

# **EXHIBIT 63**



**KENTUCKIANA**  
— COURT REPORTERS —

**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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The Deposition of TIMOTHY MOORE, taken on 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</p> <p>2</p> <p>3 ON BEHALF OF THE LOEVY PLAINTIFFS:</p> <p>4 Wally Hilke, Esquire</p> <p>5 Loevy &amp; Loevy</p> <p>6 311 North Aberdeen Street</p> <p>7 Third Floor</p> <p>8 Chicago, Illinois 60607</p> <p>9 Telephone No.: (312) 243-5900</p> <p>10 E-mail: hilke@loevy.com</p> <p>11</p> <p>12 ON BEHALF OF THE FLAXMAN PLAINTIFFS:</p> <p>13 Kenneth Flaxman, Esquire</p> <p>14 Kenneth N. Flaxman P.C.</p> <p>15 200 South Michigan Avenue</p> <p>16 Suite 201</p> <p>17 Chicago, Illinois 60604</p> <p>18 Telephone No.: (312) 427-3200</p> <p>19 E-mail: knf@kenlaw.com</p> <p>20 (Appeared via videoconference)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO AND</p> <p>4 TIMOTHY MOORE:</p> <p>5 Paul Michalik, Esquire</p> <p>6 Reiter Burns</p> <p>7 311 South Wacker Drive</p> <p>8 Suite 5200</p> <p>9 Chicago, Illinois 60606</p> <p>10 Telephone No.: (312) 878-1294</p> <p>11 E-mail: pmichalik@reiterburns.com</p> <p>12</p> <p>13 ON BEHALF OF THE INDIVIDUAL DEFENDANTS AS REPRESENTED</p> <p>14 BY HALE &amp; MONICO:</p> <p>15 Kelly Olivier, Esquire</p> <p>16 Hale &amp; Monico</p> <p>17 53 West Jackson Boulevard</p> <p>18 Suite 330</p> <p>19 Chicago, Illinois 60604</p> <p>20 Telephone No.: (312) 500-2951</p> <p>21 E-mail: kolivier@halemonico.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, RONALD WATTS:</p> <p>4 Aleeza Mian, Esquire</p> <p>5 Johnson &amp; Bell, LTD.</p> <p>6 33 West Monroe Street</p> <p>7 Suite 2700</p> <p>8 Chicago, Illinois 60603</p> <p>9 Telephone No.: (312) 984-0284</p> <p>10 E-mail: miana@jbltd.com</p> <p>11 (Appeared via videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:</p> <p>14 Gary Ravitz, Esquire</p> <p>15 Mohan Groble Scolaro</p> <p>16 55 West Monroe</p> <p>17 Suite 1600</p> <p>18 Chicago, Illinois 60603</p> <p>19 Telephone No.: (312) 422-0784</p> <p>20 E-mail: gravitz@mohangroble.com</p> <p>21 (Appeared via videoconference)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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4 The Chicago Police Department	4 OF THE CITY OF CHICAGO was taken at LOEVY & LOEVY, 311
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>1 PROCEEDINGS</p> <p>2</p> <p>3 THE VIDEOGRAPHER: We're on record. My name is</p> <p>4 Sydney Little. I'm the video technician, and Talia</p> <p>5 Jackson is the court reporter today representing</p> <p>6 Kentuckiana Court Reporters. We are located at the</p> <p>7 offices of Loevy &amp; Loevy, 311 North Aberdeen Street,</p> <p>8 Chicago, Illinois 60607. Today is the 19th day of</p> <p>9 March, and the time is 10:02 a.m. Central. We are</p> <p>10 convened in person and by videoconference to take</p> <p>11 the deposition of Timothy Moore in the matter of</p> <p>12 Watts Coordinated Pretrial Proceedings, pending in</p> <p>13 the United States District Court for the Northern</p> <p>14 District of Illinois, Eastern Division, Master</p> <p>15 Docket Case number 19-CV-01717. Will everyone, but</p> <p>16 the witness, please state you're appearance, how</p> <p>17 you're attending, and the location you are attending</p> <p>18 from, starting with Plaintiff's Counsel?</p> <p>19 MR. HILKE: Wally Hilke for the plaintiffs,</p> <p>20 represented by Loevy &amp; Loevy.</p> <p>21 MR. MICHALIK: Paul Michalik on behalf of</p> <p>22 Defendant City of Chicago and the witness, Timothy</p> <p>23 Moore. I'm attending in person.</p> <p>24 MR. FLAXMAN: Kenneth Flaxman for the Flaxman</p> <p>25 plaintiffs, attending remotely.</p>	<p>1 MR. RAVITZ: Gary Ravitz for Kallatt Mohammed.</p> <p>2 I'm attending remotely.</p> <p>3 MS. OLIVIER: Kelly Olivier on behalf of the</p> <p>4 individual defendants represented by Hale &amp; Monico,</p> <p>5 attending remotely.</p> <p>6 MS. MIAN: Aleeza --</p> <p>7 MR. STORTZ: Jake Stortz --</p> <p>8 MS. MIAN: Sorry. Go ahead.</p> <p>9 MR. STORTZ: Jake Stortz -- go ahead.</p> <p>10 MS. MIAN: Aleeza Mian for Ronald Watts,</p> <p>11 attending remotely.</p> <p>12 MR. STORTZ: Jake Stortz on behalf of the</p> <p>13 Leinenweber defendants, attending remotely.</p> <p>14 THE VIDEOGRAPHER: Okay. Thank you.</p> <p>15 Mr. Moore, will you please state your name for the</p> <p>16 record?</p> <p>17 THE WITNESS: Timothy Moore.</p> <p>18 THE VIDEOGRAPHER: Thank you. And do all</p> <p>19 parties stipulate that the witness is, in fact,</p> <p>20 Timothy Moore?</p> <p>21 MR. HILKE: Yes.</p> <p>22 THE VIDEOGRAPHER: Counsel via Zoom, do we</p> <p>23 stipulate to the witness' identity?</p> <p>24 MR. MICHALIK: Well, hearing no objection.</p> <p>25 THE VIDEOGRAPHER: Okay. I'm hearing no</p>
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<p>1 objection. Mr. Moore, will you please raise your</p> <p>2 right hand for the court reporter to swear you in?</p> <p>3 THE REPORTER: Sir, do you solemnly swear or</p> <p>4 affirm that the testimony you're about to give will</p> <p>5 be the truth, the whole truth, and nothing but the</p> <p>6 truth?</p> <p>7 THE WITNESS: I do.</p> <p>8 THE REPORTER: Thank you. Counsel, you may</p> <p>9 begin.</p> <p>10 DIRECT EXAMINATION</p> <p>11 BY MR. HILKE:</p> <p>12 Q. Good morning, Mr. Moore.</p> <p>13 A. Good morning.</p> <p>14 Q. I know you've been deposed at least a couple</p> <p>15 of times before. You've given testimony as the City of</p> <p>16 Chicago's 30(b)(6) witness before, correct?</p> <p>17 A. That is correct.</p> <p>18 Q. How many times?</p> <p>19 A. A -- a couple. I don't -- no more than four</p> <p>20 or five, I think.</p> <p>21 Q. Can you tell me what cases those were?</p> <p>22 A. I don't recall. I -- it's been a while.</p> <p>23 Q. What was the most recent time, if you</p> <p>24 remember?</p> <p>25 A. I honestly can't recall how -- the most recent</p>	<p>1 time. I really can't.</p> <p>2 Q. That's all right. So you've heard this</p> <p>3 before, but just a few things. We should speak one at a</p> <p>4 time so the reporter can take everything down, fair</p> <p>5 enough?</p> <p>6 A. Fair enough.</p> <p>7 Q. I'll ask that you let me finish my question</p> <p>8 and that you can -- I'll let you finish your answers;</p> <p>9 does that sound good?</p> <p>10 A. Sounds good.</p> <p>11 Q. I want to ask you my -- the best questions I</p> <p>12 can. If you don't understand me at any time, will you</p> <p>13 please ask me to clarify?</p> <p>14 A. I will.</p> <p>15 Q. And if you answer my question, I'll assume</p> <p>16 you've understood it, fair enough?</p> <p>17 A. Fair enough.</p> <p>18 Q. We can take breaks whenever you need, but I'll</p> <p>19 just ask that you answer any pending question before we</p> <p>20 go on break, fair enough?</p> <p>21 A. Fair enough.</p> <p>22 Q. Is there any reason you couldn't give true and</p> <p>23 honest testimony today?</p> <p>24 A. No.</p> <p>25 MR. HILKE: I want to show you Exhibit 1, our</p>

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<p style="text-align: right;">Page 13</p> <p>1 30(b)(6) Notice. Do you mind marking this?</p> <p>2 (EXHIBIT 1 MARKED FOR IDENTIFICATION)</p> <p>3 THE REPORTER: Sure.</p> <p>4 THE WITNESS: Thank you.</p> <p>5 BY MR. HILKE:</p> <p>6 Q. Did -- sir, did you review this list of topics</p> <p>7 in preparation for the deposition today?</p> <p>8 A. I don't think I reviewed this document prior</p> <p>9 to today.</p> <p>10 Q. Let me draw your attention, do you see Topic</p> <p>11 11 on Page 2, the disciplinary systems within the</p> <p>12 Chicago Police Department available to address CRs</p> <p>13 initiated between 1999 and 2001? I mean, sorry, 2011?</p> <p>14 A. Yes.</p> <p>15 Q. And are you prepared to give testimony on that</p> <p>16 topic today?</p> <p>17 A. Yes.</p> <p>18 MR. MICHALIK: Okay. And, Wally, just for the</p> <p>19 record, that topic has been limited by subsequent</p> <p>20 conversations between Mr. Rauscher and Mr. Nolan,</p> <p>21 what -- to specify certain areas within the broad</p> <p>22 Topic 11.</p> <p>23 MR. HILKE: Sure. I'll -- let me put on the</p> <p>24 record what I understand. The subtopics that have</p> <p>25 been specified to be, and we can have a further</p>	<p style="text-align: right;">Page 14</p> <p>1 conversation about that if we need to.</p> <p>2 BY MR. HILKE:</p> <p>3 Q. One of the subtopics the party discussed was</p> <p>4 which departments and divisions processed CRs, and how</p> <p>5 CRs were processed within the Chicago Police Department.</p> <p>6 Are you prepared to discuss that topic?</p> <p>7 A. Yes.</p> <p>8 Q. Another subtopic discussed was what changed</p> <p>9 and didn't change when the Office of Professional</p> <p>10 Standards became the Independent Police Review</p> <p>11 Authority. Is that a topic you're prepared to discuss?</p> <p>12 A. Yes.</p> <p>13 Q. Another subtopic was various disciplinary</p> <p>14 options, including SPARS and reassignment to desk duty.</p> <p>15 Are you prepared to discuss that subtopic?</p> <p>16 A. Yes, I am.</p> <p>17 Q. Another subtopic was policies and practices</p> <p>18 for accepting and investigating CRs. Are you prepared</p> <p>19 to discuss that subtopic?</p> <p>20 A. Yes, I am.</p> <p>21 Q. And another subtopic was purposes and goals of</p> <p>22 the disciplinary system. Are you prepared to discuss</p> <p>23 that subtopic?</p> <p>24 A. Yes.</p> <p>25 Q. And are you prepared to discuss all those</p>
<p style="text-align: right;">Page 15</p> <p>1 subtopics for the time period of 1999 to 2011?</p> <p>2 A. Yes.</p> <p>3 Q. And then the Topic 12 on the next page is the</p> <p>4 Chicago Police Department's practices and policies for</p> <p>5 conducting confidential CR investigations and CR</p> <p>6 investigations associated with allegations of criminal</p> <p>7 conduct between 1999 and 2011. Are you prepared to</p> <p>8 discuss that topic?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And I'm not aware of anything that</p> <p>11 limits Topic 12 in any way. Are you prepared to discuss</p> <p>12 that topic in its entirety?</p> <p>13 A. Yes.</p> <p>14 Q. And that's the entirety -- that's -- as you</p> <p>15 understand it, those are the only two topics that, you</p> <p>16 know, as discussed just now that you're going to be</p> <p>17 presenting testimony on today, correct?</p> <p>18 A. As I understand it, yes.</p> <p>19 Q. Okay. Okay. Sir, without telling me what you</p> <p>20 said to your attorney, or what your attorney said to</p> <p>21 you, could you please tell me how you prepared for the</p> <p>22 deposition today?</p> <p>23 A. I reviewed, with my attorney, several</p> <p>24 depositions related to this case. I reviewed other</p> <p>25 police documents. There was an standard operating</p>	<p style="text-align: right;">Page 16</p> <p>1 procedures form. There was one of our department</p> <p>2 orders. I think it was 93-03 That I reviewed. And</p> <p>3 there were -- there might have been an interrogatory and</p> <p>4 some, several other documents that -- that I reviewed.</p> <p>5 Q. And I'm sorry, I didn't hear what you said</p> <p>6 before several other documents.</p> <p>7 A. I think it was -- well, there -- there were</p> <p>8 several other documents, but there was an interrogatory.</p> <p>9 Q. Interrogatory response.</p> <p>10 A. Interrogatory, yes. That's -- yes.</p> <p>11 Q. Okay. I'm going to -- I'm going to take those</p> <p>12 things one thing at a time, please.</p> <p>13 A. Okay.</p> <p>14 Q. Whose depositions did you review?</p> <p>15 A. I reviewed retired Chief Debra Kirby, retired</p> <p>16 Chief Tina Skahill, retired Chief Juan Rivera, and</p> <p>17 Barbara West. I think she retired as an assistant</p> <p>18 deputy superintendent.</p> <p>19 Q. And to your knowledge, were those all</p> <p>20 depositions taken in proceedings by the Watts</p> <p>21 plaintiffs?</p> <p>22 A. I -- I believe, yes.</p> <p>23 Q. Okay. And you described some policy documents</p> <p>24 you reviewed, including 93 -- general Order 93-03?</p> <p>25 A. Yes. Correct.</p>

