:31:37
15 event number listed in the incident narrative? 16:31:41

16 A Because to the best of my memory, we were 16:31:44
17 supposed to list the event number in your case -- 16:31:47
18 in the arrest report. 16:31:51

19 Q The next line says, This is an on-view 16:31:51
20 arrest by second tactical -- I'm sorry -- "This is 16:32:03
21 an on-view arrest by 2nd District tactical unit." 16:32:06

22 Do you see that? 16:32:09

23 A Yes, I do. 16:32:10

24 Q What's an on-view arrest? 16:32:11

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1 A Meaning that you may have made some 16:32:12
2 observation firsthand. 16:32:14

3 Q The next sentence says, "R/Os were 16:32:15
4 responding to a 'shots fired' call at 559 East 16:32:20
5 Browning," and then in parentheses it says, ref, 16:32:25
6 period, Event No. 11121." 16:32:28

7 Do you see that? 16:32:30

8 A Yes, I do. 16:32:30

9 Q Ref, period, what does that stand for? 16:32:32

10 A Reference event number. 16:32:33

11 Q And what was that, event number? 16:32:36

12 A I would put that in there to reference the 16:32:38
13 event number for the call of shots fired that came 16:32:41
14 out. 16:32:43

15 Q How would you reference that event number? 16:32:43

16 A You can pull it up by the information from 16:32:47
17 the PCAD detailing the event of the calls that was 16:32:51
18 called in that area. The PCAD, I forgot what the 16:32:55
19 acronym stands for, but it lists the information 16:32:59
20 pertaining to a call. 16:33:01

21 THE REPORTER: How do you spell it? 16:33:01

22 THE WITNESS: PCAD. 16:33:01

23 Q P-C-A-D? 16:33:04

24 A Yeah. P-C-A-D. 16:33:04

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1 Q And through that system, you could get 16:33:08
2 information about the shots fired call? 16:33:10
3 A Yes. 16:33:12
4 Q And would that say whether it was a radio 16:33:12
5 call or a flash message? 16:33:17
6 A Yes. And probably detail who the call was 16:33:18
7 given out to. 16:33:22
8 Q The next sentence says, "R/Os received 16:33:23
9 info that the possible shooter was an individual 16:33:29
10 that goes by the street name 'JJ.'"
11 Do you see that? 16:33:34
12 A Yes, I do. 16:33:34
13 Q Were you one of the officers who received 16:33:35
14 that information? 16:33:38
15 A It doesn't state whom but it says -- but 16:33:39
16 it does say -- it is in plural, R/Os. So I'm 16:33:42
17 assuming -- I don't have any prior knowledge of 16:33:44
18 that particular part of this incident. I believe 16:33:46
19 I had to. 16:33:50
20 Q Why do you believe that? 16:33:50
21 A Because it's in my report. 16:33:52
22 Q You don't have a personal recollection of 16:33:53
23 getting that information? 16:33:59
24 A No, not at that particular moment. 16:34:00

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1 Q You said that R/Os is plural; is that 16:34:03
2 right? 16:34:09
3 A Yes. 16:34:09
4 Q And what do you understand that to mean? 16:34:09
5 A Myself and another partner. 16:34:11
6 Q Okay. And based on the second page of 16:34:14
7 this, it refers to Ronald Watts as the second 16:34:18
8 arresting officer. 16:34:22
9 You understand R/Os to refer to yourself 16:34:23
10 and Watts? 16:34:26
11 A Yes. Based off this report, yes. 16:34:27
12 Q The next sentence says, "R/Os went to 37th 16:34:28
13 Street, right off Vincennes, having prior 16:34:38
14 knowledge of subject's whereabouts." 16:34:41
15 Do you see that? 16:34:43
16 A Yes, I do. 16:34:44
17 Q Did you have knowledge of JJ's 16:34:45
18 whereabouts? 16:34:47
19 A As I stated, I don't recall at this 16:34:48
20 particular point in time; but if that's in my 16:34:50
21 report, I probably did have knowledge of his 16:34:52
22 whereabouts at that particular time. 16:34:56
23 Q The next sentence says, "R/Os observed the 16:34:58
24 subject standing at location standing among a 16:35:01

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1 group of people." 16:35:05
2 Do you see that? 16:35:06
3 A Yes, I do. 16:35:06
4 Q Okay. Do you know who the other people 16:35:08
5 were? 16:35:09
6 A At this time, I do not recall. 16:35:09
7 Q Did you recognize any of them at the time? 16:35:11
8 A At this time, I do not have any memory of 16:35:14
9 the other people. 16:35:17
10 Q The next sentence says, R/Os approached 16:35:17
11 the subject -- well, is s-u-b-j subject? 16:35:24
12 A Yes. 16:35:28
13 Q So it says, "R/Os approached the subject 16:35:29
14 in an unmarked police vehicle." 16:35:31
15 Did I read that right? 16:35:33
16 A That's correct. 16:35:35
17 Q Okay. When you were in the 2nd District 16:35:36
18 tactical team, would you normally be in an 16:35:38
19 unmarked police vehicle? 16:35:40
20 A From the best of my memory, yes. 16:35:41
21 Q The next sentence says, R/Os -- As R/Os 16:35:43
22 were exiting the v-e-h, period -- does that mean 16:35:49
23 vehicle? 16:35:52
24 A Yes. 16:35:53

