

EXHIBIT 63



MASTER DOCKET CASE NO. 19-CV-01717

**IN RE: WATTS COORDINATED
PRETRIAL PROCEEDINGS**

**DEPONENT: TIMOTHY MOORE ON BEHALF OF
THE CITY OF CHICAGO**

DATE:

March 19, 2024



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<p>IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION JUDGE FRANKLIN U. VALDERRAMA MAGISTRATE JUDGE SHEILA M. FINNEGAN MASTER DOCKET CASE NO. 19-CV-01717</p> <p>IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS</p> <p>DEPONENT: TIMOTHY MOORE ON BEHALF OF THE CITY OF CHICAGO DATE: MARCH 19, 2024 REPORTER: TALIA JACKSON</p>	<p>1 APPEARANCES 2 3 ON BEHALF OF THE LOEJVY PLAINTIFFS: 4 Wally Hilke, Esquire 5 Loevy & Loevy 6 311 North Aberdeen Street 7 Third Floor 8 Chicago, Illinois 60607 9 Telephone No.: (312) 243-5900 10 E-mail: hilke@loevy.com 11 12 ON BEHALF OF THE FLAXMAN PLAINTIFFS: 13 Kenneth Flaxman, Esquire 14 Kenneth N. Flaxman P.C. 15 200 South Michigan Avenue 16 Suite 201 17 Chicago, Illinois 60604 18 Telephone No.: (312) 427-3200 19 E-mail: knf@kenlaw.com 20 (Appeared via videoconference) 21 22 23 24 25</p>
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5		5	NORTH ABERDEEN STREET, THIRD FLOOR, CHICAGO, ILLINOIS
6		6	60607, via videoconference in which some parties
7		7	appeared remotely, on TUESDAY the 19TH day of MARCH 2024
8		8	at 10:02 a.m. (CT); said 30(b)(6) VIDEO deposition was
9		9	taken pursuant to the FEDERAL Rules of Civil Procedure.
10		10	
11		11	It is agreed that TALIA JACKSON, being a Notary Public
12		12	and Digital Reporter for the State of ILLINOIS, may
13		13	swear the witness and that the reading and signing of
14		14	the completed transcript by the witness is not waived.
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<p style="text-align: center;">Page 13</p> <p>1 30(b)(6) Notice. Do you mind marking this? 2 (EXHIBIT 1 MARKED FOR IDENTIFICATION) 3 THE REPORTER: Sure. 4 THE WITNESS: Thank you. 5 BY MR. HILKE: 6 Q. Did -- sir, did you review this list of topics 7 in preparation for the deposition today? 8 A. I don't think I reviewed this document prior 9 to today. 10 Q. Let me draw your attention, do you see Topic 11 11 on Page 2, the disciplinary systems within the 12 Chicago Police Department available to address CRs 13 initiated between 1999 and 2001? I mean, sorry, 2011? 14 A. Yes. 15 Q. And are you prepared to give testimony on that 16 topic today? 17 A. Yes. 18 MR. MICHALIK: Okay. And, Wally, just for the 19 record, that topic has been limited by subsequent 20 conversations between Mr. Rauscher and Mr. Nolan, 21 what -- to specify certain areas within the broad 22 Topic 11. 23 MR. HILKE: Sure. I'll -- let me put on the 24 record what I understand. The subtopics that have 25 been specified to be, and we can have a further</p>	<p style="text-align: center;">Page 14</p> <p>1 conversation about that if we need to. 2 BY MR. HILKE: 3 Q. One of the subtopics the party discussed was 4 which departments and divisions processed CRs, and how 5 CRs were processed within the Chicago Police Department. 6 Are you prepared to discuss that topic? 7 A. Yes. 8 Q. Another subtopic discussed was what changed 9 and didn't change when the Office of Professional 10 Standards became the Independent Police Review 11 Authority. Is that a topic you're prepared to discuss? 12 A. Yes. 13 Q. Another subtopic was various disciplinary 14 options, including SPARS and reassignment to desk duty. 15 Are you prepared to discuss that subtopic? 16 A. Yes, I am. 17 Q. Another subtopic was policies and practices 18 for accepting and investigating CRs. Are you prepared 19 to discuss that subtopic? 20 A. Yes, I am. 21 Q. And another subtopic was purposes and goals of 22 the disciplinary system. Are you prepared to discuss 23 that subtopic? 24 A. Yes. 25 Q. And are you prepared to discuss all those</p>
<p style="text-align: center;">Page 15</p> <p>1 subtopics for the time period of 1999 to 2011? 2 A. Yes. 3 Q. And then the Topic 12 on the next page is the 4 Chicago Police Department's practices and policies for 5 conducting confidential CR investigations and CR 6 investigations associated with allegations of criminal 7 conduct between 1999 and 2011. Are you prepared to 8 discuss that topic? 9 A. Yes. 10 Q. Okay. And I'm not aware of anything that 11 limits Topic 12 in any way. Are you prepared to discuss 12 that topic in its entirety? 13 A. Yes. 14 Q. And that's the entirety -- that's -- as you 15 understand it, those are the only two topics that, you 16 know, as discussed just now that you're going to be 17 presenting testimony on today, correct? 18 A. As I understand it, yes. 19 Q. Okay. Okay. Sir, without telling me what you 20 said to your attorney, or what your attorney said to 21 you, could you please tell me how you prepared for the 22 deposition today? 23 A. I reviewed, with my attorney, several 24 depositions related to this case. I reviewed other 25 police documents. There was an standard operating</p>	<p style="text-align: center;">Page 16</p> <p>1 procedures form. There was one of our department 2 orders. I think it was 93-03 That I reviewed. And 3 there were -- there might have been an interrogatory and 4 some, several other documents that -- that I reviewed. 5 Q. And I'm sorry, I didn't hear what you said 6 before several other documents. 7 A. I think it was -- well, there -- there were 8 several other documents, but there was an interrogatory. 9 Q. Interrogatory response. 10 A. Interrogatory, yes. That's -- yes. 11 Q. Okay. I'm going to -- I'm going to take those 12 things one thing at a time, please. 13 A. Okay. 14 Q. Whose depositions did you review? 15 A. I reviewed retired Chief Debra Kirby, retired 16 Chief Tina Skahill, retired Chief Juan Rivera, and 17 Barbara West. I think she retired as an assistant 18 deputy superintendent. 19 Q. And to your knowledge, were those all 20 depositions taken in proceedings by the Watts 21 plaintiffs? 22 A. I -- I believe, yes. 23 Q. Okay. And you described some policy documents 24 you reviewed, including 93 -- general Order 93-03? 25 A. Yes. Correct.</p>

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<p style="text-align: center;">Page 17</p> <p>1 Q. Other than General Order 93-03, did you review 2 any other general orders?</p> <p>3 A. No, no. Well, there was a -- I think general 4 -- one packet contained, like, General Order, it might 5 have been 08-01, or something like that. I think there 6 was some other general orders mixed in, but I -- I 7 mainly review 93-03.</p> <p>8 Q. Okay. And you mentioned an interrogatory 9 response. Do you remember what -- whose interrogatory 10 response you reviewed?</p> <p>11 A. I don't remember.</p> <p>12 Q. What was the content of the interrogatory 13 response?</p> <p>14 A. It -- it kind of spelled out, I believe, the 15 -- the process of conducting internal affairs 16 investigations, I believe it was.</p> <p>17 Q. Okay. And you mentioned several -- you -- 18 what other documents beyond these four depositions, the 19 policies you named, and the IA investigations, did you 20 review to prepare?</p> <p>21 A. There was a standard operating procedures, a 22 document that I reviewed and I think it was dated 19 -- 23 might have been 1999 or so, and it was for the Bureau of 24 Internal Affairs.</p> <p>25 Q. Okay. And how long was the standard operating</p>	<p style="text-align: center;">Page 18</p> <p>1 procedures document?</p> <p>2 A. I'd say maybe 40 pages.</p> <p>3 Q. Was that something you gathered on your own, 4 or was it provided to you by counsel?</p> <p>5 A. It was provided to me by counsel.</p> <p>6 Q. Is that a document you had seen before?</p> <p>7 A. It is.</p> <p>8 Q. And any other documents you reviewed to 9 prepare?</p> <p>10 A. Not that I recall.</p> <p>11 Q. Okay. Would you -- are you currently employed 12 by the Chicago Police Department?</p> <p>13 A. I am.</p> <p>14 Q. Could you talk me through the positions you've 15 held and the time period you've held them since you've 16 been in the department?</p> <p>17 A. I'll do my best. I entered the police academy 18 in December of 1992. After completing my time in the 19 academy, I was assigned to the 24th Police District. 20 And that would've been in May of 1993. From there, I -- 21 I made sergeant in 1999 and I was assigned to the Third 22 Police District. I remained -- in '99, in the third 23 Police District until 2003, where I was detailed to the 24 FBI's Joint Terrorist Task Force. I remained there for 25 two years, and after I left in December of 2005, I was</p>
<p style="text-align: center;">Page 19</p> <p>1 assigned to the Area 1 Detective Division, robbery, 2 burglary, theft team. Stayed there for about five 3 months.</p> <p>4 And then in, I think it was sometime in 2006, 5 I was assigned to the Bureau of Internal Affairs, and I 6 was assigned to the Confidential Investigations Section 7 of Internal Affairs. With -- five months later, I was 8 reassigned to the Special Investigation Section of 9 Internal Affairs, where I remained there for 10 approximately seven years. After that, that would -- 11 that would take me to about 2013, where I was reassigned 12 back to the Confidential Investigation Section of 13 Internal Affairs, and that was done just so I can be 14 detailed to the FBI's Law Enforcement Anti- Corruption 15 Task Force, which I ended up working inside the FBI 16 office space. I think that was, like, April of 17 2014.</p> <p>18 And I remained there as a sergeant until I got 19 promoted to lieutenant in 2017. When I made lieutenant, 20 I remained at the FBI Task Force until 2020, when I made 21 commander of Internal Affairs. And, at that point, I 22 left the task force. About a year and a half later, in 23 December of 2021, is when I retired from the police 24 department. February of 2023, I was hired back as a 25 civilian deputy director of the Bureau of Internal</p>	<p style="text-align: center;">Page 20</p> <p>1 Affairs, where I currently work.</p> <p>2 Q. When you were on the joint FBI Terrorist Task 3 Force from 2003 to 2005, did you participate in any 4 public corruption investigations?</p> <p>5 A. I did not.</p> <p>6 Q. Okay. And then in 2006, for the five months 7 you did confidential investigations, would that have 8 included investigations of police officers?</p> <p>9 A. Yes.</p> <p>10 Q. And would've included public corruption 11 investigations?</p> <p>12 A. You talking about at -- well, mainly, when I 13 was in confidential, during that time, I -- yeah, I -- I 14 investigated police officers and it was misconduct, but 15 they weren't criminal cases for the most part at the 16 time, because that was new to the unit.</p> <p>17 Q. And then in 2013, when you could return to -- 18 well, strike that actually. In -- other than 19 conversations with your attorney, did you speak with 20 anyone else to get ready for the deposition today?</p> <p>21 A. I did not.</p> <p>22 Q. Anything else you did to prepare for the 23 deposition that I haven't asked you about yet?</p> <p>24 A. No.</p> <p>25 Q. Okay.</p>

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<p>1 A. Oh, I'm sorry. I -- I did -- I -- I reviewed 2 some of our databases just so I could formulate a 3 timeline of -- of my employment. And I used our police 4 -- BIA, Bureau of Internal Affairs, database to 5 determine the years that I was assigned to Special as 6 opposed to Confidential. And that was based on the 7 cases that I handled, and they were marked Special 8 Investigations, as opposed to Confidential 9 Investigations. So I was able to pull that up to see my 10 movement within Bureau of Internal Affairs.</p> <p>11 Q. Thank you. So that was just in regard to your 12 own employment timeline, correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Okay. And in -- are you aware of any policies 15 governing the conduct of Internal Affairs investigations 16 during the time period you're talking about, other than 17 the ones you mentioned reviewing to get ready for today?</p> <p>18 A. Yes. I'm familiar with the policies.</p> <p>19 Q. Yeah. I'm sorry. What I meant is, you 20 described a few specific policies you looked at, right? 21 93-03, 08-01 --</p> <p>22 A. Yeah.</p> <p>23 Q. As well as the BIA standard operating 24 procedures --</p> <p>25 A. Yep.</p>	<p>1 Q. -- correct?</p> <p>2 A. That's correct.</p> <p>3 Q. What I'm wondering is, other than those three 4 sources of policies for those investigations, if there 5 are any other sources you're aware of that govern how an 6 Internal Affairs investigation should be conducted?</p> <p>7 A. Oh, yeah. We -- we have numerous department 8 general orders and special orders that -- that govern 9 that.</p> <p>10 Q. Okay. What are the other policies you're 11 aware of that govern the conduct of Internal Affairs 12 investigations?</p> <p>13 A. So I would have to -- I would have to access 14 it in our Internal Affairs database, because there's -- 15 they all -- I mean, there's -- I think it's 08-01, 16 08-02, 08-03. There's -- there's so many different 17 department, general orders, and special orders that we 18 have, and they're all numbered. But I just, I have not 19 really committed those to memory.</p> <p>20 Q. And some of those I'm definitely aware of, 21 like 93-03 has subcategories like 93-03-01, 93-03-02, 22 correct?</p> <p>23 A. That's -- that is correct.</p> <p>24 Q. And the 08, whatever policy you're talking 25 about has 08-01-01, 08-01-02, et cetera, correct?</p>
<p style="text-align: center;">Page 23</p> <p>1 A. That is -- that's correct.</p> <p>2 Q. But other than those subcategories of 93 and 3 08, can you help me understand what other policies are 4 out there about Internal Affairs investigations, if 5 there are any?</p> <p>6 A. Aside from our general orders and special 7 orders, when we're talking about policy, that's -- 8 that's all that we -- we -- we go by, when we're 9 conducting investigations.</p> <p>10 Q. Got it. So to understand the rules CPD has 11 for conducting Internal Affairs investigations, it's the 12 general orders and special orders where those will be 13 memorialized, correct?</p> <p>14 A. That is correct.</p> <p>15 MR. HILKE: Okay. And just confirming to track 16 it down, Paul, the standard operating procedures, 17 that's a document produced in discovery by the City 18 in this case?</p> <p>19 MR. MICHALIK: I believe it has been, yes.</p> <p>20 BY MR. HILKE:</p> <p>21 Q. Okay. So from your time working in Internal 22 Affairs, did you have any personal involvement in the 23 investigations into Ronald Watts and Kallatt Mohammed?</p> <p>24 A. Yes. At the tail end of the investigation, I 25 -- I did.</p>	<p style="text-align: center;">Page 24</p> <p>1 Q. Could you tell me what your involvement was at 2 the tail end?</p> <p>3 A. At the very end, and this is after both 4 Mohammed and Watts had -- had been found guilty, we had 5 to resolve the administrative portion. So I completed 6 the summary, the closing summary report, and uploaded 7 all their attachments to their case into our automated 8 CR system. And I'm the one that recommended that they 9 be separated from the police department 10 administratively.</p> <p>11 Q. And what was your -- were you a sergeant at 12 the time?</p> <p>13 A. I was a sergeant.</p> <p>14 Q. Okay. Okay. And so, your involvement, was 15 that after there were actually the pleas or conviction 16 in the criminal case and, subsequently, an 17 administrative action?</p> <p>18 A. That is correct.</p> <p>19 Q. And then, other than recommending their 20 separation following the guilty pleas or findings in the 21 criminal case, was there any other step that Internal 22 Affairs took then in relation to the Watts cases?</p> <p>23 A. No. I mean, aside from recommending that they 24 be separated, that was -- that was basically it, because 25 it is my understanding that they -- they both resigned</p>

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<p>1 from the police department, or retired at that moment, 2 so...</p> <p>3 Q. Got it.</p> <p>4 A. There was nothing else to be done.</p> <p>5 Q. There wasn't at that time, for example, a 6 follow-up into other officers under Watts who were 7 supervised by Watts, was there?</p> <p>8 MR. MICHALIK: I'm just going to object to the 9 question. It's beyond the scope of this particular 10 deposition, but you can go ahead and answer.</p> <p>11 THE WITNESS: No, that -- that concluded the 12 investigation into this Watts and Mohammed case. 13 There was no further investigative work to be done.</p> <p>14 BY MR. HILKE:</p> <p>15 Q. Okay. And then I have just a couple questions 16 about your personal knowledge and connection, and then 17 I'm going to move on to another topic. But before your 18 involvement at the tail end, following the criminal 19 conviction, did you have any knowledge of the 20 investigation into Watts, Mohammed, or any officers on 21 Watts's squad prior to that time?</p> <p>22 A. I did not.</p> <p>23 Q. Okay. All right. So one of the topics is 24 about the conduct of criminal investigations -- or 25 strike that. One of the topics is about confidential</p>	<p>1 investigations conducted within Internal Affairs from 2 1999 to 2011.</p> <p>3 A. Okay.</p> <p>4 Q. And I think you already testified that any 5 policies for conducting those investigations would be in 6 the general orders or the special orders; is that 7 correct?</p> <p>8 A. That is correct.</p> <p>9 Q. And so, in those orders, is there any way in 10 which a confidential investigation differs in the 11 investigative steps from any other Internal Affairs 12 investigation to be conducted?</p> <p>13 A. Yes. Just by the -- the nature of the cases 14 that were handled by the Confidential Investigation 15 Section. Those cases, they were usually long-term 16 investigations that required coordination with either 17 the U.S. Attorney's office or the State's Attorney's, 18 surveillance work, and sometimes working with outside 19 agencies to fulfill the requirements of the 20 investigation. So and the -- and so that's kind of the 21 main thing that differed, was the fact that Confidential 22 had covert vehicles, we used resources from other 23 agencies, and we conducted a lot of surveillance at 24 Confidential.</p> <p>25 Q. That makes sense. In terms of -- now the</p>
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<p>1 general orders and special orders, they provide, for 2 example, a list of steps that should be taken in an 3 Internal Affairs investigation, correct?</p> <p>4 A. That's correct.</p> <p>5 Q. And in terms of the overall investigative 6 steps, are those the same between general Internal 7 Affairs investigations and confidential investigations?</p> <p>8 A. Yes. On the onset, yes, they -- they are the 9 same to the point where you -- you make contact with the 10 complainant to find out the nature of the -- of the 11 investigation and find out what we're dealing with here. 12 At that point is where the case is assigned to either 13 the Confidential Section, Special Investigation Section, 14 or General Section. And after that's determined, the 15 case is assigned to an investigator in that particular 16 section and then the -- the investigation is worked up 17 and handled. And if -- if you're asking about the 18 processes of it, so we -- we have to gather, like, if we 19 have witnesses to what happened, we -- we gather the 20 information of the witnesses. If there's any kind of 21 external, like, media, like, video camera footage or -- 22 we gather all of that just to build our case.</p> <p>23 Q. That makes sense and I understand that 24 operationally, there are going to be different 25 considerations, because, for example, it's longer term</p>	<p>1 and there may be more surveillance involved. But in 2 terms of just how the policies list out the steps, it's 3 the same set of steps that are listed in the policies 4 for any kind of Internal Affairs investigation, correct?</p> <p>5 A. Yes. For the most part, yes.</p> <p>6 Q. Are there any -- is there anywhere you saw in 7 the policies that sets out, here's how the steps that 8 you take in an investigation are different when you're 9 doing a confidential investigation?</p> <p>10 A. Well, like I said, the -- the different steps 11 will be the -- the fact that these are long-term, covert 12 operations in confidential, which differs from cases in 13 special and general, where you just contact everyone, 14 gather information, bring everybody in, and interview 15 everyone, you know, in real time, as opposed to doing 16 surveillance and gathering information and -- and 17 working with the State's Attorney's office and the U.S. 18 Attorney's office to pursue criminal charges for most of 19 the cases that -- that happen outside of the -- inside 20 of the Confidential Section.</p> <p>21 Q. And are those differences written out in the 22 general order and special order that govern the 23 investigations?</p> <p>24 A. Yes.</p> <p>25 Q. Okay.</p>

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<p style="text-align: right;">Page 29</p> <p>1 A. Yes, I believe, yeah, that was in 93-03. 2 Q. And so -- and was that the -- was the reason 3 for listing the differences in investigative steps 4 between confidential investigations and regular 5 investigations, was the purpose of listing those 6 differences in the general orders and special orders so 7 that Internal Affairs investigators would know what 8 other and additional things they need to do during any 9 confidential investigations? 10 A. Well, it -- it would -- it would provide -- 11 yeah, it would -- it would provide an understanding of 12 what to be -- what's to be expected when you work in 13 Confidential and the different types of cases you would 14 work and the manner in which you would work those cases. 15 I mean, I just -- wait, are you still asking about the 16 differences, or... 17 Q. I -- I'm more asking about the purpose of 18 writing down the differences in the general orders and 19 special orders. The purpose is so that confidential 20 investigators can be informed as to what they might need 21 to do differently in a confidential investigation, 22 correct? 23 A. No. Well -- well, I -- I think it's to a 24 larger degree that we -- each order kind of spells out 25 everything that needs to be done within Bureau of</p>	<p style="text-align: right;">Page 30</p> <p>1 Internal Affairs. So there are sections within our 2 department, with our department policy that just 3 explains, like, every nuance to the different 4 investigative sections, just so we -- everyone can kind 5 know what to do, what to expect, and how to do it, and 6 follow a certain guideline. 7 Q. Right. And so, if, for example, if an -- 8 well, strike that. And did that -- in addition to 9 confidential investigations, there was also a unit 10 within Internal Affairs that did criminal 11 investigations, correct? 12 A. Right. So -- yes. 13 Q. And so, did -- is the same thing, true for the 14 criminal investigation section? The differences in how 15 they proceed are going to be in the general orders and 16 the special orders? 17 A. Okay. So there -- there was not a criminal 18 investigation section. 19 Q. Okay. 20 A. There was there was the Confidential 21 Investigation Section that handled criminal matters. 22 Q. I understand. Let me back up, then. What 23 were the sections of Internal Affairs investigators 24 during this time? 25 A. So you -- you had Confidential, you had</p>
<p style="text-align: right;">Page 31</p> <p>1 Special, you had General. Then you have the 2 administrative section, the advocate section, and the 3 record section. 4 Q. And then the three investigative subunits are 5 going to be confidential, special, and general, correct? 6 A. That is correct. 7 Q. Okay. So a better question would've been the 8 differences between Confidential Investigations, Special 9 Investigations, and General Investigations, those are 10 going to be delineated in the general orders and special 11 orders, correct? 12 A. Yes. 13 Q. Okay. And you mentioned different unit -- 14 could you tell me what are the different subunits within 15 the Confidential Investigation Section during this time 16 period? 17 A. Within Confidential, you have the -- the 18 medical team that -- that oversaw medical abuse. If 19 somebody is on the medical and they're outside lifting 20 weights when they had an arm injury. So we have those 21 cases. We have residency cases. If you work for the 22 police department or the City, you have to live within 23 the City. So we -- we had a section that investigated 24 officers for residency violations. We had the -- the 25 criminal team that worked up the criminal</p>	<p style="text-align: right;">Page 32</p> <p>1 investigations, and -- and then there was like, within 2 Confidential, there was a general team. There was a 3 General team that just handled kind of everything that 4 belongs to Confidential that is not one of those 5 subcategories that I mentioned. 6 Q. So do I understand correctly that there are 7 four separate teams, medical, residential, criminal, and 8 general? 9 A. Within Confidential. 10 Q. Within Confidential? 11 A. Yes. 12 Q. Okay. And what about in the special 13 investigations unit? What subunits, if any, are there 14 within that group? 15 A. So within special, you -- you had a team that 16 worked the EEOC complaints. There was a team that 17 worked a rank investigation, which were -- that's the 18 team I was on, and that was lieutenants and above. We 19 investigated those cases. We also investigated the, 20 what I considered to be the high-profile media cases. 21 These cases where you'll -- you'll see an -- an officer, 22 you know, conducting misconduct that's newsworthy that 23 needs to be worked up quickly because the people want 24 answers. So that also fell under the Special 25 Investigation Section.</p>

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<p>1 Q. Okay. So I'm hearing those as three separate 2 units, EEOC, rank, and high profile?</p> <p>3 A. High-profile, correct.</p> <p>4 Q. Okay. And what about in the -- among the 5 general investigations? Is that divided into different 6 subunits?</p> <p>7 A. So no, general investigations are handled by 8 -- usually, it's like some of the newer investigators, 9 and they handle everything that's not handled by Special 10 or Confidential, but they do handle officer intoxication 11 cases, on or -- on or off duty, officers involved in a 12 -- traffic crashes. Just your -- your run-of-the-mill 13 complaints that come in against officers that are not 14 handled by Special, Confidential, or IPRA, OPS, or now 15 COPA. So the bulk of our cases in BIA are handled by 16 general.</p> <p>17 Q. Okay. One second. So from 1999 to 2011, you 18 -- I'll use the abbreviation CR to mean complaint 19 registered, fair enough?</p> <p>20 A. Fair enough.</p> <p>21 Q. During that time period, the City could 22 receive complaints of misconduct from residents, 23 correct?</p> <p>24 A. That is correct.</p> <p>25 Q. And other officers could also make complaints</p>	<p>1 against each other, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. And supervisors could request that an 4 investigation of misconduct be initiated against their 5 subordinates, correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Likewise, an officer could request an 8 investigation against one of their superiors, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Other than coming from an officer or coming 11 from a resident, were there any other sources from which 12 complaints were generated?</p> <p>13 A. Yeah. During that time frame, a citizen can 14 -- could go to OPS to file a complaint. They can go to 15 IPRA to file a complaint. They can file a complaint 16 over the phone. They can -- they can file a complaint 17 with any supervisor, with any district, or with any 18 unit. Yeah, that's the -- the main reason -- the main 19 ways to do it, yes.</p> <p>20 Q. So other than, like, a civilian initiating a 21 complaint or an officer making a complaint, there wasn't 22 like a third way, like a computer system that would 23 generate a complaint automatically, was there?</p> <p>24 A. At that time, no.</p> <p>25 Q. Okay. It would have to -- it would have to be</p>
<p style="text-align: center;">Page 35</p> <p>1 either a civilian deciding to initiate one or a -- an 2 officer deciding to initiate one, correct?</p> <p>3 A. That is correct.</p> <p>4 Q. Can you walk me through, and I know that IPRA 5 came onto the scene during this time frame we're talking 6 about, right? 1999 to 2011. So if this process 7 differs, you know, changed during the time, please just 8 advise me of that and I'll ask you about, you know, any 9 distinct time period where the process might have been 10 different; is that fair enough?</p> <p>11 A. That's fair.</p> <p>12 Q. Can you tell me -- can you describe to me as 13 sort of the initial stage of a complaint? What -- after 14 a complaint is received, whether from an officer or from 15 a civilian, what the initial stage is in processing that 16 complaint.</p> <p>17 A. Okay. So -- so when the when the complaint is 18 received to either Internal Affairs or directly to IPRA 19 or COPA, the -- the cases -- all cases are like, 20 basically, triaged through either OPS or IPRA, at the 21 time. So if -- if I was a sergeant and I received a 22 complaint from a citizen, I would do an initiation 23 report that would spell out, you know, everything: who 24 the complainant is, who the accused officer is, list of 25 witnesses. And I would put that in a memo, a to-from</p>	<p style="text-align: center;">Page 36</p> <p>1 subject report. And then that, at the time, would be 2 faxed over to IPRA or COPA.</p> <p>3 At that point, they will determined if they're 4 going to keep that case and handle it, if it fell under 5 their jurisdiction, or if they'll send it back to the 6 BIA after they've assigned a log number to it. Then if 7 it comes back to us, we'll handle the investigation. If 8 they decide to keep it, if it's -- if it falls within 9 their purview, they'll keep the case, and they will -- 10 they will investigate it themselves.</p> <p>11 Q. Okay. And when you say Internal Affairs, is 12 that the same as the Bureau of Internal Affairs, or 13 BIA?</p> <p>14 A. Yes. Yes, it is.</p> <p>15 Q. And the log number that's generated, is that 16 the same as the CR number that's used to track the 17 complaint?</p> <p>18 A. So what happens is, all cases, all 19 investigations are assigned initially a log number.</p> <p>20 Q. Okay.</p> <p>21 A. That's the -- that's how it's -- especially 22 back then, they were at log numbers. So when you 23 mention CR number, these log numbers are converted to CR 24 numbers when the sworn affidavit has been executed. 25 Then once it's been executed and signed off by the</p>

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<p>1 complainant, then within the auto CR system, there is a 2 -- a toggle button and you would -- you would switch it 3 over to a CR number. So that's -- so all the numbers 4 come, in back then, as infos. Not all, but most of them 5 come in as infos, and then we convert them -- I'm sorry, 6 as log numbers. Then we convert them to CR numbers, 7 unless the person making the complaint is a officer. If 8 it's an officer complaining against an officer, that 9 case is automatically a CR number.</p> <p>10 Q. I understand. And when it changes from a log 11 number to a CR number, does that change the number?</p> <p>12 A. It does not.</p> <p>13 Q. Okay. One second. Okay. And IPRA is the 14 agency that replaced OPS, correct?</p> <p>15 A. That is correct.</p> <p>16 Q. And when OPS was in -- was in effect all of 17 its investigators were civilians, correct?</p> <p>18 A. I -- I believe, because this is going back 19 sometime, but I believe there were sworn Chicago police 20 officers assigned to work at OPS at the time.</p> <p>21 Q. And so, that would -- including up until the 22 time it became IPA, correct?</p> <p>23 A. I'm not sure of the time frame, but I do 24 recall there being Chicago Police officers at OPS.</p> <p>25 Q. Okay. And then when IPRA was created, did any</p>	<p>1 sworn CPD officers work there?</p> <p>2 A. No.</p> <p>3 Q. And do you know -- and did OPS also employ 4 civilian investigators?</p> <p>5 A. Yes.</p> <p>6 Q. Were most of the investigators at OPS 7 civilians?</p> <p>8 A. Yes. Yes.</p> <p>9 Q. What was the extent of sworn officers 10 participation as in -- as working within OPS?</p> <p>11 A. From what I recall, the sworn officers and the 12 civilian investigators, they did the same work. It's 13 just that they had sworn officers doing investigations 14 for them as well.</p> <p>15 Q. Okay. What is the -- what is the Auto CR 16 system?</p> <p>17 A. The Auto CR system is the -- is the -- it's an 18 electronic system that we use to investigate our cases. 19 So we were able to upload all of our attachments to the 20 cases. We were able to memorialize who the accused 21 were, the witnesses were, and that's the case we use to 22 -- just really to work up the whole investigation and 23 then to submit it for approval once we close the case. 24 So that -- that was a standalone system. It had nothing 25 to do with OPS or IPRA. It was our internal database</p>
<p style="text-align: center;">Page 39</p> <p>1 that was used to work up our complaints.</p> <p>2 Q. Did the Bureau of Internal Affairs also use -- 3 wait, sorry. Let me take a step back. Did OPS and IPRA 4 also use Auto CR, or was it just -- well, actually, 5 strike that. Did both the Bureau of Internal Affairs 6 and OPS and IPRA use the Auto CR system?</p> <p>7 A. No, that was just our system. Now, if they 8 had a different version of our system, I wasn't aware of 9 that because I never worked there. But I -- as I -- as 10 a supervisor, even up to a commander, I -- I just -- I 11 never saw their cases within our system. It was only 12 our investigators that were working within that system.</p> <p>13 Q. During -- no. Was the -- was the leadership 14 -- well, it was leadership of OPS Civilian Law 15 Enforcement, or could it be either?</p> <p>16 A. I -- I'm not aware -- I wasn't aware of their 17 leadership structure. I'm not sure.</p> <p>18 Q. And what about IPRA?</p> <p>19 A. IPRA, their -- their leadership was civilian. 20 I do recall that.</p> <p>21 Q. And, the City -- what was -- what was CPD's 22 role, if any, in giving input to the leadership of 23 IPRA?</p> <p>24 MR. MICHALIK: Object to the form of the 25 question.</p>	<p style="text-align: center;">Page 40</p> <p>1 THE WITNESS: I'm -- I'm not aware.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. Got it.</p> <p>4 A. I'm not aware of that.</p> <p>5 Q. So you wouldn't have an answer one way or 6 another as to whether CPD participated in -- like, for 7 example, the superintendent participated in selecting 8 the leadership of IPRA?</p> <p>9 A. I would have no knowledge of that.</p> <p>10 Q. Okay. You're not aware of any role that 11 prevent the superintendent from weighing in on these 12 leadership of IPRA, are you?</p> <p>13 MR. MICHALIK: Object to form.</p> <p>14 THE WITNESS: I'm not aware.</p> <p>15 BY MR. HILKE:</p> <p>16 Q. You understand, just because I got a form 17 objection, that by weighing in, I mean the 18 superintendent participating in, you know, giving 19 feedback on or otherwise having involvement in the 20 selection of IPRA's leaders?</p> <p>21 A. Yes. I understood, yeah.</p> <p>22 Q. Then -- so when IPRA and OPS investigated CRs, 23 did the Bureau of Internal Affairs have any involvement 24 in that investigation by OPS or IPRA?</p> <p>25 A. No.</p>