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<p>1 Q. Other than General Order 93-03, did you review 2 any other general orders? 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. 8 Q. Okay. And you mentioned an interrogatory 9 response. Do you remember what -- whose interrogatory 10 response you reviewed? 11 A. I don't remember. 12 Q. What was the content of the interrogatory 13 response? 14 A. It -- it kind of spelled out, I believe, the 15 -- the process of conducting internal affairs 16 investigations, I believe it was. 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? 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. 25 Q. Okay. And how long was the standard operating</p>	<p>1 procedures document? 2 A. I'd say maybe 40 pages. 3 Q. Was that something you gathered on your own, 4 or was it provided to you by counsel? 5 A. It was provided to me by counsel. 6 Q. Is that a document you had seen before? 7 A. It is. 8 Q. And any other documents you reviewed to 9 prepare? 10 A. Not that I recall. 11 Q. Okay. Would you -- are you currently employed 12 by the Chicago Police Department? 13 A. I am. 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? 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>
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<p>1 assigned to the Area 1 Detective Division, robbery, 2 burglary, theft team. Stayed there for about five 3 months. 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. 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>1 Affairs, where I currently work. 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? 5 A. I did not. 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? 9 A. Yes. 10 Q. And would've included public corruption 11 investigations? 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. 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? 21 A. I did not. 22 Q. Anything else you did to prepare for the 23 deposition that I haven't asked you about yet? 24 A. No. 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. 11 Q. Thank you. So that was just in regard to your 12 own employment timeline, correct? 13 A. That is correct. 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? 18 A. Yes. I'm familiar with the policies. 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 -- 22 A. Yeah. 23 Q. As well as the BIA standard operating 24 procedures -- 25 A. Yep.</p>	<p>1 Q. -- correct? 2 A. That's correct. 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? 7 A. Oh, yeah. We -- we have numerous department 8 general orders and special orders that -- that govern 9 that. 10 Q. Okay. What are the other policies you're 11 aware of that govern the conduct of Internal Affairs 12 investigations? 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. 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? 23 A. That's -- that is correct. 24 Q. And the 08, whatever policy you're talking 25 about has 08-01-01, 08-01-02, et cetera, correct?</p>
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<p>1 A. That is -- that's correct. 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? 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. 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? 14 A. That is correct. 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? 19 MR. MICHALIK: I believe it has been, yes. 20 BY MR. HILKE: 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? 24 A. Yes. At the tail end of the investigation, I 25 -- I did.</p>	<p>1 Q. Could you tell me what your involvement was at 2 the tail end? 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. 11 Q. And what was your -- were you a sergeant at 12 the time? 13 A. I was a sergeant. 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? 18 A. That is correct. 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? 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. 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>1 A. Yes, I believe, yeah, that was in 93-03.</p> <p>2 Q. And so -- and was that the -- was the reason</p> <p>3 for listing the differences in investigative steps</p> <p>4 between confidential investigations and regular</p> <p>5 investigations, was the purpose of listing those</p> <p>6 differences in the general orders and special orders so</p> <p>7 that Internal Affairs investigators would know what</p> <p>8 other and additional things they need to do during any</p> <p>9 confidential investigations?</p> <p>10 A. Well, it -- it would -- it would provide --</p> <p>11 yeah, it would -- it would provide an understanding of</p> <p>12 what to be -- what's to be expected when you work in</p> <p>13 Confidential and the different types of cases you would</p> <p>14 work and the manner in which you would work those cases.</p> <p>15 I mean, I just -- wait, are you still asking about the</p> <p>16 differences, or...</p> <p>17 Q. I -- I'm more asking about the purpose of</p> <p>18 writing down the differences in the general orders and</p> <p>19 special orders. The purpose is so that confidential</p> <p>20 investigators can be informed as to what they might need</p> <p>21 to do differently in a confidential investigation,</p> <p>22 correct?</p> <p>23 A. No. Well -- well, I -- I think it's to a</p> <p>24 larger degree that we -- each order kind of spells out</p> <p>25 everything that needs to be done within Bureau of</p>	<p>1 Internal Affairs. So there are sections within our</p> <p>2 department, with our department policy that just</p> <p>3 explains, like, every nuance to the different</p> <p>4 investigative sections, just so we -- everyone can kind</p> <p>5 know what to do, what to expect, and how to do it, and</p> <p>6 follow a certain guideline.</p> <p>7 Q. Right. And so, if, for example, if an --</p> <p>8 well, strike that. And did that -- in addition to</p> <p>9 confidential investigations, there was also a unit</p> <p>10 within Internal Affairs that did criminal</p> <p>11 investigations, correct?</p> <p>12 A. Right. So -- yes.</p> <p>13 Q. And so, did -- is the same thing, true for the</p> <p>14 criminal investigation section? The differences in how</p> <p>15 they proceed are going to be in the general orders and</p> <p>16 the special orders?</p> <p>17 A. Okay. So there -- there was not a criminal</p> <p>18 investigation section.</p> <p>19 Q. Okay.</p> <p>20 A. There was there was the Confidential</p> <p>21 Investigation Section that handled criminal matters.</p> <p>22 Q. I understand. Let me back up, then. What</p> <p>23 were the sections of Internal Affairs investigators</p> <p>24 during this time?</p> <p>25 A. So you -- you had Confidential, you had</p>
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<p>1 Special, you had General. Then you have the</p> <p>2 administrative section, the advocate section, and the</p> <p>3 record section.</p> <p>4 Q. And then the three investigative subunits are</p> <p>5 going to be confidential, special, and general, correct?</p> <p>6 A. That is correct.</p> <p>7 Q. Okay. So a better question would've been the</p> <p>8 differences between Confidential Investigations, Special</p> <p>9 Investigations, and General Investigations, those are</p> <p>10 going to be delineated in the general orders and special</p> <p>11 orders, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And you mentioned different unit --</p> <p>14 could you tell me what are the different subunits within</p> <p>15 the Confidential Investigation Section during this time</p> <p>16 period?</p> <p>17 A. Within Confidential, you have the -- the</p> <p>18 medical team that -- that oversaw medical abuse. If</p> <p>19 somebody is on the medical and they're outside lifting</p> <p>20 weights when they had an arm injury. So we have those</p> <p>21 cases. We have residency cases. If you work for the</p> <p>22 police department or the City, you have to live within</p> <p>23 the City. So we -- we had a section that investigated</p> <p>24 officers for residency violations. We had the -- the</p> <p>25 criminal team that worked up the criminal</p>	<p>1 investigations, and -- and then there was like, within</p> <p>2 Confidential, there was a general team. There was a</p> <p>3 General team that just handled kind of everything that</p> <p>4 belongs to Confidential that is not one of those</p> <p>5 subcategories that I mentioned.</p> <p>6 Q. So do I understand correctly that there are</p> <p>7 four separate teams, medical, residential, criminal, and</p> <p>8 general?</p> <p>9 A. Within Confidential.</p> <p>10 Q. Within Confidential?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And what about in the special</p> <p>13 investigations unit? What subunits, if any, are there</p> <p>14 within that group?</p> <p>15 A. So within special, you -- you had a team that</p> <p>16 worked the EEOC complaints. There was a team that</p> <p>17 worked a rank investigation, which were -- that's the</p> <p>18 team I was on, and that was lieutenants and above. We</p> <p>19 investigated those cases. We also investigated the,</p> <p>20 what I considered to be the high-profile media cases.</p> <p>21 These cases where you'll -- you'll see an -- an officer,</p> <p>22 you know, conducting misconduct that's newsworthy that</p> <p>23 needs to be worked up quickly because the people want</p> <p>24 answers. So that also fell under the Special</p> <p>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? 3 A. High-profile, correct. 4 Q. Okay. And what about in the -- among the 5 general investigations? Is that divided into different 6 subunits? 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. 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? 20 A. Fair enough. 21 Q. During that time period, the City could 22 receive complaints of misconduct from residents, 23 correct? 24 A. That is correct. 25 Q. And other officers could also make complaints</p>	<p>1 against each other, correct? 2 A. That is correct. 3 Q. And supervisors could request that an 4 investigation of misconduct be initiated against their 5 subordinates, correct? 6 A. That is correct. 7 Q. Likewise, an officer could request an 8 investigation against one of their superiors, correct? 9 A. Correct. 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? 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. 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? 24 A. At that time, no. 25 Q. Okay. It would have to -- it would have to be</p>
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<p>1 either a civilian deciding to initiate one or a -- an 2 officer deciding to initiate one, correct? 3 A. That is correct. 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? 11 A. That's fair. 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. 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>1 subject report. And then that, at the time, would be 2 faxed over to IPRA or COPA. 3 At that point, they will determine 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. 11 Q. Okay. And when you say Internal Affairs, is 12 that the same as the Bureau of Internal Affairs, or 13 BIA? 14 A. Yes. Yes, it is. 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? 18 A. So what happens is, all cases, all 19 investigations are assigned initially a log number. 20 Q. Okay. 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</p> <p>2 -- a toggle button and you would -- you would switch it</p> <p>3 over to a CR number. So that's -- so all the numbers</p> <p>4 come, in back then, as infos. Not all, but most of them</p> <p>5 come in as infos, and then we convert them -- I'm sorry,</p> <p>6 as log numbers. Then we convert them to CR numbers,</p> <p>7 unless the person making the complaint is a officer. If</p> <p>8 it's an officer complaining against an officer, that</p> <p>9 case is automatically a CR number.</p> <p>10 Q. I understand. And when it changes from a log</p> <p>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</p> <p>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</p> <p>17 its investigators were civilians, correct?</p> <p>18 A. I -- I believe, because this is going back</p> <p>19 sometime, but I believe there were sworn Chicago police</p> <p>20 officers assigned to work at OPS at the time.</p> <p>21 Q. And so, that would -- including up until the</p> <p>22 time it became IPA, correct?</p> <p>23 A. I'm not sure of the time frame, but I do</p> <p>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</p> <p>4 civilian investigators?</p> <p>5 A. Yes.</p> <p>6 Q. Were most of the investigators at OPS</p> <p>7 civilians?</p> <p>8 A. Yes. Yes.</p> <p>9 Q. What was the extent of sworn officers</p> <p>10 participation as in -- as working within OPS?</p> <p>11 A. From what I recall, the sworn officers and the</p> <p>12 civilian investigators, they did the same work. It's</p> <p>13 just that they had sworn officers doing investigations</p> <p>14 for them as well.</p> <p>15 Q. Okay. What is the -- what is the Auto CR</p> <p>16 system?</p> <p>17 A. The Auto CR system is the -- is the -- it's an</p> <p>18 electronic system that we use to investigate our cases.</p> <p>19 So we were able to upload all of our attachments to the</p> <p>20 cases. We were able to memorialize who the accused</p> <p>21 were, the witnesses were, and that's the case we use to</p> <p>22 -- just really to work up the whole investigation and</p> <p>23 then to submit it for approval once we close the case.</p> <p>24 So that -- that was a standalone system. It had nothing</p> <p>25 to do with OPS or IPRA. It was our internal database</p>
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<p>1 that was used to work up our complaints.</p> <p>2 Q. Did the Bureau of Internal Affairs also use --</p> <p>3 wait, sorry. Let me take a step back. Did OPS and IPRA</p> <p>4 also use Auto CR, or was it just -- well, actually,</p> <p>5 strike that. Did both the Bureau of Internal Affairs</p> <p>6 and OPS and IPRA use the Auto CR system?</p> <p>7 A. No, that was just our system. Now, if they</p> <p>8 had a different version of our system, I wasn't aware of</p> <p>9 that because I never worked there. But I -- as I -- as</p> <p>10 a supervisor, even up to a commander, I -- I just -- I</p> <p>11 never saw their cases within our system. It was only</p> <p>12 our investigators that were working within that system.</p> <p>13 Q. During -- no. Was the -- was the leadership</p> <p>14 -- well, it was leadership of OPS Civilian Law</p> <p>15 Enforcement, or could it be either?</p> <p>16 A. I -- I'm not aware -- I wasn't aware of their</p> <p>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.</p> <p>20 I do recall that.</p> <p>21 Q. And, the City -- what was -- what was CPD's</p> <p>22 role, if any, in giving input to the leadership of</p> <p>23 IPRA?</p> <p>24 MR. MICHALIK: Object to the form of the</p> <p>25 question.</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</p> <p>6 another as to whether CPD participated in -- like, for</p> <p>7 example, the superintendent participated in selecting</p> <p>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</p> <p>11 prevent the superintendent from weighing in on these</p> <p>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</p> <p>17 objection, that by weighing in, I mean the</p> <p>18 superintendent participating in, you know, giving</p> <p>19 feedback on or otherwise having involvement in the</p> <p>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,</p> <p>23 did the Bureau of Internal Affairs have any involvement</p> <p>24 in that investigation by OPS or IPRA?</p> <p>25 A. No.</p>

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



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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.

9 Q. Okay. So then, what's the next step in the  
 10 investigations?

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.

25 Q. Okay. If -- when -- if the investigator

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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?

5 A. Oh, definitely.

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?

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.

17 Q. But, what if -- what if the incident is from  
 18 before the date the officer left the department? What  
 19 is the --

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

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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.

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?

10 A. And as you -- and -- and as long as the  
 11 complainant signs the affidavit.

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?

16 A. That is correct.

17 Q. And I've heard that referred to as, like, an  
 18 accountability sergeant. Is that familiar to you?

19 A. That's -- that's the newer term. We do have  
 20 accountability sergeants currently in all districts in  
 21 all units.

22 Q. Okay. So if that's newer, what was -- I want  
 23 to focus on this 1999 to 2011 period --

24 A. Okay.

25 Q. -- and not what's newer. How did it -- what

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1 was the process by which an accused officer's supervisor  
 2 would be assigned a CR to investigate during this time  
 3 period?

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.

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?

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.

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?

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.

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?

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.

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.

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?

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?

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?

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

1 Q. Okay. And the expansion to search and  
2 seizure, that was after the time frame we're talking  
3 about of 1999 --

4 A. That is correct.

5 Q. Okay.

6 A. That is correct.

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?

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

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.

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 --

13 A. That is --

14 Q. -- one to the other, correct?

15 A. Yeah. That is correct.

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?

21 A. Yes.

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?

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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.

7 Q. Okay. Or, it could be sent out to the unit to  
8 investigate, correct?

9 A. That is correct.

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?

14 A. A written policy?

15 Q. Yes, sir.

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.

20 Q. Who did that lieutenant report to?

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.

25 Q. And could you walk me through the chain of

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1 command between the lieutenant and the superintendent,  
2 please?

3 A. And the superintendent?

4 Q. Yes, sir.

5 A. Okay. Sure. You -- you have the lieutenant,  
6 then you have captains -- or are you talking about  
7 within BIA?

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?

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.