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1 Q The subject fled eastbound on 37th Street; 16:35:53
2 is that right? 16:35:59

3 A That's correct. 16:35:59

4 Q Were both you and Watts exiting the 16:35:59
5 vehicle? 16:36:02

6 A I don't -- I don't recall at this 16:36:03
7 particular time, but that's what it states in this 16:36:05
8 report. 16:36:06

9 Q Do you think that you were both exiting 16:36:06
10 because you wrote R/Os plural? 16:36:10

11 A At this particular time, I don't have a 16:36:12
12 memory of if we were both exiting the vehicle. 16:36:14

13 Q The next sentence says that you pursued 16:36:16
14 the subject on foot, and Watts followed in the 16:36:24
15 police vehicle; right? 16:36:27

16 A That is correct. 16:36:28

17 Q How did you decide that you would follow 16:36:29
18 on foot? 16:36:32

19 A From the best of my memory, I don't think 16:36:32
20 we had a conversation about you go get him or, you 16:36:39
21 know, I was instructed to chase after him or 16:36:41
22 something. 16:36:44

23 To the best of my knowledge, it was just 16:36:45
24 instinctual. Watts was driving. I exited the 16:36:46

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1 vehicle, and I decided to take after -- from the 16:36:48
2 best of my memory, I just took after him on foot. 16:36:52

3 Q Did you see anybody -- excuse me. 16:36:55

4 Did you see anyone else from the group of 16:37:22
5 people run as you were approaching? 16:37:24

6 A At that particular point in time, I'm 16:37:26
7 going to say I don't have a clear memory, but I 16:37:31
8 think my -- just my attention or my focus was 16:37:33
9 on him. 16:37:35

10 Q Why was your focus on him? 16:37:36

11 A Because I saw him pull out an object that 16:37:38
12 appeared to be a gun. 16:37:41

13 Q Did he pull out the object before he 16:37:42
14 started running? 16:37:45

15 A As I stated -- in this report, if you're 16:37:46
16 looking at the arrest report, it may look like he 16:37:50
17 ran first; but I think in my vice case report, I 16:37:54
18 think I put that he pulled out the gun, and I 16:37:58
19 started to chase him at that particular point in 16:38:02
20 time. 16:38:05

21 So there was a slight error in this 16:38:06
22 particular wording when I've used that phrase, but 16:38:09
23 that does not mean that the information in this 16:38:12
24 report was falsified or not true. 16:38:14

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1 Q Which report are you referring to? 16:38:18
2 A The vice case report. 16:38:23
3 (Smith Deposition Exhibit 18 marked for 16:38:23
4 identification and attached to the transcript.) 16:38:25
5 Q Okay. That's -- is that marked as 16:38:25
6 Exhibit 18? 16:38:28
7 A That's -- yes, Exhibit 18. 16:38:28
8 Q Okay. Is that a general offense case 16:38:31
9 report? 16:38:34
10 A The vice case -- yes, I'm sorry -- the 16:38:34
11 general offense case report. I'm sorry. It looks 16:38:37
12 similar. 16:38:42
13 Q And was there some information in the 16:38:42
14 general offense case report that you're relying 16:38:45
15 on? 16:38:49
16 A Yes. Go to the second page beginning with 16:38:49
17 the line that said the offender did -- I'm 16:38:54
18 sorry -- R/Os approached the subject, announced 16:38:57
19 their office. 16:38:59
20 Do you see that correct? 16:39:00
21 Q I see that, yes. 16:39:01
22 A Yes. Then the next sentence, "The 16:39:02
23 offender then fled eastbound on 37th Street with 16:39:04
24 R/Os in pursuit. R/Os observed the subject reach 16:39:09

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1 underneath his sweatshirt and retrieve a black 16:39:14
2 handgun and continued to flee with the handgun in 16:39:17
3 his right hand." 16:39:20

4 Q Based on that portion of the general 16:39:21
5 offense case report, you believe that Mr. Lockett 16:39:27
6 took the gun out before he started running? 16:39:29

7 A No. According to this I -- you know, I -- 16:39:32
8 but the fact of the matter, he ran; and then as he 16:39:35
9 was running, he did produce the weapon. He did 16:39:39
10 pull it out while he was running, and it states 16:39:42
11 that in the report. So at some point in time, he 16:39:45
12 did produce a handgun. 16:39:49