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<p style="text-align: center;">Page 41</p> <p>1 Q. And when OPS investigated CRs, did the Bureau 2 -- and -- so let me -- there's kind of two separate 3 sides to it, right? One is the Bureau of Internal 4 Affairs, and the other is OPS, later IPRA, correct?</p> <p>5 A. That is correct.</p> <p>6 Q. Did either agency have involvement in the 7 other's investigations?</p> <p>8 A. I can say with certainty for IPRA, no. OPS, 9 it goes back -- it goes back quite a while and, as I 10 said, they had sworn CPD officers working at OPS. So I 11 just don't know if they had any involvement in Internal 12 Affairs cases back then.</p> <p>13 Q. Sure.</p> <p>14 A. I can't say for certain.</p> <p>15 Q. During our time period, 1999 to 2011, do you 16 have any reason to believe they would have had 17 involvement in those investigations?</p> <p>18 A. I -- I have no reason to believe that they 19 would have.</p> <p>20 Q. Okay. Other than OPS or IPRA, you know, 21 taking the -- being the first reviewer of complaints to 22 decide if they were going to keep them or refer them to 23 Bureau of Internal Affairs, are you aware of -- 24 actually, Let me take a step back. At one point during 25 this time period, I believe it's the 2003 to 2007</p>	<p style="text-align: center;">Page 42</p> <p>1 Fraternal Order of Police contract, there is introduced 2 an affidavit requirement for investigating complaints, 3 and also an affidavit override procedure. Are you 4 familiar with those?</p> <p>5 A. I am.</p> <p>6 MR. MICHALIK: I'm just going to object to that 7 form of that question, the preliminary aspect of 8 that, but the answer can stand.</p> <p>9 BY MR. HILKE:</p> <p>10 Q. Sure. And as far as the affidavit override 11 procedure, that meant the head of OPS or IPRA could 12 override the lack of a civilian affidavit if requested 13 to by the Bureau of Internal Affairs, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. And, likewise, the other way, that the head of 16 the other agency could override from the first, correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Other than sort of processing the complaint 19 initially for assignment and that override procedure, 20 are you aware of any other interaction between Bureau of 21 Internal Affairs and OPS-IPRA during this time period?</p> <p>22 A. No. No.</p> <p>23 Q. And would it be -- would it be all right if we 24 agree when we say OPS or IPRA, we're referring to both 25 during this time period, unless we further specify?</p>
<p style="text-align: center;">Page 43</p> <p>1 A. If that helps you.</p> <p>2 Q. It will help me. I'm going to get tired of 3 saying OPS-IPRA, if you don't correct me.</p> <p>4 A. Sure. Not a problem.</p> <p>5 Q. Thank you. So getting back to the stages. 6 After OPS decides whether it will retain the complaint 7 or refer it back to the Bureau of Internal Affairs, 8 what's the next stage in the investigation?</p> <p>9 A. Well, if it's -- if it's returned back to the 10 Internal Affairs Division, then that case would -- well, 11 first of all, it would be a determination made of what 12 section within Bureau of Internal Affairs it would go 13 to. So if it stays in Special, then the administrative 14 sergeant in the Special Investigations section would 15 create a folder, put whatever attachments he or she has 16 available into the folder, and then assign that case to 17 an investigator. And that's the same for General and 18 Special as well, they all have administrative sergeants 19 assigned to those sections, and they'll create the file 20 folder and add any attachments that were obtained from 21 COPA. Well, not -- I'm sorry. IPRA or OPS and have it 22 -- it will be in a file already.</p> <p>23 Q. Is that the same process for OPS-IPRA? You 24 put everything in a folder, you put in the attachments, 25 and you assign it to an investigator?</p>	<p style="text-align: center;">Page 44</p> <p>1 A. If it's assigned to OPS or IPRA?</p> <p>2 Q. Yeah.</p> <p>3 A. I don't know their process. You know what I 4 mean? So if they -- if they keep the case, I don't know 5 how -- how they would assign their cases because that's 6 not -- I don't -- I -- I was never able to see what they 7 did.</p> <p>8 Q. Okay. So you don't -- do you have any reason 9 to believe that OPS and IPRA had a procedure for what 10 they did when they assigned an investigation, in terms 11 of putting the materials together for the investigator?</p> <p>12 A. Well, I'm -- I'm sure they had a procedure 13 because what I -- what I do know is at the tail end of 14 your investigations, their cases would come to the 15 Internal Affairs Division and it would be housed in our 16 records section, and their file folders and attachments 17 looked similar to ours. So I'm -- I'm almost certain 18 that their processes were pretty similar.</p> <p>19 Q. Okay. And is that -- and so, based on how the 20 folders -- well, strike that. Okay. And in describing 21 what's similar, you're specifically describing the 22 process of gathering materials to assign a case to an 23 investigator, correct?</p> <p>24 A. Right. So what I'm -- what I'm saying is you 25 have a manila folder, right? Inside the folder --</p>

<p style="text-align: right;">Page 45</p> <p>1 inside every folder is going to be a face sheet, and 2 that's going to spell out the allegations and who the -- 3 the complaint itself, and who the complainant is, and 4 who the accused officers or witnesses are. If we have 5 them, it's going to be on the face sheet. And that's -- 6 unless there's some other photos or anything, that is 7 what the investigators are going to get NBIA and now, I 8 can assume, as well as OPS or IPRA.</p> <p>9 Q. Okay. So then, what's the next step in the 10 investigations?</p> <p>11 A. The next step is to -- you're going to review 12 the face sheet. I'm going to see what the allegations 13 are. I'm going to see who the accused officer is. 14 You're going to determine whether or not that accused 15 officer is still employed with the City because why 16 conduct this investigation when he's no longer working, 17 you know, to a certain extent. And then, from there, 18 you'll determine who the -- if there were any witnesses 19 and at -- so, at that point, once you have everything, 20 then you reach out to the complainant and you set up an 21 interview with the complainant to see if everything 22 that's contained in that initial quick view sheet, face 23 sheet, is the extent of their complaint, or if they have 24 anything else to add, or additional information.</p> <p>25 Q. Okay. If -- when -- if the investigator</p>	<p>1 contacts the complainant and the complainant gives a 2 statement that indicates additional allegations, maybe 3 warranted, are you able to expand the allegations in the 4 investigation?</p> <p>5 A. Oh, definitely.</p> <p>6 Q. And, you mentioned to an extent why 7 investigate an officer if they've left the department. 8 What was the practice during this time as to what would 9 be done, if the officer had left the department?</p> <p>10 A. Well, depending on the nature of the 11 allegation and depending on the date that the incident 12 happened and the date that the officer retired because, 13 if the date of the incident, like, occurred -- April 1st 14 is the date of the incident, but the officer retired in 15 March, that officer is no longer a department member, so 16 we would not investigate that case.</p> <p>17 Q. But, what if -- what if the incident is from 18 before the date the officer left the department? What 19 is the --</p> <p>20 A. Right. So we would -- we would -- so we would 21 in -- we would investigate the case. We would take all 22 the witness statements and we'll interview the 23 complainant and, at that point, when it's -- so, we 24 won't -- we would reach out to the -- to the officer, if 25 we're going to serve allegations. But, most times, if</p>
<p style="text-align: right;">Page 47</p> <p>1 the officer is no longer employed, they refuse to come 2 in because they're not going to be paid to come in, so 3 they're not going to want to come in. So then, we would 4 finalize the investigation and oftentimes put it in a -- 5 what's considered a closed hold status.</p> <p>6 Q. Okay. So the practice during this time was to 7 continue investigations against an officer, even if that 8 officer had retired, as long as the allegation occurred 9 before the retirement, correct?</p> <p>10 A. And as you -- and -- and as long as the 11 complainant signs the affidavit.</p> <p>12 Q. Okay. Let me take a step back. During this 13 time period, CRs could also be assigned to supervisors 14 within the accused officer's chain of command for 15 investigation, correct?</p> <p>16 A. That is correct.</p> <p>17 Q. And I've heard that referred to as, like, an 18 accountability sergeant. Is that familiar to you?</p> <p>19 A. That's -- that's the newer term. We do have 20 accountability sergeants currently in all districts in 21 all units.</p> <p>22 Q. Okay. So if that's newer, what was -- I want 23 to focus on this 1999 to 2011 period --</p> <p>24 A. Okay.</p> <p>25 Q. -- and not what's newer. How did it -- what</p>	<p>1 was the process by which an accused officer's supervisor 2 would be assigned a CR to investigate during this time 3 period?</p> <p>4 A. Okay. During that time period, there were 5 certain districts, if they had the manpower, they would 6 assign -- they would have a CR sergeant that handled all 7 CRs, if they had the manpower to do that. If -- but, 8 that's -- that's -- that didn't happen a lot. So where 9 you had units that didn't have a CR sergeant, those 10 cases would be assigned to the district and it would be 11 handled by the officer's immediate supervisor.</p> <p>12 Q. And would that be -- would OPS decide that the 13 complaint should go to the district as part of its 14 process of reviewing the CR?</p> <p>15 A. Well, the -- no. So what happens is OPS, 16 they're like the repository, they all go to OPS. Those 17 cases are assigned to Internal Affairs, and then 18 Internal Affairs supervisors, or administrative 19 sergeants, will determine if those cases are to be 20 handled in the unit with the -- where the incident 21 occurred, or if it will be kept at BIA.</p> <p>22 Q. Got it. So the only CRs that would be 23 investigated by the unit would be those CRs that had 24 first been referred to Bureau of Internal Affairs by 25 OPS or IPRA, correct?</p>

<p style="text-align: right;">Page 49</p> <p>1 A. That is correct. So -- because here's the 2 thing. So if a -- if a sergeant in, say, the 18th 3 District types up an initiation report and takes a 4 complaint from a citizen, that complaint would be -- 5 would be generated, and then it would be faxed over to 6 IPRA or OPS. OPS would take a look at it. The -- 7 whatever they -- they'll do whatever they do with it, 8 and then if -- it's not going -- if they're not going to 9 handle it themselves, they will send it back to Internal 10 Affairs. Internal Affairs will then look at it and say, 11 okay, this could be handled at the district level, and 12 they would -- Internal Affairs would send it back to the 13 district for it to be handled by a sergeant in the 14 district.</p> <p>15 Q. Got it. And how did OPS and IPRA decide which 16 complaints they would investigate and which ones they 17 would refer to Internal Affairs?</p> <p>18 A. Well, the -- the -- OPS and IPRA only handled 19 certain types of cases. Police-involved shootings, 20 domestics, excessive force complaints. So they -- they 21 just really didn't handle a lot of investigations. Only 22 those types of investigations. And they've expanded it 23 to, you know, search and seizure, and some other 24 categories. But back then, it was really only a handful 25 of complaint types they handled.</p>	<p>1 Q. Okay. And the expansion to search and 2 seizure, that was after the time frame we're talking 3 about of 1999 --</p> <p>4 A. That is correct.</p> <p>5 Q. Okay.</p> <p>6 A. That is correct.</p> <p>7 Q. And then, for those complaints that were 8 referred to Internal Affairs during that time period, 9 how did Internal Affairs decide which complaints should 10 be investigated by BIA investigators as opposed to 11 assigned to the unit?</p> <p>12 A. So typically, when cases go back to the unit, 13 the administrative sergeant would review that face sheet 14 or the -- the quick view and determine that, okay, this 15 case is -- everything about this case happened within 16 that district. So he can go back to the district and it 17 be handled by a sergeant within that district because it 18 didn't cross over to another district. So I mean, if 19 it's -- if it's one of those situations where it's not 20 criminal, it doesn't -- it doesn't take a lot of 21 investigatory work -- investigative work, and that 22 sergeant can handle it with, really, just minimal 23 investigative avenues, then it would handle -- be 24 handled in the district because we can't -- we can't 25 afford to have our district sergeants taking on lengthy</p>
<p style="text-align: right;">Page 51</p> <p>1 investigations because it would take away from them 2 monitoring and overseeing these -- the officers on the 3 watch. So if they're, like, very straightforward cases, 4 they will go back to the district.</p> <p>5 Q. And as part of the practice for assigning to 6 the unit versus an Internal Affairs investigators, was 7 the seriousness of the allegation also a factor? Was it 8 believed that more serious allegations should be 9 investigated by the Internal Affairs investigators?</p> <p>10 A. Well, there's -- there's two ways of looking 11 at it because when you talk about seriousness, a lot of 12 cases are serious. I mean, are -- if we're -- we're 13 talking criminal, or we just talking in serious? Because 14 these cases, when citizens make complaints, it's serious 15 to them, so in that respect, all cases are -- are 16 serious unless you're talking about the criminal cases, 17 you know?</p> <p>18 Q. So one -- am I correct that -- well, actually, 19 let me ask you this. Was -- were there written 20 standards that -- were there written standards for which 21 cases should be assigned to IA investigators versus 22 assigned to the units?</p> <p>23 A. No. As I -- as I explained, it -- it all 24 depends on how much effort it would take an investigator 25 to complete that at -- at the district level because we</p>	<p>1 don't -- we don't need them to spend so much time 2 working an investigation if these -- if -- you know, 3 hey, this officer threw my keys down a manhole cover. 4 All right, do we have witnesses? Are there cameras? 5 Did you do it? Did you not do it? And it's done. We 6 just don't -- we just do not assign cases to the 7 districts or units that were complex and took a lot of 8 investigative steps.</p> <p>9 Q. I think I understand, but just to make sure I 10 did, that was a question of the exercise of judgment 11 within Internal Affairs and not a written policy with 12 criteria for assigning --</p> <p>13 A. That is --</p> <p>14 Q. -- one to the other, correct?</p> <p>15 A. Yeah. That is correct.</p> <p>16 Q. Okay. And could -- and like -- and you talked 17 about allegations of, you know, where the conduct would 18 be criminal, right? Did Internal Affairs receive some 19 CRs, some complaints alleging conduct that would be 20 criminal, if proven?</p> <p>21 A. Yes.</p> <p>22 Q. And did -- and actually, who within Internal 23 Affairs actually makes that decision of whether the 24 complaint is going to be kept by IA investigators or 25 assigned to the unit?</p>

<p style="text-align: center;">Page 53</p> <p>1 A. Well, they would be -- once the case comes in, 2 it -- it's kind of triaged by a lieutenant in the -- a 3 lieutenant in the General Investigation Section, at the 4 time, during that time frame. And then, that case would 5 either be sent to Confidential, Special, or kept in 6 General, depending on the type of the case it was.</p> <p>7 Q. Okay. Or, it could be sent out to the unit to 8 investigate, correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And, did the -- was there any policy, any 11 written policy, that prevented that lieutenant from 12 assigning allegations that alleged criminal conduct to 13 the unit to be investigated?</p> <p>14 A. A written policy?</p> <p>15 Q. Yes, sir.</p> <p>16 A. Well, I -- I don't -- I don't really -- I 17 don't really believe there was a written policy. I 18 don't think that's spelled out in the Special Order or 19 General Order.</p> <p>20 Q. Who did that lieutenant report to?</p> <p>21 A. The -- well, during that time, there was a 22 commander, and then there were -- there was also the 23 chief. But there was no deputy chief. There was a 24 commander or a chief.</p> <p>25 Q. And could you walk me through the chain of</p>	<p style="text-align: center;">Page 54</p> <p>1 command between the lieutenant and the superintendent, 2 please?</p> <p>3 A. And the superintendent?</p> <p>4 Q. Yes, sir.</p> <p>5 A. Okay. Sure. You -- you have the lieutenant, 6 then you have captains -- or are you talking about 7 within BIA?</p> <p>8 Q. Yeah. Specifically, for that -- you know, 9 that lieutenant in BIA who is making these decisions, 10 who is his chain or her chain of command up to the 11 superintendent?</p> <p>12 A. Okay. So you have the lieutenant, then you 13 have the commander of the unit, then you have the chief 14 of Internal Affairs, and then you have the 15 superintendent.</p> <p>16 Q. So let me go back -- let me go back to the 17 stages of the investigation again. We had gotten so far 18 as trying to interview the complaining. And again, if 19 you have reason to believe the steps would be different 20 for a BIA investigation versus an OPS investigation, 21 please tell me and we'll lay them out separately. But 22 my question is: After interviewing the complainant, 23 what's the next step?</p> <p>24 A. Well, it all depends on what information you 25 gather from the complainant. If the complainant, let's</p>
<p style="text-align: center;">Page 55</p> <p>1 see, for instance, tells us that it -- it happened in 2 front of a 7-11 and I saw cameras, then the investigator 3 would have to go out to that 7-11 and try to get video 4 evidence of the incident if there is some available. If 5 the complainant lists several witnesses to the incident, 6 we would -- the investigator would try to make contact 7 with the witnesses to -- to interview the witnesses. 8 And if the complainant was able to identify the officer, 9 then, at that point, either the officer would have 10 already been named as the accused in the investigation 11 or, at that point, the investigator will name the 12 officer as the accused.</p> <p>13 Q. Okay. And what happens next after those 14 steps?</p> <p>15 A. So after -- after that, once all the 16 investigative steps have been taken for the case, then 17 there's the -- the accused member is served with their 18 allegations.</p> <p>19 MR. MICHALIK: And I don't mean to interrupt, 20 but just so that we're clear, we're talking about 21 the BIA general investigations, as opposed to 22 confidential investigations, compared to?</p> <p>23 MR. HILKE: Well, I'm sorry. Let me ask that 24 as a question then.</p> <p>25 BY MR. HILKE:</p>	<p style="text-align: center;">Page 56</p> <p>1 Q. In terms of these general steps for proceeding 2 in an investigation, do those differ between units 3 within Bureau of Internal Affairs?</p> <p>4 A. They -- they could. So those -- those steps 5 that I laid out are pretty consistent with General and 6 Special investigations. But then, when it comes -- 7 yeah. There -- there's some differences where we work 8 up cases that are confidential.</p> <p>9 Q. Got it. So tell you what, let's put 10 confidential to the side and we'll walk through it next 11 and if it changes in any other unit or subunit, we'll 12 figure -- we'll specify as we go.</p> <p>13 A. Okay.</p> <p>14 Q. Okay. So after the allegations are served on 15 the accused officer -- well, actually, one question. 16 You mentioned trying to contact witnesses in -- as one 17 of the investigative steps. Does that include 18 non-accused officers?</p> <p>19 A. Yes.</p> <p>20 Q. And so, any -- okay. And so, after all that 21 has been completed, all of those investigative steps are 22 completed and the allegations are served on the accused 23 officer, what happens next?</p> <p>24 A. Okay. At that -- at that point, the -- the 25 officer is given 72 hours to -- to submit to a -- a form</p>

<p style="text-align: right;">Page 57</p> <p>1 -- a statement. So that can be done two ways. They can 2 be brought down to the Bureau of Internal Affairs and -- 3 and they can sit for a formal Q and A statement that's 4 typed out or the investigator can request that the -- 5 the member submit a to/from report answering specific 6 questions that the investigator poses to him or her in 7 writing.</p> <p>8 Q. And by the way, all these steps we've gotten 9 through as far -- thus far, are those the same when the 10 supervisor -- when the complaint is assigned to a unit 11 and the supervisor investigates, just as if another 12 investigator would be conducting the investigation?</p> <p>13 A. Yes. The only difference is in the -- in 14 units, the investigator would typically just take a 15 to/from report from the accused officer and not sit with 16 the officer and type out a formal Q and A statement.</p> <p>17 Q. And did -- why is that?</p> <p>18 A. For the sake of time. For the sake of time. 19 They just -- because if you go way back, we -- you know, 20 we -- we had typewriters and it was time consuming 21 typing out, yeah, statements. So it was easy -- made it 22 a lot easier for the -- for the member to just respond 23 to a series of questions in a written report and they 24 could just hand write the responses out.</p> <p>25 Q. Got it. And was that a -- was that a fairly</p>	<p style="text-align: right;">Page 58</p> <p>1 universal practice during this time period that if a 2 supervisor is investigating, the accused's statement is 3 going to be a to/from and not a typed up interview?</p> <p>4 A. Yeah, during that time frame, and if it's in 5 the unit, yes. In the District Corp unit, yes.</p> <p>6 Q. And to your knowledge, were supervisors ever 7 told that they should be taking, you know, typed up 8 statements as opposed to a to/from Reports?</p> <p>9 A. No. They were not told that.</p> <p>10 Q. Okay. So then, after the officer is -- either 11 gives a statement or submits a to/from, what's the next 12 stage?</p> <p>13 A. The investigator will make a determination of 14 the finding of the investigation to -- to -- to see if 15 there was enough information to -- to suggest that what 16 was alleged had happened to sustain the complaint, or 17 there were other findings that -- that could have been, 18 you know, levied on that particular investigation and -- 19 and then the investigator will just close the case out, 20 based on one of those findings.</p> <p>21 Q. Is there any written guidance you're aware of 22 -- and so strike that actually. To -- were there 23 different accounts of what happened, for example a 24 complainant says misconduct happened and the officer 25 denies it, the investigator has to weigh credibility to</p>
<p style="text-align: right;">Page 59</p> <p>1 determine whether to sustain complaint or not, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And is there any written guidance that you're 4 aware of that tells investigators how they should weigh 5 credibility?</p> <p>6 A. Well, the -- the -- the way the findings are 7 spelled out, you know, like when -- if you have a 8 one-on-one, if it's the investigator and the -- the 9 citizen, then you have the accused officer, and all 10 parties have been interviewed and the investigator 11 cannot make a determination of whether or not what was 12 alleged did occur, then typically that investigation 13 will be not sustained because we -- you can't prove or 14 disprove one way or the other that it happened based on 15 the limited information you received or the witness 16 statements that were available.</p> <p>17 Q. I understand. What kind of additional 18 evidence would typically be necessary to -- well, 19 actually, strike that. Because -- so that category of 20 not sustained, when it's not possible to make a 21 determination, that's not saying that happened, it's not 22 saying it didn't happen, it's just saying you can't 23 tell, it's not sustained, correct?</p> <p>24 A. That is correct.</p> <p>25 Q. There's another category, I think it's</p>	<p style="text-align: right;">Page 60</p> <p>1 exonerated, right?</p> <p>2 A. Yes.</p> <p>3 Q. Wherein -- and is that the category where the 4 investigator says, actually, I can go a step further. 5 This did not happen. That's what the evidence shows me.</p> <p>6 A. Oh, exoneration?</p> <p>7 Q. Is that what exonerated means?</p> <p>8 A. No, that means it actually happened, but the 9 officer's actions are lawful and proper.</p> <p>10 Q. I see. What was -- what's --</p> <p>11 A. Unfounded.</p> <p>12 Q. Thank you. Unfounded is what I was just 13 talking about, right? That's when the evidence shows to 14 the investigator that what was alleged did not occur, 15 correct?</p> <p>16 A. Right. It's false, not factual, meaning that 17 if a citizen alleges any officer did X, Y, and Z, the 18 evidence shows that that officer was in Florida that 19 day, so he did not do it.</p> <p>20 Q. Okay. And then, to make a sustained finding, 21 there needs to be evidence in the opposite direction, 22 right? Something that is sufficient for the 23 investigator to believe that the allegation actually did 24 occur as alleged, correct?</p> <p>25 A. Preponderance, more -- more likely than not,</p>

<p style="text-align: center;">Page 61</p> <p>1 that happened. 51 percent.</p> <p>2 Q. Okay. So when an investigator is faced with</p> <p>3 -- one second. When an investigator is dealing with</p> <p>4 conflicting accounts, for example, the complainant says</p> <p>5 misconduct happened of a certain kind, the off -- the</p> <p>6 accused officer factually denies it, what kind of</p> <p>7 additional evidence is necessary for the investigator to</p> <p>8 make a determination that, this isn't just unfounded,</p> <p>9 this is either sustained or -- I'm sorry. This isn't</p> <p>10 just not sustained. This is either unfounded or</p> <p>11 sustained?</p> <p>12 A. So -- okay, well, as far as even -- additional</p> <p>13 evidence, videos, photos, witness accounts, impartial</p> <p>14 witnesses, that are -- you know, so if you have an</p> <p>15 officer, you have a citizen, typically an investigator</p> <p>16 would not, you know -- if you interview the officer's</p> <p>17 partner or the civilian complainant's brother, you know,</p> <p>18 it's -- it's -- you still kind of weigh it out as being</p> <p>19 one-on-one because, of course, they're going to side</p> <p>20 with their -- their parents or significant others or</p> <p>21 what have you. So it's like, you just, you need some</p> <p>22 impartial evidence to -- to really weigh in on the</p> <p>23 investigation to show that it actually did happen, or it</p> <p>24 didn't happen.</p> <p>25 Q. Okay. And so, you're essentially looking for</p>	<p>1 either video or photo, something objective or a witness</p> <p>2 who, you know, isn't a relative of the complainant,</p> <p>3 isn't a partner of the accused officer?</p> <p>4 A. That is correct.</p> <p>5 Q. Getting back to my question about weighing</p> <p>6 credibility, are you aware of any written material given</p> <p>7 to investigators that guided them as to how they should</p> <p>8 try to weigh the credibility of the witnesses in an</p> <p>9 investigation?</p> <p>10 MR. MICHALIK: Objection. Asked and answered,</p> <p>11 go ahead.</p> <p>12 THE WITNESS: Well, so basically, that just</p> <p>13 boils down to the four -- the four findings. So you</p> <p>14 have to make your determination based on whether or</p> <p>15 not the case is sustained, not sustained, unfounded,</p> <p>16 or exonerated. So I mean -- and -- and reaching</p> <p>17 that conclusion, it's all based on the attachments</p> <p>18 and the evidence you -- you gather during the course</p> <p>19 of your investigation.</p> <p>20 BY MR. HILKE:</p> <p>21 Q. I asked you a bad question. What I should</p> <p>22 have asked is the guidance that the department provided</p> <p>23 to investigators, to your knowledge, was limited to its</p> <p>24 description of the four allegation categories; is that</p> <p>25 correct?</p>
<p style="text-align: center;">Page 63</p> <p>1 A. That is correct.</p> <p>2 Q. Okay. And was it the role of the investigator</p> <p>3 if the investigator may -- and -- strike that. Do you</p> <p>4 understand by investigator I mean, anyone investigating</p> <p>5 a complaint, whether it's someone in the chain of</p> <p>6 command for unit assigned CR, as well as an OPS or BIA</p> <p>7 investigator?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. For an investigator, if they recommend</p> <p>10 that a -- well, actually, I should ask you a question.</p> <p>11 Does the investigator have the power to sustain a CR, or</p> <p>12 are they just making a recommendation that will be</p> <p>13 reviewed by others?</p> <p>14 A. So -- so -- so that's -- that's -- to me, it's</p> <p>15 a weird question because back then, we had -- were</p> <p>16 called police agents that were not -- were not</p> <p>17 sergeants, but they were investigators. So when the</p> <p>18 police agent finished their investigations, they would</p> <p>19 -- they would recommend a finding for the case that's</p> <p>20 reviewed by a sergeant. But the majority of</p> <p>21 investigators at BIA were and are sergeants now. And --</p> <p>22 so we make our -- we would make our own recommendations</p> <p>23 for penalty.</p> <p>24 Q. Okay. So --</p> <p>25 A. And findings.</p>	<p style="text-align: center;">Page 64</p> <p>1 Q. Yeah, so let me separate two things. I'm</p> <p>2 going to ask you about the findings now, and I'll ask</p> <p>3 you about the penalty next.</p> <p>4 A. Okay.</p> <p>5 Q. But as to the findings, whether it's a police</p> <p>6 agent or a sergeant, there's further review after the</p> <p>7 recommendation of the investigator, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. The investigator never has a final say on,</p> <p>10 like, the investigator, whether a police agent, or a</p> <p>11 sergeant, or whoever's investigating, never has power to</p> <p>12 finalize a disciplinary recommendation, that's always</p> <p>13 made it a higher level in the chain of command, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. Okay. And then when a sergeant -- actually,</p> <p>16 which investigators had power to also recommend</p> <p>17 punishment when they made a recommendation as to</p> <p>18 disposition?</p> <p>19 A. The sergeants.</p> <p>20 Q. Okay. So within OPS-IPRA -- well, within</p> <p>21 OPS-IPRA, few of the investigators, and at the time of</p> <p>22 IPRA, none of the investigators are sergeants, correct?</p> <p>23 A. That is correct.</p> <p>24 Q. They're all civilian -- at IPRA, they're --</p> <p>25 it's all civilian employees, correct?</p>