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?

24 A. Well, it all depends on what information you  
25 gather from the complainant. If the complainant, let's

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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.

13 Q. Okay. And what happens next after those  
14 steps?

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.

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?

23 MR. HILKE: Well, I'm sorry. Let me ask that  
24 as a question then.

25 BY MR. HILKE:

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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?

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.

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.

13 A. Okay.

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?

19 A. Yes.

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?

24 A. Okay. At that -- at that point, the -- the  
25 officer is given 72 hours to -- to submit to a -- a form



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.

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?

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.

17 Q. And did -- why is that?

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.

25 Q. Got it. And was that a -- was that a fairly

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?

4 A. Yeah, during that time frame, and if it's in  
 5 the unit, yes. In the District Corp unit, yes.

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?

9 A. No. They were not told that.

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?

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.

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

1 determine whether to sustain complaint or not, correct?

2 A. Correct.

3 Q. And is there any written guidance that you're  
 4 aware of that tells investigators how they should weigh  
 5 credibility?

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.

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?

24 A. That is correct.

25 Q. There's another category, I think it's

1 exonerated, right?

2 A. Yes.

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.

6 A. Oh, exoneration?

7 Q. Is that what exonerated means?

8 A. No, that means it actually happened, but the  
 9 officer's actions are lawful and proper.

10 Q. I see. What was -- what's --

11 A. Unfounded.

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?

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.

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?

25 A. Preponderance, more -- more likely than not,

1 that happened. 51 percent.

2 Q. Okay. So when an investigator is faced with  
3 -- one second. When an investigator is dealing with  
4 conflicting accounts, for example, the complainant says  
5 misconduct happened of a certain kind, the off -- the  
6 accused officer factually denies it, what kind of  
7 additional evidence is necessary for the investigator to  
8 make a determination that, this isn't just unfounded,  
9 this is either sustained or -- I'm sorry. This isn't  
10 just not sustained. This is either unfounded or  
11 sustained?

12 A. So -- okay, well, as far as even -- additional  
13 evidence, videos, photos, witness accounts, impartial  
14 witnesses, that are -- you know, so if you have an  
15 officer, you have a citizen, typically an investigator  
16 would not, you know -- if you interview the officer's  
17 partner or the civilian complainant's brother, you know,  
18 it's -- it's -- you still kind of weigh it out as being  
19 one-on-one because, of course, they're going to side  
20 with their -- their parents or significant others or  
21 what have you. So it's like, you just, you need some  
22 impartial evidence to -- to really weigh in on the  
23 investigation to show that it actually did happen, or it  
24 didn't happen.

25 Q. Okay. And so, you're essentially looking for

1 either video or photo, something objective or a witness  
2 who, you know, isn't a relative of the complainant,  
3 isn't a partner of the accused officer?

4 A. That is correct.

5 Q. Getting back to my question about weighing  
6 credibility, are you aware of any written material given  
7 to investigators that guided them as to how they should  
8 try to weigh the credibility of the witnesses in an  
9 investigation?

10 MR. MICHALIK: Objection. Asked and answered,  
11 go ahead.

12 THE WITNESS: Well, so basically, that just  
13 boils down to the four -- the four findings. So you  
14 have to make your determination based on whether or  
15 not the case is sustained, not sustained, unfounded,  
16 or exonerated. So I mean -- and -- and reaching  
17 that conclusion, it's all based on the attachments  
18 and the evidence you -- you gather during the course  
19 of your investigation.

20 BY MR. HILKE:

21 Q. I asked you a bad question. What I should  
22 have asked is the guidance that the department provided  
23 to investigators, to your knowledge, was limited to its  
24 description of the four allegation categories; is that  
25 correct?

1 A. That is correct.

2 Q. Okay. And was it the role of the investigator  
3 if the investigator may -- and -- strike that. Do you  
4 understand by investigator I mean, anyone investigating  
5 a complaint, whether it's someone in the chain of  
6 command for unit assigned CR, as well as an OPS or BIA  
7 investigator?

8 A. Yes.

9 Q. Okay. For an investigator, if they recommend  
10 that a -- well, actually, I should ask you a question.  
11 Does the investigator have the power to sustain a CR, or  
12 are they just making a recommendation that will be  
13 reviewed by others?

14 A. So -- so -- so that's -- that's -- to me, it's  
15 a weird question because back then, we had -- were  
16 called police agents that were not -- were not  
17 sergeants, but they were investigators. So when the  
18 police agent finished their investigations, they would  
19 -- they would recommend a finding for the case that's  
20 reviewed by a sergeant. But the majority of  
21 investigators at BIA were and are sergeants now. And --  
22 so we make our -- we would make our own recommendations  
23 for penalty.

24 Q. Okay. So --

25 A. And findings.

1 Q. Yeah, so let me separate two things. I'm  
2 going to ask you about the findings now, and I'll ask  
3 you about the penalty next.

4 A. Okay.

5 Q. But as to the findings, whether it's a police  
6 agent or a sergeant, there's further review after the  
7 recommendation of the investigator, correct?

8 A. That is correct.

9 Q. The investigator never has a final say on,  
10 like, the investigator, whether a police agent, or a  
11 sergeant, or whoever's investigating, never has power to  
12 finalize a disciplinary recommendation, that's always  
13 made it a higher level in the chain of command, correct?

14 A. That is correct.

15 Q. Okay. And then when a sergeant -- actually,  
16 which investigators had power to also recommend  
17 punishment when they made a recommendation as to  
18 disposition?

19 A. The sergeants.

20 Q. Okay. So within OPS-IPRA -- well, within  
21 OPS-IPRA, few of the investigators, and at the time of  
22 IPRA, none of the investigators are sergeants, correct?

23 A. That is correct.

24 Q. They're all civilian -- at IPRA, they're --  
25 it's all civilian employees, correct?

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1 A. That's correct.

2 Q. Does that mean that the IPRA investigators  
3 would not make disciplinary recommendations?

4 A. That's a good question. I'm not -- I'm not  
5 certain if they -- I'm not certain if they did make the  
6 penalty recommendation because that -- those cases went  
7 directly to the advocate section. So I, you know, as an  
8 investigator, I would not have seen that process, but  
9 I'm not certain if they made their penalty  
10 recommendation or they made the finding recommendation  
11 of their investigation.

12 Q. Yeah. Is it fair to say that the process for  
13 who makes penalty recommendations and how is going to be  
14 in the general orders and special orders you talked  
15 about before?

16 A. It should, yes.

17 Q. Okay. And you just mentioned the advocate  
18 section. Can you explain to me what the advocate  
19 section is?

20 A. The -- the advocate section is -- is a -- a  
21 section that is supervised by the department advocate,  
22 who -- who's typically an -- an attorney, an attorney  
23 within the department, and they -- they have a team of  
24 anywhere from ten to 15 officers, and maybe another -- a  
25 sergeant or two, that review the cases and prepare the

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1 cases to be reviewed by the superintendent and cases for  
2 the police board.

3 And -- yeah, so after the -- after the  
4 investigation is completed, and our cases are turned in,  
5 they go to the advocate section for review and they make  
6 sure that the -- the case is sound, complete, the  
7 attachments are in order. That the -- the findings are  
8 appropriate and all the -- all the complaints that were  
9 made by the -- the -- the citizens or the officer  
10 complainants have been addressed within the -- the  
11 investigation. And then they -- they prepare it for  
12 either at -- now command channel review. Because at  
13 this point, they -- these cases go out to the command  
14 channel for the accused officers. If you -- if you  
15 understand what I'm saying.

16 Q. I do.

17 A. So -- and then they also prepare it -- these  
18 cases, for review by the -- by legal affairs and the  
19 superintendent's office.

20 Q. Does the advocate section review all  
21 investigations, or just those recommended sustained?

22 A. No, they review all, not sustained -- yeah.  
23 All cases.

24 Q. And so, at is it the case --

25 A. I -- I'm sorry. Except for cases that are

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1 administratively closed.

2 Q. Is it the case that all investigations from  
3 1999 to 2011 then should be reviewed by the advocate  
4 section before they go to Command Channel Review?

5 A. Yes.

6 Q. And do all complaints whether, you know,  
7 sustained, not sustained, or any disposition get command  
8 channel review?

9 A. No, just -- just the complaints that are not  
10 administratively closed, but the cases with findings,  
11 unfounded, not -- not sustained, sustained, they go  
12 through command channel.

13 Q. Okay. And is the Command Channel Review  
14 process different for sustained complaints versus  
15 unfounded, exonerated, or not sustained complaints?

16 A. I think the only -- the only difference is for  
17 the sustained complaints, if these cases are, I believe,  
18 30 days are over and a penalty that's recommended, those  
19 cases, I believe go to a third level of review, as  
20 opposed to the -- the first and second level that  
21 typically gets reviewed.

22 Q. And can you describe to me how the Command  
23 Channel Review process worked during this time period?

24 A. During this time? So -- well, so during that  
25 time period, there was -- I don't think we had Command

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1 Channel back then. I think we had a complaint review  
2 panel, is what it was called.

3 Q. Okay.

4 A. So sustaining cases -- see, I don't -- I'm not  
5 -- I'm not -- I remember the complaint review panel, and  
6 I just don't know if they only worked up or reviewed  
7 cases that were sustained, or if they did cases with the  
8 other findings as well, but it was comprised of the -- a  
9 lieutenant, a -- a sergeant, and another PO, or an  
10 officer that's the same rank as the accused member. And  
11 they would sit, and they would go over the investigation  
12 and they would make the determination of -- of, like,  
13 penalty, you know, as -- as -- and it would serve as the  
14 -- the Command Channel at the time.

15 Q. Okay. And -- one second. So -- sorry.  
16 During this time frame from 1999 to 2011, after the  
17 investigator completes the investigation and makes a  
18 recommendation, and after the advocacy section, then  
19 package -- you know, reviews the investigation, is the  
20 immediate next step the complaint review panel?

21 A. Back then -- see, I'm -- I'm not certain if  
22 the complaint review panel occurred. Well, no. The  
23 case would have to go to the advocate section first, and  
24 then the complaint review panel. Yes.

25 Q. And then what happens after the -- and the

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?

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.

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?

16 A. Yes, I can say that.

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?

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

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.

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?

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.

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 --

17 A. Advocate.

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?

21 A. That's correct.

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?

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.

6 Q. And how does the grievance process play out?

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.

11 Q. How does that work?

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.

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?

23 A. No.

24 Q. And then, what about where the suspension was  
25 30 days or more, or separation from the department, how

1 would the process play out where that's a disciplinary  
2 recommendation?

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.

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?

13 A. I do not.

14 Q. Okay. Could it have been either the  
15 superintendent or any person delegated by the --

16 A. Or designee, correct.

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?

21 A. That is correct.

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?

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?

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

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

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 statutes 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

1 to/from or a statement, correct?

2 A. Right. So -- back -- here, so back during

3 that time frame, this mediation process was fairly new.

4 So we were conducting full investigations, interviewing

5 everyone prior to mediation, but -- but then the

6 mediation process really evolved to where the FOP and

7 the member's attorneys -- after the member was sometimes

8 served the -- served the allegation, or after witnesses

9 were interviewed regarding the case, the attorneys would

10 -- would get ahead of the case and say, Hey, my -- my

11 client wants -- would like to mediate the case. And

12 once the case is mediated, a lot of the other

13 investigative steps would not be taken because -- and

14 this is after the member is served the -- the

15 allegations, of course. We wouldn't have the member sit

16 for a statement. We would just go ahead and mediate the

17 case, based on the member reviewing the allegations with

18 the attorney.

19 Q. Got it. And so, as part of the mediation

20 process, the accused officer, essentially, agrees that

21 the finding will be sustained, and agrees that there'll

22 be a such and such penalty, but they do not give a

23 to/from, or a statement as part of the investigation; is

24 that correct?

25 A. That is correct. But then there are -- there

1 2008 or '9, maybe. I'm not -- I was -- I'm just really

2 -- I'm not certain of the date, but I -- I recall it. I

3 really -- I recall the mediation, but -- yeah.

4 Q. What was the reason for the department

5 introducing mediation as a way to resolve CRs?

6 MR. MICHALIK: Object to the form, foundation.

7 THE WITNESS: I -- I -- I think -- I believe it

8 is -- it was to -- to resolve -- I -- I won't say

9 resolve cases quickly, but if we can have officers

10 come in and admit their wrongdoing, then we can move

11 forward with the investigation and -- and close out

12 these cases, instead of spending a lot of time in --

13 in doing investigative work and interviewing a lot

14 of people, when the member can just come in and

15 admit their wrongdoing and be -- you know, penalized

16 for it. And then we -- so we can just move on.

17 BY MR. HILKE:

18 Q. I apologize if I asked this, but the victim or

19 complainant, they do not participate in the mediation

20 process, correct?

21 A. No.

22 MR. MICHALIK: That is correct?

23 BY MR. HILKE:

24 Q. You mean is that correct?

25 A. Oh, that is -- I'm sorry. That -- that is

1 are times where a member has sat for a statement, but

2 then the case has been mediated after that.

3 Q. Okay. And is that usual -- is that usual or

4 unusual in terms of the mediation process?

5 A. That --

6 MR. MICHALIK: Object to the form. Go ahead if

7 you understand.

8 THE WITNESS: That is -- it doesn't happen that

9 often.

10 BY MR. HILKE:

11 Q. Okay. And the example you're talking about,

12 is that from the 1999 to 2011 time frame, or is it after

13 that time period?

14 A. Well, like -- well, back between the -- the --

15 the time period, mediation was fairly new. I could say

16 I mediated the first case, but mediation was fairly new

17 and the -- a lot of the mediations took place after the

18 interview -- after the interview, but then it -- it

19 evolved to where the mediations were taking place after

20 the member was served with the allegations.

21 Q. Okay. So -- just so I -- just so I understand

22 it right -- okay. When did you -- when did you conduct

23 the first mediation?

24 A. Oh, wow. I would -- I would have to say --

25 five, six -- if I had to guess, maybe somewhere around

1 correct.

2 Q. Okay.

3 A. The victim or complaint do not.

4 Q. Your Counsel just mentioned that when I --

5 sometimes, the double negatives are confusing for the

6 record, but it's correct that the victim and complainant

7 play no role in mediation, right?