13 Q And what did you say in the arrest report 16:39:52
14 that was -- 16:39:54

15 A I don't think there's too much of a 16:39:54
16 difference, but let me look back at that. 16:39:56

17 Because in this report, it says he fled 16:39:59
18 first, and I think it's the same thing basically, 16:40:01
19 that R/Os observed the subject standing at the 16:40:03
20 location among a group of people. R/Os approached 16:40:06
21 the subject in an unmarked police vehicle. 16:40:09

22 As R/Os were exiting the vehicle, the 16:40:13
23 subject fled eastbound on 37th Street. P.O. E. 16:40:15
24 Smith, my Star No. 11737, pursued the subject on 16:40:21

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1	foot. Sergeant Ronald Watts, Star No. 2640	16:40:26
2	followed the pursuit in the police vehicle.	16:40:30
3	As the subject was attempting to make good	16:40:33
4	his escape on foot, P.O. Smith observed the	16:40:35
5	subject reach underneath his sweatshirt and pull	16:40:39
6	out a black object that R/Os observed to be a	16:40:42
7	handgun. The subject was placed in the --	16:40:45
8	sorry -- the subject placed the object in his	16:40:51
9	right hand and was running with it down by his	16:40:53
10	side. After a brief foot pursuit, the subject was	16:40:56
11	apprehended by Sergeant Watts at 56th -- at 563	16:41:01
12	East 37th Street.	16:41:07
13	Then it goes to state that P.O. Smith	16:41:07
14	recovered a semiautomatic handgun that was lying	16:41:11
15	on the ground at the same address.	16:41:14
16	Q And what was the inconsistency that you	16:41:15
17	were pointing out to me between the reports?	16:41:19
18	A Well, I thought you were trying to point	16:41:20
19	out an inconsistency whether or not that he	16:41:22
20	produced a handgun immediately when we first	16:41:27
21	announced our office and approached him.	16:41:30
22	So I was just trying to make the clear	16:41:31
23	distinction whether the fact that he ran first or	16:41:33
24	not and that we pursued him or not. At some point	16:41:35

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1 in time, Mr. Lockett did produce a handgun, and 16:41:38
2 the handgun was recovered. 16:41:41

3 Q Did you see him take the handgun out 16:41:43
4 before he started running or after he started 16:41:47
5 running? 16:41:49

6 A As is stated in the report, based off of 16:41:50
7 my memory too, as we approached him, when he 16:41:53
8 started running, I saw him reach underneath his 16:41:57
9 sweatshirt and pull out an object that appeared to 16:42:00
10 be a handgun, and then he started running with 16:42:03
11 that object by his side. 16:42:06

12 Q There's two things that I'm asking 16:42:08
13 questions about. One is Mr. Lockett sort of 16:42:17
14 running. The other is that he pulled out a gun. 16:42:19

15 Did they happen at the same time, or did 16:42:22
16 one happen first? 16:42:24

17 A No. As I stated in the report, he ran 16:42:25
18 first and then as -- while he was running, he 16:42:28
19 pulled the weapon out from underneath his 16:42:30
20 sweatshirt, and it's described in the report, and 16:42:33
21 I've stated that several times also. 16:42:35

22 Q Did you see anyone else from the group of 16:42:38
23 people in that area run? 16:42:39

24 A I don't recall anybody else running. My 16:42:41

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1 attention was focused on Jessie Lockett. 16:42:45