<p style="text-align: center;">Page 65</p> <p>1 A. That's correct.</p> <p>2 Q. Does that mean that the IPRA investigators</p> <p>3 would not make disciplinary recommendations?</p> <p>4 A. That's a good question. I'm not -- I'm not</p> <p>5 certain if they -- I'm not certain if they did make the</p> <p>6 penalty recommendation because that -- those cases went</p> <p>7 directly to the advocate section. So I, you know, as an</p> <p>8 investigator, I would not have seen that process, but</p> <p>9 I'm not certain if they made their penalty</p> <p>10 recommendation or they made the finding recommendation</p> <p>11 of their investigation.</p> <p>12 Q. Yeah. Is it fair to say that the process for</p> <p>13 who makes penalty recommendations and how is going to be</p> <p>14 in the general orders and special orders you talked</p> <p>15 about before?</p> <p>16 A. It should, yes.</p> <p>17 Q. Okay. And you just mentioned the advocate</p> <p>18 section. Can you explain to me what the advocate</p> <p>19 section is?</p> <p>20 A. The -- the advocate section is -- is a -- a</p> <p>21 section that is supervised by the department advocate,</p> <p>22 who -- who's typically an -- an attorney, an attorney</p> <p>23 within the department, and they -- they have a team of</p> <p>24 anywhere from ten to 15 officers, and maybe another -- a</p> <p>25 sergeant or two, that review the cases and prepare the</p>	<p style="text-align: center;">Page 66</p> <p>1 cases to be reviewed by the superintendent and cases for</p> <p>2 the police board.</p> <p>3 And -- yeah, so after the -- after the</p> <p>4 investigation is completed, and our cases are turned in,</p> <p>5 they go to the advocate section for review and they make</p> <p>6 sure that the -- the case is sound, complete, the</p> <p>7 attachments are in order. That the -- the findings are</p> <p>8 appropriate and all the -- all the complaints that were</p> <p>9 made by the -- the citizens or the officer</p> <p>10 complainants have been addressed within the -- the</p> <p>11 investigation. And then they -- they prepare it for</p> <p>12 either at -- now command channel review. Because at</p> <p>13 this point, they -- these cases go out to the command</p> <p>14 channel for the accused officers. If you -- if you</p> <p>15 understand what I'm saying.</p> <p>16 Q. I do.</p> <p>17 A. So -- and then they also prepare it -- these</p> <p>18 cases, for review by the -- by legal affairs and the</p> <p>19 superintendent's office.</p> <p>20 Q. Does the advocate section review all</p> <p>21 investigations, or just those recommended sustained?</p> <p>22 A. No, they review all, not sustained -- yeah.</p> <p>23 All cases.</p> <p>24 Q. And so, at is it the case --</p> <p>25 A. I -- I'm sorry. Except for cases that are</p>
<p style="text-align: center;">Page 67</p> <p>1 administratively closed.</p> <p>2 Q. Is it the case that all investigations from</p> <p>3 1999 to 2011 then should be reviewed by the advocate</p> <p>4 section before they go to Command Channel Review?</p> <p>5 A. Yes.</p> <p>6 Q. And do all complaints whether, you know,</p> <p>7 sustained, not sustained, or any disposition get command</p> <p>8 channel review?</p> <p>9 A. No, just -- just the complaints that are not</p> <p>10 administratively closed, but the cases with findings,</p> <p>11 unfounded, not -- not sustained, sustained, they go</p> <p>12 through command channel.</p> <p>13 Q. Okay. And is the Command Channel Review</p> <p>14 process different for sustained complaints versus</p> <p>15 unfounded, exonerated, or not sustained complaints?</p> <p>16 A. I think the only -- the only difference is for</p> <p>17 the sustained complaints, if these cases are, I believe,</p> <p>18 30 days are over and a penalty that's recommended, those</p> <p>19 cases, I believe go to a third level of review, as</p> <p>20 opposed to the -- the first and second level that</p> <p>21 typically gets reviewed.</p> <p>22 Q. And can you describe to me how the Command</p> <p>23 Channel Review process worked during this time period?</p> <p>24 A. During this time? So -- well, so during that</p> <p>25 time period, there was -- I don't think we had Command</p>	<p style="text-align: center;">Page 68</p> <p>1 Channel back then. I think we had a complaint review</p> <p>2 panel, is what it was called.</p> <p>3 Q. Okay.</p> <p>4 A. So sustaining cases -- see, I don't -- I'm not</p> <p>5 -- I'm not -- I remember the complaint review panel, and</p> <p>6 I just don't know if they only worked up or reviewed</p> <p>7 cases that were sustained, or if they did cases with the</p> <p>8 other findings as well, but it was comprised of the -- a</p> <p>9 lieutenant, a -- a sergeant, and another PO, or an</p> <p>10 officer that's the same rank as the accused member. And</p> <p>11 they would sit, and they would go over the investigation</p> <p>12 and they would make the determination of -- of, like,</p> <p>13 penalty, you know, as -- as -- and it would serve as the</p> <p>14 -- the Command Channel at the time.</p> <p>15 Q. Okay. And -- one second. So -- sorry.</p> <p>16 During this time frame from 1999 to 2011, after the</p> <p>17 investigator completes the investigation and makes a</p> <p>18 recommendation, and after the advocacy section, then</p> <p>19 package -- you know, reviews the investigation, is the</p> <p>20 immediate next step the complaint review panel?</p> <p>21 A. Back then -- see, I'm -- I'm not certain if</p> <p>22 the complaint review panel occurred. Well, no. The</p> <p>23 case would have to go to the advocate section first, and</p> <p>24 then the complaint review panel. Yes.</p> <p>25 Q. And then what happens after the -- and the</p>

<p style="text-align: center;">Page 69</p> <p>1 complaint review panel, is that all allegations or -- 2 strike that. Is that all CRs, or just those where the 3 accused officer requests it?</p> <p>4 A. I think it was all -- it was -- I believe it 5 was all CRs. I recall it being all CRs that had a 6 sustained final -- sustained finding, and there was a -- 7 a certain penalty. And I don't know -- I really don't 8 recall if it was a penalty of five days or more, or six 9 days or more, but there was some -- there was a trigger. 10 There was a trigger in order for it to go to the 11 complaint review panel and I just don't really recall 12 what that was.</p> <p>13 Q. Okay. So it was -- in any case, it was some, 14 but not all, sustained CRs were eligible for complaint 15 review panel review, correct?</p> <p>16 A. Yes, I can say that.</p> <p>17 Q. And so, then, for those where the complaint 18 review panel -- where it wasn't eligible, did the 19 complaint just go straight from the investigator -- 20 well, strike that, actually. What happened next in the 21 complaint review process, after the complaint review 22 panel?</p> <p>23 A. After the complaint review panel, then if the 24 -- if the member was going to be suspended X number of 25 days, the advocate section would prepare paperwork and</p>	<p style="text-align: center;">Page 70</p> <p>1 -- and basically serve the department member with their 2 suspension paperwork and it would show that you are 3 being suspended for X number of days.</p> <p>4 Q. I mean, did the, like, superintendent's office 5 or someone else have to approve the investigator's 6 recommendation before it got to that stage of this one?</p> <p>7 A. No. For -- for the majority of cases, not the 8 superintendent's office, unless we're talking about 9 cases that were separation cases, or cases where the 10 penalty was 30 days or more, and that's at the time -- 11 during that time period.</p> <p>12 Q. So if it wasn't 30 days or more, or 13 recommending separation from the department, the 14 complaints would go straight from being investigated to 15 the -- by the investigator, the, like, quality control 16 of the --</p> <p>17 A. Advocate.</p> <p>18 Q. -- complaint review of the advocate, the 19 complaint review panel, if eligible, and then actually 20 administering the discipline onto the accused officer?</p> <p>21 A. That's correct.</p> <p>22 Q. Okay. And then what -- after the discipline 23 is decided, and the officer -- accused officer is 24 notified, what were the appeal or further steps that the 25 accused officer could then take?</p>
<p style="text-align: center;">Page 71</p> <p>1 A. He can enter into the grievance process, if he 2 wanted to grieve the matter. So that would require him 3 to do a to/from report, or a memo, requesting that -- a 4 grievance process. And then the grievance process will 5 play out.</p> <p>6 Q. And how does the grievance process play out?</p> <p>7 A. At the time, I -- I -- I believe the -- it 8 might have been the member's commander was the -- 9 facilitated the grievance for the -- yeah, for the 10 member, at the time.</p> <p>11 Q. How does that work?</p> <p>12 A. So the -- the commander would set a date to 13 say, okay, we're going -- we're going to have this 14 grievance on this particular date. And the -- the 15 member would go into the commander's office and -- and 16 -- and plead his case. And -- and just say that he -- I 17 guess, he would like his penalty reduced or -- and then 18 the commander would make the determination. That's at 19 the time.</p> <p>20 Q. If the officer doesn't get the relief that the 21 officer wants from the commander, are there further 22 opportunities to appeal?</p> <p>23 A. No.</p> <p>24 Q. And then, what about where the suspension was 25 30 days or more, or separation from the department, how</p>	<p style="text-align: center;">Page 72</p> <p>1 would the process play out where that's a disciplinary 2 recommendation?</p> <p>3 A. So that -- after -- see, what I'm not sure of 4 is if they still had the complaint -- I -- I believe 5 they still had the complaint review panel, but then once 6 the case made its way back to the advocate section is 7 when the -- the case would be prepared for review by the 8 superintendent's office.</p> <p>9 Q. Okay. And if the superintendent -- and do you 10 know, during this time period, do you know who within 11 the superintendent's office was reviewing and making 12 these decisions?</p> <p>13 A. I do not.</p> <p>14 Q. Okay. Could it have been either the 15 superintendent or any person delegated by the --</p> <p>16 A. Or designee, correct.</p> <p>17 Q. Okay. Am I correct that it's the 18 superintendent who has the authority to do it, even 19 though they can designate who they want to exercise 20 their authority?</p> <p>21 A. That is correct.</p> <p>22 Q. Okay. So then if the designee -- if the 23 superintendent, or their designee, decides to proceed 24 with the suspension of 30 days or more, or a separation, 25 what are the next steps?</p>

<p>1 A. So -- so I -- I know there's paperwork 2 involved and I -- I know that the -- the member -- if 3 it's -- let's -- let's go with the suspension. So 30 4 days pending separation or more, so the superintendent 5 can say, okay, we're not going to fire you. We're going 6 to recommend a 90-day suspension. So at that point 7 paperwork is drawn up. A lot of that paperwork is for 8 finance because back then there was an option to either 9 be suspended from work, or just be at home for 90 days, 10 or you can -- you can give up 45 days of compensatory 11 time and the rest of the time you'll remain home. So 12 there is, like, a lot of paperwork involved in 13 determining -- determining how that member was going to 14 satisfy that suspension time, depending on what options 15 were given to the member by the superintendent's office. 16 Q. So in those cases, the superintendent's office 17 would decide whether and how much to offer in terms of 18 options, meaning substituting paid time off for days 19 actually is suspended and not working? 20 A. That is correct. 21 Q. And so, if the officer chooses to exercise the 22 option and give up paid off -- days paid off, they can 23 return to work sooner and they can start earning money 24 sooner than if they had taken the suspension as a full 25 suspension; is that correct?</p>	<p>1 A. That is correct. 2 Q. Okay. And then what if -- what if the officer 3 disagrees with the superintendent's recommendation, what 4 appeal options do they have? 5 A. So at -- at the time during the time frame, I 6 just don't -- I don't recall whether or not there was an 7 option for the case to be brought before the -- I don't 8 think we had a -- maybe -- maybe we had a police board 9 back then. I'm just not -- I'm not sure if we did. 10 Q. Sure. So you -- 11 A. I'm sorry. There -- during some of that time, 12 yeah, think that we did have a police board because I 13 recall going to some of the police board meetings. 14 Yeah. With the -- well, with the -- with Chief Konow. 15 So -- but that was after 2013, so... 16 Q. Yeah. 17 A. Yeah. 18 Q. Okay. And so, then the police board makes an 19 independent evaluation of whether to -- well, strike 20 that. I'll ask -- let me ask this as a question, can 21 the police board either choose to uphold the 22 recommendation or impose different discipline based on 23 its assessment of the evidence? 24 A. Yes. 25 Q. And the police board can also decide that no</p>
<p>1 discipline is warranted, correct? 2 A. That is correct. 3 Q. And then if the officer doesn't -- disagrees 4 with the police board, are they able to appeal it 5 further? 6 A. To the best of my knowledge, no. 7 Q. Okay. Yes. Could you tell -- please tell me 8 about how the department -- well, are you familiar with 9 mediation as a potential means of resolution for CRs? 10 A. Yes. 11 Q. Can you tell me how the department -- what the 12 process was for -- actually, I'll back up. During this 13 time period, in what circumstances was mediation an 14 option during the CR investigation? 15 A. So during the course of the investigation, if 16 the investigator determined earlier on based on the 17 evidence that was gathered during his investigation, 18 that there was a high probability that the case would be 19 sustained. There were -- there was a conversation after 20 serving the member with the allegations, there was a 21 conversation that took place between the member, the 22 member's counsel, and the investigator to say, hey, you 23 know, this is a strong case for mediation because the 24 evidence that I have, and based on my interviews, 25 there's a -- there's a probability -- this is a high</p>	<p>1 probability that this case is going to be sustained, so 2 this would be a good case for -- for mediation. And 3 then, if they agree, the department advocate would be 4 brought in because the -- at the time, the department 5 advocate was the person that was mediating the cases. 6 Q. And then what is the department advocate's 7 role during this time period in mediating the cases? 8 A. So they would draft up paperwork and the 9 paperwork would spell out the allegations and there -- I 10 think it was some statuses that were explained out within 11 the mediation paperwork. And then the -- the -- I won't 12 call it a negotiation, but the -- the department 13 advocate would -- would basically spell out what the -- 14 what the potential penalty -- penalties are that the 15 member's going to be signing off on. So back then 16 typically, if the officer and the attorney for the 17 officer agreed to mediate the case -- say if the officer 18 was facing a ten-day suspension, through mediation, the 19 penalty will be -- will be reduced because we would 20 really weigh in the fact that the officer is admitting 21 guilt -- is admitting guilt and for -- for that, there 22 was a reduction in their recommended penalty. 23 Q. And so, in terms of the stage where mediation 24 occurs, it's after all the investigative steps have been 25 taken up to the point that the officer would give a</p>

<p style="text-align: center;">Page 77</p> <p>1 to/from or a statement, correct?</p> <p>2 A. Right. So -- back -- here, so back during</p> <p>3 that time frame, this mediation process was fairly new.</p> <p>4 So we were conducting full investigations, interviewing</p> <p>5 everyone prior to mediation, but -- but then the</p> <p>6 mediation process really evolved to where the FOP and</p> <p>7 the member's attorneys -- after the member was sometimes</p> <p>8 served the -- served the allegation, or after witnesses</p> <p>9 were interviewed regarding the case, the attorneys would</p> <p>10 -- would get ahead of the case and say, Hey, my -- my</p> <p>11 client wants -- would like to mediate the case. And</p> <p>12 once the case is mediated, a lot of the other</p> <p>13 investigative steps would not be taken because -- and</p> <p>14 this is after the member is served the -- the</p> <p>15 allegations, of course. We wouldn't have the member sit</p> <p>16 for a statement. We would just go ahead and mediate the</p> <p>17 case, based on the member reviewing the allegations with</p> <p>18 the attorney.</p> <p>19 Q. Got it. And so, as part of the mediation</p> <p>20 process, the accused officer, essentially, agrees that</p> <p>21 the finding will be sustained, and agrees that there'll</p> <p>22 be a such and such penalty, but they do not give a</p> <p>23 to/from, or a statement as part of the investigation; is</p> <p>24 that correct?</p> <p>25 A. That is correct. But then there are -- there</p>	<p style="text-align: center;">Page 78</p> <p>1 are times where a member has sat for a statement, but</p> <p>2 then the case has been mediated after that.</p> <p>3 Q. Okay. And is that usual -- is that usual or</p> <p>4 unusual in terms of the mediation process?</p> <p>5 A. That --</p> <p>6 MR. MICHALIK: Object to the form. Go ahead if</p> <p>7 you understand.</p> <p>8 THE WITNESS: That is -- it doesn't happen that</p> <p>9 often.</p> <p>10 BY MR. HILKE:</p> <p>11 Q. Okay. And the example you're talking about,</p> <p>12 is that from the 1999 to 2011 time frame, or is it after</p> <p>13 that time period?</p> <p>14 A. Well, like -- well, back between the -- the --</p> <p>15 the time period, mediation was fairly new. I could say</p> <p>16 I mediated the first case, but mediation was fairly new</p> <p>17 and the -- a lot of the mediations took place after the</p> <p>18 interview -- after the interview, but then it -- it</p> <p>19 evolved to where the mediations were taking place after</p> <p>20 the member was served with the allegations.</p> <p>21 Q. Okay. So -- just so I -- just so I understand</p> <p>22 it right -- okay. When did you -- when did you conduct</p> <p>23 the first mediation?</p> <p>24 A. Oh, wow. I would -- I would have to say --</p> <p>25 five, six -- if I had to guess, maybe somewhere around</p>
<p style="text-align: center;">Page 79</p> <p>1 2008 or '9, maybe. I'm not -- I was -- I'm just really</p> <p>2 -- I'm not certain of the date, but I -- I recall it. I</p> <p>3 really -- I recall the mediation, but -- yeah.</p> <p>4 Q. What was the reason for the department</p> <p>5 introducing mediation as a way to resolve CRs?</p> <p>6 MR. MICHALIK: Object to the form, foundation.</p> <p>7 THE WITNESS: I -- I -- I think -- I believe it</p> <p>8 is -- it was to -- to resolve -- I -- I won't say</p> <p>9 resolve cases quickly, but if we can have officers</p> <p>10 come in and admit their wrongdoing, then we can move</p> <p>11 forward with the investigation and -- and close out</p> <p>12 these cases, instead of spending a lot of time in --</p> <p>13 in doing investigative work and interviewing a lot</p> <p>14 of people, when the member can just come in and</p> <p>15 admit their wrongdoing and be -- you know, penalized</p> <p>16 for it. And then we -- so we can just move on.</p> <p>17 BY MR. HILKE:</p> <p>18 Q. I apologize if I asked this, but the victim or</p> <p>19 complainant, they do not participate in the mediation</p> <p>20 process, correct?</p> <p>21 A. No.</p> <p>22 MR. MICHALIK: That is correct?</p> <p>23 BY MR. HILKE:</p> <p>24 Q. You mean is that correct?</p> <p>25 A. Oh, that is -- I'm sorry. That -- that is</p>	<p style="text-align: center;">Page 80</p> <p>1 correct.</p> <p>2 Q. Okay.</p> <p>3 A. The victim or complainant do not.</p> <p>4 Q. Your Counsel just mentioned that when I --</p> <p>5 sometimes, the double negatives are confusing for the</p> <p>6 record, but it's correct that the victim and complainant</p> <p>7 play no role in mediation, right?</p> <p>8 A. That is correct.</p> <p>9 Q. Okay. Now, so some -- one way that complaints</p> <p>10 could come in to the department during this time frame</p> <p>11 is if a complainant was arrested and they made an outcry</p> <p>12 of, for example, being mistreated during their arrest,</p> <p>13 that could be taken in as a complaint by the department,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And department members were obligated to</p> <p>17 report any outcries of mistreatment, so that such an</p> <p>18 investigation could take place, correct?</p> <p>19 A. That is correct.</p> <p>20 Q. Was there any -- so was there any policy that</p> <p>21 prevented investigators from investigating a complaint</p> <p>22 where the complainant had subsequently pleaded guilty or</p> <p>23 been found guilty of a crime?</p> <p>24 A. I'm sorry, can you repeat that one more --</p> <p>25 Q. Yeah. Like, I'll give an example. Say a</p>

<p style="text-align: right;">Page 81</p> <p>1 complainant says, you know, I was falsely arrested for 2 jaywalking. I didn't jaywalk, and then they plead 3 guilty to jaywalking. Would the department be prevented 4 from investigating their outcry of false arrest?</p> <p>5 A. Prevented from it? No. No. So I mean, if -- 6 if he's making the allegation that he's false -- he's 7 been falsely arrested, the department will generate a 8 log number for that complaint.</p> <p>9 Q. Okay. And then, you know, say it's -- say 10 it's something more serious, right? Like, say it's a -- 11 say it's a domestic battery and the complainant says I 12 was falsely arrested. I've got a complaint against the 13 officers who arrested me and then they plead guilty to 14 the crime. Is there any policy or practice that if the 15 investigator learns the guilty plea, they should stop 16 investigating the allegation?</p> <p>17 A. If -- if the member learns of the guilty plea? 18 No.</p> <p>19 MR. MICHALIK: If the investigator learns of 20 the guilty plea?</p> <p>21 MR. HILKE: Yes, correct.</p> <p>22 MR. MICHALIK: I'm not sure --</p> <p>23 BY MR. HILKE:</p> <p>24 Q. Correct. Like, the investigator is 25 investigating this complaint of false arrest.</p>	<p style="text-align: right;">Page 82</p> <p>1 A. Okay.</p> <p>2 Q. One of the pieces of evidence the investigator 3 gathers is oh, I learned in the criminal case, my 4 complainant -- the complainant has pleaded guilty to 5 this offense. My question is: At that point, is there 6 any policy or practice for that investigator to stop 7 investigating at that point?</p> <p>8 A. No. So the -- the investigation's going to 9 move forward. So you -- when, like, you gave the 10 example of domestic, so when dealing with domestic 11 cases, we -- we -- there -- there isn't an 12 administrative allegation associated with the -- the 13 domestic case, and it can be as simple as a case -- the 14 case report number that will lead the investigator to 15 review the actual -- case report, or there can be more 16 information within the -- the face sheet and the 17 administrative case that would -- would lead the 18 investigator to take a deeper dive and investigate the 19 -- the different elements that are contained within the 20 -- the original administrative complaint into the 21 domestic.</p> <p>22 Q. Yeah. I --</p> <p>23 A. You know what I mean? So there's -- there's 24 -- because you're -- we're talking about a criminal, 25 domestic case and then we're talking about an</p>
<p style="text-align: right;">Page 83</p> <p>1 administrative log number that has to be satisfied 2 during the criminal case for the investigator.</p> <p>3 Q. Yeah. And actually, I -- let me -- let me put 4 a different example in front of you so I'm not -- so I 5 can keep straight what I'm trying to talk about. So you 6 know, call it just, like -- call it just, like, a 7 battery, right? Not a -- not a domestic, just one 8 person battering another, right? And so, Person A is 9 arrested for battery. Their complaint is I didn't hit 10 anyone, the officers made it up. I was falsely 11 arrested. I want that investigated. Investigators 12 working on the case. They later learn in their 13 investigation, that Person A has pleaded guilty to 14 battery. Would that stop the investigation, according 15 to any policy or practice the department had?</p> <p>16 A. No. So -- no, because during the course of 17 the investigation, we -- we have to continue it because 18 we're going to interview the complainant that's saying 19 that he was falsely arrested for battery and -- and ask 20 him a series of questions regarding what transpired 21 during this battery case.</p> <p>22 Q. Sure.</p> <p>23 A. And if we -- during that course of that 24 interview, if we -- if we determine, okay, the member 25 pleads guilty, that -- no, that -- we can also bring him</p>	<p style="text-align: right;">Page 84</p> <p>1 back in and say, okay, you're -- you're saying that you 2 were wrongfully arrested, but yet you plead guilty for 3 battery and why would you do that? So he might -- he 4 might say, well, I -- I wasn't, you know, you don't know 5 how it's going to play out. So during the course of the 6 administrative investigation, you have to ask a series 7 of questions and if we re-interview the complainant, he 8 might say, well, I was just making it up and I wasn't 9 falsely arrested. So and that would play out during 10 the, you know, also the administrative Q and A.</p> <p>11 Q. That makes sense. So just so I understand 12 from the investigator, the guilty plea wouldn't be 13 dispositive, it would be important to follow up with the 14 complainant and ask why they pleaded guilty?</p> <p>15 A. Correct.</p> <p>16 Q. The department would want to know if they 17 pleaded guilty, just because they got a favorable deal, 18 as opposed to really admitting that they had committed 19 the crime, correct?</p> <p>20 MR. MICHALIK: Object to the form, incomplete 21 hypothetical.</p> <p>22 THE WITNESS: Okay. Can you -- can you repeat 23 that?</p> <p>24 BY MR. HILKE:</p> <p>25 Q. I kind of -- saying that the department would</p>

<p style="text-align: center;">Page 85</p> <p>1 want to know if there was some reason other than -- the 2 department would want to know whether the person pleaded 3 guilty, because they really -- they really admitted they 4 had done it, as opposed to other reasons they might have 5 pleading guilty, like to avoid a harsher sentence, 6 correct?</p> <p>7 MR. MICHALIK: Object to form. Go ahead.</p> <p>8 THE WITNESS: Yes, that's -- that's -- that's 9 exactly -- we just -- we want to know, really, why 10 you would plead guilty in court when you're making 11 this allegation that you are wrong -- wrongfully 12 arrested for battery.</p> <p>13 BY MR. HILKE:</p> <p>14 Q. One second. And why would the department want 15 to have that follow up conversation instead of just, you 16 know, looking at a transcript of a -- of a plea under 17 oath and saying, well, that's good enough. That is 18 dispositive of what actually happened here?</p> <p>19 MR. MICHALIK: Object to form.</p> <p>20 THE WITNESS: Well, because you -- yeah. Well, 21 in order to do a -- a thorough investigation, you 22 just want to close out all avenues and you -- if the 23 person is pleading guilty in court, we just -- we 24 need to just hear from that person, why that person 25 would do that so we can complete this investigation</p>	<p style="text-align: center;">Page 86</p> <p>1 and make sure it's thorough and that every avenue's 2 been -- it's been closed.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. Got It. And by being thorough and every 5 avenue being closed, you mean getting a full explanation 6 from the complainant of what additional information they 7 may have to provide, correct?</p> <p>8 MR. MICHALIK: Object to form.</p> <p>9 THE WITNESS: Yes.</p> <p>10 MR. HILKE: Okay. Let's take break. We'll go 11 ten minutes.</p> <p>12 THE VIDEOGRAPHER: All right. We're off the 13 record. The time is 11:49.</p> <p>14 (OFF THE RECORD)</p> <p>15 THE VIDEOGRAPHER: All right. We are back on 16 the record in the deposition of Timothy Moore. 17 Today is March 19, 2024 and the time is 12:04 p.m.</p> <p>18 MR. HILKE: Let's mark Exhibit number 2, 19 CR 29405. This is General Order in 93-0303.</p> <p>20 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>21 MR. MICHALIK: Counsel --</p> <p>22 MR. HILKE: Yeah.</p> <p>23 MR. MICHALIK: -- before we start, this 24 particular exhibit is marked confidential.</p> <p>25 MR. HILKE: Oh, fine. Yeah. I see that.</p>
<p style="text-align: center;">Page 87</p> <p>1 MR. MICHALIK: So I think we produced it in a 2 non-confidential way, but to the extent that this 3 exhibit is going to be used, I think we have to 4 designate this part of the deposition as 5 confidential.</p> <p>6 MR. HILKE: You know, the problem I had was the 7 version you produced had -- was cut off in sections 8 I wanted to use. This is the one in discovery that 9 wasn't cut off. Do you want to take a second and 10 just skim through? It's literally just the policy.</p> <p>11 MR. MICHALIK: I -- yeah, I don't disagree. I 12 -- you know, it's just that to the extent that this 13 is -- this exhibit is going to be used --</p> <p>14 MR. HILKE: Okay.</p> <p>15 MR. MICHALIK: -- I -- you know, I'm concerned 16 that, you know, that this exhibit has been marked as 17 confidential. That's the issue. Because I think 18 this has been produced in a non-confidential way, 19 so...</p> <p>20 MR. HILKE: But it's in a -- it's in a form I 21 can't use though because it cut off parts of the 22 policy I need.</p> <p>23 MR. MICHALIK: All right. Well, let's proceed.</p> <p>24 MR. HILKE: Yeah.</p> <p>25 MR. MICHALIK: You know, we'll -- we can</p>	<p style="text-align: center;">Page 88</p> <p>1 designate this as confidential for purposes now, 2 but, you know, we can talk about it afterwards.</p> <p>3 MR. HILKE: All right. I -- let's do this. 4 I've marked the exhibit. I'm going to invite the 5 witness to read it, and then I think we're going to 6 be able to go off the -- off the confidential record 7 to ask questions about this policy that's in 8 discovery.</p> <p>9 MR. MICHALIK: That's fine.</p> <p>10 MR. HILKE: All right.</p> <p>11 (CONFIDENTIAL PORTION I REDACTED)</p> <p>12 BY MR. HILKE:</p> <p>13 Q. Sir, you've just reviewed Section C, Items 1 14 through 15 of General Order 93-0303, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. That's one of the policies you reviewed to get 17 ready for this deposition?</p> <p>18 A. Yes.</p> <p>19 Q. And that showed the steps that the general 20 orders say need to be taken in an Internal Affairs 21 investigation?</p> <p>22 A. That is correct.</p> <p>23 Q. And did -- other than some -- and it includes 24 some language about what should be done if the 25 investigator suspects a criminal prosecution may also be</p>

<p style="text-align: right;">Page 89</p> <p>1 involved, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Other than that, does it differentiate</p> <p>4 between, you know, General Investigation, Confidential</p> <p>5 Investigation, or any other kind of investigation?</p> <p>6 A. No. The -- the initial steps are pretty much</p> <p>7 the -- the same --</p> <p>8 Q. Okay.</p> <p>9 A. -- with respect to all different sections</p> <p>10 within the bureau -- Bureau of Internal Affairs.</p> <p>11 Q. And this is -- this is going back to an</p> <p>12 earlier topic. I said I would ask you about how does</p> <p>13 investigative steps proceed for a confidential</p> <p>14 investigation.</p> <p>15 A. Yes.</p> <p>16 Q. Could you please tell me what's different in</p> <p>17 terms of the investigative steps during a confidential</p> <p>18 investigation during this time period?</p> <p>19 A. Well, the -- it really depends on the nature</p> <p>20 of the investigation itself than the -- than the -- the</p> <p>21 case. Typically, when cases make their way to the</p> <p>22 Confidential Section, those cases are going to require</p> <p>23 some level of surveillance. Those cases are typically a</p> <p>24 lot longer to investigate to -- to gather evidence and</p> <p>25 information regarding the -- whatever particular</p>	<p style="text-align: right;">Page 90</p> <p>1 allegation it is. And those cases -- a lot of those</p> <p>2 cases are criminal in nature. The -- some of those</p> <p>3 cases involve our policies with respect to people living</p> <p>4 within the city boundaries, so those are our residency</p> <p>5 cases. And there are also cases that we handle</p> <p>6 regarding our medical policy that we investigate, and</p> <p>7 those -- those cases also require surveillances.</p> <p>8 Q. So am I correct then that the main difference</p> <p>9 is that there may be a more complex operational</p> <p>10 component involving surveillance specifically for these</p> <p>11 kinds of investigations?</p> <p>12 A. Yes, you can say that.</p> <p>13 Q. Okay. Other than the more complex</p> <p>14 surveillance operations that may be involved, are there</p> <p>15 any other differences in the steps to be taken in</p> <p>16 Confidential Investigations?</p> <p>17 A. Well, yes, because a -- a lot of the -- a lot</p> <p>18 of the cases that are handled in Confidential, they</p> <p>19 require a coordination with other agencies, be it the</p> <p>20 State's Attorney's Office or the U.S. Attorney's Office</p> <p>21 or our federal partners also get involved in some of our</p> <p>22 criminal cases over in Confidential. And that does not</p> <p>23 typically occur with cases that are assigned to Special</p> <p>24 or General investigations.</p> <p>25 Q. Got it. And the steps to take to coordinate</p>
<p style="text-align: right;">Page 91</p> <p>1 with other offices, are those also laid out in the</p> <p>2 general orders and special orders you referred to at the</p> <p>3 beginning of your deposition?</p> <p>4 A. I -- I think it -- I think, if I'm not</p> <p>5 mistaken, it does make -- mention to contact the State</p> <p>6 Attorney's Office and maybe the U.S. Attorney's Office</p> <p>7 for assistance with some of our criminal investigations.</p> <p>8 And it -- it -- it may mention the working with our</p> <p>9 federal partners as well.</p> <p>10 Q. Okay.</p> <p>11 A. Not in that language, but --</p> <p>12 Q. Are there any other sources, other than the</p> <p>13 general orders and special orders, where it's written</p> <p>14 down the steps to be taken in an investigation when</p> <p>15 coordinating with other offices?</p> <p>16 A. I -- I think there is some language in the --</p> <p>17 there's a -- there's an SOP that was out back -- back</p> <p>18 then, standard operating procedures for the whole unit</p> <p>19 that was out there. And under the Confidential</p> <p>20 Investigation Section within the SOP, I think it -- it</p> <p>21 mentioned some of our investigative steps that were to</p> <p>22 be taken --</p> <p>23 Q. Okay.</p> <p>24 A. -- during that time frame.</p> <p>25 Q. Got it. Any other sources I'm not asking</p>	<p style="text-align: right;">Page 92</p> <p>1 about, the general orders, the special orders, and the</p> <p>2 standard operating procedures?</p> <p>3 A. No. No.</p> <p>4 Q. And so, are you familiar -- this is from the</p> <p>5 2003 to the 2007 Fraternal Order of Police contract with</p> <p>6 the requirement that no new complaint register file be</p> <p>7 opened or -- and no CRB reinvestigated or reopened more</p> <p>8 than five years after the date the complaint was made</p> <p>9 known to the police department?</p> <p>10 A. Yes, I -- I -- I do recall that.</p> <p>11 Q. And in those instances, the superintendent's</p> <p>12 requirement -- strike that. The superintendent's</p> <p>13 approval is required to proceed if so much time has</p> <p>14 passed, correct?</p> <p>15 A. That is correct.</p> <p>16 Q. During 1999 to 2011, what was the process for</p> <p>17 seeking the superintendent's approval to investigate</p> <p>18 outside of that time frame?</p> <p>19 A. So I -- I think -- I -- I don't think there</p> <p>20 was a -- a written report that was needed. I just think</p> <p>21 that request was communicated up the chain, and then the</p> <p>22 chief of Internal Affairs would have, I guess, a</p> <p>23 conversation with the superintendent. But I don't --</p> <p>24 there was not, that -- that I recall, a written request</p> <p>25 to have that open.</p>