8 A. That is correct.

9 Q. Okay. Now, so some -- one way that complaints

10 could come in to the department during this time frame

11 is if a complainant was arrested and they made an outcry

12 of, for example, being mistreated during their arrest,

13 that could be taken in as a complaint by the department,

14 correct?

15 A. Correct.

16 Q. And department members were obligated to

17 report any outcries of mistreatment, so that such an

18 investigation could take place, correct?

19 A. That is correct.

20 Q. Was there any -- so was there any policy that

21 prevented investigators from investigating a complaint

22 where the complainant had subsequently pleaded guilty or

23 been found guilty of a crime?

24 A. I'm sorry, can you repeat that one more --

25 Q. Yeah. Like, I'll give an example. Say a



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?

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.

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?

17 A. If -- if the member learns of the guilty plea?  
18 No.

19 MR. MICHALIK: If the investigator learns of  
20 the guilty plea?

21 MR. HILKE: Yes, correct.

22 MR. MICHALIK: I'm not sure --

23 BY MR. HILKE:

24 Q. Correct. Like, the investigator is  
25 investigating this complaint of false arrest.

1 administrative log number that has to be satisfied  
2 during the criminal case for the investigator.

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?

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.

22 Q. Sure.

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

1 A. Okay.

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?

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.

22 Q. Yeah. I --

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

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.

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?

15 A. Correct.

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?

20 MR. MICHALIK: Object to the form, incomplete  
21 hypothetical.

22 THE WITNESS: Okay. Can you -- can you repeat  
23 that?

24 BY MR. HILKE:

25 Q. I kind of -- saying that the department would

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?

7 MR. MICHALIK: Object to form. Go ahead.

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.

13 BY MR. HILKE:

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?

19 MR. MICHALIK: Object to form.

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

1 and make sure it's thorough and that every avenue's  
2 been -- it's been closed.

3 BY MR. HILKE:

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?

8 MR. MICHALIK: Object to form.

9 THE WITNESS: Yes.

10 MR. HILKE: Okay. Let's take break. We'll go  
11 ten minutes.

12 THE VIDEOGRAPHER: All right. We're off the  
13 record. The time is 11:49.

14 (OFF THE RECORD)

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.

18 MR. HILKE: Let's mark Exhibit number 2,  
19 CR 29405. This is General Order in 93-0303.

20 (EXHIBIT 2 MARKED FOR IDENTIFICATION)

21 MR. MICHALIK: Counsel --

22 MR. HILKE: Yeah.

23 MR. MICHALIK: -- before we start, this  
24 particular exhibit is marked confidential.

25 MR. HILKE: Oh, fine. Yeah. I see that.

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.

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.

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 --

14 MR. HILKE: Okay.

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...

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.

23 MR. MICHALIK: All right. Well, let's proceed.

24 MR. HILKE: Yeah.

25 MR. MICHALIK: You know, we'll -- we can

1 designate this as confidential for purposes now,  
2 but, you know, we can talk about it afterwards.

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.

9 MR. MICHALIK: That's fine.

10 MR. HILKE: All right.

11 (CONFIDENTIAL PORTION I REDACTED)

12 BY MR. HILKE:

13 Q. Sir, you've just reviewed Section C, Items 1  
14 through 15 of General Order 93-0303, correct?

15 A. That's correct.

16 Q. That's one of the policies you reviewed to get  
17 ready for this deposition?

18 A. Yes.

19 Q. And that showed the steps that the general  
20 orders say need to be taken in an Internal Affairs  
21 investigation?

22 A. That is correct.

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



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1 involved, correct?

2 A. Correct.

3 Q. Other than that, does it differentiate  
4 between, you know, General Investigation, Confidential  
5 Investigation, or any other kind of investigation?

6 A. No. The -- the initial steps are pretty much  
7 the -- the same --

8 Q. Okay.

9 A. -- with respect to all different sections  
10 within the bureau -- Bureau of Internal Affairs.

11 Q. And this is -- this is going back to an  
12 earlier topic. I said I would ask you about how does  
13 investigative steps proceed for a confidential  
14 investigation.

15 A. Yes.

16 Q. Could you please tell me what's different in  
17 terms of the investigative steps during a confidential  
18 investigation during this time period?

19 A. Well, the -- it really depends on the nature  
20 of the investigation itself than the -- than the -- the  
21 case. Typically, when cases make their way to the  
22 Confidential Section, those cases are going to require  
23 some level of surveillance. Those cases are typically a  
24 lot longer to investigate to -- to gather evidence and  
25 information regarding the -- whatever particular

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1 allegation it is. And those cases -- a lot of those  
2 cases are criminal in nature. The -- some of those  
3 cases involve our policies with respect to people living  
4 within the city boundaries, so those are our residency  
5 cases. And there are also cases that we handle  
6 regarding our medical policy that we investigate, and  
7 those -- those cases also require surveillances.

8 Q. So am I correct then that the main difference  
9 is that there may be a more complex operational  
10 component involving surveillance specifically for these  
11 kinds of investigations?

12 A. Yes, you can say that.

13 Q. Okay. Other than the more complex  
14 surveillance operations that may be involved, are there  
15 any other differences in the steps to be taken in  
16 Confidential Investigations?

17 A. Well, yes, because a -- a lot of the -- a lot  
18 of the cases that are handled in Confidential, they  
19 require a coordination with other agencies, be it the  
20 State's Attorney's Office or the U.S. Attorney's Office  
21 or our federal partners also get involved in some of our  
22 criminal cases over in Confidential. And that does not  
23 typically occur with cases that are assigned to Special  
24 or General investigations.

25 Q. Got it. And the steps to take to coordinate

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1 with other offices, are those also laid out in the  
2 general orders and special orders you referred to at the  
3 beginning of your deposition?

4 A. I -- I think it -- I think, if I'm not  
5 mistaken, it does make -- mention to contact the State  
6 Attorney's Office and maybe the U.S. Attorney's Office  
7 for assistance with some of our criminal investigations.  
8 And it -- it -- it may mention the working with our  
9 federal partners as well.

10 Q. Okay.

11 A. Not in that language, but --

12 Q. Are there any other sources, other than the  
13 general orders and special orders, where it's written  
14 down the steps to be taken in an investigation when  
15 coordinating with other offices?

16 A. I -- I think there is some language in the --  
17 there's a -- there's an SOP that was out back -- back  
18 then, standard operating procedures for the whole unit  
19 that was out there. And under the Confidential  
20 Investigation Section within the SOP, I think it -- it  
21 mentioned some of our investigative steps that were to  
22 be taken --

23 Q. Okay.

24 A. -- during that time frame.

25 Q. Got it. Any other sources I'm not asking

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1 about, the general orders, the special orders, and the  
2 standard operating procedures?

3 A. No. No.

4 Q. And so, are you familiar -- this is from the  
5 2003 to the 2007 Fraternal Order of Police contract with  
6 the requirement that no new complaint register file be  
7 opened or -- and no CRB reinvestigated or reopened more  
8 than five years after the date the complaint was made  
9 known to the police department?

10 A. Yes, I -- I -- I do recall that.

11 Q. And in those instances, the superintendent's  
12 requirement -- strike that. The superintendent's  
13 approval is required to proceed if so much time has  
14 passed, correct?

15 A. That is correct.

16 Q. During 1999 to 2011, what was the process for  
17 seeking the superintendent's approval to investigate  
18 outside of that time frame?

19 A. So I -- I think -- I -- I don't think there  
20 was a -- a written report that was needed. I just think  
21 that request was communicated up the chain, and then the  
22 chief of Internal Affairs would have, I guess, a  
23 conversation with the superintendent. But I don't --  
24 there was not, that -- that I recall, a written request  
25 to have that open.

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?

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.

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?

18 A. I don't think there's a -- a record of that.

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?

22 A. I do not.

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?

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?

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.

15 Q. Okay.

16 A. Then it would move on to either Command  
17 Channel or the police review -- review -- review panel.

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?

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

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

1 that section that after they review the case, they would  
2 sign it -- sign off on it.

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?

7 A. Yes.

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?

11 A. That is -- that's correct.

12 Q. Is it not the commander?

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 --

16 Q. Yeah.

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.

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?

25 A. That is correct.

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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?

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.

12 Q. Which task force are you referring to?

13 A. I'm referring to the Law Enforcement  
14 Anti-Corruption Task Force.

15 Q. And what was the -- what was the nature of  
16 that task force, the Law Enforcement Anti-Corruption?

17 A. The nature of it?

18 Q. Yeah.

19 A. Like, what do they investigate? Or what --

20 Q. Yeah, what do they investigate?

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

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1 involved law enforcement officers. And not just CPD,  
2 any law enforcement officer in the Northern District of  
3 Illinois.

4 Q. And was this task force in effect for the  
5 entirety of the 1999 to 2011 period?

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.

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?

14 A. Yes.

15 Q. Was this task force in effect then?

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.

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

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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.

3 BY MR. HILKE:

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?

8 A. Yes.

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?

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.

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?

22 A. That is correct.

23 Q. Was the -- and at that point, it was a task  
24 force, right? That's after 2006, correct?

25 MR. MICHALIK: I'm going to object. It assumes

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1 a fact not in evidence.

2 BY MR. HILKE:

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?

8 A. Yes.

9 Q. Did the FBI participate in the task force?

10 A. Yes.

11 Q. Did the U.S. Attorney's Office participate in  
12 the task force?

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.

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?

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

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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 --

12 Q. I do --

13 A. -- was changes that -- that took place when I  
 14 arrived.

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?

24 MR. MICHALIK: Object to the form, vague.

25 THE WITNESS: '99 to 2011?

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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.

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?

22 MR. MICHALIK: Objection, misstates the  
 23 testimony.

24 THE WITNESS: Well, between 19 -- 1999 and  
 25 2011, I cannot say for certain that that was

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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.

12 A. Okay. Different from -- from the two  
 13 different time periods, or different from -- in what  
 14 respect?

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.

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

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1 considered a task force that these sergeants from  
 2 Internal Affairs were working on.

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?

8 A. Yes.

9 Q. And that's what you were just talking about  
 10 now, correct?

11 A. Yes.

12 Q. So --

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.

16 BY MR. HILKE:

17 Q. Yeah. Can we call it a joint investigation?

18 A. Yes.

19 Q. Okay.

20 A. Between CPD and the FBI.

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?

24 A. I -- I -- I think there is a -- a paragraph in  
 25 the SOP under the Confidential Section that -- that

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1 mentions working with outside agencies on  
2 investigations.

3 Q. Is there any other written source you're aware  
4 of that addresses joint investigations?

5 A. That would be in the MOU.

6 Q. When did CPD first enter -- during this time  
7 period, when did CPD first enter into an MOU with the  
8 FBI?

9 A. I -- I don't -- I'm not aware of the -- the  
10 date of that.

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?

16 A. No.

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?

20 A. I can't disagree with that.

21 Q. Now, in terms of the MOU between the -- in  
22 terms of -- and MOU means memorandum of understanding,  
23 right?

24 A. That's correct.

25 Q. Were the -- is a memo of understanding between

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1 the FBI and CPD specific to an individual case, or  
2 governing all investigations between the -- all joint  
3 investigations?

4 A. All joint investigations.

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?

9 A. I would -- I would have to review the document  
10 to see what the actual language is in the MOU.

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?

16 A. As to the written test of -- text of the -- of  
17 the document.

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?

23 A. I have no knowledge.

24 Q. Do you have any reason to believe that the CPD  
25 ever consulted with the FBI about changing the

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1 assignment around -- yeah, changing the assignment of an  
2 officer who was under investigation?

3 A. Can you repeat that one more time?

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?

9 A. You know, is that during that time frame?

10 Q. During that time frame?

11 A. No, I have no knowledge.

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.

15 (EXHIBIT 3 MARKED FOR IDENTIFICATION)

16 THE WITNESS: Yep.

17 (CONFIDENTIAL PORTION II REDACTED)

18 BY MR. HILKE:

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?

24 A. Are you talking about from that time frame --

25 Q. During this time frame?

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1 A. No, I am not.

2 Q. Okay. All right. Exhibit 4, PL Joint 83511.  
3 It's an excerpt of Evaluation of the Use of The  
4 Affidavit Override. Sir, have you seen this document  
5 before?

6 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

7 THE WITNESS: I have not.

8 BY MR. HILKE:

9 Q. All right. This is an inspector general  
10 report, the Chicago's inspector general, about the  
11 affidavit override procedure at CPD.

12 A. Okay.

13 Q. Let me -- one second, please. Let me refer  
14 you to Page 8 of the document.

15 A. Okay.

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?

23 A. Yes.

24 Q. Now, the affidavit requirement, did that come  
25 into effect -- and strike that. That's a requirement

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?  
 6 A. Yes.  
 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?  
 10 A. No, I don't know the exact time frame of when  
 11 that requirement was in place.  
 12 Q. What were -- what were the circumstances that  
 13 caused that requirement to be implemented in CPD  
 14 investigations?  
 15 A. I -- I don't know.  
 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?  
 19 MR. MICHALIK: Object to the form of the  
 20 question. It assumes facts not in evidence.  
 21 THE WITNESS: I have no reason to disagree with  
 22 that.  
 23 BY MR. HILKE:  
 24 Q. Okay. So then the -- was that sentence we  
 25 just read, that once a preliminary investigation is

1 the head of the other agency?  
 2 A. That is correct.  
 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?  
 7 A. So I'm not familiar with that process of what  
 8 occurred at the district level or unit level.  
 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?  
 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.  
 18 Q. Okay. So it would just be among all the  
 19 policies provided to the supervisors, correct?  
 20 A. That's correct.  
 21 Q. Then on Page -- if you'll look at Page 12 of  
 22 the report --  
 23 A. Can I -- can I add something to that? So  
 24 those --  
 25 Q. Sure.

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?  
 5 A. Yes.  
 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?  
 12 A. Yes.  
 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?  
 17 A. That is correct.  
 18 Q. Whose decision is it to request an over write  
 19 from -- ride from the sister agency?  
 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.  
 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

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 --  
 13 Q. Sure.  
 14 A. -- taken to complete that case.  
 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?  
 19 A. That's correct.  
 20 Q. Do you know whether any unit supervisor ever  
 21 requested an affidavit override during this time period?  
 22 A. I do not.  
 23 Q. And you don't have knowledge of any location  
 24 where that information would be tracked, do you? Or  
 25 documented?



1 A. No.

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?