2 Q So they might have, but you wouldn't have 16:42:48

3 seen it? 16:42:51

4 A At this time, as I recall, I don't recall 16:42:51

5 anyone else running. 16:42:53

6 Q And at the time you saw Mr. Lockett 16:42:54

7 running, did you know that he was JJ who you were 16:42:57

8 looking for? 16:43:00

9 A Yes, I did. 16:43:00

10 Q How did you know that? 16:43:01

11 A Like I said, having prior knowledge of who 16:43:02

12 he was. 16:43:04

13 Q And had you arrested Mr. Lockett before? 16:43:04

14 A Prior to this date -- I do not recall if I 16:43:07

15 had arrested him prior to this date on May 12th, 16:43:12

16 2005. 16:43:18

17 Q Had you ever spoken to Mr. Lockett before 16:43:18

18 May 12th, 2005? 16:43:21

19 A I don't have -- sitting here today, I 16:43:22

20 don't recall prior to this date if I did or not. 16:43:25

21 Q The arrest report stated that Mr. Lockett 16:43:27

22 fled as the reporting officers were exiting the 16:43:40

23 vehicle; is that right? 16:43:44

24 A The arrest report stated. What was 16:43:46

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1 your -- what was your -- trying -- I'm sorry. 16:43:49
2 Where were you at? 16:43:53
3 Q It's at the end of that fourth line, "As 16:43:54
4 R/Os were exiting the vehicle, the subject fled." 16:44:00
5 A Yes, I see that. 16:44:04
6 Q Okay. And then in the vice case report, 16:44:05
7 on that second page, at the end of the first line, 16:44:10
8 it says, "R/Os approached the subject and 16:44:13
9 announced their office." 16:44:15
10 A Yes, I see that. 16:44:18
11 Q Are both of those right or is there -- 16:44:19
12 does one of those need to be corrected? 16:44:22
13 A Basically, it's the same thing. It's just 16:44:25
14 written differently. 16:44:31
15 Q So when did you announce your office? 16:44:31
16 A I don't have a prior recollection to this; 16:44:36
17 but, like I said, at the end of the report -- at 16:44:39
18 the end of one report it says I approached and 16:44:42
19 announced my office. One report says -- report 16:44:44
20 says something different. 16:44:47
21 The fact of the matter is that Jessie 16:44:48
22 Lockett had a handgun when I began chasing him. 16:44:51
23 That's undisputable, and I remembered that 16:44:54
24 clearly. 16:44:57

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1 Q You saw him with a gun before -- 16:44:57

2 A Yes, sir. Yes -- 16:44:58

3 Q I'm sorry. Please let me finish my 16:44:59

4 question. 16:44:59

5 You saw him with a gun before he started 16:45:01

6 running? 16:45:03

7 A No, I did not see him with a gun before he 16:45:03

8 started running. As I stated in the report and 16:45:06

9 from my memory, I saw him running after -- I saw 16:45:08

10 him running and then pull a gun from underneath 16:45:12

11 his sweatshirt while he was running and then 16:45:14

12 run -- and then he pulled it out and began running 16:45:17

13 with it by his side. 16:45:19

14 Q Were you chasing him at the time he pulled 16:45:20

15 the gun out? 16:45:24

16 A Yes. As stated in my report and I've 16:45:25

17 stated that several times, sir. 16:45:28

18 Q But at the time you started chasing him, 16:45:29

19 had you seen the gun? 16:45:32

20 MR. MICHALIK: Objection; asked and 16:45:34

21 answered. 16:45:35

22 MR. STEFANICH: Join. 16:45:35

23 A Yes, I did see him with the gun because I 16:45:36

24 was chasing him. I was running -- 16:45:36

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 BY MR. FLAXMAN: 16:45:36

2 Q Sir, at the time you started chasing him, 16:45:38

3 had you seen the gun? 16:45:42

4 MR. STEFANICH: Objection; asked and 16:45:43

5 answered. 16:45:43

6 A At the time that I started chasing him, 16:45:45

7 not initially; but at some point in time, I did 16:45:46

8 see him with the handgun. 16:45:50

9 Q I'm looking at the narrative on the arrest 16:45:54

10 report and it states -- it gives a description of 16:46:36

11 the handgun and the ammunition that you recovered. 16:46:39

12 Do you see that? 16:46:44

13 A Yes, I do. 16:46:44

14 Q Okay. What does it mean that it was 16:46:45

15 loaded with 1-10 shot capacity, 9-milli- 16:46:54

16 magazine -- 9-milimeter magazine? 16:46:59

17 A It was one magazine containing 10 16:46:59

18 9-millimeter rounds, a 10-shot capacity magazine. 16:47:04

19 Q Oh, I'm sorry. Okay. 16:47:07

20 So it was a single 10-shot capacity 16:47:10

21 9-millimeter magazine? 16:47:13

22 A That's correct. 16:47:14

23 Q And we'll look at the inventory report in 16:47:14

24 a moment. Let me ask you the next -- the next 16:47:20

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 sentence states, "R/Os placed the subject into 16:47:22
2 custody per Miranda." 16:47:25
3 Do you see that? 16:47:26
4 A Yes, I do. 16:47:27
5 Q Does that mean that you read Miranda 16:47:27
6 rights to Mr. Lockett? 16:47:30
7 A Yes, it does. 16:47:30
8 Q And did you do that at the scene of his 16:47:31
9 arrest? 16:47:34
10 A Yes. 16:47:34
11 Q Did you -- how did you -- did you read the 16:47:35
12 Miranda rights from anything? 16:47:42
13 A From the best of my knowledge, sitting 16:47:44
14 here today, I don't recall; but normally if I read 16:47:46
15 Miranda to a subject that I was placing into 16:47:49
16 custody, I would read the preprinted form from my 16:47:52
17 FOP book. 16:47:56
18 Q The next -- well, that sentence concludes 16:47:56
19 that Mr. Lockett was transported to the 16:48:01
20 2nd District for processing; right? 16:48:03
21 A Yes, it does. 16:48:04
22 Q And I think you said you don't recall how 16:48:06
23 he was transported? 16:48:09
24 A No. As I read further, looking ahead in 16:48:09