<p style="text-align: center;">Page 93</p> <p>1 Q. So could have -- is -- so -- and when you say 2 not a written request -- so forgive me if this is 3 obvious, but it would have been a verbal request to seek 4 the permission from the superintendent?</p> <p>5 A. Yes, because I -- I mean, I just don't -- 6 because a lot of things that we do is done by a to/from 7 or a memo to -- to -- to memorialize it in writing, but 8 I just don't know if that request required that to, from 9 report. And I don't know if it was -- if not, it would 10 have been as simple as, you know, me communicating it to 11 the lieutenant, who would talk to the -- to the chief, 12 who in turn would have a conversation with the 13 superintendent.</p> <p>14 Q. I understand. Do you have -- do you have any 15 reason to think that a record was kept of how many times 16 the superintendent approved or did not approve such 17 requests during the time frame?</p> <p>18 A. I don't think there's a -- a record of that.</p> <p>19 Q. So there -- do you know how many times the 20 superintendent approved or denied requests to 21 investigate outside of the time frame?</p> <p>22 A. I do not.</p> <p>23 Q. So it would be if the superintendent had -- 24 strike that. So if -- do you have any sense of, you 25 know, how often the superintendent made such decisions?</p>	<p style="text-align: center;">Page 94</p> <p>1 MR. MICHALIK: Object to form, foundation. 2 THE WITNESS: I do not. 3 BY MR. HILKE: 4 Q. Okay. So it'd be consistent with your 5 understanding if the superintendent never approved such 6 an investigation during this time frame, correct? 7 MR. MICHALIK: Object to form. Argumentative, 8 foundation, asked and answered. 9 BY MR. HILKE: 10 Q. I'm just trying to make sure I understand your 11 answer. If the superintendent never approved a request 12 to investigate outside of the time frame, that would be 13 consistent with your knowledge of the process for giving 14 approval outside of five years from 1999 to 2011, 15 correct? 16 MR. MICHALIK: Object to form. 17 THE WITNESS: Well, during that time period, I 18 -- I -- I never -- I personally never had an 19 occasion to request that a case be reopened, me, 20 personally. So -- and as a sergeant investigator 21 back then, that I just -- I -- that -- that never 22 really crossed my desk -- desk or my path, so I just 23 -- I would have no knowledge of that. 24 BY MR. HILKE: 25 Q. Let me go back to the confidential</p>
<p style="text-align: center;">Page 95</p> <p>1 investigation steps for a little bit. After the 2 investigation was finished in a confidential 3 investigation, and now the investigator is making their 4 recommendation for the disposition, does the process 5 from that point on differ in any way from the process 6 you described for other types of investigations?</p> <p>7 A. No. For -- for -- for your investigation that 8 was conducted in Confidential, within the Bureau of 9 Internal Affairs, that process is the same. Just I want 10 to add one thing, one level of review. So after me, as 11 a sergeant, investigate my case and finish it, my case 12 is reviewed by a lieutenant within that section of 13 Confidential, or when I was working in Special -- 14 Special, the lieutenant would review my case.</p> <p>15 Q. Okay.</p> <p>16 A. Then it would move on to either Command 17 Channel or the police review -- review -- review panel.</p> <p>18 Q. So that -- is that an additional step that 19 applies to all the kinds of investigation we've 20 discussed, that the investigator's supervisor will 21 approve it before it goes to the advocacy section to 22 review?</p> <p>23 A. That is a -- that's correct. So on our 24 closing summary report for our investigation, there's 25 always a signature line for the -- the lieutenant within</p>	<p style="text-align: center;">Page 96</p> <p>1 that section that after they review the case, they would 2 sign it -- sign off on it.</p> <p>3 Q. So if a complaint is assigned to the unit and 4 the sergeant is investigating, their lieutenant would 5 approve it when they finish their investigation, 6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And if a lieutenant was investigating a 9 sergeant, their commander or whoever's above them in the 10 chain of command would approve it, correct?</p> <p>11 A. That is -- that's correct.</p> <p>12 Q. Is it not the commander?</p> <p>13 A. No, no, no. It's -- it's the commander, 14 because remember, as I said that I was an investigator 15 as a lieutenant --</p> <p>16 Q. Yeah.</p> <p>17 A. -- over at the FBI, so I did handle cases as a 18 lieutenant and my cases were signed off by the commander 19 of Internal Affairs.</p> <p>20 Q. Okay. And the same is true even if it's 21 assigned to the unit, right? If a unit -- if a unit 22 lieutenant is investigating a unit sergeant, that unit 23 lieutenant's supervisor is going to approve their 24 recommendation?</p> <p>25 A. That is correct.</p>

<p style="text-align: center;">Page 97</p> <p>1 Q. All right. Okay. Any other differences, just 2 in terms of the stages applying to confidential 3 investigations that we haven't talked about yet?</p> <p>4 A. Well, we -- when we spoke about the -- the 5 stages within Confidential, yeah, the investigative 6 steps are -- are same as -- as far as processing the 7 case through, the administrative case. The only 8 difference is the -- the criminal cases and the -- the 9 cases that were worked with the -- the task force that 10 was assigned from the Confidential section of Internal 11 Affairs.</p> <p>12 Q. Which task force are you referring to?</p> <p>13 A. I'm referring to the Law Enforcement 14 Anti-Corruption Task Force.</p> <p>15 Q. And what was the -- what was the nature of 16 that task force, the Law Enforcement Anti-Corruption?</p> <p>17 A. The nature of it?</p> <p>18 Q. Yeah.</p> <p>19 A. Like, what do they investigate? Or what --</p> <p>20 Q. Yeah, what do they investigate?</p> <p>21 A. They just -- just allegations of corruption, 22 like coercion, thefts, you know, child trafficking 23 cases, adult trafficking cases, civil rights violation 24 cases. It was just a lot of -- any case that could be 25 -- that would be handled at the federal level that</p>	<p>1 involved law enforcement officers. And not just CPD, 2 any law enforcement officer in the Northern District of 3 Illinois.</p> <p>4 Q. And was this task force in effect for the 5 entirety of the 1999 to 2011 period?</p> <p>6 A. I'm -- I'm not sure if it was in effect back 7 in 1999, because that kind of predates my involvement on 8 the task force, but I -- I know it was in effect as far 9 back, as I can recall, 2006.</p> <p>10 Q. 2006. So you're aware that the first -- are 11 you aware that the first -- are you aware that the FBI 12 was engaged in the investigation of Ronald Watts as 13 early as 2004?</p> <p>14 A. Yes.</p> <p>15 Q. Was this task force in effect then?</p> <p>16 MR. MICHALIK: I'm just going to object. This 17 is beyond the scope of this particular 30(b)(6) 18 deposition. You can answer if you know.</p> <p>19 THE WITNESS: Well, I -- I can say that there 20 were CPD officers assigned to the FBI to work that 21 case at the time. Whether or not it was considered 22 a task force that was under an MOU, I'm not certain 23 of that, but I know that there were officers that 24 were embedded in the FBI to -- that were working on 25 this case. But to -- if -- I don't want to call it</p>
<p style="text-align: center;">Page 99</p> <p>1 a task force back then when I wasn't aware -- if I'm 2 not aware that there was a -- an MOU in place.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. Okay. And this is -- the reason that you 5 brought up the task force is because there are different 6 practices for investigating CRs as to this task force, 7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And do you know if this task force -- 10 do you know if this task force was ever connected with 11 the investigation into Ronald Watts?</p> <p>12 A. Well, see, like -- like I said, I mean, I 13 don't -- at the time back then, I don't -- it's hard for 14 me to call it a task force. I know that there were 15 officers assigned to the -- the FBI at that time, or 16 working with the FBI, working out of the FBI space, but 17 I don't -- I just know when I was there, I was on a task 18 force.</p> <p>19 Q. What -- at the end of the Watts investigation, 20 you personally did the final steps of the administrative 21 proceedings against Watts and Mohammed, correct?</p> <p>22 A. That is correct.</p> <p>23 Q. Was the -- and at that point, it was a task 24 force, right? That's after 2006, correct?</p> <p>25 MR. MICHALIK: I'm going to object. It assumes</p>	<p style="text-align: center;">Page 100</p> <p>1 a fact not in evidence.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. The let me ask it as a question. The -- what 4 you described as a task force, in effect, in -- 5 actually, let me take two steps back. Aside from CPD, 6 were there other agencies who participated in the task 7 force that you were talking about?</p> <p>8 A. Yes.</p> <p>9 Q. Did the FBI participate in the task force?</p> <p>10 A. Yes.</p> <p>11 Q. Did the U.S. Attorney's Office participate in 12 the task force?</p> <p>13 A. They weren't -- they weren't on the task 14 force. They didn't have a physical presence in the FBI 15 space, but our investigations involved coordination with 16 the U.S. Attorney's Office, but they were not actually 17 on the task force and part of the memorandum of 18 understanding that governed the -- the task force that I 19 was on.</p> <p>20 Q. Okay. And was that the same -- was that same 21 task force in existence at the -- at the end of 2011, at 22 the end of the time period we're talking about today?</p> <p>23 A. Well, so when -- here's the thing. So when I 24 started working in the FBI space, that was 2014, and -- 25 and at that point is when they brought on board the</p>

<p style="text-align: center;">Page 101</p> <p>1 state police, the county sheriff's police, and there was 2 an MOU, and that formulated the actual task force. 3 Prior to me being there, there were officers assigned to 4 the FBI to work certain cases. Now, those officers -- 5 sergeants did not work in Internal Affairs, right? They 6 worked out of what's called VTeck Services (phonetic), 7 which is over -- overseen by the first deputy's office. 8 So it wasn't until I got there that I had a physical 9 presence at the FBI, but was assigned to the Bureau of 10 Internal Affairs, if you understand what I'm saying. So 11 there --</p> <p>12 Q. I do --</p> <p>13 A. -- was changes that -- that took place when I 14 arrived.</p> <p>15 Q. Yeah. And I don't really care what we call 16 it. What I'm really trying to get at is you're talking 17 about policies and practices being different for some 18 kinds of investigations within CPD. And I guess when 19 you're talking about -- one second. I guess for -- can 20 you define for me, like, the kinds of investigations, 21 involving collaborations with other agencies, where 22 there was a distinct set of practices and policies in 23 this time period?</p> <p>24 MR. MICHALIK: Object to the form, vague. 25 THE WITNESS: '99 to 2011?</p>	<p style="text-align: center;">Page 102</p> <p>1 BY MR. HILKE: 2 Q. Yeah. And what I'm trying to ask is, I've 3 gotten mixed up in whether it's a task force or a 4 collaboration with the FBI that predated the task force. 5 And I don't care what it's called, all I want to know is 6 about the kinds of investigations where the policies and 7 practices were different from what we're talking about. 8 So if you could define for me what you're referring to 9 when you're talking about a set of investigations where 10 the policies and practices were different, that would be 11 very helpful, and we can go from there.</p> <p>12 A. Okay. Different from -- from the two 13 different time periods, or different from -- in what 14 respect?</p> <p>15 Q. Different from the stages you've talked about 16 that apply to general investigations, confidential 17 investigations, any category of investigations we've 18 already talked about.</p> <p>19 A. Okay. Got you. So even been dating back from 20 1999 to 2011, cases that were assigned to the 21 confidential investigations sections that were worked up 22 at the -- in FBI space, when it -- when it came to 23 investigating those cases, those cases were heavily 24 coordinated by the FBI, because those were what was 25 considered to be the FBI's cases. That CPD had a role</p>
<p style="text-align: center;">Page 103</p> <p>1 in assisting the FBI in investigating these cases and -- 2 and working those cases up to potential charging of -- 3 of -- of officers. So when -- when those cases are 4 near, like, completion, right? We still -- those cases 5 also had a complaint register number, or a log number, 6 associated with those cases that was housed at the 7 Bureau of Internal Affairs. And those cases were 8 assigned to the sergeants that were on the FBI task 9 force. So depending on what happened with the 10 investigation against the officer, that was handled at 11 the FBI building. The sergeants assigned to the FBI 12 will -- will finalize the case and go through those 13 steps of typing up summaries, conducting their 14 interviews, and making a finding based on the result of 15 the -- the case and the allegations that were made at 16 the time the case was initiated, if that helps you.</p> <p>17 Q. It does. Okay. So what you were just talking 18 about refers to investigations in the Confidential 19 Investigation Section where the FBI was working together 20 with CPD, and it would also include the task force that 21 you described earlier, correct?</p> <p>22 MR. MICHALIK: Objection, misstates the 23 testimony.</p> <p>24 THE WITNESS: Well, between 19 -- 1999 and 25 2011, I cannot say for certain that that was</p>	<p style="text-align: center;">Page 104</p> <p>1 considered a task force that these sergeants from 2 Internal Affairs were working on.</p> <p>3 BY MR. HILKE: 4 Q. And I'm sorry, I didn't mean, was it a task 5 force? I just meant what -- you know, whether it was a 6 task force or not. You're aware that CPD confidential 7 investigations worked with the FBI in an investigation?</p> <p>8 A. Yes.</p> <p>9 Q. And that's what you were just talking about 10 now, correct?</p> <p>11 A. Yes.</p> <p>12 Q. So --</p> <p>13 MR. MICHALIK: I don't mean to -- but we could 14 call it a joint investigation. I think that would 15 clear it up.</p> <p>16 BY MR. HILKE: 17 Q. Yeah. Can we call it a joint investigation?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 A. Between CPD and the FBI.</p> <p>21 Q. And the FBI. Good. Were there any -- now, is 22 the Bureau of Internal Affairs SOP where I would look 23 for documentation about joint investigations?</p> <p>24 A. I -- I -- I think there is a -- a paragraph in 25 the SOP under the Confidential Section that -- that</p>

<p style="text-align: center;">Page 105</p> <p>1 mentions working with outside agencies on 2 investigations.</p> <p>3 Q. Is there any other written source you're aware 4 of that addresses joint investigations?</p> <p>5 A. That would be in the MOU.</p> <p>6 Q. When did CPD first enter -- during this time 7 period, when did CPD first enter into an MOU with the 8 FBI?</p> <p>9 A. I -- I don't -- I'm not aware of the -- the 10 date of that.</p> <p>11 Q. We've received, I believe, just one. So I 12 believe the only MOU we've received in this case in 13 discovery is dated 2011. Are you aware of any other 14 specific documented agreement between the FBI and CPD 15 prior to 2011?</p> <p>16 A. No.</p> <p>17 Q. Do you have any -- would you have any basis to 18 disagree that the first MOU between CPD and the FBI was 19 entered in 2011?</p> <p>20 A. I can't disagree with that.</p> <p>21 Q. Now, in terms of the MOU between the -- in 22 terms of -- and MOU means memorandum of understanding, 23 right?</p> <p>24 A. That's correct.</p> <p>25 Q. Were the -- is a memo of understanding between</p>	<p>1 the FBI and CPD specific to an individual case, or 2 governing all investigations between the -- all joint 3 investigations?</p> <p>4 A. All joint investigations.</p> <p>5 Q. Okay. And did the memorandum of understanding 6 prohibit the Chicago Police Department from moving 7 administratively to discipline an officer who was being 8 investigated in the joint investigation?</p> <p>9 A. I would -- I would have to review the document 10 to see what the actual language is in the MOU.</p> <p>11 Q. Okay. And do you have any -- your basis to 12 testify about the memorandum of understanding, is it 13 based on knowledge of any specific conversations that 14 occurred, or would it just be based on the written text 15 of the document?</p> <p>16 A. As to the written test of -- text of the -- of 17 the document.</p> <p>18 Q. Okay. And do you have any reason to believe 19 that the Chicago Police Department, during this time 20 period, ever consulted with the FBI about moving for -- 21 administratively for discipline against a police 22 officer?</p> <p>23 A. I have no knowledge.</p> <p>24 Q. Do you have any reason to believe that the CPD 25 ever consulted with the FBI about changing the</p>
<p style="text-align: center;">Page 107</p> <p>1 assignment around -- yeah, changing the assignment of an 2 officer who was under investigation?</p> <p>3 A. Can you repeat that one more time?</p> <p>4 Q. Yeah. So for example, like, moving to desk 5 duty or reassigning to another district or role, do you 6 have reason to believe the CPD ever consulted with the 7 FBI about moving an officer who is a subject of a joint 8 investigation to another assignment?</p> <p>9 A. You know, is that during that time frame?</p> <p>10 Q. During that time frame?</p> <p>11 A. No, I have no knowledge.</p> <p>12 Q. Okay. So I'll mark Exhibit 3. We'll mark 13 this part of the deposition confidential, since this 14 does have a confidential stamp on it.</p> <p>15 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>16 THE WITNESS: Yep.</p> <p>17 (CONFIDENTIAL PORTION II REDACTED)</p> <p>18 BY MR. HILKE:</p> <p>19 Q. And other than the document we've just looked 20 at, which is City BG62266 and is marked confidential, 21 you're not aware of any other written document 22 reflecting the memorandum of understanding between the 23 FBI and Chicago Police Department, are you?</p> <p>24 A. Are you talking about from that time frame --</p> <p>25 Q. During this time frame?</p>	<p>1 A. No, I am not.</p> <p>2 Q. Okay. All right. Exhibit 4, PL Joint 83511.</p> <p>3 It's an excerpt of Evaluation of the Use of The 4 Affidavit Override. Sir, have you seen this document 5 before?</p> <p>6 (EXHIBIT 4 MARKED FOR IDENTIFICATION)</p> <p>7 THE WITNESS: I have not.</p> <p>8 BY MR. HILKE:</p> <p>9 Q. All right. This is an inspector general 10 report, the Chicago's inspector general, about the 11 affidavit override procedure at CPD.</p> <p>12 A. Okay.</p> <p>13 Q. Let me -- one second, please. Let me refer 14 you to Page 8 of the document.</p> <p>15 A. Okay.</p> <p>16 Q. And the situation -- and situations in which 17 the affidavit is required. The first sentence there 18 says, in situations in which an affidavit is required, 19 at the conclusion of the preliminary investigation, the 20 investigator should either -- should have either secured 21 an affidavit, or determined whether it is appropriate to 22 request an affidavit override; do you see that sentence?</p> <p>23 A. Yes.</p> <p>24 Q. Now, the affidavit requirement, did that come 25 into effect -- and strike that. That's a requirement</p>

<p style="text-align: center;">Page 109</p> <p>1 that a civilian complainant -- strike that. That's a 2 requirement that a sworn affidavit be submitted in 3 support of a civilian complaint, in most circumstances, 4 before that complaint can be fully investigated, 5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And did that requirement take effect 8 with the 2003 to 2007 FOP contract? Do you know when 9 that requirement started at CPD?</p> <p>10 A. No, I don't know the exact time frame of when 11 that requirement was in place.</p> <p>12 Q. What were -- what were the circumstances that 13 caused that requirement to be implemented in CPD 14 investigations?</p> <p>15 A. I -- I don't know.</p> <p>16 Q. Would you have any reason to disagree that 17 it's because it was bargained between the police union 18 and the department in their 2003 to 2007 contract?</p> <p>19 MR. MICHALIK: Object to the form of the 20 question. It assumes facts not in evidence.</p> <p>21 THE WITNESS: I have no reason to disagree with 22 that.</p> <p>23 BY MR. HILKE:</p> <p>24 Q. Okay. So then the -- was that sentence we 25 just read, that once a preliminary investigation is</p>	<p style="text-align: center;">Page 110</p> <p>1 done, the investigator needs to have an affidavit if one 2 is required or determine whether to request an affidavit 3 override, was that true during this time period at the 4 point in which the affidavit requirement was introduced?</p> <p>5 A. Yes.</p> <p>6 Q. And the sentence at the bottom -- there's a 7 sentence at the bottom. Interviewing the accused CPD 8 member is the only investigative action prohibited 9 before an affidavit or override is obtained. Was that 10 true as to investigations once the affidavit requirement 11 was introduced during this time period?</p> <p>12 A. Yes.</p> <p>13 Q. Who -- in an investigation, it's the -- kind 14 of, like, the sister agency that can actually approve an 15 affidavit override. It's BIA for OPS-IPRA and vice 16 versa?</p> <p>17 A. That is correct.</p> <p>18 Q. Whose decision is it to request an over write 19 from -- ride from the sister agency?</p> <p>20 A. Well, the request initially is going to be 21 made by the investigator to the investigator's immediate 22 supervisor. And yeah, it's going to come from the 23 investigator.</p> <p>24 Q. And then does it go all the way up the chain 25 of command, so the head of one agency asks for it from</p>
<p style="text-align: center;">Page 111</p> <p>1 the head of the other agency?</p> <p>2 A. That is correct.</p> <p>3 Q. Did -- are you aware of any guidance that was 4 provided to unit investigators, like supervisors of 5 units, where complaints were referred to as to when and 6 how to request affidavit overrides?</p> <p>7 A. So I'm not familiar with that process of what 8 occurred at the district level or unit level.</p> <p>9 Q. Sure. But I guess from the Chicago Police 10 Department, are you aware of any information that the 11 department provided to supervisors in the unit about 12 affidavit overrides?</p> <p>13 A. No. The only thing that they would have at 14 their disposal to review is our department policy -- 15 policies. Other than that, there's nothing that BIA 16 just handed to the investigators that spoke about the 17 overrides.</p> <p>18 Q. Okay. So it would just be among all the 19 policies provided to the supervisors, correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Then on Page -- if you'll look at Page 12 of 22 the report --</p> <p>23 A. Can I -- can I add something to that? So 24 those --</p> <p>25 Q. Sure.</p>	<p style="text-align: center;">Page 112</p> <p>1 A. Those cases that -- at the district level that 2 would -- would -- would -- would require an affidavit 3 override, that's -- it was -- those cases are getting 4 into the area where those cases will probably be 5 reassigned back to Internal Affairs because now we're -- 6 it's becoming a time-consuming investigation. You know 7 what I mean? So there will be a judgment call made of 8 whether or not that case will remain at the district 9 unit level or if that case will be brought back to the 10 Bureau of Internal Affairs if there are extra 11 investigative -- investigative steps that will be 12 --</p> <p>13 Q. Sure.</p> <p>14 A. -- taken to complete that case.</p> <p>15 Q. You -- so if I understand, do you mean that if 16 a unit supervisor requested an affidavit override, 17 there's a decent chance that that might prompt the case 18 to be reassigned to BIA?</p> <p>19 A. That's correct.</p> <p>20 Q. Do you know whether any unit supervisor ever 21 requested an affidavit override during this time period?</p> <p>22 A. I do not.</p> <p>23 Q. And you don't have knowledge of any location 24 where that information would be tracked, do you? Or 25 documented?</p>

<p style="text-align: center;">Page 113</p> <p>1 A. No.</p> <p>2 Q. Turning back to Page 12, if you'll look at the 3 third paragraph, the -- Page 12 says that BIA -- it 4 refers to BIA, COPA, and their respective predecessor 5 agencies. It was -- COPA is what replaced IPRA, and 6 IPRA is what replaced OPS, correct?</p> <p>7 A. Correct.</p> <p>8 Q. So the predecessor agencies to COPA are IPRA 9 and --</p> <p>10 A. OPS.</p> <p>11 Q. Thank you. It's IPRA and OPS, right?</p> <p>12 A. Correct.</p> <p>13 Q. So the -- this document says that BIA, COPA, 14 and their predecessor agencies submitted a total of 98 15 affidavits override requests between February 18, 2005, 16 and December 26, 2018, but that 64 of those 98 requests 17 were submitted after January 1, 2016. Do you have any 18 reason to disagree with those numbers?</p> <p>19 MR. MICHALIK: Objection, foundation.</p> <p>20 THE WITNESS: No, no reason.</p> <p>21 BY MR. HILKE:</p> <p>22 Q. Do you have any reason to think that the 23 Office of Inspector -- and strike that. Has the Office 24 of Inspector General, on occasion -- well, sorry. During 25 this time period, did the Office of Inspector General</p>	<p style="text-align: center;">Page 114</p> <p>1 ever participate in a CR investigation?</p> <p>2 A. I -- I'm not -- I'm not sure if during that 3 time frame, they did. Because now they -- they do, but 4 during that time frame, I'm not sure if they did.</p> <p>5 Q. Sure. When the offer -- well, strike that. 6 That's fine. Okay. All right. During this time 7 period, was it CPD's policy that an investigator should 8 contact all complainants and witnesses as soon as 9 possible?</p> <p>10 A. According to the policy?</p> <p>11 Q. Yes, sir.</p> <p>12 A. Yes. I think it's -- it's written in the 13 policy, yes.</p> <p>14 MR. MICHALIK: Okay. He's --</p> <p>15 BY MR. HILKE:</p> <p>16 Q. Okay. And I'm done with the exhibit.</p> <p>17 A. No, it's just --</p> <p>18 Q. Was -- and was that also the expectation, that 19 investigators would contact all complainants and all 20 witnesses as quickly as possible?</p> <p>21 A. Yes, that -- that was the policy.</p> <p>22 Q. And did the policy set out that the 23 investigators should, you know, when they weren't -- 24 sorry, I'm -- am I correct that -- strike that. Did the 25 policy require that an investigator -- actually -- I'd</p>
<p style="text-align: center;">Page 115</p> <p>1 like to refresh you on -- I'd like to pull up Exhibit -- 2 the exhibit is 93-0303.</p> <p>3 A. Exhibit 2?</p> <p>4 Q. Exhibit 2. Thanks. If you'll go to Page 4 5 and 5, and just read Item Number 5, please.</p> <p>6 MR. MICHALIK: And for the record, you're going 7 to be asking questions about Policy 93-0303, and not 8 Exhibit 2?</p> <p>9 MR. HILKE: That's correct. I'm just asking 10 about the policy, not -- yeah, correct.</p> <p>11 THE WITNESS: Okay.</p> <p>12 BY MR. HILKE:</p> <p>13 Q. Okay. So having reviewed Policy 93-0303 14 Section 5, when possible with -- strike that. One of 15 the steps in an investigation is to interrogate the 16 accused member, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And did the department provide any guidance as 19 to when to from memorandum should be used and when 20 statements should be taken?</p> <p>21 A. Typically, the -- when we're doing the -- the 22 -- the Q and A statements, those are the -- the more 23 serious cases that result in separation of the member, 24 so there's more of a thorough question and answer format 25 as opposed to just having the member respond to</p>	<p style="text-align: center;">Page 116</p> <p>1 questions in a -- in a to/from report.</p> <p>2 Q. And is there any specific guidance that you 3 have knowledge of that was provided to investigators 4 regarding that?</p> <p>5 A. The -- the -- the guidance for that at the 6 time, that came from our lieutenants. They required -- 7 because they reviewed the case, and they required that 8 these types of investigation be long form Q and A and 9 written-out statements.</p> <p>10 Q. And when did lieutenants start enforcing that 11 requirement?</p> <p>12 A. From the -- from the day I stepped foot in BIA 13 in 2006, that was a requirement back then.</p> <p>14 Q. And that was -- in 2006, remind me, which 15 section of BIA were you in?</p> <p>16 A. I initially started in Confidential for about 17 five months, and then I was reassigned to Special 18 Investigations for about seven years.</p> <p>19 Q. Okay. And do you have any basis to say that 20 the same requirement was applied in general 21 investigations?</p> <p>22 A. Same requirement, yes.</p> <p>23 Q. Oh, but I mean, what's your basis to say that?</p> <p>24 A. Because it -- well, in -- in general, they 25 also had a lieutenant and their -- General and Special,</p>

<p style="text-align: center;">Page 117</p> <p>1 the way they conducted their investigation was very 2 consistent, very consistent. It is just the type of 3 investigations that were conducted were different, but 4 the manner in which they were conducted were all 5 similar.</p> <p>6 Q. What's your --</p> <p>7 A. I've -- I've --</p> <p>8 Q. What's your basis to say that --</p> <p>9 A. I've -- I've -- I've seen --</p> <p>10 Q. -- they're very similar?</p> <p>11 A. I've -- I've -- I've seen -- I've seen 12 investigative work from General Investigation Section. 13 I've sometimes worked with people assigned to general to 14 help with their investigations. So it was -- it's the 15 same process.</p> <p>16 Q. During this time period, 1999 to 2011, how 17 many general investigations did you review?</p> <p>18 A. That I assist with?</p> <p>19 Q. That you personally have knowledge of?</p> <p>20 A. Oh, I would say a couple of thousand.</p> <p>21 Q. A couple thousand?</p> <p>22 A. Yeah.</p> <p>23 Q. Okay. Are general -- for -- during that time 24 period, were general investigations and special 25 investigations, did they operate out of the same</p>	<p>1 building?</p> <p>2 A. Yes. Right -- yes, down the hall from one 3 another. Special Investigations section, we were -- we 4 were contained in two offices, and the rest of the floor 5 at police headquarters was General investigations. So 6 yeah.</p> <p>7 Q. Where was Confidential Investigations?</p> <p>8 A. It was offsite. It wasn't inside the police 9 headquarters. It was housed in a -- a separate building 10 on, like, the West Side of Chicago.</p> <p>11 Q. And the investigation -- oh, actually, 12 specifically, what categories of allegations required 13 statements as opposed to/from memos?</p> <p>14 A. Category. So it all depends. Like, cases 15 involving an officer intoxication -- intoxicated on 16 duty. Cases involving an officer lying, which would be 17 Rule 14 cases. Those are typically your separation 18 cases, and that requires a to/from format. Any -- 19 really, any case just based on the -- because you're -- 20 you're talking specific category codes. So those -- 21 that can -- that can really be -- it could be anything 22 from -- you're talking about just handled with BIA, 23 right? As opposed to -- because it'll be -- we're 24 talking criminal sexual assault, we're talking excessive 25 force, we're talking, you know, search-and- seizure</p>
<p style="text-align: center;">Page 119</p> <p>1 complaints. Depending on the severity of the -- the 2 allegations, the penalty can be as stringent as 3 separation. So the category code, that -- that's one 4 thing, but the severity of it and what's uncovered 5 during the course of the investigation, the penalty can 6 -- can be higher.</p> <p>7 Q. I guess I'm -- were there specific criteria 8 that all lieutenants applied as to when the 9 interrogation of an accused officer should take place in 10 the form of a question-and-answer statement, as opposed 11 to a to/from memo?</p> <p>12 A. Yeah. So I think the -- the standard was -- 13 one of the criteria were if you had numerous witnesses. 14 For instance, if a complaint occurred in roll call room, 15 you got 20 officers sitting there, right? And you -- 16 you want to get -- get statements from all the officers. 17 Instead of dragging each officer down to the station for 18 a formal Q and A, you can just type out a series of 19 questions related to the allegation and have the 20 officers respond in a -- a typed-out memo regarding the 21 allegation that took place inside the roll call room. 22 So that's -- that was one -- that was one criteria. 23 Like, if you're interviewing multiple people, and 24 depending on the allegation, that could be done in a -- 25 a to/from format, as opposed to bringing each and every</p>	<p style="text-align: center;">Page 120</p> <p>1 officer down to police headquarters for a Q and A.</p> <p>2 Q. What other criteria -- what other common 3 criteria for deciding whether to require a statement 4 from the officer, as opposed to a to/from memo, did all 5 the lieutenants use during this time period?</p> <p>6 A. Well, there -- Okay. So you have your Rule 14 7 cases. Every case that comes in where some officer 8 violated Rule 14, that's a false statement, written or 9 oral. Those are -- those cases should always leave the 10 Bureau of Internal Affairs as separation cases because 11 that's just -- that was -- that was the standard for 12 Rule 14s. So with that said, those cases are always in 13 -- in typed-out, Q-and-A format.</p> <p>14 Q. And typed out -- when you say typed-out Q and 15 A, you mean there's, like, a live conversation with the 16 accused officer that's recorded in writing, correct?</p> <p>17 A. Yes. So the -- the investigator is typing out 18 the question, the -- and asking the question, and the 19 accused member would give a response, and then the 20 investigator would type out the response. So it's just 21 whatever is taking place in that conversation will be 22 typed out. And then at the end of it, the accused 23 member will sign off on that document.</p> <p>24 Q. Any other common criteria?</p> <p>25 A. I mean, from what I can think of right now,</p>