7 A. Correct.

8 Q. So the predecessor agencies to COPA are IPRA  
9 and --

10 A. OPS.

11 Q. Thank you. It's IPRA and OPS, right?

12 A. Correct.

13 Q. So the -- this document says that BIA, COPA,  
14 and their predecessor agencies submitted a total of 98  
15 affidavit 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?

19 MR. MICHALIK: Objection, foundation.

20 THE WITNESS: No, no reason.

21 BY MR. HILKE:

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

1 ever participate in a CR investigation?

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.

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?

10 A. According to the policy?

11 Q. Yes, sir.

12 A. Yes. I think it's -- it's written in the  
13 policy, yes.

14 MR. MICHALIK: Okay. He's --

15 BY MR. HILKE:

16 Q. Okay. And I'm done with the exhibit.

17 A. No, it's just --

18 Q. Was -- and was that also the expectation, that  
19 investigators would contact all complainants and all  
20 witnesses as quickly as possible?

21 A. Yes, that -- that was the policy.

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

1 like to refresh you on -- I'd like to pull up Exhibit --  
2 the exhibit is 93-0303.

3 A. Exhibit 2?

4 Q. Exhibit 2. Thanks. If you'll go to Page 4  
5 and 5, and just read Item Number 5, please.

6 MR. MICHALIK: And for the record, you're going  
7 to be asking questions about Policy 93-0303, and not  
8 Exhibit 2?

9 MR. HILKE: That's correct. I'm just asking  
10 about the policy, not -- yeah, correct.

11 THE WITNESS: Okay.

12 BY MR. HILKE:

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?

17 A. Yes.

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?

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

1 questions in a -- in a to/from report.

2 Q. And is there any specific guidance that you  
3 have knowledge of that was provided to investigators  
4 regarding that?

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.

10 Q. And when did lieutenants start enforcing that  
11 requirement?

12 A. From the -- from the day I stepped foot in BIA  
13 in 2006, that was a requirement back then.

14 Q. And that was -- in 2006, remind me, which  
15 section of BIA were you in?

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.

19 Q. Okay. And do you have any basis to say that  
20 the same requirement was applied in general  
21 investigations?

22 A. Same requirement, yes.

23 Q. Oh, but I mean, what's your basis to say that?

24 A. Because it -- well, in -- in general, they  
25 also had a lieutenant and their -- General and Special,

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.  
 6 Q. What's your --  
 7 A. I've -- I've --  
 8 Q. What's your basis to say that --  
 9 A. I've -- I've -- I've seen --  
 10 Q. -- they're very similar?  
 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.  
 16 Q. During this time period, 1999 to 2011, how  
 17 many general investigations did you review?  
 18 A. That I assist with?  
 19 Q. That you personally have knowledge of?  
 20 A. Oh, I would say a couple of thousand.  
 21 Q. A couple thousand?  
 22 A. Yeah.  
 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

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.  
 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?  
 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

1 building?  
 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.  
 7 Q. Where was Confidential Investigations?  
 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.  
 11 Q. And the investigation -- oh, actually,  
 12 specifically, what categories of allegations required  
 13 statements as opposed to/from memos?  
 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

1 officer down to police headquarters for a Q and A.  
 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?  
 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.  
 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?  
 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.  
 24 Q. Any other common criteria?  
 25 A. I mean, from what I can think of right now,



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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.

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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

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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?

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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

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1 is if the supervisor actually investigated it because it  
2 was assigned to the unit?

3 A. That's correct. Or if the -- or if the  
4 accused officer tells the supervisor.

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?

10 A. No.

11 Q. And is that true for all kinds of  
12 investigations, general investigations, criminal  
13 investigations, and confidential investigations?

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 in internal notification to the supervisor if the  
18 case was handled by Confidential.

19 Q. And when you say would become newsworthy, can  
20 you explain what you mean?

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.

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1 background and just make a request to see it prior to  
2 making a decision.

3 Q. And did that history include just sustained  
4 CRs or all dispositions and CRs?

5 A. It -- it typically contains a five-year  
6 sustained history.

7 Q. Okay. So just sustained in just the last five  
8 years, correct?

9 A. Yes.

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?

14 A. The SPAR history.

15 Q. Okay. And other than SPAR history and CR,  
16 anything else to --

17 A. You talking about the -- the findings of,  
18 like, all their -- their cases?

19 Q. Yeah.

20 A. 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.

25 Q. Okay. So I want to ask you a little about the

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1 Q. So you mean literally, that --

2 A. Yes.

3 Q. -- they might see it on TV or the news?

4 A. They might see it on Channel 2 or 3. Yes.

5 Q. Okay. And why didn't CPD give supervisors  
6 more information about CRs against their subordinates?

7 A. Why didn't they?

8 Q. Yeah.

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.

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?

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

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1 transition from OPS to IPRA.

2 A. Okay.

3 Q. When did OPS end and IPRA start?

4 A. I would be guessing.

5 Q. Okay. That's all right. What were the --  
6 operationally, what changed when OPS became IPRA?

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.

12 Q. Okay. Any other major changes between the  
13 entities that you're aware of?

14 A. I -- I think a -- a big part of IPRA was a bit  
15 more transparency in their investigation. Yeah.

16 Q. So a change in how much information was shared  
17 about investigations they did, correct?

18 A. Yeah.

19 Q. Anything else?

20 A. Not that I can recall right now.

21 Q. And is it correct that many of the staff would  
22 work at -- that OPS joined IPRA when IPRA was formed?

23 A. I'm not certain of that.

24 Q. You wouldn't have any reason to agree or  
25 disagree, fair enough?

1 A. I would not have reason to disagree.  
 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?  
 8 A. I'm not aware.  
 9 MR. HILKE: I only have, like, another 15  
 10 minutes. And you, how are you doing?  
 11 MR. MICHALIK: I'm fine. How are you doing?  
 12 THE WITNESS: I'm good.  
 13 BY MR. HILKE:  
 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.  
 19 (EXHIBIT 5 MARKED FOR IDENTIFICATION)  
 20 THE WITNESS: Okay. Thanks.  
 21 BY MR. HILKE:  
 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?

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.  
 8 Q. I understand.  
 9 A. So that's one of the things you want to look  
 10 at.  
 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?  
 15 A. For SPAR, during -- during that time?  
 16 Q. During that time in general.  
 17 A. No.  
 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?  
 24 A. Well, yeah. You -- you would weigh in their  
 25 histories, their complaint history, their disciplinary

1 A. Correct.  
 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?  
 7 A. Correct.  
 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?  
 11 A. Correct.  
 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?  
 15 A. Correct.  
 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?  
 21 A. Oh, definitely.  
 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?  
 25 A. One -- one thing to consider is the severity

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.  
 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.  
 14 A. Okay.  
 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?  
 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.

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.

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?

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?

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?

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

1 CR, if you thought it warranted, correct?

2 A. Correct.

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?

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.

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?

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.

8 Q. Got it. So that's kind of in their  
9 discretion --

10 A. Yeah.

11 Q. -- to figure out how to proceed, correct?

12 A. Correct.

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?

17 A. Correct.

18 Q. And this is a -- this is an inclusive list,  
19 right?

20 A. Yeah.

21 Q. These are all the categories that should be  
22 handled by SPARs, correct?

23 A. Correct.

24 Q. Or I should say can be handled by SPARs,  
25 because even if it qualifies, you could still make it a

1 MR. MICHALIK: Object to the form of the  
2 question.

3 THE WITNESS: Yes.

4 BY MR. HILKE:

5 Q. Okay.

6 A. But SPARs only go from reprimand to three  
7 days.

8 Q. Right.

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.

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?

17 MR. MICHALIK: Object to the form.

18 THE WITNESS: I didn't create this, unless -- I  
19 can't answer that question.

20 BY MR. HILKE:

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?

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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

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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

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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

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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?

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1 A. Correct. I can SPAR an officer if I'm driving  
 2 home.  
 3 Q. Okay.  
 4 And the policy we've just been looking at was  
 5 provided to all officers, correct?  
 6 A. Correct.  
 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?  
 10 A. Correct.  
 11 MR. HILKE: Okay. All right. Let's take a  
 12 break.  
 13 THE VIDEOGRAPHER: We're off the record. The  
 14 time is 1:31 p.m.  
 15 (OFF THE RECORD)  
 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.  
 19 BY MR. HILKE:  
 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?  
 24 A. The disciplinary -- no. No, not the  
 25 disciplinary role. It did not play a role.

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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?  
 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.  
 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?  
 14 MR. MICHALIK: I'm just going to object to the  
 15 form that question. Go ahead, if you know.  
 16 THE WITNESS: Can you -- one more -- can you go  
 17 over that one more time?  
 18 BY MR. HILKE:  
 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?  
 24 A. No. That would skip to the superintendent of  
 25 police.

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1 Q. Okay. So --  
 2 A. To make the decision of personnel movement.  
 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?  
 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.  
 10 Q. Okay.  
 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.  
 16 Q. I understand. Does the chief of BIA make any  
 17 recommendation in that situation?  
 18 A. Yeah, yeah. In -- in the -- at -- at times,  
 19 the chief has, yes.  
 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?  
 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

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1 better served by that member not being actively on the  
 2 street, working.  
 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?  
 7 A. Correct.  
 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?  
 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.  
 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?  
 20 A. Yes, it is.  
 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.



1 A. Yes.

2 Q. Did -- during this time frame, did BIA keep

3 track of how many investigations were assigned at the

4 unit level?

5 A. I would say yes. Yes --

6 Q. Okay.

7 A. -- that -- that information is tracked.

8 Q. All right. And if I -- am I correct that --

9 well, strike that. When a CR is initiated, a category

10 code is assigned to the CR, correct?

11 A. That's correct.

12 Q. And those are the codes that the department

13 uses to understand what's the nature of the allegations

14 being made?

15 A. That's correct.

16 Q. Was there any limit on categories of

17 allegations that could be assigned to be to the unit

18 level?

19 A. A limit?

20 Q. Yeah. Meaning, were there any categories of

21 allegations that could never be assigned to the unit

22 level?

23 A. Yes. There are certain category codes that

24 would not -- would not be assigned to a unit level.

25 Q. Which category --

1 -- you can benefit from it.

2 Q. So like taking bribes would be an example,

3 correct? Or to seek soliciting bribes -- or I'm sorry.

4 That's not what you're talking about. It sounds like --

5 A. It's not --

6 Q. -- you're talking about sort of -- well,

7 coercion -- sorry. Let me take a step -- let me ask you

8 if these are examples that you're talking about. So just

9 to give one example, if an officer -- you know, if

10 someone -- if, for example say that there's someone

11 who's, like engaged in prostitution. If an officer, you

12 know, asks for sex or money in exchange for not

13 arresting that person, would that constitute coercion?

14 A. I -- I would say so, yes.

15 Q. Okay. And if -- what if an officer says, I'm

16 going to put charges on you unless you can bring me --

17 unless you pay me, would that be coercion?

18 A. I think that's more of extortion.

19 Q. Could -- would extortion -- would complaints

20 of extortion be appropriate to assign to the unit level?

21 A. No.

22 Q. Say it's instead, I need you to bring me a

23 gun, right, a gun that I can, you know, report as

24 getting -- or I'm going to arrest you for some charge,

25 would that constitute coercion?

1 A. Coercion, for example. It -- all -- all

2 criminal investigations, EEOC complaints are not

3 assigned. Basically, any category code that would fall

4 under Special Investigations, Confidential

5 Investigations. Yeah, most of your -- your criminal

6 cases, those would not be assigned to the units and

7 districts.

8 Q. And you mentioned coercion as a category that

9 wouldn't be assigned to the unit level. What

10 categorizes a coercion complaint? What's a -- what's

11 the definition of coercion?

12 A. I don't know, coercion is when you, I don't

13 know, compel someone to -- to -- to do an act. Yeah. I

14 -- I -- yeah, I don't know the specific definition, but

15 it's -- I know you're -- you're compelling someone to --

16 to do an act of some sort.

17 Q. Yeah. When you say -- when you say

18 compelling, could you explain a little bit more about

19 what you mean?

20 A. Well, compelling -- so as an officer working

21 with the streets, you -- you -- you want to -- I -- I

22 don't -- it's hard for me to describe it. But you want

23 to make a citizen -- for instance, like a tow truck

24 driver, you -- you want the tow truck driver to -- to

25 call you when -- when it's time to tow cars, so you can

1 A. Yes.

2 Q. Say you say, I need you to give me a statement

3 against, you know, this other person I'm investigating.

4 If you don't, I'm going to arrest you. Would that

5 constitute coercion?

6 A. Yes.

7 Q. None of those CBDs -- none of those should be

8 investigated at the unit level, correct?

9 A. Correct.

10 Q. And we talked before a little about how

11 supervisors would take statements or two from them

12 Miranda from accused officers when supervisors

13 investigated their subordinates. I want to ask you, in

14 the Bureau of Internal Affairs -- actually, so stepping

15 back from that. For Internal Affairs, did they have

16 interview rooms where police officers could come in and

17 give statements if they were required to give

18 statements?

19 A. Yes.

20 Q. And were those set up with whatever things

21 might be needed to conduct those interviews?

22 A. Yes.

23 MR. MICHALIK: Objection, vague. Go ahead.

24 THE WITNESS: I'm sorry. Yes.

25 BY MR. HILKE:

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1 Q. You know, for example, you know, they'd have a  
2 workstation, a computer for typing up a statement,  
3 correct?

4 A. That's correct.

5 Q. And were these interviews with police officers  
6 -- accused officers recorded at any time during this  
7 time period?

8 A. No, not during that time period.

9 Q. Did they use tape recorders to record the  
10 statements at all?

11 A. Not during that time period.

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?

16 A. Yes.

17 Q. And same for IPRA and OPS, correct?

18 A. I would -- I would hope so.

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?

24 A. As far as training, that -- that -- a lot of  
25 that came about with, like, on the job training.

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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?

5 A. Yes.

6 Q. And would that include allegations that  
7 information about a confidential investigation had been  
8 leaked to the subject of that investigation?

9 MR. MICHALIK: Objection, incomplete  
10 hypothetical.

11 THE WITNESS: Can -- can you repeat that one?

12 BY MR. HILKE:

13 Q. I can. So in the Confidential Investigation  
14 Section --

15 A. Okay.

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?

21 A. That is correct.

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?

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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.

6 Q. Okay.

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.

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?

16 A. No. If -- there was the understanding that  
17 the -- the supervisor, at the time, would take the --  
18 the investigation.