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

298

1 this report, it states that the transport unit -- 16:48:13
2 let me to go to Page No. 4. It says, transport 16:48:18
3 details was 5 -- Beat 211. 16:48:21
4 Q Do you know who beat 211 is? 16:48:26
5 A That what it appears to be, a two-man 16:48:28
6 unit, B211, May 12th, 2005, at 1625 hours. 16:48:31
7 Q Do you know what officers were assigned to 16:48:37
8 Beat 211? 16:48:40
9 A As of today, no, I do not. It does not 16:48:40
10 list the officers who were working Beat 211. 16:48:44
11 Q And it's your understanding that if you 16:48:47
12 would have been the one to transport Mr. Lockett 16:48:49
13 to the station, your beat would be listed in the 16:48:52
14 box we're looking at on page 4? 16:48:55
15 A That is correct. 16:48:57
16 Q The narrative says -- are you back on 16:48:58
17 page 2 with me? 16:49:06
18 A Yes. 16:49:14
19 Q "Subject stated to R/Os that he carried 16:49:14
20 the gun for protection because he was beat up by 16:49:19
21 rival drug dealers in the Wells housing buildings." 16:49:24
22 Do you see that? 16:49:26
23 A Yes, I do. 16:49:26
24 Q Do you recall Mr. Lockett saying that? 16:49:26

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A At the present moment, no, but that's 16:49:28
2 what's stated in my report. 16:49:31
3 Q Can you tell from your report where 16:49:32
4 Mr. Lockett was when he said that? 16:49:36
5 A According to the report, no, I do not. 16:49:37
6 Q And based on your practice of writing 16:49:39
7 reports, would you have included that if you had 16:49:42
8 not heard Mr. Lockett make that statement? 16:49:49
9 A Based on my -- I'm sorry. Repeat the 16:49:51
10 question. 16:49:56
11 Q If another officer had told you that 16:49:56
12 Mr. Lockett made the statement that's reflected in 16:50:04
13 the arrest report, would you have put it in the 16:50:07
14 report? 16:50:09
15 A I would -- no, but I probably would have, 16:50:09
16 but I would have stated that officer. But from 16:50:15
17 the best of my knowledge, I remember this arrest. 16:50:17
18 I don't remember all the particular details, but I 16:50:22
19 do remember at some point in time him making this 16:50:25
20 admission. 16:50:26
21 I don't -- I didn't put it in quotes or 16:50:27
22 anything or paraphrase exactly what he said; but I 16:50:28
23 do remember him saying something to that effect, 16:50:32
24 that he was carrying a weapon for his protection 16:50:32

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

300

1 because he was beaten up by other rival drug 16:50:34
2 dealers. 16:50:39

3 Q And the way that you put it in the report 16:50:39
4 reflects that you were somebody who heard him say 16:50:42
5 that; correct? 16:50:45

6 A Yes. It says "R/Os." It doesn't state 16:50:45
7 whether or not myself or Ronald Watts or meaning 16:50:47
8 both of us heard him at some point in time. 16:50:50

9 Q You believe both of you heard him? 16:50:53

10 A I'm not certain as of today; but in the 16:50:55
11 report, I state "R/Os." And this is a report that 16:50:59
12 I've written, and I don't recall anyone telling me 16:51:01
13 how to write this report, from the best of my 16:51:04
14 knowledge. 16:51:07

15 Q You say you don't recall anyone telling 16:51:07
16 you how to write it? 16:51:10

17 A No. This is a report that I wrote. To 16:51:11
18 the best of my memory, this is the report that I 16:51:13
19 made. 16:51:14

20 Q Were there times when somebody told you 16:51:15
21 how to write a report? 16:51:18

22 A To the best -- I did not say that. I'm 16:51:19
23 saying for this particular report, no. And to the 16:51:21
24 best of my memory, I don't recall anybody ever 16:51:24

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 telling me to how to write any of my reports. 16:51:28