<p style="text-align: right;">Page 121</p> <p>1 that's kind of what I recall being some of the criteria. 2 Q. And -- well, do you recall any others right 3 now? 4 A. No. 5 Q. And then did the department do anything, like, 6 in terms of running reports, collecting data, or 7 otherwise monitoring to make sure that those criteria 8 you've just described were consistently enforced? 9 A. No. 10 Q. The -- it was also the policy, CPD's policy, 11 that interrogation should include all members of the 12 department who had knowledge of whether the alleged 13 misconduct occurred, correct? 14 A. Correct. 15 Q. And it was also the policy that officers were 16 not allowed to submit joint statements, correct? 17 A. Correct. 18 Q. And what was the reason for specifically 19 prohibiting joint statements? 20 A. Well, we need -- we needed to have each and 21 every officer's independent recollection of what took 22 place that required this investigation to take place. 23 So yeah, each officer was responsible for drafting their 24 own report or sitting for the respective Q-and-A 25 interview.</p>	<p style="text-align: right;">Page 122</p> <p>1 Q. And were officers allowed to work together on 2 their statements when they sent -- like, as in exchange 3 information with one another about what they would 4 submit in a to/from report? 5 A. Were they allowed to? 6 Q. Yeah. 7 A. Well, they -- so what they -- what they did 8 was -- well, we -- when you receive some of these 9 reports, you would look at them and -- and you would 10 notice that, okay, there's a lot of similarities in this 11 verbiage between these seven witnesses, and even 12 sometimes to the point where if one word is misspelled, 13 they're misspelled on every last document, so you know 14 that all they did was change their name. So me 15 personally, I would either bring them in for a Q and A, 16 or I would -- I would not accept the report. 17 Q. And was that a policy you were following, or 18 your personal discretion in your -- 19 A. That was my discretion as an investigator. 20 Q. Were you ever told by a supervisor to do that, 21 one way or another? 22 A. No. 23 Q. Are you aware of any broader policy or 24 practice for reviewing statements in the way you did, of 25 trying to identify if the officers had collaborated on</p>
<p style="text-align: right;">Page 123</p> <p>1 the statements they were going to give? 2 A. I'm not -- I'm not sure. I don't want to say 3 there -- that there isn't any policy, but I just -- if 4 there is, I just can't recall where that policy would -- 5 would lie. 6 Q. It's -- if the policy were in writing, it 7 would be in one of the places we've talked about 8 already, correct? 9 A. That's correct. 10 Q. And in terms of a practice, I know you already 11 said your supervisor didn't tell you to do one way or 12 another, but are you aware of any practice of 13 supervisors telling their investigators to look, or not 14 to look, for those kinds of similarities between 15 officers' to/from reports? 16 A. As far as policy and practice, no. But I -- I 17 knew -- I do know that supervisors have had 18 conversations with investigators regarding, you know, 19 catching that. But as far as a -- a policy, or stating 20 a policy when they're having these conversations, I'm -- 21 I'm not aware of that. 22 Q. Okay. So under what circumstances would the 23 supervisors of accused officers be made aware of the CR 24 of the complaint made against an officer under their 25 supervision?</p>	<p style="text-align: right;">Page 124</p> <p>1 MR. MICHALIK: Object to the form. 2 THE WITNESS: Typically, the -- if the -- if 3 the case is handled by the Bureau of Internal 4 Affairs, the immediate supervisor may only be made 5 aware of the case when the notification goes to the 6 -- the district or unit to have the member answer to 7 the allegations or -- or if the member is called 8 down for a statement. Other than that, the 9 supervisor would not have much knowledge of the 10 investigation. Only during the notification process 11 to have that member submit paperwork or acknowledge 12 the allegations or be interviewed. 13 BY MR. HILKE: 14 Q. Got it. And what about after the 15 investigation? Does a supervisor learn the outcome of 16 the investigation after the investigation is complete? 17 A. No, just the member. 18 Q. And I know you said you specified BIA before. 19 Would you have any reason it would -- to believe it was 20 different for OPS or IPRA investigations? 21 A. I -- I have no reason -- or no knowledge of 22 their processes. 23 Q. So is it fair then that, as far as you know, 24 the only instance in which a supervisor of an accused 25 officer would learn of the disciplinary recommendation</p>

<p style="text-align: right;">Page 125</p> <p>1 is if the supervisor actually investigated it because it 2 was assigned to the unit?</p> <p>3 A. That's correct. Or if the -- or if the 4 accused officer tells the supervisor.</p> <p>5 Q. Sure. And if the complaint was assigned to 6 the unit, even in that situation, would the supervisor 7 who investigated the complaint learn the ultimate 8 outcome of -- you know, like, after it got sent up for 9 approval and final disposition?</p> <p>10 A. No.</p> <p>11 Q. And is that true for all kinds of 12 investigations, general investigations, criminal 13 investigations, and confidential investigations?</p> <p>14 A. For General, Special, yes. For Confidential, 15 the supervisor may be made aware of the outcome if it 16 becomes newsworthy. Other than that, it -- there will 17 be no internal notification to the supervisor if the 18 case was handled by Confidential.</p> <p>19 Q. And when you say would become newsworthy, can 20 you explain what you mean?</p> <p>21 A. Well, a -- a lot of times, cases that are 22 handled in -- in Confidential that are criminal in 23 nature, it -- it becomes newsworthy. And then of 24 course, the supervisor can see it in writing, or in the 25 news, and learn of the disposition of the case.</p>	<p style="text-align: right;">Page 126</p> <p>1 Q. So you mean literally, that -- 2 A. Yes.</p> <p>3 Q. -- they might see it on TV or the news?</p> <p>4 A. They might see it on Channel 2 or 3. Yes.</p> <p>5 Q. Okay. And why didn't CPD give supervisors 6 more information about CRs against their subordinates?</p> <p>7 A. Why didn't they?</p> <p>8 Q. Yeah.</p> <p>9 A. I don't -- I don't know. I think it was -- it 10 was a judgment call from the department higher up. So I 11 just -- I just don't -- I can't -- I don't -- I don't 12 know.</p> <p>13 Q. In terms of -- did supervisors have access to 14 the -- strike that. Could you -- could supervisors, 15 like in the various, you know, units and divisions of 16 the CPD, could they find out what CRs had been initiated 17 against their subordinates if they wanted to?</p> <p>18 A. I guess if -- if they wanted to, yes. If they 19 wanted to request some of their disciplinary history 20 from the Records Division within the Bureau of Internal 21 Affairs, they can. And that typically takes -- takes 22 place if a department supervisor, like a -- a -- a 23 tactical supervisor or lieutenant, is considering 24 placing an officer, like, on a tactical team. So you 25 just want to look at their -- their history or their</p>
<p style="text-align: right;">Page 127</p> <p>1 background and just make a request to see it prior to 2 making a decision.</p> <p>3 Q. And did that history include just sustained 4 CRs or all dispositions and CRs?</p> <p>5 A. It -- it typically contains a five-year 6 sustained history.</p> <p>7 Q. Okay. So just sustained in just the last five 8 years, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And so beyond sustained in the five years -- 11 in the last five years, would supervisors be able to 12 access any other disciplinary information about 13 subordinates if they wanted to?</p> <p>14 A. The SPAR history.</p> <p>15 Q. Okay. And other than SPAR history and CR, 16 anything else to --</p> <p>17 A. You talking about the -- the findings of, 18 like, all their -- their cases?</p> <p>19 Q. Yeah.</p> <p>20 A -- a request can be made. And if the -- if 21 the -- the chief agrees to it, they -- they could 22 provide it. But normally, that's at a -- a higher 23 level, and if the commander of the unit requests that, 24 typically, that request is honored.</p> <p>25 Q. Okay. So I want to ask you a little about the</p>	<p style="text-align: right;">Page 128</p> <p>1 transition from OPS to IPRA.</p> <p>2 A. Okay.</p> <p>3 Q. When did OPS end and IPRA start?</p> <p>4 A. I would be guessing.</p> <p>5 Q. Okay. That's all right. What were the -- 6 operationally, what changed when OPS became IPRA?</p> <p>7 A. I -- I think the -- the -- the biggest 8 difference, from what I recall, is that IPRA -- OPS had 9 sworn officers assigned to that unit, as opposed to 10 IPRA, where it was all civilian investigators. That was 11 the biggest -- that was the biggest change.</p> <p>12 Q. Okay. Any other major changes between the 13 entities that you're aware of?</p> <p>14 A. I -- I think a -- a big part of IPRA was a bit 15 more transparency in their investigation. Yeah.</p> <p>16 Q. So a change in how much information was shared 17 about investigations they did, correct?</p> <p>18 A. Yeah.</p> <p>19 Q. Anything else?</p> <p>20 A. Not that I can recall right now.</p> <p>21 Q. And is it correct that many of the staff would 22 work at -- that OPS joined IPRA when IPRA was formed?</p> <p>23 A. I'm not certain of that.</p> <p>24 Q. You wouldn't have any reason to agree or 25 disagree, fair enough?</p>

<p style="text-align: center;">Page 129</p> <p>1 A. I would not have reason to disagree.</p> <p>2 Q. Okay. And -- one second. In terms of -- if I 3 understood your testimony, in terms of operations, in 4 terms of how IPRA actually conducted its investigations, 5 are you aware of anything that IPRA was able to do in 6 investigations that OPS, its predecessor agency, could 7 not do in investigations?</p> <p>8 A. I'm not aware.</p> <p>9 MR. HILKE: I only have, like, another 15 10 minutes. And you, how are you doing?</p> <p>11 MR. MICHALIK: I'm fine. How are you doing?</p> <p>12 THE WITNESS: I'm good.</p> <p>13 BY MR. HILKE:</p> <p>14 Q. Okay. Exhibit 5. To my knowledge, this -- so 15 this is General Order 933, City BG-59013. Well, let me 16 -- I'm going to draw your attention kind of far back in 17 the packet to 59060. Is that -- no, I'm sorry. 59063, 18 please.</p> <p>19 (EXHIBIT 5 MARKED FOR IDENTIFICATION)</p> <p>20 THE WITNESS: Okay. Thanks.</p> <p>21 BY MR. HILKE:</p> <p>22 Q. And these are -- this is the order on summary 23 punishment. This would be the order describing how what 24 you referred to earlier as SPARs are implemented, 25 correct?</p>	<p style="text-align: center;">Page 130</p> <p>1 A. Correct.</p> <p>2 Q. Now, the -- all right. So looking at 2A, the 3 definitions. SPARs are an alternative to complaint 4 register disciplinary procedures, specifically for 5 conduct defined as a less serious transgression, 6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. And that 2B gives a definition. What less 9 serious transgression means is it's an act or omission 10 listed in Item 4 of this addendum, correct?</p> <p>11 A. Correct.</p> <p>12 Q. And it further says that it's the items on 13 that list which warrant prompt and appropriate action, 14 but do not require a complaint register number, right?</p> <p>15 A. Correct.</p> <p>16 Q. So even if a complaint or -- strike that. Even 17 if an act or a mission falls under one of the items in 18 Item 4, one of the less serious transgressions, that can 19 still be escalated to a complaint register if the 20 situation warrants, correct?</p> <p>21 A. Oh, definitely.</p> <p>22 Q. And is there any, like, specific rule as to 23 how to tell if an act or omission should be treated as a 24 SPAR, or should be treated as a complaint register?</p> <p>25 A. One -- one thing to consider is the severity</p>
<p style="text-align: center;">Page 131</p> <p>1 of the infraction and the penalty that's warranted for 2 that infraction. You know, and that's case-by-case. 3 Summary punishment, violation noted, reprimand to a 4 three-day suspension. If you believe that that 5 infraction requires a higher penalty that's going to go 6 beyond the three days, then that case would have to be 7 handled up by a CR investigation.</p> <p>8 Q. I understand.</p> <p>9 A. So that's one of the things you want to look 10 at.</p> <p>11 Q. And during this time period, there's no 12 disciplinary matrix laying out the different punishments 13 to be imposed for different categories of misconduct, is 14 there?</p> <p>15 A. For SPAR, during -- during that time?</p> <p>16 Q. During that time in general.</p> <p>17 A. No.</p> <p>18 Q. And so, the appropriate punishment is 19 ultimately -- well, strike that. Other than the 20 discretion and judgment of the investigator or 21 supervisor, was there any other basis for identifying 22 what the appropriate penalty would be for different 23 kinds of offenses during this time period?</p> <p>24 A. Well, yeah. You -- you would weigh in their 25 histories, their complaint history, their disciplinary</p>	<p style="text-align: center;">Page 132</p> <p>1 history, their SPAR history, and then because you -- you 2 don't -- you don't want to continue giving someone a 3 reprimand for the same infraction because in Internal 4 Affairs, we're -- we're kind of all about progressive 5 discipline if needed be -- need be. So if -- if a 6 member continues to violate certain policies, then the 7 -- the penalty gets more and more severe, to the point 8 where that infraction will not be handled by SPAR and 9 will be handled by a CR number.</p> <p>10 Q. No, I understand. Let me take a step back 11 because I'm -- the question I'm trying to ask is not 12 just about SPARs, but about kind of any kind of 13 misconduct a supervisor might observe.</p> <p>14 A. Okay.</p> <p>15 Q. If -- during this time period, if I'm a 16 supervisor and I observe -- I believe one of my officers 17 has committed misconduct, I have to decide whether I 18 want to handle it as a -- well, you -- I -- your 19 testimony before was one of the ways that supervisor 20 will know whether it should be treated as a SPAR is to 21 figure out what the severity of discipline would be for 22 the misconduct, correct?</p> <p>23 A. Well, yes. But then also, it depends on what 24 we're talking about here, as far as what -- what 25 infraction, or what misconduct the member is completing.</p>

<p style="text-align: right;">Page 133</p> <p>1 Even though in attention to duty, it -- it can be, okay, 2 yeah, it's a SPAR, right? It -- it's spelled out. And 3 its duty, it's a SPAR. But depending on what the 4 inattention is, it would be handled as a CR 5 investigation.</p> <p>6 Q. Sure. And I guess my question is: Other than 7 that supervisor's judgment about what punishment is 8 warranted, is there any other source that was given to 9 the officers to refer to, like, guidelines, examples? 10 Anything, you know, for these different kinds of 11 offenses, this is the kind of punishment you should be 12 looking at?</p> <p>13 A. Okay. So we -- for this order here, so when 14 you -- for the summary replenishment, are you talking 15 about just discipline in general?</p> <p>16 Q. I'm just talking about discipline in general. 17 Like, what's the reference point for a supervisor when 18 they're trying to figure out -- you know, is there a 19 reference point given to supervisors in determining what 20 kind of discipline do I think would be warranted for 21 this misconduct?</p> <p>22 A. No, see, it's hard to answer that question. It 23 could be -- see, I -- I have -- see, me, I have the 24 experience, I -- and I know, you know, because I -- I've 25 been doing this for a long time, but the average</p>	<p>1 sergeant in the district -- no, there's -- there's no 2 reference point, but depending on the nature of the 3 infraction, or the complaint, you know, if it's not a 4 citizen-based complaint, then they have the ability to 5 decide whether or not it's going to be handled by SPAR, 6 if a SPAR is warranted, or if it'll be handled as a -- a 7 log number.</p> <p>8 Q. Got it. So that's kind of in their 9 discretion --</p> <p>10 A. Yeah.</p> <p>11 Q. -- to figure out how to proceed, correct?</p> <p>12 A. Correct.</p> <p>13 Q. So -- okay. So the -- if you go to the next 14 page, 59064, and the following page also, Section 4A 15 lists 26 specific, less serious transgressions that can 16 be appropriately disciplined via SPARS, correct?</p> <p>17 A. Correct.</p> <p>18 Q. And this is a -- this is an inclusive list, 19 right?</p> <p>20 A. Yeah.</p> <p>21 Q. These are all the categories that should be 22 handled by SPARS, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Or I should say can be handled by SPARS, 25 because even if it qualifies, you could still make it a</p>
<p style="text-align: right;">Page 135</p> <p>1 CR, if you thought it warranted, correct?</p> <p>2 A. Correct.</p> <p>3 Q. But if an item does not fall -- if you observe 4 misconduct as a supervisor and you can't classify it as 5 one of these 26 categories, it would be inappropriate to 6 proceed with it as a SPAR, correct?</p> <p>7 A. Correct. But there's -- there's a caveat 8 because if -- if the investigator still wants to make it 9 a less serious transgression, depending on the nature of 10 the infraction, because a lot of this is very specific 11 to smoking inside of a car, that kind of very specific. 12 But then you -- you have failure to perform any duty, 13 right? So that's not telling you exactly what that duty 14 is. So depending on the nature of the allegation, it 15 could be handled as a SPAR, you know? So it's really 16 case by case, of what can be handled as a SPAR, because 17 these -- a lot of this stuff is very specific, but then 18 some of it is very general in language. Failure to 19 perform an assigned task. You know, it's like you can 20 do a CR number, or you can SPAR for numerous things that 21 the officer does.</p> <p>22 Q. So how far does that extend? I mean, is it 23 the case that any kind of alleged misconduct could be 24 re-classed -- could be phrased as failure to perform a 25 duty and appropriately treated as a SPAR?</p>	<p>1 MR. MICHALIK: Object to the form of the 2 question.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MR. HILKE:</p> <p>5 Q. Okay.</p> <p>6 A. But SPARs only go from reprimand to three 7 days.</p> <p>8 Q. Right.</p> <p>9 A. So depending on the nature of the infraction, 10 the penalty, it might -- it might require a ten-day 11 suspension that cannot be fulfilled during the SPAR 12 process.</p> <p>13 Q. So if this list is so broad it could include 14 any misconduct, why even have a list of 26 items? Why 15 not just say any minor misconduct can be treated as a 16 SPAR?</p> <p>17 MR. MICHALIK: Object to the form.</p> <p>18 THE WITNESS: I didn't create this, unless -- I 19 can't answer that question.</p> <p>20 BY MR. HILKE:</p> <p>21 Q. Sure. But based on how broadly it applies, it 22 would've been just as accurate to, instead of 26 items, 23 say, look, if it's -- if you think it's a minor 24 misconduct, it's okay to classify it as a SPAR; is that 25 correct?</p>

<p style="text-align: center;">Page 137</p> <p>1 MR. MICHALIK: Object to form. 2 THE WITNESS: I think it's a minor -- yes. 3 BY MR. HILKE: 4 Q. So the list of -- when -- so one of the factor 5 when -- I'm going to ask you a question about CRs, but 6 I'm going to bring it back to SPARs. 7 A. Okay. 8 Q. When a CR is sustained, the recommended 9 discipline can consider other recent sustained CRs, 10 correct? 11 A. It can -- yes. It -- it will -- you have to 12 weigh in their disciplinary histories. Yes. 13 Q. And specifically, the sustained CRs, right? 14 You're not allowed to consider unsustained CRs? 15 A. Right. Your five-year sustained history. 16 Q. Okay. When considering discipline for a CR, 17 are investigators also allowed to consider SPARs that 18 have been applied against the officer? 19 A. Yes. You also received the SPAR history. 20 Q. And for what time frame do you receive the 21 SPAR history? 22 A. That's a good question. It might -- yeah. 23 I'm not certain if it's the five-year SPAR history or 24 the full SPAR history. It's either or. 25 Q. And is it correct that the SPARs are expunged</p>	<p style="text-align: center;">Page 138</p> <p>1 after one year? 2 A. They -- they are. 3 Q. And what does that mean, that they're 4 expunged? 5 A. They're -- they're taking off your record. 6 Yeah, I think it -- it falls off your -- your record 7 after a year. 8 Q. Okay. 9 A. You're right. 10 Q. So if it falls off after a year, it wouldn't 11 be considered a discipline then, correct? 12 A. It would -- that -- that is correct. I stand 13 corrected. 14 Q. So does expunging the SPAR mean that actual 15 documents or information about the SPAR are destroyed? 16 A. I think they're -- that means it's -- they're 17 -- it is no longer available to the investigator as -- 18 as for the purposes of weighing in on future penalty. 19 Q. Asking about CRs now, my understanding is that 20 CRs are essentially -- although they -- they're not 21 available in the same way after five years, the actual 22 files are sustained indefinitely; is that correct? 23 A. Yes. 24 MR. MICHALIK: Object to the form. 25 THE WITNESS: I'm sorry. Yes, there is a</p>
<p style="text-align: center;">Page 139</p> <p>1 record. There -- we have the file. 2 BY MR. HILKE: 3 Q. And is the same true for SPARs? Is a SPAR 4 file retained indefinitely, even if it's not made 5 available? 6 A. I -- I'm not certain about how the SPARs are 7 maintained and the retention period for SPARs. 8 Q. Okay. In any event -- one second. All right. 9 And even the -- even -- well, strike that. A sustained 10 CR can be appealed by an officer to the complaint -- to 11 a complaint review panel, correct? 12 A. A sustained CR can be appealed? 13 Q. No, I'm sorry. A SPAR. This -- the SPAR 14 process also includes command -- complaint review panel 15 review, if the officer wants it, correct? 16 A. Correct. 17 Q. And if you look at BG -- 18 A. Well, I'm trying -- I'm trying to think about 19 that because within the -- within the SPAR system, I -- 20 I'm -- I'm trying to think about this in terms of the -- 21 the time frame. 22 Q. Can I interrupt you and just point you to 23 59068, Section C? 24 A. Okay. 25 Q. Describes C on that page and B on the next</p>	<p style="text-align: center;">Page 140</p> <p>1 page, describe hearing officer review and complaint 2 review panel. 3 A. Okay. Yes, okay. 4 Q. Okay. So the ability to appeal and have the 5 complaint review panel, that would've been in effect at 6 this time period, correct? 7 A. That's correct. 8 Q. And then looking to the final page, 59070, or 9 Page 8. The SPAR policy actually does provide a 10 schedule of policies for various transgression 11 categories, correct? 12 A. Correct. 13 Q. And so, am I correct that this schedule 14 provides minimums and maximums, meaning any punishment 15 given for a SPAR would have to fall within the period 16 defined -- or nature defined here, based on whether it 17 was first second, third, fourth, or following? 18 A. Correct. 19 Q. Are SPARs only given by direct supervisors of 20 subordinates? 21 A. No, not necessarily. 22 Q. So if a sergeant -- and if a sergeant observes 23 a patrol officer from another unit committing 24 misconduct, they can elect to initiate a SPAR against 25 that officer?</p>

<p style="text-align: center;">Page 141</p> <p>1 A. Correct. I can SPAR an officer if I'm driving 2 home.</p> <p>3 Q. Okay.</p> <p>4 And the policy we've just been looking at was 5 provided to all officers, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And so, officers would know, for example, how 8 long a SPAR can be used against him in future 9 disciplinary proceedings, correct?</p> <p>10 A. Correct.</p> <p>11 MR. HILKE: Okay. All right. Let's take a 12 break.</p> <p>13 THE VIDEOGRAPHER: We're off the record. The 14 time is 1:31 p.m.</p> <p>15 (OFF THE RECORD)</p> <p>16 THE VIDEOGRAPHER: We are back on the record 17 for the deposition of Timothy Moore. Today is 18 March 19, 2024, and the time is 2:13 p.m.</p> <p>19 BY MR. HILKE:</p> <p>20 Q. I want to ask a couple of questions about, 21 like, reassignments. Did the disciplinary system play 22 any role in recommending that an officer be reassigned, 23 like, from one assignment to another?</p> <p>24 A. The disciplinary -- no. No, not the 25 disciplinary role. It did not play a role.</p>	<p style="text-align: center;">Page 142</p> <p>1 Q. Okay. And so, likewise, did the disciplinary 2 system play any role in the recommendations that 3 officers be reassigned to desk duty?</p> <p>4 A. Not the disciplinary role, but the -- the 5 investigation itself may lead to someone being 6 reassigned, but that's at the direction of the 7 superintendent.</p> <p>8 Q. Okay. And in terms of that decision process 9 of reassignment or being put on desk duty, would that 10 happen with, you know, BIA, OPRA -- or IPRA in 11 communication with the superintendent, or would that 12 instead be located with whatever unit the officer who 13 that was being discussed for sits in?</p> <p>14 MR. MICHALIK: I'm just going to object to the 15 form that question. Go ahead, if you know.</p> <p>16 THE WITNESS: Can you -- one more -- can you go 17 over that one more time?</p> <p>18 BY MR. HILKE:</p> <p>19 Q. Yeah. I guess I'm trying to understand -- 20 basically, I'm trying to understand more about what you 21 mean when you say the superintendent would make that 22 decision. Would that be the superintendent with the 23 chain of command of the accused officer?</p> <p>24 A. No. That would skip to the superintendent of 25 police.</p>
<p style="text-align: center;">Page 143</p> <p>1 Q. Okay. So --</p> <p>2 A. To make the decision of personnel movement.</p> <p>3 Q. So that's -- okay. And just so I apologize, 4 because I think you just said this, but IPRA, OPS, BIA, 5 they're not involved in that conversation, correct?</p> <p>6 A. Well when you say -- well when it comes to 7 BIA, for movement purposes, the chief of BIA would 8 probably have a conversation with the superintendent so 9 he can get an understanding of why it's taking place.</p> <p>10 Q. Okay.</p> <p>11 A. Because cases -- cases that involve movement 12 of officers, typically, the superintendent is aware of 13 the investigation. So it's -- it's easy for him to 14 decide whether or not to make the decision to move the 15 person because he's aware of the case already.</p> <p>16 Q. I understand. Does the chief of BIA make any 17 recommendation in that situation?</p> <p>18 A. Yeah, yeah. In -- in the -- at -- at times, 19 the chief has, yes.</p> <p>20 Q. Okay. So the chief of BIA -- and actually, at 21 what point in the investigation would such a 22 conversation about reassignment take place?</p> <p>23 A. It -- it's case by case, and it depends on the 24 -- the nature of the complaint and the allegation to 25 determine whether or not the department as a whole is</p>	<p style="text-align: center;">Page 144</p> <p>1 better served by that member not being actively on the 2 street, working.</p> <p>3 Q. Okay. So even before the investigation is 4 concluded, the chief of BIA can go to the superintendent 5 and say, you know, I think this officer should be on 6 desk duty, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Chief of BIA can also say, this officer should 9 at least be reassigned to another unit while the 10 investigation is completed, correct?</p> <p>11 A. Yes. When it -- yes. But of course, the -- 12 the members do have collective bargaining rights. So 13 it's a little bit harder to move the person from one 14 unit to the next without calls. And a lot of times, 15 they would have to go through legal affairs to -- to 16 make that -- that move happen.</p> <p>17 Q. I see. Is it more straightforward to put an 18 officer on desk duty than to get them reassigned to 19 another area?</p> <p>20 A. Yes, it is.</p> <p>21 Q. And so, would that typically be the 22 recommendation if an officer -- if the thought is that 23 something needs to happen while the investigation 24 continues? Like, meaning desk duty instead of changing 25 units.</p>

<p style="text-align: right;">Page 145</p> <p>1 A. Yes.</p> <p>2 Q. Did -- during this time frame, did BIA keep</p> <p>3 track of how many investigations were assigned at the</p> <p>4 unit level?</p> <p>5 A. I would say yes. Yes --</p> <p>6 Q. Okay.</p> <p>7 A. -- that -- that information is tracked.</p> <p>8 Q. All right. And if I -- am I correct that --</p> <p>9 well, strike that. When a CR is initiated, a category</p> <p>10 code is assigned to the CR, correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And those are the codes that the department</p> <p>13 uses to understand what's the nature of the allegations</p> <p>14 being made?</p> <p>15 A. That's correct.</p> <p>16 Q. Was there any limit on categories of</p> <p>17 allegations that could be assigned to be to the unit</p> <p>18 level?</p> <p>19 A. A limit?</p> <p>20 Q. Yeah. Meaning, were there any categories of</p> <p>21 allegations that could never be assigned to the unit</p> <p>22 level?</p> <p>23 A. Yes. There are certain category codes that</p> <p>24 would not -- would not be assigned to a unit level.</p> <p>25 Q. Which category --</p>	<p style="text-align: right;">Page 146</p> <p>1 A. Coercion, for example. It -- all -- all</p> <p>2 criminal investigations, EEOC complaints are not</p> <p>3 assigned. Basically, any category code that would fall</p> <p>4 under Special Investigations, Confidential</p> <p>5 Investigations. Yeah, most of your -- your criminal</p> <p>6 cases, those would not be assigned to the units and</p> <p>7 districts.</p> <p>8 Q. And you mentioned coercion as a category that</p> <p>9 wouldn't be assigned to the unit level. What</p> <p>10 categorizes a coercion complaint? What's a -- what's</p> <p>11 the definition of coercion?</p> <p>12 A. I don't know, coercion is when you, I don't</p> <p>13 know, compel someone to -- to -- to do an act. Yeah. I</p> <p>14 -- I -- yeah, I don't know the specific definition, but</p> <p>15 it's -- I know you're -- you're compelling someone to --</p> <p>16 to do an act of some sort.</p> <p>17 Q. Yeah. When you say -- when you say</p> <p>18 compelling, could you explain a little bit more about</p> <p>19 what you mean?</p> <p>20 A. Well, compelling -- so as an officer working</p> <p>21 with the streets, you -- you -- you want to -- I -- I</p> <p>22 don't -- it's hard for me to describe it. But you want</p> <p>23 to make a citizen -- for instance, like a tow truck</p> <p>24 driver, you -- you want the tow truck driver to -- to</p> <p>25 call you when -- when it's time to tow cars, so you can</p>
<p style="text-align: right;">Page 147</p> <p>1 -- you can benefit from it.</p> <p>2 Q. So like taking bribes would be an example,</p> <p>3 correct? Or to seek soliciting bribes -- or I'm sorry.</p> <p>4 That's not what you're talking about. It sounds like --</p> <p>5 A. It's not --</p> <p>6 Q. -- you're talking about sort of -- well,</p> <p>7 coercion -- sorry. Let me take a step -- let me ask you</p> <p>8 if these are examples that you're talking about. So just</p> <p>9 to give one example, if an officer -- you know, if</p> <p>10 someone -- if, for example say that there's someone</p> <p>11 who's, like engaged in prostitution. If an officer, you</p> <p>12 know, asks for sex or money in exchange for not</p> <p>13 arresting that person, would that constitute coercion?</p> <p>14 A. I -- I would say so, yes.</p> <p>15 Q. Okay. And if -- what if an officer says, I'm</p> <p>16 going to put charges on you unless you can bring me --</p> <p>17 unless you pay me, would that be coercion?</p> <p>18 A. I think that's more of extortion.</p> <p>19 Q. Could -- would extortion -- would complaints</p> <p>20 of extortion be appropriate to assign to the unit level?</p> <p>21 A. No.</p> <p>22 Q. Say it's instead, I need you to bring me a</p> <p>23 gun, right, a gun that I can, you know, report as</p> <p>24 getting -- or I'm going to arrest you for some charge,</p> <p>25 would that constitute coercion?</p>	<p style="text-align: right;">Page 148</p> <p>1 A. Yes.</p> <p>2 Q. Say you say, I need you to give me a statement</p> <p>3 against, you know, this other person I'm investigating.</p> <p>4 If you don't, I'm going to arrest you. Would that</p> <p>5 constitute coercion?</p> <p>6 A. Yes.</p> <p>7 Q. None of those CBDs -- none of those should be</p> <p>8 investigated at the unit level, correct?</p> <p>9 A. Correct.</p> <p>10 Q. And we talked before a little about how</p> <p>11 supervisors would take statements or two from them</p> <p>12 Miranda from accused officers when supervisors</p> <p>13 investigated their subordinates. I want to ask you, in</p> <p>14 the Bureau of Internal Affairs -- actually, so stepping</p> <p>15 back from that. For Internal Affairs, did they have</p> <p>16 interview rooms where police officers could come in and</p> <p>17 give statements if they were required to give</p> <p>18 statements?</p> <p>19 A. Yes.</p> <p>20 Q. And were those set up with whatever things</p> <p>21 might be needed to conduct those interviews?</p> <p>22 A. Yes.</p> <p>23 MR. MICHALIK: Objection, vague. Go ahead.</p> <p>24 THE WITNESS: I'm sorry. Yes.</p> <p>25 BY MR. HILKE:</p>