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?

22 A. That is correct.

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

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1 A. That's correct.

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?

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.

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?

15 A. Exactly.

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?

22 A. Yes. That could be the subject of another  
23 investigation or a log number, yes.

24 Q. Yeah, you said it could be. Was that -- was  
25 it policy that it was required to investigate such a



1 leak?

2 A. It -- it depends on -- see for that, a  
3 determination has to be made whether or not another log  
4 number is going to be obtained. And that's going to  
5 come about based on finding out, okay, how can this leak  
6 have taken place? You know what I mean? Is it -- yeah.  
7 I mean, it's just -- so when we -- it's hard to say if  
8 we're going to get a CR number, when we know that a lot  
9 of times when we're conducting these investigations, we  
10 have to reach outside of Internal Affairs to get  
11 information, right. So we have to sometimes contact  
12 information services to do database queries of say, for  
13 instance, not just watch sheets, but like the vehicles.  
14 Tracking vehicles, or requesting OMC tapes and stuff.

15 So in order to do that, we have to kind of go  
16 outside of the -- of the unit. And depending on what  
17 information we provide these outside agencies, that can  
18 lead to a leak or disclosure of information regarding  
19 confidential cases. So at that point, a number may or  
20 may not be obtained because we only get numbers on  
21 department members, like sworn officers or civilians.  
22 So it's kind of hard to say. But typically, as you're  
23 -- to answer your question, yes, a lot of times, it does  
24 lead to another investigation.

25 Q. And is it the department's policy that a leak

1 depending on how or if that information impacted  
2 their investigation, it will determine whether or  
3 not he chooses to -- to -- to ask that a complaint  
4 be initiated.

5 BY MR. HILKE:

6 Q. So whether to pursue more information about a  
7 leak or disclosure in a confidential investigation is at  
8 the discretion of the investigator, is based on all the  
9 circumstances; is that accurate?

10 A. Yeah. I would say that's accurate, yes.

11 Q. All right. And do you know if the department,  
12 during this time frame, did ever initiate new CRs to  
13 pursue information about leaks or disclosures in  
14 confidential investigations?

15 A. I'm not aware.

16 Q. Is that a category --

17 A. Well, I'm sorry. I -- I honestly that, when I  
18 think back, I -- I believe there were times where  
19 numbers have been generated to investigate, yeah, leaks  
20 from ongoing investigations over at the Confidential  
21 Investigation Section. Yes.

22 Q. And were those -- were those CRs given a  
23 category or otherwise tracked in any way that would  
24 allow them all to be identified?

25 A. You're talking about the -- the case itself to

1 or a disclosure like you described should always be  
2 investigated? Whether or not there is a new CR number  
3 or not, the investigator needs to follow-up and try to  
4 find out what happened and why?

5 A. Well, right. So if there's an allegation of  
6 misconduct on the part of a department member, yes.  
7 That -- a number should be generated and that should be  
8 investigated.

9 Q. I guess, I want to make sure my question's  
10 syncing up with your answer. What -- I guess just to  
11 clarify my question, I'm not just asking about whether a  
12 situation -- strike that. Regardless of whether the  
13 investigator thinks there was misconduct by a police  
14 officer, if the investigator believes there's been a  
15 leak or a disclosure of a confidential investigation,  
16 must that investigator pursue that information and try  
17 to find out what happened?

18 MR. MICHALIK: Object to the form.

19 THE WITNESS: So I don't -- so when you say --  
20 when you say must, you know, the investigator can.  
21 They -- they can, but depending on what information  
22 has been leaked, how that information impacts the in  
23 -- the full investigation, the investigator can do a  
24 to/from requesting that a number be generated. But  
25 to say must, it's the investigator's case. And

1 be identified?

2 Q. Yeah. Like, if you wanted to say how many  
3 times did CPD investigate leaks or disclosures in  
4 confidential --

5 A. That was not tracked, no.

6 Q. Okay. All right. This is Exhibit 6. Do you  
7 see here in front of you, the Internal Affairs Division  
8 standard operating procedures?

9 (EXHIBIT 6 MARKED FOR IDENTIFICATION)

10 THE WITNESS: Yes.

11 BY MR. HILKE:

12 Q. This is BG-28997. And this is -- are these  
13 the standard operating procedures you described  
14 reviewing?

15 A. Yes.

16 Q. Okay. Let me take you to Page 6. It's  
17 double-sided. Do you see on Page 6, the description of  
18 four different possible disposition categories for CRs?

19 A. Yes.

20 Q. Is this what you were describing in terms of  
21 the description of CR dispositions that would guide  
22 investigators as to credibility findings?

23 A. Yes.

24 Q. And so, that's the section starting, A,  
25 unfounded, and ending with justified disciplinary action

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1 on Page 6 of the manual, correct?

2 A. Yes.

3 Q. I'll take you to Page 13, the second paragraph  
4 from the bottom, do you see where it says, in-depth  
5 interviews should be conducted with complainants,  
6 victims and/or witnesses. Interviews with parties via  
7 the telephone will be documented and the conversation  
8 will be summarized in as much detail as possible in a  
9 progress report. Do you know whether the department  
10 during this time frame did any sort of monitoring or  
11 auditing to evaluate how much detail was being put into  
12 the reports of interviews with witnesses?

13 A. That -- no, I'm not aware of that.

14 Q. Okay. I'll take you did the next page, Page  
15 14. Under the section withdrawal of complaints, are you  
16 familiar with the requirement discussed here that even  
17 if a complainant withdraws their complaint, the  
18 investigator still must complete a thorough and  
19 comprehensive investigation?

20 A. Yes.

21 Q. Do you know if that policy was followed during  
22 this time period, whether investigators would stop  
23 investigations because they -- because the complaints  
24 were withdrawn?

25 A. Do I know if it was followed across the board?

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1 Q. Yes.

2 A. Oh, no. I -- I -- I -- I know I followed it.

3 I don't know if everyone else was following it.

4 Q. Do you know if investigations were monitored  
5 or audited in any ways to ensure compliance with this  
6 requirement?

7 A. The -- the investigators -- investigations  
8 were all overseen by immediate supervisors. In my case,  
9 it was a lieutenant. So yeah, they were monitored by  
10 the supervisors.

11 Q. So it would've just been at the discretion of  
12 the super -- direct supervisors of the investigators  
13 during this time period?

14 A. Correct.

15 Q. Let's go to Page 16. Now do you see there's a  
16 section on Page 16 titled Criminal Allegations?

17 A. Yes.

18 Q. And if you look near the bottom of the page,  
19 there is some specific information about what to do if  
20 the allegations are of a confidential nature; do you see  
21 that?

22 A. Yes.

23 Q. And there are five steps, A through E, on this  
24 page and the next, including personally preparing the  
25 case report, giving limited information to the control

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1 desk, so -- and telling them the matter is confidential,  
2 submitting a report through channels to the director of  
3 the records division, informing them of the delay,  
4 maintaining control of both copies of the case report,  
5 and forwarding to the report -- to the records division  
6 when the investigation is completed, or if it won't  
7 impede the investigation.

8 A. I think I (Inaudible). All right, I'm good.

9 Q. Do you see that?

10 A. I'm sorry. Yes, I see that.

11 Q. Okay. And when it says, maintain control of  
12 both copies of the case report, how is that different  
13 from a regular investigation?

14 A. Okay. So for a regular investigation that's  
15 not confidential, the -- the actual case report will be  
16 maintained at the detective division or, you know, or  
17 another division within the police department, as  
18 opposed to keeping everything internal at the -- at the  
19 Bureau of Internal Affairs' Confidential Section. And  
20 there's an avenue in which to mark the -- the case  
21 confidential, just so no one else can see the -- the  
22 case reports.

23 Q. And during this time in the Confidential  
24 Section, do all the investigators in the Confidential in  
25 -- Section share a common filing system, or do the

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1 investigators keep their own cases to -- while the  
2 investigation is active?

3 A. The -- the investigators keep their own --  
4 their own working file --

5 Q. Okay.

6 A. -- at -- at their desk.

7 Q. So -- and if I read this right, does even the  
8 supervisor of the investigator have a separate copy of  
9 the -- of the case report?

10 A. It's not uncommon that they wouldn't have a  
11 copy of the case report, but typically, they -- they --  
12 they wouldn't. They wouldn't. It -- it would just --  
13 the investigator would have it, and if the supervisor  
14 had questions, they would sit down and discuss any  
15 matters, but the investigator would have the working  
16 file, and everything will be held with the -- the --  
17 with the investigator.

18 Q. Got it. So the idea is until the case is done  
19 -- or it wouldn't impede the investigation to share it  
20 further, all the information is concentrated in a single  
21 place, and that's with the investigator, correct?

22 A. Correct.

23 Q. Okay. And even records division doesn't get a  
24 copy of it until the investigation is done, correct?

25 A. Until it's closed.

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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?

6 A. Yes.

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?

13 A. There -- there was a section in here that's  
14 titled Confidential Investigation Section. I think I  
15 remember that.

16 Q. Yes.

17 MR. MICHALIK: Page 2.

18 THE WITNESS: Yes, Page 2.

19 BY MR. HILKE:

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?

23 A. Page 2. I -- I wouldn't call it a org chart.

24 Q. Oh, no, I'm sorry. Thank you. One minute. I  
25 see. Yes, okay. And so, you've also got the

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1 description at the bottom of Page 2, Confidential  
2 Investigation Section, right?

3 A. Correct.

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?

10 A. Yep, that is correct.

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?

16 A. Well --

17 Q. And you should take as long as you need to  
18 review the document. I won't rush you.

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.

23 Q. Got it. And those are describing specifically  
24 the subunits of medical roll abuse in residency,  
25 correct?

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1 A. Correct.

2 Q. Okay.

3 A. Looks like the -- that's about it.

4 Q. Okay. Any other sections that you see that  
5 are about confidential investigations?

6 A. No.

7 Q. Okay.

8 MR. MICHALIK: Just to avoid any -- can I point  
9 out one that he's overlooking?

10 MR. HILKE: Yeah. Fine.

11 MR. MICHALIK: Yeah, on Page 12.

12 MR. HILKE: Page 12.

13 MR. MICHALIK: By the way, we'll have to back  
14 on it later. So might as well do it now.

15 MR. HILKE: No, that's fine.

16 BY MR. HILKE:

17 Q. Okay. So there's also some detail on Page 12  
18 about how to initiate confidential complaint register  
19 numbers, correct?

20 A. Yes.

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?

25 A. Correct.

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1 Q. Okay. Anything else I've missed yet?

2 A. I hope not.

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?

7 A. Correct.

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?

11 (EXHIBIT 7 MARKED FOR IDENTIFICATION)

12 THE WITNESS: No.

13 BY MR. HILKE:

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.

23 A. Okay.

24 Q. It says, history of police corruption in  
25 Chicago; do you see it?

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

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.

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.

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.

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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?

6 A. That's correct.

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?

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.

25 Q. And do I understand correctly, that there were

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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?

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 forget what the  
7 time period was, then that would trigger it. It would  
8 trigger the system to --

9 Q. Right.

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.

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?

17 A. Well, I -- I believe they -- they were the  
18 same -- yeah. I believe they were the same type of  
19 misconduct cases.

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?

24 A. I -- I believe they were put in probable -- a  
25 personal concerns program, or behavioral intervention.

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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.

5 Q. And -- I'm sorry. The Personnel Division?

6 A. The Personnel Division. Yeah.

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?

11 A. Personnel is human resources for the police  
12 department.

13 Q. It's different from Internal Affairs?

14 A. Definitely.

15 Q. Okay. And so, who decided whether to place an  
16 employee in personal concerns or behavioral  
17 intervention, Internal Affairs or Personnel?

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

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1 to recommend that that person be put in a behavioral  
2 intervention program.

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?

8 A. I'm sorry.

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?

13 A. At the time, no.

14 Q. Okay. Who from Internal Affairs decided?

15 A. Well, it was a notification from the sergeant  
16 that worked in the records section of Internal Affairs  
17 to the chief.

18 Q. Okay. And then do you know what criteria the  
19 chief used to decide how to handle those notifications?

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 --

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1 Q. Okay.

2 A. Yeah, they would determine whether or not this  
3 person would be put in a program, just based on the  
4 nature of the complaints.

5 Q. Do you know how many -- is there anywhere we  
6 could find how many officers were referred from the  
7 records sergeant to the Internal Affairs chief?

8 A. See, I don't -- I don't know if that  
9 information is contained in the CRM System somehow,  
10 because that is still active. They still -- for now,  
11 they still use the CRM System, because it -- it -- it  
12 will be added to our -- our new CMS system. But for  
13 right now, it's still active, and that's something that  
14 I can ask, you know.

15 Q. Is it something that's reported in any way on  
16 a regular basis?

17 A. No.

18 Q. Okay. Is it -- is -- and by the way, is CRMS,  
19 is that part of the CLEAR System?

20 A. No. That's a standalone system that's  
21 maintained in the records section of Internal Affairs.

22 Q. Okay. And how long did the specific CRMS  
23 trigger for behavioral investigation -- behavioral  
24 intervention you've been discussing. For how long was  
25 that trigger in place?

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1 Q. Yeah.

2 A. I'm not aware of that.

3 Q. Do you have any reason to believe that any  
4 kind of squad level, division level, team level analysis  
5 took place during this time period?

6 A. I'm -- I'm not aware if it did.

7 Q. Then -- other than the behavioral intervention  
8 system you've been describing, was there any other way  
9 you're aware of that the department used, other than  
10 sustained complaints during this time period?

11 MR. MICHALIK: For what purpose?

12 MR. HILKE: For any purpose.

13 THE WITNESS: Other than sustained complaints?  
14 BY MR. HILKE:

15 Q. I think I just made up a new category. But  
16 what I mean to say is -- so you've got sustained CRs,  
17 right?

18 A. Correct.

19 Q. And for example, when assessing discipline,  
20 the only thing that a supervisor is given is sustained  
21 CRs, correct?

22 A. Did you say a supervisor?

23 Q. Yeah. If a supervisor is recommending  
24 discipline after a sustained investigation, the  
25 disciplinary record they get is just sustained CRs in

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1 A. You're talking for a particular case, or how  
2 long -- because I think it's -- I mean the system's  
3 still working. It's still working.