2 Q If you go to the last page of this report, 16:51:29

3 which is page No. 5, the second box down is the 16:51:40

4 movement log. 16:51:51

5 Do you see that? 16:51:52

6 A Yes. 16:51:52

7 Q Do you see that it states Mr. Lockett was 16:51:55

8 taken to Mercy because of a complaint of pain to 16:51:58

9 hand? 16:52:02

10 A Yes, I do. 16:52:03

11 Q Okay. Do you know why Mr. Lockett was 16:52:04

12 taken to Mercy? 16:52:07

13 A I have no idea. 16:52:09

14 Q As the arresting officer, is it your 16:52:10

15 responsibility to make sure the arrestee received 16:52:19

16 medical treatment if they needed it? 16:52:24

17 A Yes, it is; but from the best of my 16:52:25

18 memory, I do not recall Jessie Lockett ever 16:52:29

19 complaining about pain to his hand. 16:52:33

20 Q So he might have complained to somebody 16:52:35

21 else? 16:52:38

22 A Obviously, he did because it's in this 16:52:38

23 report on page 5 under movement log. 16:52:40

24 Q You can put the arrest report aside. 16:52:47

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

302

1 Exhibit No. 18, we looked at it briefly 16:53:03
2 before. 16:53:06
3 It's the general offense case report; is 16:53:06
4 that right? 16:53:09
5 A That's correct. 16:53:09
6 Q Okay. Did you create this report, Exhibit 16:53:09
7 No. 18? 16:53:12
8 A Yes, I did. 16:53:12
9 Q Okay. At the bottom, your name is listed 16:53:13
10 as the Box No. 95, the reporting officer? 16:53:18
11 A That's correct. 16:53:23
12 Q Is that your signature to the right? 16:53:24
13 A Yes, it is. 16:53:25
14 Q Do you know why no -- there's not another 16:53:26
15 reporting officer listed underneath your name? 16:53:29
16 A As I'm sitting here today, no, I do not. 16:53:31
17 Q Ronald Watts is listed in Box 97 as the 16:53:38
18 supervisor approving. 16:53:42
19 Do you see that? 16:53:43
20 A Yes, I do. 16:53:44
21 Q Do you recognize Sergeant Watts' signature 16:53:45
22 underneath his name? 16:53:48
23 A From the best of my memory, that is his 16:53:48
24 handwriting. 16:53:51

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

303

1 Q The second page of the general offense 16:53:51
2 case report after the narrative lists also 16:54:05
3 arresting, and then it lists the name of four 16:54:09
4 officers. 16:54:12
5 Do you see that? 16:54:13
6 A Yes, I do. 16:54:13
7 Q Okay. Do you know what those officers did 16:54:15
8 in relation to this arrest? 16:54:17
9 A At the present moment, I do not. 16:54:18
10 Q Is there any way you could find out? 16:54:22
11 A I'm certain there's probably some way you 16:54:25
12 could find out, but I do not recall at this 16:54:28
13 particular moment. 16:54:30
14 Q What's the way that you could find out? 16:54:30
15 A I don't know. Maybe -- it has Bolton, 16:54:33
16 Gonzalez, Nichols, or Leano. Because I was 16:54:35
17 working with Sergeant Watts at some point in time, 16:54:38
18 maybe they were assisting me to do the complaint 16:54:40
19 forms or the inventories. They assisted in some 16:54:43
20 other type of way as far as this arrest, but I 16:54:47
21 don't know what particular role that they played. 16:54:51
22 Q Underneath the narrative there's a section 16:54:56
23 that says "For use by Bureau of Investigative 16:55:07
24 Services only." 16:55:07

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Do you see that? 16:55:14
2 A Yes. 16:55:14
3 Q Is that material that you did not fill in? 16:55:14
4 A No. I have no clue what that is used for. 16:55:17
5 Obviously, it's used by someone in the Bureau of 16:55:21
6 Investigative Services. 16:55:26
7 (Smith Deposition Exhibit 19 marked for 16:55:26
8 identification and attached to the transcript.) 16:55:27
9 Q All right. The next exhibit you have in 16:55:27
10 front of you is No. 19. 16:55:32
11 Do you know what Exhibit No. 19 is? 16:55:34
12 A It's a property inventory form -- property 16:55:43
13 inventory form. 16:55:48
14 Q Did you complete this property inventory 16:55:48
15 form? 16:55:51
16 A I'm looking at the bottom of the report. 16:55:51
17 Created by, it's not my PC number. So it had to 16:55:58
18 be one of the assisting officers. 16:56:02
19 Q What's your PC number? 16:56:06
20 A PC0U037. 16:56:08
21 Q Do you know whose PC number is PC0T093? 16:56:11
22 A As of this time, no, I do not. 16:56:16
23 Q And you don't have a recollection of who 16:56:20
24 completed this inventory sheet; right? 16:56:22