<p style="text-align: right;">Page 149</p> <p>1 Q. You know, for example, you know, they'd have a 2 workstation, a computer for typing up a statement, 3 correct?</p> <p>4 A. That's correct.</p> <p>5 Q. And were these interviews with police officers 6 -- accused officers recorded at any time during this 7 time period?</p> <p>8 A. No, not during that time period.</p> <p>9 Q. Did they use tape recorders to record the 10 statements at all?</p> <p>11 A. Not during that time period.</p> <p>12 Q. Okay. Then -- and the investigators in 13 Internal Affairs would've been familiar with like the 14 form and formatting needed to take a statement in an 15 Internal Affairs investigation, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And same for IPRA and OPS, correct?</p> <p>18 A. I would -- I would hope so.</p> <p>19 Q. But what about the -- when supervisors 20 investigated their subordinates, was there, like, any 21 training or process to make sure that they were familiar 22 with the right format and method of taking of statements 23 in their investigations?</p> <p>24 A. As far as training, that -- that -- a lot of 25 that came about with, like, on the job training.</p>	<p>1 Supervisors that had experience in CR investigations, 2 that worked, like, the same watch as the, like, newly 3 minted sergeants that hadn't done CR numbers. So a -- a 4 lot of -- sometimes, that's how the training would take 5 place, by asking other supervisors for assistance.</p> <p>6 Q. Okay.</p> <p>7 A. And -- and -- and creating your -- your 8 Q-and-A format, or your memo asking for -- asking for a 9 question to be answered in a case.</p> <p>10 Q. Got it. Could -- when -- and so when 11 supervisors were investigating their subordinates in CR 12 investigations, was the expectation that if a statement 13 was taken, the investigator would be the one to take it, 14 as opposed to referring that person to an -- another 15 investigator in Internal Affairs or OPS?</p> <p>16 A. No. If -- there was the understanding that 17 the -- supervisor, at the time, would take the -- 18 the investigation.</p> <p>19 Q. Okay. And meaning that the supervisor doing 20 the investigation would either request a to/from memo, 21 or interview the accused officer?</p> <p>22 A. That is correct.</p> <p>23 Q. Do you recall that the policies for 24 investigating CRs state that, if, you know, a serious 25 allegation of -- you know what, strike that. CPD's</p>
<p style="text-align: right;">Page 151</p> <p>1 policy was that if there's a CR investigation, and the 2 investigation reveals a serious new allegation, or an 3 integrity violation, that that needs to be investigated 4 too, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And would that include allegations that 7 information about a confidential investigation had been 8 leaked to the subject of that investigation?</p> <p>9 MR. MICHALIK: Objection, incomplete 10 hypothetical.</p> <p>11 THE WITNESS: Can -- can you repeat that one?</p> <p>12 BY MR. HILKE:</p> <p>13 Q. I can. So in the Confidential Investigation 14 Section --</p> <p>15 A. Okay.</p> <p>16 Q. -- the department's goal was to make sure that 17 the subject of the -- of an investigation, the accused 18 officer, would not learn that there was a confidential 19 investigation proceeding against them, until it was time 20 to serve them with the allegations?</p> <p>21 A. That is correct.</p> <p>22 Q. And it would've been a violation of those 23 policies to disseminate information about the 24 investigation, such as the subject of the investigation 25 learned before then, correct?</p>	<p>1 A. That's correct.</p> <p>2 Q. Everyone in the group has to keep the 3 information within the group of investigators until it's 4 time to serve the allegations or end the investigation, 5 correct?</p> <p>6 A. That's correct to a certain extent, that over 7 in the Confidential Investigation Section, you have the 8 investigator of the -- of that particular case and maybe 9 a -- a partner for that investigation. But everyone at 10 confidential did not know everything about everybody's 11 case.</p> <p>12 Q. Right. So it's an even smaller group than the 13 whole unit. It's a -- it's a need to know basis, 14 correct?</p> <p>15 A. Exactly.</p> <p>16 Q. Okay. So I think what I'm saying is, if the 17 -- if the investigator learns somehow the subject of the 18 investigation has learned there's a confidential 19 investigation against them before they're served with 20 charges, is that the kind of potential violation that 21 needs to be also investigated?</p> <p>22 A. Yes. That could be the subject of another 23 investigation or a log number, yes.</p> <p>24 Q. Yeah, you said it could be. Was that -- was 25 it policy that it was required to investigate such a</p>

<p style="text-align: center;">Page 153</p> <p>1 leak?</p> <p>2 A. It -- it depends on -- see for that, a</p> <p>3 determination has to be made whether or not another log</p> <p>4 number is going to be obtained. And that's going to</p> <p>5 come about based on finding out, okay, how can this leak</p> <p>6 have taken place? You know what I mean? Is it -- yeah.</p> <p>7 I mean, it's just -- so when we -- it's hard to say if</p> <p>8 we're going to get a CR number, when we know that a lot</p> <p>9 of times when we're conducting these investigations, we</p> <p>10 have to reach outside of Internal Affairs to get</p> <p>11 information, right. So we have to sometimes contact</p> <p>12 information services to do database queries of say, for</p> <p>13 instance, not just watch sheets, but like the vehicles.</p> <p>14 Tracking vehicles, or requesting OMC tapes and stuff.</p> <p>15 So in order to do that, we have to kind of go</p> <p>16 outside of the -- of the unit. And depending on what</p> <p>17 information we provide these outside agencies, that can</p> <p>18 lead to a leak or disclosure of information regarding</p> <p>19 confidential cases. So at that point, a number may or</p> <p>20 may not be obtained because we only get numbers on</p> <p>21 department members, like sworn officers or civilians.</p> <p>22 So it's kind of hard to say. But typically, as you're</p> <p>23 -- to answer your question, yes, a lot of times, it does</p> <p>24 lead to another investigation.</p> <p>25 Q. And is it the department's policy that a leak</p>	<p style="text-align: center;">Page 154</p> <p>1 or a disclosure like you described should always be</p> <p>2 investigated? Whether or not there is a new CR number</p> <p>3 or not, the investigator needs to follow-up and try to</p> <p>4 find out what happened and why?</p> <p>5 A. Well, right. So if there's an allegation of</p> <p>6 misconduct on the part of a department member, yes.</p> <p>7 That -- a number should be generated and that should be</p> <p>8 investigated.</p> <p>9 Q. I guess, I want to make sure my question's</p> <p>10 syncing up with your answer. What -- I guess just to</p> <p>11 clarify my question, I'm not just asking about whether a</p> <p>12 situation -- strike that. Regardless of whether the</p> <p>13 investigator thinks there was misconduct by a police</p> <p>14 officer, if the investigator believes there's been a</p> <p>15 leak or a disclosure of a confidential investigation,</p> <p>16 must that investigator pursue that information and try</p> <p>17 to find out what happened?</p> <p>18 MR. MICHALIK: Object to the form.</p> <p>19 THE WITNESS: So I don't -- so when you say --</p> <p>20 when you say must, you know, the investigator can.</p> <p>21 They -- they can, but depending on what information</p> <p>22 has been leaked, how that information impacts the in</p> <p>23 -- the full investigation, the investigator can do a</p> <p>24 to/from requesting that a number be generated. But</p> <p>25 to say must, it's the investigator's case. And</p>
<p style="text-align: center;">Page 155</p> <p>1 depending on how or if that information impacted</p> <p>2 their investigation, it will determine whether or</p> <p>3 not he chooses to -- to -- to ask that a complaint</p> <p>4 be initiated.</p> <p>5 BY MR. HILKE:</p> <p>6 Q. So whether to pursue more information about a</p> <p>7 leak or disclosure in a confidential investigation is at</p> <p>8 the discretion of the investigator, is based on all the</p> <p>9 circumstances; is that accurate?</p> <p>10 A. Yeah. I would say that's accurate, yes.</p> <p>11 Q. All right. And do you know if the department,</p> <p>12 during this time frame, did ever initiate new CRs to</p> <p>13 pursue information about leaks or disclosures in</p> <p>14 confidential investigations?</p> <p>15 A. I'm not aware.</p> <p>16 Q. Is that a category --</p> <p>17 A. Well, I'm sorry. I -- I honestly that, when I</p> <p>18 think back, I -- I believe there were times where</p> <p>19 numbers have been generated to investigate, yeah, leaks</p> <p>20 from ongoing investigations over at the Confidential</p> <p>21 Investigation Section. Yes.</p> <p>22 Q. And were those -- were those CRs given a</p> <p>23 category or otherwise tracked in any way that would</p> <p>24 allow them all to be identified?</p> <p>25 A. You're talking about the -- the case itself to</p>	<p style="text-align: center;">Page 156</p> <p>1 be identified?</p> <p>2 Q. Yeah. Like, if you wanted to say how many</p> <p>3 times did CPD investigate leaks or disclosures in</p> <p>4 confidential --</p> <p>5 A. That was not tracked, no.</p> <p>6 Q. Okay. All right. This is Exhibit 6. Do you</p> <p>7 see here in front of you, the Internal Affairs Division</p> <p>8 standard operating procedures?</p> <p>9 (EXHIBIT 6 MARKED FOR IDENTIFICATION)</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MR. HILKE:</p> <p>12 Q. This is BG-28997. And this is -- are these</p> <p>13 the standard operating procedures you described</p> <p>14 reviewing?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Let me take you to Page 6. It's</p> <p>17 double-sided. Do you see on Page 6, the description of</p> <p>18 four different possible disposition categories for CRs?</p> <p>19 A. Yes.</p> <p>20 Q. Is this what you were describing in terms of</p> <p>21 the description of CR dispositions that would guide</p> <p>22 investigators as to credibility findings?</p> <p>23 A. Yes.</p> <p>24 Q. And so, that's the section starting, A,</p> <p>25 unfounded, and ending with justified disciplinary action</p>

<p style="text-align: center;">Page 157</p> <p>1 on Page 6 of the manual, correct?</p> <p>2 A. Yes.</p> <p>3 Q. I'll take you to Page 13, the second paragraph</p> <p>4 from the bottom, do you see where it says, in-depth</p> <p>5 interviews should be conducted with complainants,</p> <p>6 victims and/or witnesses. Interviews with parties via</p> <p>7 the telephone will be documented and the conversation</p> <p>8 will be summarized in as much detail as possible in a</p> <p>9 progress report. Do you know whether the department</p> <p>10 during this time frame did any sort of monitoring or</p> <p>11 auditing to evaluate how much detail was being put into</p> <p>12 the reports of interviews with witnesses?</p> <p>13 A. That -- no, I'm not aware of that.</p> <p>14 Q. Okay. I'll take you did the next page, Page</p> <p>15 14. Under the section withdrawal of complaints, are you</p> <p>16 familiar with the requirement discussed here that even</p> <p>17 if a complainant withdraws their complaint, the</p> <p>18 investigator still must complete a thorough and</p> <p>19 comprehensive investigation?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know if that policy was followed during</p> <p>22 this time period, whether investigators would stop</p> <p>23 investigations because they -- because the complaints</p> <p>24 were withdrawn?</p> <p>25 A. Do I know if it was followed across the board?</p>	<p style="text-align: center;">Page 158</p> <p>1 Q. Yes.</p> <p>2 A. Oh, no. I -- I -- I -- I know I followed it.</p> <p>3 I don't know if everyone else was following it.</p> <p>4 Q. Do you know if investigations were monitored</p> <p>5 or audited in any ways to ensure compliance with this</p> <p>6 requirement?</p> <p>7 A. The -- the investigators -- investigations</p> <p>8 were all overseen by immediate supervisors. In my case,</p> <p>9 it was a lieutenant. So yeah, they were monitored by</p> <p>10 the supervisors.</p> <p>11 Q. So it would've just been at the discretion of</p> <p>12 the super -- direct supervisors of the investigators</p> <p>13 during this time period?</p> <p>14 A. Correct.</p> <p>15 Q. Let's go to Page 16. Now do you see there's a</p> <p>16 section on Page 16 titled Criminal Allegations?</p> <p>17 A. Yes.</p> <p>18 Q. And if you look near the bottom of the page,</p> <p>19 there is some specific information about what to do if</p> <p>20 the allegations are of a confidential nature; do you see</p> <p>21 that?</p> <p>22 A. Yes.</p> <p>23 Q. And there are five steps, A through E, on this</p> <p>24 page and the next, including personally preparing the</p> <p>25 case report, giving limited information to the control</p>
<p style="text-align: center;">Page 159</p> <p>1 desk, so -- and telling them the matter is confidential,</p> <p>2 submitting a report through channels to the director of</p> <p>3 the records division, informing them of the delay,</p> <p>4 maintaining control of both copies of the case report,</p> <p>5 and forwarding to the report -- to the records division</p> <p>6 when the investigation is completed, or if it won't</p> <p>7 impede the investigation.</p> <p>8 A. I think I (Inaudible). All right, I'm good.</p> <p>9 Q. Do you see that?</p> <p>10 A. I'm sorry. Yes, I see that.</p> <p>11 Q. Okay. And when it says, maintain control of</p> <p>12 both copies of the case report, how is that different</p> <p>13 from a regular investigation?</p> <p>14 A. Okay. So for a regular investigation that's</p> <p>15 not confidential, the -- the actual case report will be</p> <p>16 maintained at the detective division or, you know, or</p> <p>17 another division within the police department, as</p> <p>18 opposed to keeping everything internal at the -- at the</p> <p>19 Bureau of Internal Affairs' Confidential Section. And</p> <p>20 there's an avenue in which to mark the -- the case</p> <p>21 confidential, just so no one else can see the -- the</p> <p>22 case reports.</p> <p>23 Q. And during this time in the Confidential</p> <p>24 Section, do all the investigators in the Confidential in</p> <p>25 -- Section share a common filing system, or do the</p>	<p style="text-align: center;">Page 160</p> <p>1 investigators keep their own cases to -- while the</p> <p>2 investigation is active?</p> <p>3 A. The -- the investigators keep their own --</p> <p>4 their own working file --</p> <p>5 Q. Okay.</p> <p>6 A. -- at -- at their desk.</p> <p>7 Q. So -- and if I read this right, does even the</p> <p>8 supervisor of the investigator have a separate copy of</p> <p>9 the -- of the case report?</p> <p>10 A. It's not uncommon that they wouldn't have a</p> <p>11 copy of the case report, but typically, they -- they --</p> <p>12 they wouldn't. They wouldn't. It -- it would just --</p> <p>13 the investigator would have it, and if the supervisor</p> <p>14 had questions, they would sit down and discuss any</p> <p>15 matters, but the investigator would have the working</p> <p>16 file, and everything will be held with the -- the --</p> <p>17 with the investigator.</p> <p>18 Q. Got it. So the idea is until the case is done</p> <p>19 -- or it wouldn't impede the investigation to share it</p> <p>20 further, all the information is concentrated in a single</p> <p>21 place, and that's with the investigator, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And even records division doesn't get a</p> <p>24 copy of it until the investigation is done, correct?</p> <p>25 A. Until it's closed.</p>

<p style="text-align: center;">Page 161</p> <p>1 Q. And below on Page 17, there's a section about 2 the State's Attorney's Special Prosecutions Bureau and 3 Felony Review. Am I correct that that's different from 4 the joint investigations with the FBI that we talked 5 about earlier?</p> <p>6 A. Yes.</p> <p>7 Q. So other -- I guess stepping back a second to 8 what we just looked at under criminal allegations and 9 the description of what happened in Confidential 10 Investigations there, are you aware of any other place 11 in the standard operating procedures that it talks about 12 procedures specific to Confidential Investigations?</p> <p>13 A. There -- there was a section in here that's 14 titled Confidential Investigation Section. I think I 15 remember that.</p> <p>16 Q. Yes.</p> <p>17 MR. MICHALIK: Page 2.</p> <p>18 THE WITNESS: Yes, Page 2.</p> <p>19 BY MR. HILKE:</p> <p>20 Q. Sure. So Page 2, you've got the -- kind of 21 the org chart of the -- of the Confidential 22 Investigation Section, right?</p> <p>23 A. Page 2. I -- I wouldn't call it a org chart.</p> <p>24 Q. Oh, no, I'm sorry. Thank you. One minute. I 25 see. Yes, okay. And so, you've also got the</p>	<p style="text-align: center;">Page 162</p> <p>1 description at the bottom of Page 2, Confidential 2 Investigation Section, right?</p> <p>3 A. Correct.</p> <p>4 Q. And that describes what the Confidential 5 Investigation Section does, that it conducts long-term 6 investigations, involving allegation of department 7 members involved in criminal activity, and it lists 8 certain categories of investigations that they conduct, 9 correct?</p> <p>10 A. Yep, that is correct.</p> <p>11 Q. So other than this paragraph you've just 12 pointed to and what we looked at under the criminal 13 allegations section, is there anywhere else in the 14 standard operating procedures that describes how 15 confidential investigations are conducted?</p> <p>16 A. Well --</p> <p>17 Q. And you should take as long as you need to 18 review the document. I won't rush you.</p> <p>19 A. Okay. Like Page 22, it kind of goes over the 20 medical rule -- medical roll abuse investigations and 21 residency. Those are all handled by the Confidential 22 Investigations Section.</p> <p>23 Q. Got it. And those are describing specifically 24 the subunits of medical roll abuse in residency, 25 correct?</p>
<p style="text-align: center;">Page 163</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 A. Looks like the -- that's about it.</p> <p>4 Q. Okay. Any other sections that you see that 5 are about confidential investigations?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 MR. MICHALIK: Just to avoid any -- can I point 9 out one that he's overlooking?</p> <p>10 MR. HILKE: Yeah. Fine.</p> <p>11 MR. MICHALIK: Yeah, on Page 12.</p> <p>12 MR. HILKE: Page 12.</p> <p>13 MR. MICHALIK: By the way, we'll have to back 14 on it later. So might as well do it now.</p> <p>15 MR. HILKE: No, that's fine.</p> <p>16 BY MR. HILKE:</p> <p>17 Q. Okay. So there's also some detail on Page 12 18 about how to initiate confidential complaint register 19 numbers, correct?</p> <p>20 A. Yes.</p> <p>21 Q. And this describes the report to be submitted, 22 what facts should be included, who to submit it to, and 23 warns members not to tell anyone else about it, other 24 than certain identified persons, correct?</p> <p>25 A. Correct.</p>	<p style="text-align: center;">Page 164</p> <p>1 Q. Okay. Anything else I've missed yet?</p> <p>2 A. I hope not.</p> <p>3 Q. And certainly like, as you said before, this, 4 the general orders, and the standard -- and the special 5 orders that you've identified are exactly where you'd 6 look for any further documentation, correct?</p> <p>7 A. Correct.</p> <p>8 Q. This is Exhibit 7. This is Plaintiff's Joint 9 83612. I see a report of the Commission on Police 10 Integrity. Have you seen this report before?</p> <p>11 (EXHIBIT 7 MARKED FOR IDENTIFICATION)</p> <p>12 THE WITNESS: No.</p> <p>13 BY MR. HILKE:</p> <p>14 Q. So this is a commission appointed by Mayor 15 Daley in February 1997 in response to the indictment of 16 members of the Chicago Police Department on charges of 17 conspiracy, racketeering, and extortion in the police 18 district in Austin. I just have a few questions about 19 -- I just have a few specific questions about this. I 20 want to point you to Plaintiff's Joint 83621. It's 21 maybe about seven pages in or so. Or I'm sorry, it's 22 also marked Page 9, and in the middle of the page.</p> <p>23 A. Okay.</p> <p>24 Q. It says, history of police corruption in 25 Chicago; do you see it?</p>

<p style="text-align: center;">Page 165</p> <p>1 A. Uh-huh. 2 Q. So if you look at the bottom one on 1989, this 3 report from 1997 describes the conviction of ten 4 Wentworth District officers convicted of taking 5 thousands of dollars in protection money from gamblers 6 and drug dealers; do you see that? 7 A. Yes. 8 MR. MICHALIK: Just for the record, I'm going 9 to object to the use of this exhibit during this 10 deposition. Because obviously, it's from 1997, the 11 time frame involved is '99 through 2011. So for the 12 record, I object. 13 MR. HILKE: Okay. 14 BY MR. HILKE: 15 Q. And then if you go to the next page, PL Joint 16 83622, look at the second of -- sentence of that 17 paragraph. It says, it is no coincidence that the ten 18 Chicago officers under indictment today were assigned to 19 two of the police districts with the highest instance of 20 narcotics arrests, nor that they all worked on tactical 21 teams, whose primary function was narcotics enforcement; 22 do you see that? 23 A. I do. 24 Q. And I'm going to take you to a page of the 25 recommendations of this commission appointed by Mayor</p>	<p style="text-align: center;">Page 166</p> <p>1 Daley in 1997. That's going to be Page 22 -- 2 A. Okay. 3 Q. -- of the report. I'm sorry, Page 21 of the 4 report. And then if you look at the second sentence of 5 the second paragraph, do you see it saying, according to 6 the information presented to the commission, the seven 7 indicted Austin officers had a total of 93 complaints, 8 CR numbers, lodged against them during their respective 9 careers? 10 A. Yes. 11 Q. And do you see -- this is going to be the next 12 -- the next paragraph recommends, you know, a 13 non-sustained complaint is not the same as one that is 14 unfounded. It indicates if the evidence was such that 15 the complaint could not be proven or disproven. And 16 that's the same as what you said before is the 17 definition of a -- of a non-sustained complaint, 18 correct? 19 A. Correct. 20 Q. And it says, you know, the commission -- in 21 the judgment of the commission, some system needs to be 22 in place which allows a department to take some 23 appropriate action when a clear pattern of 24 non-sustained complaints exists; do you see that? 25 A. Yes.</p>
<p style="text-align: center;">Page 167</p> <p>1 MR. MICHALIK: Again, same objection as before 2 regarding this document. Also, foundation. I -- 3 MR. HILKE: Sure. 4 MR. MICHALIK: You're just reading the document 5 into the record. 6 MR. HILKE: Yeah. I'm going to tie it up. 7 BY MR. HILKE: 8 Q. If you -- and then if you look at the next 9 paragraph, it says, looking towards sort of the last 10 sentence or so, it says, corrupt police officers, like 11 other groups of criminals, tend to bond together in 12 groups. As the Chicago Police Department moves towards 13 to a comprehensive early warning system, therefore, an 14 effort should be made to identify specific units which 15 have a higher than usual rate of allegations of 16 misconduct; do you see that? 17 A. I do. 18 Q. All right. In this time frame, did the 19 department -- did the disciplinary system do anything to 20 identify patterns of misconduct within specific groups 21 of officers? 22 MR. MICHALIK: Objection to the form. In this 23 time frame, are you talking about the '97 time 24 frame, or... 25 MR. HILKE: Oh, thank you.</p>	<p style="text-align: center;">Page 168</p> <p>1 BY MR. HILKE: 2 Q. No, I'm sorry. In 1999 to 2011, in your time 3 frame for this deposition. 4 A. Okay. 5 Q. Did the disciplinary system do anything to 6 identify patterns of misconduct among specific units of 7 officers? 8 A. Yes. At some point, the -- the Internal 9 Affairs Division, or Internal Affairs -- you know, 10 utilized the -- let's call it the CRM System. And the 11 CRM system would identify patterns of misconduct. And 12 it was -- it was based on the -- the findings of a -- 13 from a particular category code or allegation. And the 14 trigger was, like, five -- five investigations, which 15 could -- it could be all unfounded, but five similar 16 investigations into one member in a short period of 17 time, that would raise a flag, to where that member 18 would be identified, and steps will be taken to correct 19 that member's behavior. Although, those cases were not 20 sustained. And that was in the -- that was contained 21 within the CRM System. 22 Q. Could you spell the name of the system you're 23 saying? 24 A. C -- C-R-M-S, System. It's the Complaint 25 Reporting Management System.</p>

<p style="text-align: right;">Page 169</p> <p>1 Q. Okay. And if I understand what you just 2 described, if there were a surging number of CRs against 3 an officer in a time period, like a -- an -- a specific 4 individual officer, that's what would be the trigger for 5 the system, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And what would -- when was -- when did what 8 you're describing, that trigger for several allegations 9 of misconduct in a short time against an officer, when 10 did that start being used?</p> <p>11 A. So that -- I -- you've got to figure my -- it 12 was -- it was being used when I was in the Special 13 Investigations Section, so that would be, like, after 14 2006, but before 2013, when I was working out of 15 headquarters. I just remember some of my own personal 16 cases involved department members that fell within that 17 category, and there was a trigger that -- that came from 18 the records section, that -- and they told me that, hey, 19 this particular person has five non- sustained or 20 unfounded findings for the same category code in a very 21 short period of time. And -- and so -- but it was -- it 22 was in place at that time, but I don't know when it 23 started, and when they started utilizing that system for 24 that.</p> <p>25 Q. And do I understand correctly, that there were</p>	<p style="text-align: right;">Page 170</p> <p>1 multiple criteria that had to be met for the trigger. 2 One, a surging number of CRs, and two, all in the same 3 category code?</p> <p>4 A. Yeah. It was -- it was five. It was -- the 5 trigger was the number -- where it's five cases. And if 6 you had five unfounded cases in a -- I forgot what the 7 time period was, then that would trigger it. It would 8 trigger the system to --</p> <p>9 Q. Right.</p> <p>10 A. -- to basically report out that this member is 11 a candidate for whatever sanction, or program, that 12 number we would be put in.</p> <p>13 Q. And in the same category code, right? So it 14 did have to be five, like, excessive forces, or 15 inventory procedure, or whatever the case may be, they 16 all had to be the same?</p> <p>17 A. Well, I -- I believe they -- they were the 18 same -- yeah. I believe they were the same type of 19 misconduct cases.</p> <p>20 Q. Yeah, and when you talked about different 21 options for how to proceed after receiving the trigger, 22 what were the options after receiving that trigger for a 23 specific officer?</p> <p>24 A. I -- I believe they were put in probable -- a 25 personal concerns program, or behavioral intervention.</p>
<p style="text-align: right;">Page 171</p> <p>1 I think it was, at the time, behavioral intervention 2 program, which was -- which was organized or -- the 3 Personnel Division was weighing in on that, on the 4 program.</p> <p>5 Q. And -- I'm sorry. The Personnel Division?</p> <p>6 A. The Personnel Division. Yeah.</p> <p>7 Q. Wait. So who decided whether to put such an 8 officer in the program? Was that in the disciplinary -- 9 like, was that a discipline issue, or -- actually, 10 strike that. What's the Personnel Division?</p> <p>11 A. Personnel is human resources for the police 12 department.</p> <p>13 Q. It's different from Internal Affairs?</p> <p>14 A. Definitely.</p> <p>15 Q. Okay. And so, who decided whether to place an 16 employee in personal concerns or behavioral 17 intervention, Internal Affairs or Personnel?</p> <p>18 A. Internal Affairs, initially. So there's a 19 sergeant in their records section that would notify the 20 -- the -- the chief of the Bureau -- the Bureau of 21 Internal Affairs, and say, okay, this person has been 22 flagged. And the chief would take a look at it, and 23 see, okay, these cases that were unfounded or not 24 sustained, let me see what they involved. And then 25 they'll -- the determination will be made whether or not</p>	<p style="text-align: right;">Page 172</p> <p>1 to recommend that that person be put in a behavioral 2 intervention program.</p> <p>3 Q. And was that -- was it automatic in -- was 4 there an automatic process by which -- well, strike 5 that. Did -- were individual investigators involved in 6 deciding whether to refer to personal concerns or 7 behavioral intervention?</p> <p>8 A. I'm sorry.</p> <p>9 Q. That's okay. Were investigator level staff 10 involved in deciding whether an officer should be 11 referred to personal concerns or behavioral 12 intervention?</p> <p>13 A. At the time, no.</p> <p>14 Q. Okay. Who from Internal Affairs decided?</p> <p>15 A. Well, it was a notification from the sergeant 16 that worked in the records section of Internal Affairs 17 to the chief.</p> <p>18 Q. Okay. And then do you know what criteria the 19 chief used to decide how to handle those notifications?</p> <p>20 A. It was -- it was really based on the nature of 21 the -- the cases that you were looking at. So we had 22 five individual cases, all different allegations, or the 23 same allegations, but they happened in the -- you know, 24 a certain time period. I don't know if -- if it was six 25 months or a year, but --</p>

<p style="text-align: right;">Page 173</p> <p>1 Q. Okay.</p> <p>2 A. Yeah, they would determine whether or not this</p> <p>3 person would be put in a program, just based on the</p> <p>4 nature of the complaints.</p> <p>5 Q. Do you know how many -- is there anywhere we</p> <p>6 could find how many officers were referred from the</p> <p>7 records sergeant to the Internal Affairs chief?</p> <p>8 A. See, I don't -- I don't know if that</p> <p>9 information is contained in the CRM System somehow,</p> <p>10 because that is still active. They still -- for now,</p> <p>11 they still use the CRM System, because it -- it -- it</p> <p>12 will be added to our -- our new CMS system. But for</p> <p>13 right now, it's still active, and that's something that</p> <p>14 I can ask, you know.</p> <p>15 Q. Is it something that's reported in any way on</p> <p>16 a regular basis?</p> <p>17 A. No.</p> <p>18 Q. Okay. Is it -- is -- and by the way, is CRMS,</p> <p>19 is that part of the CLEAR System?</p> <p>20 A. No. That's a standalone system that's</p> <p>21 maintained in the records section of Internal Affairs.</p> <p>22 Q. Okay. And how long did the specific CRMS</p> <p>23 trigger for behavioral investigation -- behavioral</p> <p>24 intervention you've been discussing. For how long was</p> <p>25 that trigger in place?</p>	<p style="text-align: right;">Page 174</p> <p>1 A. You're talking for a particular case, or how</p> <p>2 long -- because I think it's -- I mean the system's</p> <p>3 still working. It's still working.</p> <p>4 Q. And when you say it's still working, do you</p> <p>5 mean --</p> <p>6 A. It's still active. It still triggers cases --</p> <p>7 Q. Okay.</p> <p>8 A. -- involving individual officers.</p> <p>9 Q. And your -- and do you -- am I correct, the</p> <p>10 earliest that you can say it was in effect would have</p> <p>11 been overlapping the time you were in Special</p> <p>12 Investigations?</p> <p>13 A. Yes.</p> <p>14 Q. And before that, you wouldn't know one way or</p> <p>15 another, right?</p> <p>16 A. I wouldn't know.</p> <p>17 Q. Now -- okay. So let me get back to the</p> <p>18 question I meant to ask, which is the report we've been</p> <p>19 looking at contains a recommendation that trends of</p> <p>20 misconduct allegations be looked at as a group. So not</p> <p>21 just officer by officer, but say squad by squad, manager</p> <p>22 by manager. From 1999 to 2011, did the disciplinary</p> <p>23 system ever analyze misconduct allegations in that</p> <p>24 manner?</p> <p>25 A. By teams? I'm not --</p>
<p style="text-align: right;">Page 175</p> <p>1 Q. Yeah.</p> <p>2 A. I'm not aware of that.</p> <p>3 Q. Do you have any reason to believe that any</p> <p>4 kind of squad level, division level, team level analysis</p> <p>5 took place during this time period?</p> <p>6 A. I'm -- I'm not aware if it did.</p> <p>7 Q. Then -- other than the behavioral intervention</p> <p>8 system you've been describing, was there any other way</p> <p>9 you're aware of that the department used, other than</p> <p>10 sustained complaints during this time period?</p> <p>11 MR. MICHALIK: For what purpose?</p> <p>12 MR. HILKE: For any purpose.</p> <p>13 THE WITNESS: Other than sustained complaints?</p> <p>14 BY MR. HILKE:</p> <p>15 Q. I think I just made up a new category. But</p> <p>16 what I mean to say is -- so you've got sustained CRs,</p> <p>17 right?</p> <p>18 A. Correct.</p> <p>19 Q. And for example, when assessing discipline,</p> <p>20 the only thing that a supervisor is given is sustained</p> <p>21 CRs, correct?</p> <p>22 A. Did you say a supervisor?</p> <p>23 Q. Yeah. If a supervisor is recommending</p> <p>24 discipline after a sustained investigation, the</p> <p>25 disciplinary record they get is just sustained CRs in</p>	<p style="text-align: right;">Page 176</p> <p>1 the last five years, correct?</p> <p>2 A. Yes. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. With records, yes.</p> <p>5 Q. And so, there are lots of other CRs that were,</p> <p>6 you know, not sustained, unfounded, exonerated,</p> <p>7 administratively closed, et cetera, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. For all those other CRs, those that were not</p> <p>10 sustained, did the department conduct any analysis or,</p> <p>11 you know, take any action with regard to those CRs,</p> <p>12 after the individual investigations were complete,</p> <p>13 during this time period?</p> <p>14 A. Only if there was a trigger within the CRM</p> <p>15 System that would notify the department that -- or BIA</p> <p>16 that an individual or particular officer had five or</p> <p>17 more investigations within that time period of, say, if</p> <p>18 it's a year, within that year.</p> <p>19 Q. Was the disciplinary system, as a whole,</p> <p>20 during this time period, was one of its purposes to</p> <p>21 specifically address potential corruption among officers</p> <p>22 who worked in narcotics enforcement?</p> <p>23 MR. MICHALIK: Object to the form.</p> <p>24 THE WITNESS: Specifically, to --</p> <p>25 BY MR. HILKE:</p>