4 Q. And when you say it's still working, do you  
5 mean --

6 A. It's still active. It still triggers cases --

7 Q. Okay.

8 A. -- involving individual officers.

9 Q. And your -- and do you -- am I correct, the  
10 earliest that you can say it was in effect would have  
11 been overlapping the time you were in Special  
12 Investigations?

13 A. Yes.

14 Q. And before that, you wouldn't know one way or  
15 another, right?

16 A. I wouldn't know.

17 Q. Now -- okay. So let me get back to the  
18 question I meant to ask, which is the report we've been  
19 looking at contains a recommendation that trends of  
20 misconduct allegations be looked at as a group. So not  
21 just officer by officer, but say squad by squad, manager  
22 by manager. From 1999 to 2011, did the disciplinary  
23 system ever analyze misconduct allegations in that  
24 manner?

25 A. By teams? I'm not --

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1 the last five years, correct?

2 A. Yes. Yes.

3 Q. Okay.

4 A. With records, yes.

5 Q. And so, there are lots of other CRs that were,  
6 you know, not sustained, unfounded, exonerated,  
7 administratively closed, et cetera, correct?

8 A. That is correct.

9 Q. For all those other CRs, those that were not  
10 sustained, did the department conduct any analysis or,  
11 you know, take any action with regard to those CRs,  
12 after the individual investigations were complete,  
13 during this time period?

14 A. Only if there was a trigger within the CRM  
15 System that would notify the department that -- or BIA  
16 that an individual or particular officer had five or  
17 more investigations within that time period of, say, if  
18 it's a year, within that year.

19 Q. Was the disciplinary system, as a whole,  
20 during this time period, was one of its purposes to  
21 specifically address potential corruption among officers  
22 who worked in narcotics enforcement?

23 MR. MICHALIK: Object to the form.

24 THE WITNESS: Specifically, to --

25 BY MR. HILKE:



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?

13 MR. MICHALIK: Object to the form.

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,

1 then the case would be open, and then we would  
2 conduct investigations.

3 BY MR. HILKE:

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?

11 A. I don't --

12 MR. MICHALIK: Objection, form, foundation.

13 THE WITNESS: I don't know. I don't know. I'm  
14 unaware of that.

15 BY MR. HILKE:

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?

21 A. No. I don't -- I don't think there was a  
22 shift in manpower at the -- at Internal Affairs.

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

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?

7 A. Correct. And typically, those cases would  
8 make their way to Internal Affairs from the Office of  
9 Legal Affairs.

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?

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.

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?

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.

5 Q. Got it. And when you say the disposition, you  
6 mean at the point the case is over, like --

7 A. Yeah.

8 Q. -- civil trial, et cetera --

9 A. Yup.

10 Q. -- dismissed?

11 A. Yes.

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?

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

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...

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?

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.

15 Q. And was there a policy regarding what  
16 materials the investigator should request during civil  
17 suit cases during this time period?

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.

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?

24 A. That is correct.

25 Q. And -- so in every civil suit case during this

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?

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.

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?

13 A. Correct.

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?

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.

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?

1 A. Yes.

2 Q. Okay. So -- and that's consistent with the  
3 discretion investigators had to decide how to handle  
4 their cases, correct?

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.

13 Q. Who makes the decision whether to move  
14 forward?

15 A. With the -- the case?

16 Q. Yeah. To --

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.

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?

25 A. It -- right. Unless instructed, you know, by

1 their supervisor to -- to take one step, or you know,  
2 take this direction with the case.

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?

6 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

7 THE WITNESS: I have not.

8 BY MR. HILKE:

9 Q. So I believe Lori Lightfoot wrote this report  
10 before she became mayor. Is that the --

11 A. Oh, she's --

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?

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.

19 MR. HILKE: That's fine.

20 BY MR. HILKE:

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 --  
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

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1 you about. It has a section that said -- that says,  
2 missed opportunities to identify misconduct; do you see  
3 that?

4 A. Nope. I think I'm on the wrong page. Yep.  
5 Got it.

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?

12 A. Correct.

13 Q. And what you described before as the CRMS  
14 System, that was within Internal Affairs, correct?

15 A. That's correct.

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?

20 MR. MICHALIK: Objection, form, foundation.  
21 And it relies on a statement here without providing  
22 the source of that information.

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.

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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.

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.

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

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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?

4 A. Correct.

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?

12 A. Not that I -- not that I can recall.

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?

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

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1 process.

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.

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.

24 Q. I think I understand. So investigators would  
25 wait for the criminal case to resolve before proceeding

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1 with the administrative investigation?

2 A. Well, they'll -- they'll -- they'll wait. You  
3 won't finalize the administrative case until you get  
4 resolution on the -- you can move forward. You can do  
5 certain things. You can do certain things if you're  
6 handling criminal cases at Confidential, right? We're  
7 not talking task force or anything, we're just talking  
8 criminal cases at Confidential. The -- yeah, yeah.

9 then you -- you can move forward with the  
10 case. You can do certain things. You can take -- you  
11 can get video evidence. You can do certain  
12 investigative steps, but you don't want to make a final  
13 decision or disposition without knowing how the criminal  
14 case played out in court.

15 Q. Aside from waiting to make the final  
16 disposition, were there any other steps that  
17 investigators could not take before the criminal case  
18 finished?

19 MR. MICHALIK: Object to the form.

20 THE WITNESS: Well, so -- typically, the  
21 investigator wouldn't interview the for the  
22 administrator, the officer, because that would be a  
23 compelled statement. And then that -- that  
24 information that was garnered from the  
25 administrative case could not be used for the

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1 criminal case. So typically, you would hold off on  
2 interviewing the accused officer before the -- the  
3 criminal is complete.

4 BY MR. HILKE:

5 Q. Okay. So other than those steps, was the  
6 expectation that the regular preliminary investigative  
7 steps should still be taken even if there's a pending  
8 criminal case?

9 A. They could be taken.

10 Q. Was there any expectation about what steps  
11 should or should not be taken?

12 A. Like I said, interviewing of the -- of the  
13 accused officer. And depending on -- it's depending on  
14 the nature of the -- of the complaint or the -- the  
15 crime. Certain steps will or will not be taken, you  
16 know, as not to impact the outcome of the criminal case,  
17 which really takes precedence when you're looking at  
18 both investigations.

19 Q. And the -- during this time frame, did CPD  
20 close administrative investigations that were concurrent  
21 with criminal conduct, just because of a not guilty or  
22 dismissed finding against an accused officer in a  
23 criminal case?

24 MR. MICHALIK: Object to the form.

25 THE WITNESS: Did they close them? Just --

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1 just --

2 BY MR. HILKE:

3 Q. Should I try again?

4 A. Just administratively close the case, or...

5 Q. Yeah. Well, what --

6 A. Or reach -- reach a finding?

7 Q. What -- I guess what I mean is, and I'm going  
8 to give you two possibilities and I'll ask you if either  
9 or something totally different was how CPD did it. So  
10 you're not limited to these two. One possibility is  
11 when a -- you know, if there's a criminal and  
12 disciplinary investigation, if the officer is found not  
13 guilty, then the case should be closed because the  
14 officer was found not guilty. Another possibility is  
15 well, criminal cases are beyond a reasonable doubt,  
16 administrative investigations are a preponderance  
17 standard, and so we should still conduct a supplemental  
18 investigation when an officer is not guilty. It could  
19 also be something completely different from either of  
20 those two things. I'm just trying to ask you what CPD's  
21 practice was for how the administrative investigation  
22 would proceed after the criminal case finishes.

23 MR. MICHALIK: Object to form.

24 THE WITNESS: Okay. So we -- no, you -- you  
25 will continue the investigation because a lot of

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1 times when you have these criminal investigations  
2 into a department member and you have the  
3 administrative case, the fact that the member is  
4 found not guilty in a court of law, that doesn't  
5 mean you just close out the case totally and stop  
6 investigating the case, because the administrative  
7 case is based on allegations -- allegations.

8 So the -- you know, you have your criminal  
9 case, but you can have a series of rule violations  
10 and misconduct that's contained within that log  
11 number, even though it's a criminal case, but you  
12 still have to answer and work up each individual  
13 allegation that's in the case. You know what I  
14 mean? So a lot of times, those cases be will be --  
15 get reassigned to General because at that point,  
16 we're not looking at it criminally, we're just  
17 looking at administrative allegations and stuff. So  
18 a lot of times, that case will be reassigned to  
19 General Investigation Section, or it'll still be  
20 handled within Confidential, but you still have to  
21 have resolution for the other, like, underlying  
22 misconduct allegations.

23 BY MR. HILKE:

24 Q. And am I correct that the special order,  
25 general order, and standard operating procedures that

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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?  
 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.  
 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?  
 19 A. Yeah. Yeah. There's policies to that.  
 20 MR. HILKE: You know, I'm close, but let's take  
 21 a short break.  
 22 MR. MICHALIK: Okay.  
 23 THE VIDEOGRAPHER: We're off the record. The  
 24 time is 3:27.  
 25 (OFF THE RECORD)

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1 whomever. I just don't know case by case, but that  
 2 -- that -- that could be one avenue, the  
 3 superintendent's recommendation.  
 4 BY MR. HILKE:  
 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?  
 9 A. I -- I -- I can't speak to that.  
 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?  
 14 (EXHIBIT 9 MARKED FOR IDENTIFICATION)  
 15 THE WITNESS: I -- I have not, but it's odd  
 16 that everything happened on my birthday. January  
 17 15th.  
 18 BY MR. HILKE:  
 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?  
 23 A. Okay.  
 24 Q. And I'll point you to the third paragraph. Do  
 25 you see, in the second of -- the sentence -- the second

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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.  
 4 BY MR. HILKE:  
 5 Q. Rule 14 violations are for -- strike that.  
 6 Are Rule 14 violations made for intentional misconduct  
 7 by police officers?  
 8 MR. MICHALIK: Object to the form.  
 9 THE WITNESS: Intentional, yes. I would say --  
 10 I would say yes, it's got to be willful misconduct.  
 11 BY MR. HILKE:  
 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?  
 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.  
 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?  
 22 MR. MICHALIK: Objection, foundation.  
 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

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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?  
 5 A. Yes.  
 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?  
 11 MR. MICHALIK: Object to the form of the  
 12 question, and also the use of this document. You  
 13 can answer if you know.  
 14 THE WITNESS: I'm not aware of that.  
 15 BY MR. HILKE:  
 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.  
 18 A. Okay.  
 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



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?

8 MR. MICHALIK: Just object to the form of the  
9 question and reliance on this document. You can  
10 answer if you know.

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 --

16 BY MR. HILKE:

17 Q. Okay. I do.

18 A. -- with those cases.

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?

24 MR. MICHALIK: Object to the form of the  
25 question.

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?

5 A. Sure.

6 Q. Plaintiff's Joint 5197, Page 61. Do you see  
7 Subsection 4, Hidden Witness Coaching During Officer  
8 Interviews?

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

1 1999 to 2011 time period?

2 MR. MICHALIK: Object to the form of the  
3 question, foundation, and the reliance on this  
4 document.

5 THE WITNESS: I do not.

6 BY MR. HILKE:

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?

11 A. Yes.

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?

24 MR. MICHALIK: Object to the form of the  
25 question and reliance on this document.

1 THE WITNESS: I'm -- I'm not sure if there was  
2 a -- a policy in place.

3 BY MR. HILKE:

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?

9 A. Can you repeat that, because you said a  
10 complainant -- complainant against complainant.

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?

16 MR. MICHALIK: Object to the form.

17 THE WITNESS: No, I don't -- I don't think  
18 there -- there was a process in place for that.

19 BY MR. HILKE:

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?

24 MR. MICHALIK: Object to form.

25 THE WITNESS: I'm -- I'm not sure if that was



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1 done or not.

2 BY MR. HILKE:

3 Q. Then I'll point you to Page 75, please?

4 A. Sure.

5 Q. Joint 5211. I'll point you to the second  
6 paragraph from the bottom, starting, rather; do you see  
7 that?

8 A. Yes.

9 Q. It states, rather than aggressively enforcing  
10 and seeking discharge for violations of CPD's Rule 14,  
11 which prohibits making false statements, enforcement in  
12 this area is rarely taken seriously and is largely  
13 ignored. The IPRA enabling ordinance makes it  
14 discretionary for IPRA to initiate Rule 14  
15 investigations incidental to one of its delegated  
16 mandatory investigations. Investigators rarely exercise  
17 this discretion, and it is so little used, but there is  
18 much confusion even over whether EIA or IPRA would have  
19 jurisdiction over such a Rule 14 investigation. Do you  
20 have any reason to disagree with that characterization  
21 of IPRA during the time frame you're testifying about?

22 MR. MICHALIK: Object to the form of the  
23 question, foundation, and reliance on this document.

24 THE WITNESS: I have no reason to disagree with  
25 it. Just not aware of IPRA's policies.

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1 BY MR. HILKE:

2 Q. And then on the next page is 76 near the  
3 paragraph, in practice, IPRA rarely asserts, about  
4 halfway down; do you see that?

5 A. Yeah.

6 Q. It says, in practice, IPRA rarely asserts Rule  
7 14 charges when officers make false exculpatory  
8 statements or denials in interviews about alleged  
9 misconduct. Even when the investigation results in a  
10 sustained finding as to the underlying misconduct. Do  
11 you have any reason to disagree with that  
12 characterization of IPRA during the 1999 to 2011 time  
13 frame?

14 MR. MICHALIK: Objection to form, foundation,  
15 and reliance on this document.

16 THE WITNESS: I do not.

17 BY MR. HILKE:

18 Q. Then at the bottom, I going to pull you to the  
19 very last sentence on Page 76, it says, we learned in  
20 our investigation that there is no, and then turning to  
21 Page 77, system in place to ensure that all officer  
22 disciplinary findings bearing on credibility, including  
23 Rule 14 findings, are supplied to the State's Attorney's  
24 Office and criminal defendants, even though this is  
25 required under Giglio v. United States. Do you have any

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1 reason to disagree with the statement that there was no  
2 system to put all -- to give all officer disciplinary  
3 findings bearing on credibility to the State's  
4 Attorney's Office during this frame?

5 MR. MICHALIK: Objection to form, foundation,  
6 incomplete hypothetical, and reliance on this  
7 document.

8 THE WITNESS: I do not.

9 BY MR. HILKE:

10 Q. Okay. And then just one more. It's 5553, our  
11 Page 117, towards the very end. I want to point you to  
12 the paragraph midway down, that starts, more recent  
13 studies of CPD's system; do you see that?