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A No, I do not. 16:56:24

2 Q This has a description -- well, the first 16:56:25

3 thing listed on here is a description of the 16:56:35

4 firearm; correct? 16:56:37

5 A That's correct. 16:56:38

6 Q And then it lists the 10-round magazine; 16:56:38

7 is that correct? 16:56:44

8 A Yes. 16:56:44

9 Q And then after that, it lists 10 rounds 16:56:44

10 for that magazine? 16:56:48

11 A Yes. 16:56:49

12 Q Is it your understanding that a gun like 16:56:49

13 this -- well, I'm sorry. Let me ask that a 16:56:55

14 different way. 16:57:05

15 Is this description of the firearm, the 16:57:06

16 magazine, and the ammunition consistent with 16:57:09

17 Mr. Lockett having fired the gun shortly before he 16:57:13

18 was placed into custody? 16:57:16

19 MR. MICHALIK: Object to the form, 16:57:18

20 foundation. 16:57:19

21 A As I stated before, I have no idea if 16:57:21

22 Jessie Lockett fired the weapon or not. 16:57:22

23 Q Do you understand how a semiautomatic 16:57:26

24 pistol works? 16:57:29

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	A Yes, I do.	16:57:30
2	Q Okay. If he had fired the weapon, would	16:57:31
3	there be 10 rounds in the magazine?	16:57:34
4	MR. KOSOKO: Objection; incomplete	16:57:37
5	hypothetical, form.	16:57:39
6	A Sir, if it's a 10-round magazine, I -- the	16:57:42
7	weapon -- the weapons that we carry -- the weapon	16:57:46
8	that I use has 15 rounds. It can hold 15 rounds	16:57:49
9	in the magazine, and then you can carry another	16:57:54
10	one in the chamber. So that would give you an	16:57:57
11	additional round.	16:58:00
12	Q Do you know if the firearm described on	16:58:00
13	the first line of this report is one that can have	16:58:06
14	another round in the chamber?	16:58:10
15	A I'm certain all weapons -- I'm not a gun	16:58:13
16	expert, but I'm certain that they all operate and	16:58:16
17	are used the same way. So like I said, without	16:58:20
18	testing this weapon, I don't have no clue, but I'm	16:58:23
19	certain that it probably operates the same way as	16:58:28
20	a normal gun does.	16:58:30
21	(Smith Deposition Exhibit 20 marked for	16:58:30
22	identification and attached to the transcript.)	16:58:36
23	Q Let me ask you about Exhibit No. 20.	16:58:36
24	Do you have that in front of you?	16:58:38

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

307

1 A Yes, I do. 16:58:41

2 Q Okay. Do you recognize this as a 16:58:42

3 complaint for preliminary examination? 16:58:45

4 A Yes. 16:58:47

5 Q And is this a document that you completed? 16:58:47

6 A Yes. 16:58:51

7 Q Is that your signature on the line for 16:58:51

8 complainant's signature? 16:58:57

9 A Yes, it is. 16:58:58

10 Q And whose signature is on the line for 16:58:58

11 judge or clerk? 16:59:01

12 A I can't make that out, but I believe 16:59:01

13 that's Sergeant Brown, and it looks like it says 16:59:07

14 Star No. 916? 16:59:17

15 (Smith Deposition Exhibit 21 marked for 16:59:17

16 identification and attached to the transcript.) 16:59:17

17 BY MR. FLAXMAN: 16:59:17

18 Q Exhibit -- can you take a look at Exhibit 16:59:23

19 No. 21? 16:59:25

20 A Yes. 16:59:25

21 Q Do you recognize that as another complaint 16:59:26

22 for preliminary examination for Mr. Lockett? 16:59:28

23 A Yes, I do. 16:59:31

24 Q Okay. Did you complete Exhibit No. 21? 16:59:32

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A I signed it but the -- the handwritten 16:59:34
2 part of it doesn't look like it's my handwriting. 16:59:40
3 Q Do you know whose handwriting it is? 16:59:43
4 A No, I do not, probably one of the 16:59:46
5 assisting officers. 16:59:48
6 Q For Exhibit No. 20, it's not handwritten; 16:59:50
7 right? 16:59:56
8 A No, it is not. 16:59:56
9 Q Okay. Do you know who typed it? 16:59:56
10 A Sitting here today, no, I do not. Perhaps 16:59:58
11 I did. I don't know. 17:00:02
12 Q But it also could have been one of the 17:00:02
13 assisting officers or somebody else? 17:00:05
14 A That is correct. 17:00:06
15 Q On Exhibit No. 21, you said that's your 17:00:07
16 signature on complainant's signature for those two 17:00:13
17 lines? 17:00:16
18 A Yes, it is. 17:00:16
19 Q Okay. And can you make out whose 17:00:17
20 signature is on the judge or clerk line? 17:00:19
21 A Again, it looks like it says Sergeant 17:00:21
22 Brown, 916. 17:00:23
23 Q Okay. Do you know Sergeant Brown? 17:00:24
24 A Yes, I do. 17:00:26

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 Q What's Sergeant Brown's first name? 17:00:26