<p style="text-align: right;">Page 177</p> <p>1 Q. Yeah. For example, the 1997 report we just 2 looked at says, it's actually to be expected that -- the 3 place this kind of misconduct will happen, meaning 4 taking bribes, corruption, is in drug enforcement work, 5 because there's so much money there. And so, my 6 question is: During this time period, was the 7 disciplinary system's purpose to specifically address 8 the problem of money and temptation in narcotics 9 enforcement? I know -- I know it's meant to address all 10 kinds of misconduct. My question is: If its purpose 11 singled out that kind of misconduct, as one of its 12 purposes?</p> <p>13 MR. MICHALIK: Object to the form.</p> <p>14 THE WITNESS: I would say -- I would say no, to 15 the extent that those type of cases -- those cases 16 are developed when there is a complainant, or an 17 allegation of misconduct. As officers that work on 18 gang tactical teams, out of Narcotics, conduct their 19 daily business of just working their cases and 20 investigating narcotics cases, we're -- we're not -- 21 there wasn't a -- a system where we were just 22 monitoring them day to day, if there was no 23 allegation of misconduct for any particular team 24 working narcotics investigations. It just -- that's 25 just not how it was. If there was an allegation,</p>	<p style="text-align: right;">Page 178</p> <p>1 then the case would be open, and then we would 2 conduct investigations.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. And one of the complaints of the Internal 5 Affairs investigators in this 1997 report is that they 6 spent a lot of time looking at parking tickets and other 7 minor administrative investigations. Was that -- do you 8 know how much capacity of the investigators was taken up 9 investigating parking tickets and more minor 10 administrative investigations during this time period?</p> <p>11 A. I don't --</p> <p>12 MR. MICHALIK: Objection, form, foundation.</p> <p>13 THE WITNESS: I don't know. I don't know. I'm 14 unaware of that.</p> <p>15 BY MR. HILKE:</p> <p>16 Q. All right. As far as you know, was there any 17 effort to shift the allocation of resources during this 18 time period away from more minor administrative 19 investigations and towards more serious allegations of 20 misconduct?</p> <p>21 A. No. I don't -- I don't think there was a 22 shift in manpower at the -- at Internal Affairs.</p> <p>23 Q. I want to ask you a few questions about -- and 24 I'm done with this exhibit for now. About civil 25 lawsuits specifically -- actually, strike that. I want</p>
<p style="text-align: right;">Page 179</p> <p>1 to ask you about civil and criminal cases, and how 2 information from those cases could inform CR 3 investigations. Am I correct that during this time 4 period, if a civil lawsuit was filed alleging police 5 misconduct, that that would typically be forwarded to 6 CPD to open up an CR on?</p> <p>7 A. Correct. And typically, those cases would 8 make their way to Internal Affairs from the Office of 9 Legal Affairs.</p> <p>10 Q. Okay. And if -- and for those cases, just 11 like any cases, the first step is to try to talk to the 12 complainant, right?</p> <p>13 A. Yes. At some point during the course of those 14 investigations, the complainant would be -- would be 15 reached out to, but during that time frame, those cases 16 weren't immediately investigated. You would kind of 17 wait to see how the civil suit plays out in civil court, 18 and then make a determination of how to proceed with 19 your administrative investigation, after monitoring the 20 civil case. And those civil suit cases were handled by 21 General Investigations.</p> <p>22 Q. Okay. And can you tell me, in terms of 23 monitoring the civil suit, at what stage of a civil suit 24 would a decision be made about how to proceed in the 25 investigation?</p>	<p style="text-align: right;">Page 180</p> <p>1 A. Back then, after being notified by the Office 2 of Legal Affairs, the disposition -- disposition of the 3 -- the civil case is when the investigator would start 4 to work up their administrative case.</p> <p>5 Q. Got it. And when you say the disposition, you 6 mean at the point the case is over, like --</p> <p>7 A. Yeah.</p> <p>8 Q. -- civil trial, et cetera --</p> <p>9 A. Yup.</p> <p>10 Q. -- dismissed?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And then what was the purpose of 13 waiting until the -- until the civil case was disposed 14 to proceed in the administrative investigation?</p> <p>15 A. Well, when we received those -- when BIA 16 receives those cases from the Office of Legal Affairs, 17 OLA, the allegation would be as simple as there's a 18 civil suit, and the -- the CR number that's associated 19 with the civil suit is, for lack of a better term, a 20 placeholder until the civil suit plays out in court. 21 And so, then after the civil suit plays out, then you 22 kind of know what we're dealing with, and then you'll 23 move forward with the administrative investigation, if 24 there's any administrative investigation to be 25 completed. Because depending on how the case is</p>

<p style="text-align: center;">Page 181</p> <p>1 resolved in civil court, it just may be adjudicated in 2 court, and there would be no need for a full-fledged BIA 3 investigation, so...</p> <p>4 Q. And then, in terms of the information that the 5 department requested about those cases, would they just 6 receive the disposition, like, how the case ended, or 7 would they also request, like, you know, transcripts, 8 discovery, other materials that might exist from the 9 case?</p> <p>10 A. There are times where the investigator will 11 receive the transcripts and other paperwork and 12 materials from the -- the civil trial, in the civil 13 case, as part of their -- to use as part of their 14 administrative case.</p> <p>15 Q. And was there a policy regarding what 16 materials the investigator should request during civil 17 suit cases during this time period?</p> <p>18 A. I -- I just -- I don't recall. But I wasn't 19 in General, but I -- I'm -- I'm aware of how the process 20 worked.</p> <p>21 Q. Sure. And if there were a policy, it would be 22 in the general orders, or special orders, or standard 23 operating procedures we discussed?</p> <p>24 A. That is correct.</p> <p>25 Q. And -- so in every civil suit case during this</p>	<p style="text-align: center;">Page 182</p> <p>1 time period, once the civil suit has been disposed, at 2 that stage, the investigator following the standard 3 procedures would be charged with taking the preliminary 4 -- the investigative steps in reaching out to the 5 complainant, correct?</p> <p>6 A. Correct. If there was a need for it, yes, 7 they would follow your -- the typical, regular 8 investigative steps to handle, like any -- any other CR 9 number, depending on what the allegation is.</p> <p>10 Q. And I said the complainant, in this case it 11 would be the person who had alleged that they were 12 harmed by police, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And when you say if there was a need for it, 15 are there -- like, could the investigators say, well, 16 this lawsuit was, you know, dismissed, it was settled, 17 so there's really nothing more to do?</p> <p>18 A. Well, the -- it's -- it's case by case, 19 obviously. And yeah, when the -- yeah. When the civil 20 suit case has been resolved, yeah, typically the -- the 21 administrative investigation, more often than not, is 22 closed out.</p> <p>23 Q. And is it more often -- when you say more 24 often than not it's closed out, do you mean closed out 25 without further investigation or context?</p>
<p style="text-align: center;">Page 183</p> <p>1 A. Yes.</p> <p>2 Q. Okay. So -- and that's consistent with the 3 discretion investigators had to decide how to handle 4 their cases, correct?</p> <p>5 A. Well, it's not just the -- the discretion of 6 the investigator. You -- you do make the decision while 7 consulting with the department advocate, and as well as 8 Legal Affairs, to get an understanding of what happened 9 with the case, and basically how to move forward, and if 10 there's a need to move forward, you know. So there is 11 coordination with -- especially the -- the department 12 advocate that works for BIA.</p> <p>13 Q. Who makes the decision whether to move 14 forward?</p> <p>15 A. With the -- the case?</p> <p>16 Q. Yeah. To --</p> <p>17 A. Well, ultimately, it's the investigator's 18 case, but typically, with the civil suit cases, the 19 investigator would speak with the immediate supervisor 20 and the -- the what you call it? The department 21 advocate.</p> <p>22 Q. Okay. So the investigator is supposed to 23 consult with others, but ultimately, they decide whether 24 to proceed with the investigation or not, correct?</p> <p>25 A. It -- right. Unless instructed, you know, by</p>	<p style="text-align: center;">Page 184</p> <p>1 their supervisor to -- to take one step, or you know, 2 take this direction with the case.</p> <p>3 Q. Exhibit 8, and this is the Police 4 Accountability Task Force, Plaintiff's Joint 6794. Sir, 5 have you seen this report before?</p> <p>6 (EXHIBIT 8 MARKED FOR IDENTIFICATION)</p> <p>7 THE WITNESS: I have not.</p> <p>8 BY MR. HILKE:</p> <p>9 Q. So I believe Lori Lightfoot wrote this report 10 before she became mayor. Is that the --</p> <p>11 A. Oh, she's --</p> <p>12 Q. -- taskforce appointed by Mayor Emanuel, to 13 make recommendations to reform the Chicago Police 14 Department in the wake of the Laquan McDonald shooting?</p> <p>15 MR. MICHALIK: I'm going to object to that 16 statement. It actually mischaracterizes what this 17 -- Public Police Accountability Task Force Report 18 and how it was generated.</p> <p>19 MR. HILKE: That's fine.</p> <p>20 BY MR. HILKE:</p> <p>21 Q. I really just have a couple questions for you 22 about it. I'm going to focus on -- sorry, I lost my 23 questions. Okay. Can I please turn you to 68 --</p> <p>24 Plaintiff's Joint 6872? Also, it's marked Page 73 of 25 the report. This is an excerpt of a few pages I'll ask</p>

<p style="text-align: right;">Page 185</p> <p>1 you about. It has a section that said -- that says, 2 missed opportunities to identify misconduct; do you see 3 that?</p> <p>4 A. Nope. I think I'm on the wrong page. Yep. 5 Got it.</p> <p>6 Q. Good. If you look at the bottom paragraph, it 7 says, since its inception, IPRA has had the power to 8 examine patterns of complaints when investigating police 9 misconduct, but has not exercised it. Now is that -- 10 and IPRA is distinct from Bureau of Internal Affairs, 11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. And what you described before as the CRMS 14 System, that was within Internal Affairs, correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Do you have any reason to disagree with this 17 statement that since IPRA was formed, it had the power 18 to examine patterns of complaints when investigating 19 police misconduct, but has not exercised it?</p> <p>20 MR. MICHALIK: Objection, form, foundation. 21 And it relies on a statement here without providing 22 the source of that information.</p> <p>23 THE WITNESS: I'm -- I'm not aware if they -- 24 if they did have the -- the power to do that during 25 the time frame.</p>	<p style="text-align: right;">Page 186</p> <p>1 BY MR. HILKE: 2 Q. Sure. You don't have any reason to say that 3 IPRA lacked the power to examine patterns of complaints 4 when investigating police misconduct, do you? 5 MR. MICHALIK: Objection, form, foundation. 6 THE WITNESS: No.</p> <p>7 BY MR. HILKE: 8 Q. And you don't have any reason to say that 9 IPRA, during this -- and again, all my questions are 10 about this time, the 1999 to 2011 time frame, right? 11 A. Understood. 12 Q. That's all I'm asking about today. My 13 question is: During that time frame, 1999 to 2011, you 14 don't have any reason to believe that IPRA did examine 15 patterns of complaints when investigating police 16 misconduct, do you? 17 MR. MICHALIK: Objection, form, foundation. 18 THE WITNESS: No.</p> <p>19 BY MR. HILKE: 20 Q. Okay. Then, I will show you -- actually, one 21 second. I -- actually, let me ask you this sort of 22 independent of the report, so if you can put the report 23 aside, I'm just going to ask you the question. During 24 this time frame, 1999 to 2011, did CPD have policy -- 25 well, strike that. In this time frame, there are times</p>
<p style="text-align: right;">Page 187</p> <p>1 when an officer would be the subject of a criminal 2 investigation and a complaint register number would be 3 active at the same time, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And that could include situations where -- 6 well, strike that. Yeah, so in that situation, where 7 there's a criminal investigation of a police officer 8 concurrent with an administrative disciplinary 9 investigation being opened, did CPD have any policy 10 about whether they should proceed at the same time, or 11 one after the other, during this time frame?</p> <p>12 A. Not that I -- not that I can recall.</p> <p>13 Q. So if there's a pending criminal 14 investigation, but the investigator thought it was 15 appropriate to pursue a disciplinary investigation, they 16 could do that, correct?</p> <p>17 A. Well -- okay. So it's -- here's the thing. 18 So when handling these criminal investigations, you 19 almost have to look at it as being one in the same 20 sometimes, as the administrative case. Because the -- 21 depending on how the -- the criminal investigation plays 22 out, if it plays out in court, if there's a case report, 23 of course, associated with the criminal case, and 24 there's resolution in court regarding that, that 25 criminal case would carry over to the administrative</p>	<p style="text-align: right;">Page 188</p> <p>1 process.</p> <p>2 The administrative process determines penalty 3 and holds the officer accountable, based on our rules 4 and regulations, and it determines whether or not the 5 member's going to be separated from the police 6 department. As opposed to the criminal investigation, 7 it's going to decide whether or not this officer's going 8 to be incarcerated. So it's -- it's -- it's kind of -- 9 one kind of feeds off the other, but it's hard to say 10 kind of move forward with the administrative 11 investigation, when you're trying to find the proper 12 finding, penalty, resolution for the administrative 13 case, which you're going to get from the criminal case.</p> <p>14 So depending on what the crime is, if it's -- 15 if the member's convicted of a felony, therefore, when 16 you move back to the administrative case, now you're 17 looking at a violation of Rule 1, and recommending 18 separation from the police department, because as a 19 condition of our employment, you cannot be convicted 20 felons. So kind of -- one kind of feeds off the other, 21 so it's kind of hard to move forward with the 22 administrative case, without knowing the outcome of the 23 criminal investigations.</p> <p>24 Q. I think I understand. So investigators would 25 wait for the criminal case to resolve before proceeding</p>

<p style="text-align: right;">Page 189</p> <p>1 with the administrative investigation?</p> <p>2 A. Well, they'll -- they'll -- they'll wait. You</p> <p>3 won't finalize the administrative case until you get</p> <p>4 resolution on the -- you can move forward. You can do</p> <p>5 certain things. You can do certain things if you're</p> <p>6 handling criminal cases at Confidential, right? We're</p> <p>7 not talking task force or anything, we're just talking</p> <p>8 criminal cases at Confidential. The -- yeah, yeah.</p> <p>9 then you -- you can move forward with the</p> <p>10 case. You can do certain things. You can take -- you</p> <p>11 can get video evidence. You can do certain</p> <p>12 investigative steps, but you don't want to make a final</p> <p>13 decision or disposition without knowing how the criminal</p> <p>14 case played out in court.</p> <p>15 Q. Aside from waiting to make the final</p> <p>16 disposition, were there any other steps that</p> <p>17 investigators could not take before the criminal case</p> <p>18 finished?</p> <p>19 MR. MICHALIK: Object to the form.</p> <p>20 THE WITNESS: Well, so -- typically, the</p> <p>21 investigator wouldn't interview the for the</p> <p>22 administrator, the officer, because that would be a</p> <p>23 compelled statement. And then that -- that</p> <p>24 information that was garnered from the</p> <p>25 administrative case could not be used for the</p>	<p style="text-align: right;">Page 190</p> <p>1 criminal case. So typically, you would hold off on</p> <p>2 interviewing the accused officer before the -- the</p> <p>3 criminal is complete.</p> <p>4 BY MR. HILKE:</p> <p>5 Q. Okay. So other than those steps, was the</p> <p>6 expectation that the regular preliminary investigative</p> <p>7 steps should still be taken even if there's a pending</p> <p>8 criminal case?</p> <p>9 A. They could be taken.</p> <p>10 Q. Was there any expectation about what steps</p> <p>11 should or should not be taken?</p> <p>12 A. Like I said, interviewing of the -- of the</p> <p>13 accused officer. And depending on -- it's depending on</p> <p>14 the nature of the -- of the complaint or the -- the</p> <p>15 crime. Certain steps will or will not be taken, you</p> <p>16 know, as not to impact the outcome of the criminal case,</p> <p>17 which really takes precedence when you're looking at</p> <p>18 both investigations.</p> <p>19 Q. And the -- during this time frame, did CPD</p> <p>20 close administrative investigations that were concurrent</p> <p>21 with criminal conduct, just because of a not guilty or</p> <p>22 dismissed finding against an accused officer in a</p> <p>23 criminal case?</p> <p>24 MR. MICHALIK: Object to the form.</p> <p>25 THE WITNESS: Did they close them? Just --</p>
<p style="text-align: right;">Page 191</p> <p>1 just --</p> <p>2 BY MR. HILKE:</p> <p>3 Q. Should I try again?</p> <p>4 A. Just administratively close the case, or...</p> <p>5 Q. Yeah. Well, what --</p> <p>6 A. Or reach -- reach a finding?</p> <p>7 Q. What -- I guess what I mean is, and I'm going</p> <p>8 to give you two possibilities and I'll ask you if either</p> <p>9 or something totally different was how CPD did it. So</p> <p>10 you're not limited to these two. One possibility is</p> <p>11 when a -- you know, if there's a criminal and</p> <p>12 disciplinary investigation, if the officer is found not</p> <p>13 guilty, then the case should be closed because the</p> <p>14 officer was found not guilty. Another possibility is</p> <p>15 well, criminal cases are beyond a reasonable doubt,</p> <p>16 administrative investigations are a preponderance</p> <p>17 standard, and so we should still conduct a supplemental</p> <p>18 investigation when an officer is not guilty. It could</p> <p>19 also be something completely different from either of</p> <p>20 those two things. I'm just trying to ask you what CPD's</p> <p>21 practice was for how the administrative investigation</p> <p>22 would proceed after the criminal case finishes.</p> <p>23 MR. MICHALIK: Object to form.</p> <p>24 THE WITNESS: Okay. So we -- no, you -- you</p> <p>25 will continue the investigation because a lot of</p>	<p style="text-align: right;">Page 192</p> <p>1 times when you have these criminal investigations</p> <p>2 into a department member and you have the</p> <p>3 administrative case, the fact that the member is</p> <p>4 found not guilty in a court of law, that doesn't</p> <p>5 mean you just close out the case totally and stop</p> <p>6 investigating the case, because the administrative</p> <p>7 case is based on allegations -- allegations.</p> <p>8 So the -- you know, you have your criminal</p> <p>9 case, but you can have a series of rule violations</p> <p>10 and misconduct that's contained within that log</p> <p>11 number, even though it's a criminal case, but you</p> <p>12 still have to answer and work up each individual</p> <p>13 allegation that's in the case. You know what I</p> <p>14 mean? So a lot of times, those cases be will be --</p> <p>15 get reassigned to General because at that point,</p> <p>16 we're not looking at it criminally, we're just</p> <p>17 looking at administrative allegations and stuff. So</p> <p>18 a lot of times, that case will be reassigned to</p> <p>19 General Investigation Section, or it'll still be</p> <p>20 handled within Confidential, but you still have to</p> <p>21 have resolution for the other, like, underlying</p> <p>22 misconduct allegations.</p> <p>23 BY MR. HILKE:</p> <p>24 Q. And am I correct that the special order,</p> <p>25 general order, and standard operating procedures that</p>

<p style="text-align: center;">Page 193</p> <p>1 you've already testified about, those are the locations 2 that you'd look for, for any written guidance on how to 3 handle these situations, correct?</p> <p>4 A. Well, I -- I -- I'll tell you this. Yes, 5 those are -- that's our policy. Those are our policies 6 and that's the -- the special -- the SOP is some -- is a 7 -- a guideline to how we conducted our investigations. 8 But yeah, typically a -- a lot of what we did was also 9 learned through on-the-job training and just working 10 cases with other, more seasoned investigators, that -- 11 that really explained to us how to resolve a situation 12 like that, where you -- you have someone that is found 13 not guilty in a court of law, but there are still other 14 less significant matters to be addressed within that log 15 number.</p> <p>16 Q. That makes sense. And I was just asking about 17 the written guidance. I've specified where we would 18 find that on this issue, correct?</p> <p>19 A. Yeah. Yeah. There's policies to that.</p> <p>20 MR. HILKE: You know, I'm close, but let's take 21 a short break.</p> <p>22 MR. MICHALIK: Okay.</p> <p>23 THE VIDEOGRAPHER: We're off the record. The 24 time is 3:27.</p> <p>25 (OFF THE RECORD)</p>	<p style="text-align: center;">Page 194</p> <p>1 THE VIDEOGRAPHER: We are back on the record 2 for the deposition of Timothy Moore. Today is March 3 19, 2024 and the time is 3:37 p.m.</p> <p>4 BY MR. HILKE:</p> <p>5 Q. Rule 14 violations are for -- strike that. 6 Are Rule 14 violations made for intentional misconduct 7 by police officers?</p> <p>8 MR. MICHALIK: Object to the form.</p> <p>9 THE WITNESS: Intentional, yes. I would say -- 10 I would say yes, it's got to be willful misconduct.</p> <p>11 BY MR. HILKE:</p> <p>12 Q. All right. During this the 1999 to 2011 time 13 period, was it the policy to recommend separation when 14 officers committed Rule 14 violations?</p> <p>15 A. I would say it was a -- it was a policy, but I 16 am aware that there are a number of officers that have 17 sustained Rule 14 as findings and that are still 18 employed by the police department.</p> <p>19 Q. And is it the case that in some of those -- 20 some of those instances of sustained Rule 14 violations, 21 a superintendent did not recommend separation?</p> <p>22 MR. MICHALIK: Objection, foundation.</p> <p>23 THE WITNESS: So here's the thing, so I don't 24 know if that came about by the superintendent or 25 another outside agency, be it the police board or</p>
<p style="text-align: center;">Page 195</p> <p>1 whomever. I just don't know case by case, but that 2 -- that -- that could be one avenue, the 3 superintendent's recommendation.</p> <p>4 BY MR. HILKE:</p> <p>5 Q. Got it. Sitting here, you don't have any 6 reason to say that the superintendent recommended 7 separation in every case of a sustained Rule 14 8 violation during this time period, do you?</p> <p>9 A. I -- I -- I can't speak to that.</p> <p>10 Q. Okay. Exhibit 9, it's Plaintiff's Joint 5134. 11 This is the Department of Justice Investigation of the 12 Chicago Police Department dated January 13, 2017. Have 13 you seen this report before?</p> <p>14 (EXHIBIT 9 MARKED FOR IDENTIFICATION)</p> <p>15 THE WITNESS: I -- I have not, but it's odd 16 that everything happened on my birthday. January 17 15th.</p> <p>18 BY MR. HILKE:</p> <p>19 Q. It's this is just excerpt in that. I'm only 20 going to ask questions -- I'm using it as a jumping off 21 point in a few specific pages. Could I start you by 22 looking on -- it's Joint 5183, Page 47 of the document?</p> <p>23 A. Okay.</p> <p>24 Q. And I'll point you to the third paragraph. Do 25 you see, in the second of -- the sentence -- the second</p>	<p style="text-align: center;">Page 196</p> <p>1 sentence of that paragraph, where the report says, 2 witnesses and accused officers are frequently not 3 interviewed at all, or not interviewed until long after 4 the incident, when memories have faded; do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know whether the -- in the 1999 to 2011 7 time period, there was any sort of -- any monitoring or 8 auditing to determine, you know, how often witnesses 9 were interviewed, or how quickly witnesses were 10 interviewed in investigations?</p> <p>11 MR. MICHALIK: Objection to the form of the 12 question, and also the use of this document. You 13 can answer if you know.</p> <p>14 THE WITNESS: I'm not aware of that.</p> <p>15 BY MR. HILKE:</p> <p>16 Q. Okay. We'll go back to that if we need to. 17 I'll take you three pages ahead to Page 50, please.</p> <p>18 A. Okay.</p> <p>19 Q. The second sentence of the bottom paragraph 20 says, but in nearly every case, neither IPRA nor BIA 21 will conduct any meaningful investigation of the 22 complaint, unless the investigator -- sorry, unless the 23 complainant meets an investigator in person. And 24 provides a complete recorded statement of the incident 25 and submits a sworn statement that all claims are true</p>

<p style="text-align: center;">Page 197</p> <p>1 and correct under penalties provided by law. Now, in 2 terms of the issue addressed here, which is whether a 3 meaningful investigation of a complaint is conducted in 4 the absence of a sworn statement, do you have any basis 5 to say how often during the 1999 to 2011 time period a 6 meaningful investigation was conducted when the 7 complainant did not provide a sworn statement?</p> <p>8 MR. MICHALIK: Just object to the form of the 9 question and reliance on this document. You can 10 answer if you know.</p> <p>11 THE WITNESS: Okay. So there -- there are many 12 meaningful investigations conducted absent the -- a 13 complainant's signature, because there are 14 oftentimes where the complainant was another police 15 officer. You understand, so --</p> <p>16 BY MR. HILKE:</p> <p>17 Q. Okay. I do.</p> <p>18 A. -- with those cases.</p> <p>19 Q. Yeah. Other than complaints not requiring an 20 affidavit, like from another police officer, do you have 21 any basis to say how often a meaningful investigation 22 was conducted in the absence of a sworn statement during 23 our time period?</p> <p>24 MR. MICHALIK: Object to the form of the 25 question.</p>	<p style="text-align: center;">Page 198</p> <p>1 THE WITNESS: I wouldn't know how many. 2 BY MR. HILKE: 3 Q. New to -- one second. Can I jump you ahead, 4 please, to Page 61?</p> <p>5 A. Sure. 6 Q. Plaintiff's Joint 5197, Page 61. Do you see 7 Subsection 4, Hidden Witness Coaching During Officer 8 Interviews?</p> <p>9 A. Yes. 10 Q. Do you see, starting with the second sentence, 11 IPRA's investigation procedures manual expressly 12 requires investigators to permit legal representatives 13 to consult with officers about questions and their 14 answers during a recorded interview. In addition, these 15 procedures require investigators to hide the extent of 16 this consulting by turning off the tape recorder 17 whenever officers or their representatives request, even 18 if, and often because, a critical question is pending. 19 The procedures likewise require investigators not to 20 state on the record who was requesting a pause in the 21 recording, why the request was made, how long the 22 parties were off tape, and not to mention anything that 23 occurred while off tape. Do you have any reason to 24 disagree that the investigation's procedure manual as 25 summarized here reflects IPRA's practices during the</p>
<p style="text-align: center;">Page 199</p> <p>1 1999 to 2011 time period?</p> <p>2 MR. MICHALIK: Object to the form of the 3 question, foundation, and the reliance on this 4 document.</p> <p>5 THE WITNESS: I do not.</p> <p>6 BY MR. HILKE:</p> <p>7 Q. Okay. I'll point you to Page 65, Plaintiff 8 Joint 5201. I'm going to point you to Subsection A, 9 Ignoring Evidence from Civil and Criminal Proceedings; 10 do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. The bottom sentence of the first paragraph 13 under it says, yet there is no system that requires 14 investigators to review parallel criminal proceedings 15 and no such periodic review of criminal proceedings is 16 done. And if you look at the paragraph, it's 17 specifically discussing information from parallel 18 criminal prosecutions, like for example, motions to 19 suppress criminal trials and other potential sources of 20 information for misconduct investigations. My question 21 is: Do you have a -- was there a system requiring 22 investigators to review parallel criminal proceedings to 23 their investigations in 1999 to 2011?</p> <p>24 MR. MICHALIK: Object to the form of the 25 question and reliance on this document.</p>	<p style="text-align: center;">Page 200</p> <p>1 THE WITNESS: I'm -- I'm not sure if there was 2 a -- a policy in place.</p> <p>3 BY MR. HILKE:</p> <p>4 Q. Do you have any reason to believe that's 5 something that was required, that if, like, a 6 complainant had a parallel criminal case against the 7 complainant, that the investigator was required to 8 review those criminal proceedings?</p> <p>9 A. Can you repeat that, because you said a 10 complainant -- complainant against complainant.</p> <p>11 Q. I meant complainant both times. Like, if a 12 complainant is being prosecuted, was there any 13 requirement you were aware of that the investigator 14 review those proceedings and the process of 15 investigating their complaint?</p> <p>16 MR. MICHALIK: Object to the form.</p> <p>17 THE WITNESS: No, I don't -- I don't think 18 there -- there was a process in place for that.</p> <p>19 BY MR. HILKE:</p> <p>20 Q. Okay. And do you have any reason to believe 21 any periodic review of criminal proceedings parallel to 22 disciplinary investigations was done during the 1999 to 23 2011 time frame?</p> <p>24 MR. MICHALIK: Object to form.</p> <p>25 THE WITNESS: I'm -- I'm not sure if that was</p>