14 A. Uh-huh. Yes.

15 Q. So this section is talking about what it  
16 describes as EIS and BIS Systems, which I believe mean  
17 early intervention system and behavioral intervention  
18 system. Are those terms familiar to you?

19 A. Yes.

20 Q. So the paragraph I pointed to you says, more  
21 recent studies of CPD's systems reaffirm the need for  
22 reform. A 2007 study noted that nearly 90 percent of  
23 individuals with multiple complaints were never flagged  
24 by the EIS, including officers who amassed more than 50  
25 abuse complaints within five years. The study also

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1 discussed how of the 33 officers with 30 or more  
2 complaints between 2001 and 2006, fewer than half had  
3 been flagged within intervention -- for intervention; do  
4 you see that?

5 A. Yes.

6 Q. Do you have any reason to disagree with that  
7 characterization of the EIS system during the time frame  
8 discussed in that portion?

9 MR. MICHALIK: Object to the form of the  
10 question, foundation, and reliance on this document.

11 THE WITNESS: I do not.

12 BY MR. HILKE:

13 Q. Okay. Before I had asked you about different  
14 steps in the investigation and the appeal process, all  
15 the stages of a disciplinary investigation during this  
16 time frame, from the moment the complaint comes in, to  
17 the moment that the final appeal is over. Do you  
18 remember those questions?

19 A. Yes.

20 Q. I just want to confirm now, are there any  
21 stages of that process I had neglected to ask you about?

22 A. I -- I -- I think at the time, I didn't  
23 mention that after the investigator completes the  
24 investigation, the case is reviewed by the lieutenant of  
25 that section. The -- that -- that would be the

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1 immediate supervisor of that investigator.  
 2 Q. Okay. So that's, like, one level of review of  
 3 the investigator's findings, you know, separate and  
 4 apart from all the other stages you talked about?  
 5 A. That is correct. That is correct.  
 6 Q. Any other steps or details about those stages  
 7 that I haven't asked you about yet?  
 8 A. No.  
 9 Q. Okay. Anything I've asked you about that you  
 10 need to correct, or amend, or supplement at this point?  
 11 A. So during the review process of cases, after  
 12 the case is completed and the case is submitted for  
 13 approval from the supervisor, and then it goes to the --  
 14 to the department advocate, and then it goes through  
 15 Command Channel Review. After Command Channel Review is  
 16 when the officer, or the accused member, has the ability  
 17 to utilize the complaint review panel as a grievance  
 18 process. I think earlier when I spoke, I got the -- the  
 19 -- the timing of that reversed, and I went from the  
 20 advocate section to complaint review panel, then to the  
 21 Command Channel Review. So Command Channel Review is  
 22 first.  
 23 Q. Got it. So the grievance process is -- sorry,  
 24 strike that. So the correction -- sort of the what  
 25 you're adding now -- strike all that. Just to make sure

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1 I understand, complaint review panel happens after the  
 2 superintendent recommends discipline, not before,  
 3 correct?  
 4 A. Correct. And it's after the Command Channel  
 5 Review.  
 6 Q. Okay.  
 7 A. Because during Command Channel Review is when  
 8 the penalties can be modified.  
 9 Q. Okay.  
 10 A. Before the officer determines whether or not  
 11 he wants to answer the complaint review panel for  
 12 grievance purposes.  
 13 Q. And were you also adding more details about  
 14 command channel review that I didn't ask you about  
 15 earlier, or is that just as you described it earlier?  
 16 A. Just as I described it earlier.  
 17 Q. Okay, great. Anything else?  
 18 A. That's it.  
 19 MR. HILKE: I'm done for now. If other  
 20 attorneys have questions, I may have more following,  
 21 but that's all I have at this moment. I much  
 22 appreciate it.  
 23 THE WITNESS: Okay. Thank you.  
 24 MR. MICHALIK: Anybody on Zoom have any  
 25 questions?

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1 MS. OLIVIER: No questions from Kelly Olivier.  
 2 MR. STORTZ: No questions from Jake Stortz.  
 3 MS. MIAN: No questions for Ronald Watts, thank  
 4 you.  
 5 MR. MICHALIK: All right. I do have --  
 6 MR. RAVITZ: Or for -- or from Mohammed -- just  
 7 for -- Mohammed, just for the record.  
 8 CROSS-EXAMINATION  
 9 BY MR. MICHALIK:  
 10 Q. I do want to go through a couple of things  
 11 just to clarify, maybe the first thing to do is go back  
 12 to the topic that you were just clarifying, and that's  
 13 the review process. And so, I think the best way to do  
 14 this, if you take a look at Exhibit number 5, it's 93-  
 15 3.  
 16 A. Okay.  
 17 Q. Just make sure that we've got this clear on  
 18 the record.  
 19 A. Okay.  
 20 Q. If I could direct you to Addendum number 4,  
 21 which starts at City BG-59029.  
 22 A. All right. Okay.  
 23 Q. All right. So let's start off with Section  
 24 2A. It talks about cases where the recommendation  
 25 exceeds five days of suspension, all right? That's at

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1 the conclusion of the investigator's investigation,  
 2 correct?  
 3 A. That is correct.  
 4 Q. All right. What happens where his  
 5 recommendation exceeds five days' suspension?  
 6 A. Okay. At that point, the -- the investigator  
 7 will complete a summary report of the investigation as  
 8 -- as -- as opposed to the summary digest report.  
 9 Q. When is that appropriate?  
 10 A. That's for anything five days or under. Any  
 11 recommended penalties of five days or under.  
 12 Q. Okay. What if the recommendation is  
 13 unfounded, exonerated, or not sustained?  
 14 A. That would be memorialized on a summary digest  
 15 report.  
 16 Q. All right. Okay. Once that summary digest  
 17 report, or the summary report, is completed, what  
 18 happens next, from that investigator's perspective?  
 19 A. So the investigator would upload all the  
 20 attachments into the -- at the time, the auto CR system.  
 21 And then the final attachment would be either the  
 22 summary report or the summary digest report. If -- for  
 23 sustained cases, the officers would have to also get the  
 24 member's disciplinary and complimentary histories to add  
 25 as some of the final attachments. And then the full

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1 investigator file will be handed off to the immediate  
 2 supervisor, which will be a lieutenant within the --  
 3 that officer's section.  
 4 Q. All right. And so --  
 5 A. The investigator's section.  
 6 Q. So the investigator provides that report to  
 7 his or her supervisor, regardless of the recommendation?  
 8 A. Correct.  
 9 Q. So if it's sustained, it's reviewed by a  
 10 supervisor?  
 11 A. That is correct.  
 12 Q. If it's not sustained, it's reviewed by a  
 13 supervisor?  
 14 A. That is correct.  
 15 Q. Same for unfounded or exonerated?  
 16 A. Correct.  
 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?  
 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?

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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.  
 8 Q. Okay. If the advocate determines additional  
 9 investigation is required, does that then get kicked  
 10 back to the investigator?  
 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.  
 15 Q. Okay. Once it's cleared the advocate, what  
 16 happens next?  
 17 A. Then that case is prepared, and it's sent for  
 18 a Command Channel Review.  
 19 Q. All right. Is there any different Command  
 20 Channel Review based on the recommendation?  
 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

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1 Q. Right.  
 2 A. Yeah. They would just make sure that the --  
 3 the member had the proper finding for the case.  
 4 Q. Okay. Could the supervisor recommend  
 5 additional investigation be conducted?  
 6 A. Yes, definitely.  
 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?  
 10 A. That's correct.  
 11 Q. All right. Would that be true also sustained  
 12 -- where -- a report where there was a recommendation of  
 13 a sustained finding?  
 14 A. Yes.  
 15 Q. All right. Again, it would go to the  
 16 supervisor, who would review it for completeness?  
 17 A. That is correct.  
 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?  
 21 A. That is correct.  
 22 Q. All right. So now the supervisor has approved  
 23 the report, what happens next?  
 24 A. At that point, the -- the -- the case is sent  
 25 to the advocate's section for review, and they'll --

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1 bypass Command Channel Review, and then the case would  
 2 go right to the superintendent for review.  
 3 Q. Okay. You mentioned administratively closed.  
 4 When would an investigation be administratively closed?  
 5 A. Typically, those are -- those are closed  
 6 absent -- absent the signing of the affidavit.  
 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.  
 14 Q. So then after Command Channel Review, the next  
 15 step would be what?  
 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

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1 wants to file a grievance, which would trigger the  
2 complaint review panel.

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?

7 A. That is correct.

8 MR. HILKE: I'm sorry. Objection, form. Go  
9 ahead.

10 THE WITNESS: That is correct.

11 BY MR. MICHALIK:

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?

16 A. Correct.

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?

20 A. That's what I said, yes.

21 Q. Okay. And that's within CPD, correct?

22 A. Correct.

23 Q. Could a member then file a lawsuit challenging  
24 the police board's finding?

25 MR. HILKE: Objection, form. Go ahead.

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1 THE WITNESS: Yes.

2 BY MR. MICHALIK:

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?

6 A. That is correct.

7 Q. Counsel had asked you questions earlier about  
8 the change from OPS to IPRA. Do you remember that  
9 series of questions?

10 A. Yes.

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?

14 A. The subject matter that --

15 Q. Let me ask it this way.

16 A. Okay.

17 Q. Okay. OPS, I think you testified,  
18 investigated excessive force, domestics,  
19 police-involved shootings, and deaths in custody,  
20 correct?

21 A. I -- I didn't mention deaths in -- in custody.

22 Q. But that was one of the areas --

23 A. That is -- that is one, yes.

24 Q. -- that OPS would investigate?

25 A. Correct.

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1 Q. All right. Was that the same types of matters  
2 that IPRA would investigate, after IPRA came into  
3 existence?

4 A. Yes, that's correct.

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?

8 A. Yes.

9 Q. Do you know, did OPS have subpoena power?

10 A. I -- I'm not sure if they did.

11 Q. Do you know if IPRA had subpoena power?

12 A. I believe IPRA and now COPA does.

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?

17 A. Yes.

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?

22 A. Yes.

23 Q. All right. Could an allegation that involved  
24 criminal misconduct, could that be the basis of a SPAR?

25 A. No.

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1 Q. That would have to be something that would go  
2 to BIA?

3 A. Yes. That would -- that would be handled  
4 through the CR process.

5 Q. All right. And that would be directed to  
6 Confidential Investigations?

7 A. That is correct.

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?

13 A. Correct.

14 Q. All right. Because -- and that would  
15 specifically be the Confidential Investigation Section?

16 A. Correct.

17 Q. Would there be any criminal investigation by  
18 BIA that was not being handled by the Confidential  
19 Section?

20 A. Yes.

21 Q. Okay, what kind of -- what kind of case?

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

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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 -- 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.

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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.

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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?

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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

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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.

8 Q. It would not be shared with IPRA or OPS?

9 A. It would not.

10 MR. MICHALIK: Director, that's all I have.

11 THE WITNESS: Okay.

12 REDIRECT EXAMINATION

13 BY MR. HILKE:

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?

20 A. I'm not aware that that was part of the -- the  
21 MOU.

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

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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?

4 MR. MICHALIK: Object to form.

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 --  
8 BY MR. HILKE:

9 Q. I actually just want to keep you in the time  
10 frame.

11 A. I have -- well, the answer -- no. No, no  
12 basis.

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?

22 A. Are -- are you talking about the investigator?

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

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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?

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.

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?

11 A. That is correct.

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?

16 A. Well, they -- they can always say that, but --  
17 yes.

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?

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1 A. That's correct.

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?

6 MR. MICHALIK: Objection, mischaracterizes his  
7 testimony.

8 THE WITNESS: Yes.

9 BY MR. HILKE:

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?

20 A. Excessive force cases were handled by OPS or  
21 IPRA at the time.

22 Q. And a civilian complaint of excessive force  
23 could have a parallel criminal case against an officer  
24 for that force, correct?

25 A. It could. There could be -- there could be a



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1 -- an actual case report number associated with that  
2 excessive force complaint.

3 Q. And same for shootings by officers, correct?  
4 Those were also investigated by OPS-IPRA?

5 A. That's correct.

6 Q. And those could also have parallel criminal  
7 proceedings, investigations into shootings by police  
8 officers?

9 A. Yes.

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?

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.

18 Q. Okay. So those are investigations with a  
19 criminal component OPS-IPRA could conduct, correct?

20 A. Yes.

21 MR. HILKE: Okay. Nothing else for now.

22 RECROSS-EXAMINATION

23 BY MR. MICHALIK:

24 Q. Just two quick follow-ups, Mr. Moore, and I  
25 think we'll be done. You were asked about an

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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?

5 A. Yes. Administratively.

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?

13 A. Correct.

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?

19 A. Yes, they could.

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?

24 A. Yes.

25 Q. Are excessive force cases or police-involved

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1 shootings confidential investigations?

2 A. No. Those cases are handled by OPS or IPRA at  
3 the time.

4 Q. Not confidential?

5 A. No.

6 MR. MICHALIK: That's all I have. Thank you.

7 FURTHER DIRECT EXAMINATION

8 BY MR. HILKE:

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?

12 A. It -- it's one in the same.

13 MR. HILKE: Okay. Nothing more.

14 THE WITNESS: Okay. I thought that was a trick  
15 question.

16 MR. HILKE: No, no, I just -- I wanted to make  
17 sure we're talking about the same thing on the  
18 record.

19 MR. MICHALIK: I think we are.

20 MR. HILKE: I think so, too.

21 MR. MICHALIK: All right. We will reserve  
22 signature.

23 THE REPORTER: Do you want me to just send it  
24 to you?

25 MR. MICHALIK: Sure, that's fine.

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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.

5 THE REPORTER: Yes. So just very quickly,  
6 would you like a transcript or video?

7 MR. HILKE: I'm -- I'll handle it off the  
8 record, please.

9 THE REPORTER: Would you like one?

10 MR. MICHALIK: If he orders, we'll take a copy.

11 THE REPORTER: Okay. Anybody on Zoom would  
12 like a copy of the transcript or the video?

13 MS. OLIVIER: No, thank you.

14 MR. STORTZ: No, thank you.

15 MS. MIAN: I don't think so.

16 THE REPORTER: All right then. With that, we  
17 are off the written record at 4:23.

18 (DEPOSITION CONCLUDED AT 4:23 P.M. CT)

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.  
16  
17  
18  
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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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