2 A Tony Brown and he's retired. 17:00:28

3 Q Do you know why Sergeant Brown signed 17:00:32

4 these two complaints? 17:00:36

5 A Sitting here today, I have no independent 17:00:38

6 recollection. 17:00:40

7 MR. FLAXMAN: I'm going to show you the 17:00:49

8 grand jury papers. I only have three copies of 17:00:50

9 it. I don't think we need to mark it as an 17:00:50

10 exhibit, but I'll just read into the record what 17:00:50

11 pages it is. 17:00:50

12 Q I'm showing you what is marked as 17:00:59

13 F PL JOINT 02979 through 02982. 17:01:01

14 Do you recognize that as papers from the 17:01:08

15 grand jury indictment of Mr. Lockett? 17:01:12

16 A I don't recall, but it does appear to 17:01:15

17 be so. 17:01:21

18 Q Okay. And do you see that it says -- that 17:01:21

19 Sergeant Watts name is on the front page? 17:01:23

20 A Yes. 17:01:25

21 Q Does that refresh your recollection on 17:01:25

22 whether you testified at the grand jury about 17:01:28

23 Mr. Lockett's case? 17:01:31

24 A According to this report, it doesn't 17:01:31

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1	appear so.	17:01:35
2	Q Do you know if Jessie Lockett says he was	17:01:35
3	falsely arrested on July 10th 2004?	17:01:46
4	A No, I was not aware of that.	17:01:49
5	Q Okay.	17:01:50
6	MR. STEFANICH: Is that a different date	17:01:55
7	than the one we were talking about?	17:01:57
8	MR. FLAXMAN: Could be. I'll fix that.	17:02:01
9	Q Are you done looking at the grand jury	17:02:02
10	document?	17:02:05
11	A Just give me a second.	17:02:05
12	Q Sure.	17:02:07
13	A Okay.	17:02:07
14	Q Just hold on a sec.	17:02:07
15	Was there anything in there that you --	17:02:17
16	that peaked your interest?	17:02:19
17	A No.	17:02:21
18	(Smith Deposition Exhibit 22 marked for	17:02:21
19	identification and attached to the transcript.)	17:02:21
20	MR. FLAXMAN: Okay. You know, I think we	17:02:21
21	should just mark as Exhibit No. 22, but I have	17:02:23
22	another question about it.	17:02:26
23	Q We've been talking about this arrest of	17:02:34
24	Mr. Lockett on May 12th, 2005; correct?	17:02:37

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 A That's correct. 17:02:39

2 Q Okay. Are you aware that Mr. Lockett says 17:02:40

3 he was falsely arrested on that day? 17:02:43

4 A No, I do not. 17:02:45

5 Q I'm sorry? 17:02:46

6 A No, I do not. 17:02:48

7 Q You didn't not know that he says he was 17:02:49

8 falsely arrested. 17:02:51

9 A No. 17:02:52

10 Q Do you believe Mr. Lockett was lawfully 17:02:52

11 arrested on May 12th, 2005? 17:02:55

12 MR. STEFANICH: Objection; form, 17:02:57

13 foundation. 17:02:58

14 A Yes, he was arrested lawfully because I 17:02:59

15 arrested him. 17:03:03

16 Q Okay. And because you observed him with a 17:03:03

17 handgun? 17:03:07

18 A Yes, I did, and I made these reports. 17:03:07

19 MR. FLAXMAN: Okay. I don't have any 17:03:14

20 other questions on Lockett. Stop there? 17:03:14

21 MR. STEFANICH: Yeah. 17:03:16

22 MR. FLAXMAN: Okay. And we'll, by 17:03:19

23 agreement, do my other cases the next day? 17:03:19

24 MR. STEFANICH: Correct. 17:03:22

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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1 MR. FLAXMAN: Okay. 17:03:22
2 MR. STEFANICH: And do my follow-up the 17:03:23
3 next day as well. 17:03:25
4 MR. RAUSCHER: Yeah. Well, just remember 17:03:26
5 if you want to, once we get to the end of those 17:03:27
6 cases, call it. 17:03:29
7 MR. STEFANICH: Yeah. 17:03:30
8 THE VIDEOGRAPHER: This concludes the 17:03:32
9 deposition of Elsworth Smith, Jr., at 5:03 p.m. 17:03:32
10 (Off the video record.) 17:04:35
11 MR. STEFANICH: I'll order the original 17:04:35
12 today, and we will reserve signature. 17:04:37
13 (Off the record at 5:04 p.m.)
14
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24

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

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ACKNOWLEDGMENT OF DEPONENT

I, ELSWORTH SMITH, JR., do hereby
acknowledge that I have read and examined the
foregoing testimony, and the same is a true,
correct, and complete transcription of the
testimony given by me and any corrections appear
on the attached errata sheet signed by me.

(DATE)

(SIGNATURE)

Transcript of Elsworth Smith, Jr.
Conducted on February 17, 2020

314

1 CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

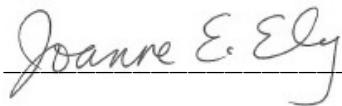
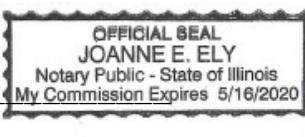
2

3 I, Joanne Ely, Certified Shorthand
4 Reporter No. 84-4169, CSR, RPR, and a Notary
5 Public in and for the County of Kane, State of
6 Illinois, the officer before whom the foregoing
7 deposition was taken, do hereby certify that the
8 foregoing transcript is a true and correct record
9 of the testimony given; that said testimony was
10 taken by me stenographically and thereafter
11 reduced to typewriting under my direction; that
12 review was requested; and that I am neither
13 counsel for, related to, nor employed by any of
14 the parties to this case and have no interest,
15 financial or otherwise, in its outcome.

16 IN WITNESS WHEREOF I have hereunto set my
17 hand and affixed my notarial seal this 2nd day of
18 March, 2020.

19

20 My commission expires: May 16, 2020

21 
22 
23

24 Notary Public in and for the
State of Illinois