<p style="text-align: center;">Page 201</p> <p>1 done or not.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. Then I'll point you to Page 75, please?</p> <p>4 A. Sure.</p> <p>5 Q. Joint 5211. I'll point you to the second</p> <p>6 paragraph from the bottom, starting, rather; do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. It states, rather than aggressively enforcing</p> <p>10 and seeking discharge for violations of CPD's Rule 14,</p> <p>11 which prohibits making false statements, enforcement in</p> <p>12 this area is rarely taken seriously and is largely</p> <p>13 ignored. The IPRA enabling ordinance makes it</p> <p>14 discretionary for IPRA to initiate Rule 14</p> <p>15 investigations incidental to one of its delegated</p> <p>16 mandatory investigations. Investigators rarely exercise</p> <p>17 this discretion, and it is so little used, but there is</p> <p>18 much confusion even over whether EIA or IPRA would have</p> <p>19 jurisdiction over such a Rule 14 investigation. Do you</p> <p>20 have any reason to disagree with that characterization</p> <p>21 of IPRA during the time frame you're testifying about?</p> <p>22 MR. MICHALIK: Objection to the form of the</p> <p>23 question, foundation, and reliance on this document.</p> <p>24 THE WITNESS: I have no reason to disagree with</p> <p>25 it. Just not aware of IPRA's policies.</p>	<p style="text-align: center;">Page 202</p> <p>1 BY MR. HILKE:</p> <p>2 Q. And then on the next page is 76 near the</p> <p>3 paragraph, in practice, IPRA rarely asserts, about</p> <p>4 halfway down; do you see that?</p> <p>5 A. Yeah.</p> <p>6 Q. It says, in practice, IPRA rarely asserts Rule</p> <p>7 14 charges when officers make false exculpatory</p> <p>8 statements or denials in interviews about alleged</p> <p>9 misconduct. Even when the investigation results in a</p> <p>10 sustained finding as to the underlying misconduct. Do</p> <p>11 you have any reason to disagree with that</p> <p>12 characterization of IPRA during the 1999 to 2011 time</p> <p>13 frame?</p> <p>14 MR. MICHALIK: Objection to form, foundation,</p> <p>15 and reliance on this document.</p> <p>16 THE WITNESS: I do not.</p> <p>17 BY MR. HILKE:</p> <p>18 Q. Then at the bottom, I going to pull you to the</p> <p>19 very last sentence on Page 76, it says, we learned in</p> <p>20 our investigation that there is no, and then turning to</p> <p>21 Page 77, system in place to ensure that all officer</p> <p>22 disciplinary findings bearing on credibility, including</p> <p>23 Rule 14 findings, are supplied to the State's Attorney's</p> <p>24 Office and criminal defendants, even though this is</p> <p>25 required under Giglio v. United States. Do you have any</p>
<p style="text-align: center;">Page 203</p> <p>1 reason to disagree with the statement that there was no</p> <p>2 system to put all -- to give all officer disciplinary</p> <p>3 findings bearing on credibility to the State's</p> <p>4 Attorney's Office during this frame?</p> <p>5 MR. MICHALIK: Objection to form, foundation,</p> <p>6 incomplete hypothetical, and reliance on this</p> <p>7 document.</p> <p>8 THE WITNESS: I do not.</p> <p>9 BY MR. HILKE:</p> <p>10 Q. Okay. And then just one more. It's 5553, our</p> <p>11 Page 117, towards the very end. I want to point you to</p> <p>12 the paragraph midway down, that starts, more recent</p> <p>13 studies of CPD's system; do you see that?</p> <p>14 A. Uh-huh. Yes.</p> <p>15 Q. So this section is talking about what it</p> <p>16 describes as EIS and BIS Systems, which I believe mean</p> <p>17 early intervention system and behavioral intervention</p> <p>18 system. Are those terms familiar to you?</p> <p>19 A. Yes.</p> <p>20 Q. So the paragraph I pointed to you says, more</p> <p>21 recent studies of CPD's systems reaffirm the need for</p> <p>22 reform. A 2007 study noted that nearly 90 percent of</p> <p>23 individuals with multiple complaints were never flagged</p> <p>24 by the EIS, including officers who amassed more than 50</p> <p>25 abuse complaints within five years. The study also</p>	<p style="text-align: center;">Page 204</p> <p>1 discussed how of the 33 officers with 30 or more</p> <p>2 complaints between 2001 and 2006, fewer than half had</p> <p>3 been flagged within intervention -- for intervention; do</p> <p>4 you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have any reason to disagree with that</p> <p>7 characterization of the EIS system during the time frame</p> <p>8 discussed in that portion?</p> <p>9 MR. MICHALIK: Objection to the form of the</p> <p>10 question, foundation, and reliance on this document.</p> <p>11 THE WITNESS: I do not.</p> <p>12 BY MR. HILKE:</p> <p>13 Q. Okay. Before I had asked you about different</p> <p>14 steps in the investigation and the appeal process, all</p> <p>15 the stages of a disciplinary investigation during this</p> <p>16 time frame, from the moment the complaint comes in, to</p> <p>17 the moment that the final appeal is over. Do you</p> <p>18 remember those questions?</p> <p>19 A. Yes.</p> <p>20 Q. I just want to confirm now, are there any</p> <p>21 stages of that process I had neglected to ask you about?</p> <p>22 A. I -- I -- I think at the time, I didn't</p> <p>23 mention that after the investigator completes the</p> <p>24 investigation, the case is reviewed by the lieutenant of</p> <p>25 that section. The -- that -- that would be the</p>

<p style="text-align: center;">Page 205</p> <p>1 immediate supervisor of that investigator.</p> <p>2 Q. Okay. So that's, like, one level of review of</p> <p>3 the investigator's findings, you know, separate and</p> <p>4 apart from all the other stages you talked about?</p> <p>5 A. That is correct. That is correct.</p> <p>6 Q. Any other steps or details about those stages</p> <p>7 that I haven't asked you about yet?</p> <p>8 A. No.</p> <p>9 Q. Okay. Anything I've asked you about that you</p> <p>10 need to correct, or amend, or supplement at this point?</p> <p>11 A. So during the review process of cases, after</p> <p>12 the case is completed and the case is submitted for</p> <p>13 approval from the supervisor, and then it goes to the --</p> <p>14 to the department advocate, and then it goes through</p> <p>15 Command Channel Review. After Command Channel Review is</p> <p>16 when the officer, or the accused member, has the ability</p> <p>17 to utilize the complaint review panel as a grievance</p> <p>18 process. I think earlier when I spoke, I got the -- the</p> <p>19 -- the timing of that reversed, and I went from the</p> <p>20 advocate section to complaint review panel, then to the</p> <p>21 Command Channel Review. So Command Channel Review is</p> <p>22 first.</p> <p>23 Q. Got it. So the grievance process is -- sorry,</p> <p>24 strike that. So the correction -- sort of the what</p> <p>25 you're adding now -- strike all that. Just to make sure</p>	<p style="text-align: center;">Page 206</p> <p>1 I understand, complaint review panel happens after the</p> <p>2 superintendent recommends discipline, not before,</p> <p>3 correct?</p> <p>4 A. Correct. And it's after the Command Channel</p> <p>5 Review.</p> <p>6 Q. Okay.</p> <p>7 A. Because during Command Channel Review is when</p> <p>8 the penalties can be modified.</p> <p>9 Q. Okay.</p> <p>10 A. Before the officer determines whether or not</p> <p>11 he wants to answer the complaint review panel for</p> <p>12 grievance purposes.</p> <p>13 Q. And were you also adding more details about</p> <p>14 command channel review that I didn't ask you about</p> <p>15 earlier, or is that just as you described it earlier?</p> <p>16 A. Just as I described it earlier.</p> <p>17 Q. Okay, great. Anything else?</p> <p>18 A. That's it.</p> <p>19 MR. HILKE: I'm done for now. If other</p> <p>20 attorneys have questions, I may have more following,</p> <p>21 but that's all I have at this moment. I much</p> <p>22 appreciate it.</p> <p>23 THE WITNESS: Okay. Thank you.</p> <p>24 MR. MICHALIK: Anybody on Zoom have any</p> <p>25 questions?</p>
<p style="text-align: center;">Page 207</p> <p>1 MS. OLIVIER: No questions from Kelly Olivier.</p> <p>2 MR. STORTZ: No questions from Jake Stortz.</p> <p>3 MS. MIAN: No questions for Ronald Watts, thank</p> <p>4 you.</p> <p>5 MR. MICHALIK: All right. I do have --</p> <p>6 MR. RAVITZ: Or for -- or from Mohammed -- just</p> <p>7 for -- Mohammed, just for the record.</p> <p>8 CROSS-EXAMINATION</p> <p>9 BY MR. MICHALIK:</p> <p>10 Q. I do want to go through a couple of things</p> <p>11 just to clarify, maybe the first thing to do is go back</p> <p>12 to the topic that you were just clarifying, and that's</p> <p>13 the review process. And so, I think the best way to do</p> <p>14 this, if you take a look at Exhibit number 5, it's 93-</p> <p>15 3.</p> <p>16 A. Okay.</p> <p>17 Q. Just make sure that we've got this clear on</p> <p>18 the record.</p> <p>19 A. Okay.</p> <p>20 Q. If I could direct you to Addendum number 4,</p> <p>21 which starts at City BG-59029.</p> <p>22 A. All right. Okay.</p> <p>23 Q. All right. So let's start off with Section</p> <p>24 2A. It talks about cases where the recommendation</p> <p>25 exceeds five days of suspension, all right? That's at</p>	<p style="text-align: center;">Page 208</p> <p>1 the conclusion of the investigator's investigation,</p> <p>2 correct?</p> <p>3 A. That is correct.</p> <p>4 Q. All right. What happens where his</p> <p>5 recommendation exceeds five days' suspension?</p> <p>6 A. Okay. At that point, the -- the investigator</p> <p>7 will complete a summary report of the investigation as</p> <p>8 -- as opposed to the summary digest report.</p> <p>9 Q. When is that appropriate?</p> <p>10 A. That's for anything five days or under. Any</p> <p>11 recommended penalties of five days or under.</p> <p>12 Q. Okay. What if the recommendation is</p> <p>13 unfounded, exonerated, or not sustained?</p> <p>14 A. That would be memorialized on a summary digest</p> <p>15 report.</p> <p>16 Q. All right. Okay. Once that summary digest</p> <p>17 report, or the summary report, is completed, what</p> <p>18 happens next, from that investigator's perspective?</p> <p>19 A. So the investigator would upload all the</p> <p>20 attachments into the -- at the time, the auto CR system.</p> <p>21 And then the final attachment would be either the</p> <p>22 summary report or the summary digest report. If -- for</p> <p>23 sustained cases, the officers would have to also get the</p> <p>24 member's disciplinary and complimentary histories to add</p> <p>25 as some of the final attachments. And then the full</p>

<p style="text-align: right;">Page 209</p> <p>1 investigator file will be handed off to the immediate 2 supervisor, which will be a lieutenant within the -- 3 that officer's section.</p> <p>4 Q. All right. And so --</p> <p>5 A. The investigator's section.</p> <p>6 Q. So the investigator provides that report to 7 his or her supervisor, regardless of the recommendation?</p> <p>8 A. Correct.</p> <p>9 Q. So if it's sustained, it's reviewed by a 10 supervisor?</p> <p>11 A. That is correct.</p> <p>12 Q. If it's not sustained, it's reviewed by a 13 supervisor?</p> <p>14 A. That is correct.</p> <p>15 Q. Same for unfounded or exonerated?</p> <p>16 A. Correct.</p> <p>17 Q. All right. Let's start with the unfounded, 18 exonerated, or not sustained cases. Those are submitted 19 to the supervisor. What is the supervisor expected to 20 do once they get one of those reports?</p> <p>21 A. Just -- just to review it, to make sure that 22 the investigator noted the proper finding for the 23 investigation. And the supervisor would also make a 24 determination -- oh, this is just for unfounded, not 25 sustained, and exonerated?</p>	<p style="text-align: right;">Page 210</p> <p>1 Q. Right.</p> <p>2 A. Yeah. They would just make sure that the -- 3 the member had the proper finding for the case.</p> <p>4 Q. Okay. Could the supervisor recommend 5 additional investigation be conducted?</p> <p>6 A. Yes, definitely.</p> <p>7 Q. All right. That's one of the things the 8 supervisor would be looking for to make sure that the 9 investigation was thorough?</p> <p>10 A. That's correct.</p> <p>11 Q. All right. Would that be true also sustained 12 -- where -- a report where there was a recommendation of 13 a sustained finding?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Again, it would go to the 16 supervisor, who would review it for completeness?</p> <p>17 A. That is correct.</p> <p>18 Q. And if the supervisor determined additional 19 investigation would need to be done, it would be kicked 20 back to the investigator to do that?</p> <p>21 A. That is correct.</p> <p>22 Q. All right. So now the supervisor has approved 23 the report, what happens next?</p> <p>24 A. At that point, the -- the -- the case is sent 25 to the advocate's section for review, and they'll --</p>
<p style="text-align: right;">Page 211</p> <p>1 they'll review it to make sure that every attachment is 2 contained in the file, because there is an attachment 3 list. So they want to make sure the -- the number of 4 attachments match the -- the attachment list. And they 5 also want to make sure that the -- the findings are 6 proper, and that the investigation is sound and complete 7 and thorough.</p> <p>8 Q. Okay. If the advocate determines additional 9 investigation is required, does that then get kicked 10 back to the investigator?</p> <p>11 A. Yes, it's -- it's typically sent back to the 12 -- the investigator supervisor, and then the supervisor 13 would make sure that the investigator gets the case 14 back.</p> <p>15 Q. Okay. Once it's cleared the advocate, what 16 happens next?</p> <p>17 A. Then that case is prepared, and it's sent for 18 a Command Channel Review.</p> <p>19 Q. All right. Is there any different Command 20 Channel Review based on the recommendation?</p> <p>21 A. Yes. If the -- if the -- well, if the case is 22 administratively closed, then that particular case 23 wouldn't go through Command Channel Review. A lot of 24 cases that are sustained, and depending on the nature of 25 the case, there -- there's an avenue in which you can</p>	<p style="text-align: right;">Page 212</p> <p>1 bypass Command Channel Review, and then the case would 2 go right to the superintendent for review.</p> <p>3 Q. Okay. You mentioned administratively closed. 4 When would an investigation be administratively closed?</p> <p>5 A. Typically, those are -- those are closed 6 absent -- absent the signing of the affidavit.</p> <p>7 Sometimes, those cases are closed out administratively. 8 Yeah, if the -- if you reach out to the complainant and 9 the complainant has a change of -- of heart, or what 10 transpired out there, those -- and the -- that member is 11 not willing to sign an affidavit or a letter of 12 declination, sometimes those cases are also 13 administratively closed.</p> <p>14 Q. So then after Command Channel Review, the next 15 step would be what?</p> <p>16 A. So after Command Channel Review, the case goes 17 -- comes back to the Bureau of Internal Affairs. It's 18 reviewed by the -- the chief of Internal Affairs, who 19 has the final say-so for penalty recommendations. And 20 then after the chief reviews the case, depending on the 21 case, the case would go over to the sup's office to 22 review for significant penalty cases. And then at that 23 point, the member is notified of the finding of the -- 24 of the investigation and the penalty recommendation. 25 And that's when the member decides whether or not he</p>

<p style="text-align: center;">Page 213</p> <p>1 wants to file a grievance, which would trigger the 2 complaint review panel.</p> <p>3 Q. Okay. And I think you said earlier that in 4 terms of cases that would go to the superintendent's 5 office for review, those would be 30 or more days' 6 suspension recommendation or separation?</p> <p>7 A. That is correct.</p> <p>8 MR. HILKE: I'm sorry. Objection, form. Go 9 ahead.</p> <p>10 THE WITNESS: That is correct.</p> <p>11 BY MR. MICHALIK:</p> <p>12 Q. In answering questions as to talking about the 13 -- a member's ability to appeal certain findings, you 14 said eventually, a case might be presented to the police 15 board, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And I think you said that there was no further 18 appeal after the police board made its decision; is that 19 right?</p> <p>20 A. That's what I said, yes.</p> <p>21 Q. Okay. And that's within CPD, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Could a member then file a lawsuit challenging 24 the police board's finding?</p> <p>25 MR. HILKE: Objection, form. Go ahead.</p>	<p style="text-align: center;">Page 214</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MR. MICHALIK:</p> <p>3 Q. Okay. So at least there are additional 4 avenues of appeal for a member who disagreed with a 5 police board's finding?</p> <p>6 A. That is correct.</p> <p>7 Q. Counsel had asked you questions earlier about 8 the change from OPS to IPRA. Do you remember that 9 series of questions?</p> <p>10 A. Yes.</p> <p>11 Q. All right. In terms of that, was there any 12 change in the subject matter that IPRA would investigate 13 that OPS did not?</p> <p>14 A. The subject matter that --</p> <p>15 Q. Let me ask it this way.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. OPS, I think you testified, 18 investigated excessive force, domestics, 19 police-involved shootings, and deaths in custody, 20 correct?</p> <p>21 A. I -- I didn't mention deaths in -- in custody.</p> <p>22 Q. But that was one of the areas --</p> <p>23 A. That is -- that is one, yes.</p> <p>24 Q. -- that OPS would investigate?</p> <p>25 A. Correct.</p>
<p style="text-align: center;">Page 215</p> <p>1 Q. All right. Was that the same types of matters 2 that IPRA would investigate, after IPRA came into 3 existence?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. And as far as cases that IPRA would refer to 6 BIA, it was the same as the cases that OPS would refer 7 to BIA?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know, did OPS have subpoena power?</p> <p>10 A. I -- I'm not sure if they did.</p> <p>11 Q. Do you know if IPRA had subpoena power?</p> <p>12 A. I believe IPRA and now COPA does.</p> <p>13 Q. All right. You also were asked some questions 14 about the SPARs, and there was a list of 26 categories 15 of less serious transgressions that were listed in that 16 order; do you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. One of the things that you were asked 19 was about any misconduct that could be -- could any 20 misconduct be the subject of a SPAR; do you remember 21 that testimony?</p> <p>22 A. Yes.</p> <p>23 Q. All right. Could an allegation that involved 24 criminal misconduct, could that be the basis of a SPAR?</p> <p>25 A. No.</p>	<p style="text-align: center;">Page 216</p> <p>1 Q. That would have to be something that would go 2 to BIA?</p> <p>3 A. Yes. That would -- that would be handled 4 through the CR process.</p> <p>5 Q. All right. And that would be directed to 6 Confidential Investigations?</p> <p>7 A. That is correct.</p> <p>8 Q. All right. I think the last thing I want to 9 ask you about is conducting administrative 10 investigations concurrently with a criminal 11 investigation. First off, that would be something that 12 would be handled within BIA, correct?</p> <p>13 A. Correct.</p> <p>14 Q. All right. Because -- and that would 15 specifically be the Confidential Investigation Section?</p> <p>16 A. Correct.</p> <p>17 Q. Would there be any criminal investigation by 18 BIA that was not being handled by the Confidential 19 Section?</p> <p>20 A. Yes.</p> <p>21 Q. Okay, what kind of -- what kind of case?</p> <p>22 A. You -- you have -- it's quasi-criminal. We're 23 talking about DUIs. We're talking about certain 24 positive tests for narcotics and -- and other drugs. We 25 put officers through our random testing process that</p>

<p style="text-align: right;">Page 217</p> <p>1 have some -- a criminal nexus to it, but those are 2 handled by the General Investigation Section. 3 Q. Would that be the type of a case where you 4 could have a parallel criminal investigation with an 5 administrative investigation? 6 A. Yes. 7 Q. All right. What about a confidential criminal 8 investigation, one that would involve a joint CPD-FBI 9 investigation of criminal conduct? Is that something 10 where the administrative investigation could proceed in 11 parallel with a criminal investigation? 12 A. Well, when -- when dealing with the -- 13 or when looking at criminal investigations that are 14 handled at the task force, those -- those cases are 15 cases that are spearheaded by the FBI. Those are the 16 FBI's investigations. And the administrative 17 investigation that parallels those cases typically are 18 halted as not to compromise the integrity of the ongoing 19 criminal investigation from that -- from the FBI or any 20 other outside agency, because it -- it could compromise 21 the case itself. And if someone chooses to move forward 22 with the administrative investigation they -- you know, 23 they can actually be held accountable and either charged 24 with obstructing the criminal investigation through the 25 FBI.</p>	<p>1 Q. What sort of dangers would there be in 2 conducting the administrative investigation at the same 3 time as the confidential federal CPD investigation of 4 criminal conduct? 5 MR. HILKE: Objection, form. 6 THE WITNESS: Well, a lot of these cases, these 7 long-term criminal investigations involve officers, 8 guns, drugs, what have you. And the officers are 9 conducting long term surveillances and they're -- 10 they're put in very serious situations, depending on 11 the nature of their surveillances and whether or not 12 they are actually purchasing narcotics from these 13 officers and stuff. If their -- if the 14 investigation is compromised and -- and we move 15 forward with the administrative case and start 16 questioning people, when it gets back to the 17 officers that are being investigated, there -- there 18 could be some harm brought to some of the 19 investigators that are -- that are out there in the 20 field doing surveillances and -- and working up 21 these investigations. 22 BY MR. MICHALIK: 23 Q. All right. One of the -- in order to proceed 24 administratively against a department member, you have 25 to inform that member of the charges, correct?</p>
<p style="text-align: right;">Page 219</p> <p>1 A. That's -- 2 MR. HILKE: Object to form. Go ahead. 3 THE WITNESS: That is true. 4 BY MR. MICHALIK: 5 Q. All right. Would that present any impact on a 6 confidential criminal investigation? 7 MR. HILKE: Objection to form. 8 THE WITNESS: Well -- well, yes, because the -- 9 the member would know that there's an ongoing 10 investigation into their -- their activity, and a 11 lot of times, the administrative case really 12 directly parallels and impacts the criminal case. 13 So that would tip off the member as to the -- the 14 full scope of the investigation. Even if the member 15 doesn't know that the FBI is part of the 16 investigation, that would tip off the -- the member, 17 and that member would -- would cease his activities, 18 which would taint the overall investigation. 19 BY MR. MICHALIK: 20 Q. And then you mentioned there could be 21 consequences as a result of tainting that investigation? 22 A. Yeah. You know, the -- if they choose to, the 23 -- the FBI can -- can -- can charge a member -- 24 Q. So -- 25 A. -- criminally.</p>	<p>1 Q. -- they would charge the investigator? 2 A. Yes, yes, the investigator. 3 Q. Okay. And you mentioned that, you know, in 4 terms of these joint CPD-FBI investigations, the FBI was 5 in charge of the -- of that investigation? 6 A. That is correct. 7 Q. All right. The information that was derived 8 from that investigation, who did that belong to? 9 MR. HILKE: Object -- wait. Object to form. 10 THE WITNESS: I'm sorry. 11 MR. HILKE: Go ahead. 12 THE WITNESS: FBI. 13 BY MR. MICHALIK: 14 Q. One last thing. In the SOP, there was a 15 reference to initiating a confidential CR for a 16 confidential investigation; do you remember that? 17 A. Yes. 18 Q. Is that a different process, in terms of 19 initiating a CR for a confidential investigation, as 20 opposed to a general investigation? 21 A. Yes. When -- in -- in General or Special, or 22 just your run-of-the-mill investigation, when initiating 23 those cases, those -- that initiation report gets sent 24 back, to at the time OPS or IPRA, which would then 25 either keep the investigation, or send it back to BIA to</p>

<p style="text-align: center;">Page 221</p> <p>1 be handled. Confidential investigations are initiated 2 by the admin sergeant, the bureau of internal affairs, 3 who works directly for the chief of internal affairs. 4 That person -- that sergeant would initiate the number, 5 and it would be maintained in-house. And then number 6 would be only shared with the investigator of that case 7 initially.</p> <p>8 Q. It would not be shared with IPRA or OPS?</p> <p>9 A. It would not.</p> <p>10 MR. MICHALIK: Director, that's all I have.</p> <p>11 THE WITNESS: Okay.</p> <p>12 REDIRECT EXAMINATION</p> <p>13 BY MR. HILKE:</p> <p>14 Q. Sir, I've got just a few follow-ups. The -- 15 we talked about -- are you aware of anything in the FBI 16 Chicago Police Department MOU that at all suggested that 17 charges of obstruction of justice would result if the 18 CPD moved administratively against an officer under 19 investigation?</p> <p>20 A. I'm not aware that that was part of the -- the 21 MOU.</p> <p>22 Q. What's your basis for saying that -- well, and 23 strike that. In saying that if an investigator moved 24 administratively against an officer and it compromised 25 an FBI investigation, it could be the cause for</p>	<p style="text-align: center;">Page 222</p> <p>1 obstruction of justice charges. Are you -- do you have 2 any basis to conclude that the FBI would have any 3 likelihood of proceeding with such charges?</p> <p>4 MR. MICHALIK: Object to form.</p> <p>5 THE WITNESS: Well, I mean, so if we're -- if 6 we're outside of the time frame, and we're within 7 the time frame of me working on a FBI task force --</p> <p>8 BY MR. HILKE:</p> <p>9 Q. I actually just want to keep you in the time 10 frame.</p> <p>11 A. I have -- well, the answer -- no. No, no 12 basis.</p> <p>13 Q. There was no -- and as far as -- do you 14 believe that during the time frame, an investigator who 15 believed it was necessary to get a corrupt officer off 16 the street could not have said, you know, for example, 17 we need this investigation to move faster, we have to 18 get this officer off the street. Would that kind of 19 feedback have been prohibited in Chicago Police 20 Department-FBI joint investigations during this time 21 frame?</p> <p>22 A. Are -- are you talking about the investigator?</p> <p>23 Q. Yeah. Is there any reason they -- like, if 24 the investigation had gone on, in their opinion, too 25 long, and they were concerned about leaving an officer</p>
<p style="text-align: center;">Page 223</p> <p>1 on the -- on the street, on the, you know, on the joint 2 FBI CPD operations, could the CPD give feedback about 3 the pace of the operation?</p> <p>4 A. The -- no. No. I mean, well, you can always 5 give feedback about it and say what's taking so long, 6 but this -- at the end of the day, it was still the 7 investigation -- the FBI's investigation.</p> <p>8 Q. Right, but that -- okay. Right. So it's not 9 that it was -- there's nothing prohibiting that 10 feedback, but it was still the FBI's investigation?</p> <p>11 A. That is correct.</p> <p>12 Q. Okay. And was there anything prohibiting an 13 investigator on an FBI-CPD investigation from saying, we 14 think it's necessary to move administratively. We need 15 your feedback, FBI, on how we can proceed?</p> <p>16 A. Well, they -- they can always say that, but -- 17 yes.</p> <p>18 Q. And you mentioned that if CPD moved 19 administratively against an officer who is the subject 20 of a joint Chicago Police Department FBI investigation, 21 the officer would need to be informed of the charges 22 against them. Now, the time they would have to be 23 informed is when the investigator decided to proceed 24 with an interrogation or statement from the accused 25 officer, correct?</p>	<p style="text-align: center;">Page 224</p> <p>1 A. That's correct.</p> <p>2 Q. There's no reason -- strike that. The 3 investigator could still do any of the other preliminary 4 investigation steps without informing the accused 5 officer of the charges against him, correct?</p> <p>6 MR. MICHALIK: Objection, mischaracterizes his 7 testimony.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. HILKE:</p> <p>10 Q. And by the way, in terms of joint -- during 11 this time period, in 1999 to 2011 -- strike all that. 12 You testified about joint criminal civil investigations 13 -- or strike that, too. You testified before about 14 criminal investigations and situations that could be 15 parallel with the disciplinary investigation, and you 16 testified about different categories of complaints where 17 there could be parallel criminal investigations. Are 18 excessive force allegations among those that could have 19 parallel criminal proceedings?</p> <p>20 A. Excessive force cases were handled by OPS or 21 IPRA at the time.</p> <p>22 Q. And a civilian complaint of excessive force 23 could have a parallel criminal case against an officer 24 for that force, correct?</p> <p>25 A. It could. There could be -- there could be a</p>

<p style="text-align: center;">Page 225</p> <p>1 -- an actual case report number associated with that 2 excessive force complaint.</p> <p>3 Q. And same for shootings by officers, correct? 4 Those were also investigated by OPS-IPRA?</p> <p>5 A. That's correct.</p> <p>6 Q. And those could also have parallel criminal 7 proceedings, investigations into shootings by police 8 officers?</p> <p>9 A. Yes.</p> <p>10 Q. And so, excessive force and shootings by 11 police officers, if OPS-IPRA learned that there was a 12 criminal investigation as they investigated such 13 allegations, would they maintain the administrative 14 investigation, or transfer it to Internal Affairs?</p> <p>15 A. Internal Affairs did not handle shooting 16 incidents involving department members. And excessive 17 force complaints, those are also IPRA and OPS cases.</p> <p>18 Q. Okay. So those are investigations with a 19 criminal component OPS-IPRA could conduct, correct?</p> <p>20 A. Yes.</p> <p>21 MR. HILKE: Okay. Nothing else for now.</p> <p>22 RECROSS-EXAMINATION</p> <p>23 BY MR. MICHALIK:</p> <p>24 Q. Just two quick follow-ups, Mr. Moore, and I 25 think we'll be done. You were asked about an</p>	<p style="text-align: center;">Page 226</p> <p>1 investigator where there was a confidential -- a joint 2 CPD-FBI investigation, and he would have to inform the 3 accused member of the charges against him before taking 4 that individual's statement, remember that?</p> <p>5 A. Yes. Administratively.</p> <p>6 Q. Right. And then you were asked, could he do 7 other steps short of interviewing the officer? And I 8 think your answer was yes, he could. But I think 9 earlier, you said that he -- there were things that he 10 should not do, such as talking to witnesses, or other 11 things that might tip off the subject of the 12 confidential investigation, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Also, the investigator who was involved, some 15 of the evidence and investigation that was part of the 16 joint FBI-CPD investigation would be something that that 17 investigator could use subsequently in administrative 18 proceedings?</p> <p>19 A. Yes, they could.</p> <p>20 Q. Second thing is, you were asked about 21 excessive force in police-involved shooting cases, could 22 they be parallel to criminal investigations; do you 23 remember that?</p> <p>24 A. Yes.</p> <p>25 Q. Are excessive force cases or police-involved</p>
<p style="text-align: center;">Page 227</p> <p>1 shootings confidential investigations?</p> <p>2 A. No. Those cases are handled by OPS or IPRA at 3 the time.</p> <p>4 Q. Not confidential?</p> <p>5 A. No.</p> <p>6 MR. MICHALIK: That's all I have. Thank you.</p> <p>7 FURTHER DIRECT EXAMINATION</p> <p>8 BY MR. HILKE:</p> <p>9 Q. Quickly, just because we did different terms. 10 What's the difference between a police-involved shooting 11 and a shooting by a police officer?</p> <p>12 A. It -- it's one in the same.</p> <p>13 MR. HILKE: Okay. Nothing more.</p> <p>14 THE WITNESS: Okay. I thought that was a trick 15 question.</p> <p>16 MR. HILKE: No, no, I just -- I wanted to make 17 sure we're talking about the same thing on the 18 record.</p> <p>19 MR. MICHALIK: I think we are.</p> <p>20 MR. HILKE: I think so, too.</p> <p>21 MR. MICHALIK: All right. We will reserve 22 signature.</p> <p>23 THE REPORTER: Do you want me to just send it 24 to you?</p> <p>25 MR. MICHALIK: Sure, that's fine.</p>	<p style="text-align: center;">Page 228</p> <p>1 THE VIDEOGRAPHER: I'm going to take us off the 2 video record, but we'll stay on the written so that 3 the court reporter can get orders. All right, we're 4 off. It's 4:22.</p> <p>5 THE REPORTER: Yes. So just very quickly, 6 would you like a transcript or video?</p> <p>7 MR. HILKE: I'm -- I'll handle it off the 8 record, please.</p> <p>9 THE REPORTER: Would you like one?</p> <p>10 MR. MICHALIK: If he orders, we'll take a copy.</p> <p>11 THE REPORTER: Okay. Anybody on Zoom would 12 like a copy of the transcript or the video?</p> <p>13 MS. OLIVIER: No, thank you.</p> <p>14 MR. STORTZ: No, thank you.</p> <p>15 MS. MIAN: I don't think so.</p> <p>16 THE REPORTER: All right then. With that, we 17 are off the written record at 4:23.</p> <p>18 (DEPOSITION CONCLUDED AT 4:23 P.M. CT)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 CERTIFICATE OF DIGITAL REPORTER
2 STATE OF ILLINOIS

3
4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Title page here of by me after
7 first being duly sworn to testify the truth, the whole
8 truth, and nothing but the truth; and that the said
9 matter was recorded digitally by me and then reduced to
10 typewritten form under my direction, and constitutes a
11 true record of the transcript as taken, all to the best
12 of my skill and ability. I certify that I am not a
13 relative or employee of either counsel, and that I am in
14 no way interested financially, directly or indirectly,
15 in this action.

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21

22 TALIA JACKSON,
23 DIGITAL REPORTER/NOTARY
24 COMMISSION EXPIRES: 11/28/2027
25 SUBMITTED ON: 03/28/2024

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