

# **EXHIBIT 8**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF  
3 ILLINOIS EASTERN DIVISION  
4 JUDGE VALDERRAMA  
5 MAGISTRATE JUDGE SHEILA M. FINNEGAN  
6 MASTER DOCKET CASE NO. 19-CV-01717  
7  
8  
9  
10

**ORIGINAL**

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

23 DEPONENT: JUAN RIVERA

24 DATE: SEPTEMBER 6, 2023

25 REPORTER: SYDNEY LITTLE

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">APPEARANCES</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFFS, RICKEY HENDERSON, SHAUN</p> <p>4 JAMES, JAMAR LEWIS, TAURUS SMITH:</p> <p>5 Scott Rauscher, Esquire</p> <p>6 Gianna Gizzi, Esquire</p> <p>7 Loevy &amp; Loevy</p> <p>8 311 North Aberdeen Street</p> <p>9 Third Floor</p> <p>10 Chicago, Illinois 60607</p> <p>11 Telephone No.: (312) 243-5900</p> <p>12 E-mail: scott@loevy.com</p> <p>13 gizzi@loevy.com</p> <p>14</p> <p>15 ON BEHALF OF THE PLAINTIFFS, FLAXMAN PLAINTIFFS:</p> <p>16 Kenneth Flaxman, Esquire</p> <p>17 Kenneth N. Flaxman, P.C.</p> <p>18 200 South Michigan Avenue</p> <p>19 Suite 201</p> <p>20 Chicago Illinois 60604</p> <p>21 Telephone No.: (312) 427-3200</p> <p>22 E-mail: knf@kenlaw.com</p> <p>23 (Appeared via videoconference)</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">APPEARANCES (CONTINUED)</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, MATTHEW CADMAN, MICHAEL</p> <p>4 SPAARGARN:</p> <p>5 Michael Schalka, Esquire</p> <p>6 Leinenweber Baroni &amp; Daffada LLC</p> <p>7 120 North LaSalle Street</p> <p>8 Suite 2000</p> <p>9 Chicago, Illinois 60602</p> <p>10 Telephone No.: (866) 786-3705</p> <p>11 E-mail: mjs@ilesq.com</p> <p>12 (Appeared via videoconference)</p> <p>13</p> <p>14 ON BEHALF OF THE DEFENDANT, RONALD WATTS:</p> <p>15 Lisa McElroy, Esquire</p> <p>16 Johnson &amp; Bell</p> <p>17 33 West Monroe Street</p> <p>18 Suite 2700</p> <p>19 Chicago, Illinois 60603</p> <p>20 Telephone No.: (630) 765-7766</p> <p>21 E-mail: mcelroyl@jbltd.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">APPEARANCES (CONTINUED)</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:</p> <p>4 Eric Palles, Esquire</p> <p>5 Daley Mohan Groble</p> <p>6 55 West Monroe Street</p> <p>7 Suite 1600</p> <p>8 Chicago, Illinois 60603</p> <p>9 Telephone No.: (312) 422-9999</p> <p>10 E-mail: epalles@daleymohan.com</p> <p>11 (Appeared via videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT CITY OF CHICAGO:</p> <p>14 Daniel Noland, Esquire</p> <p>15 Reiter Burns</p> <p>16 311 South Wacker Drive</p> <p>17 Suite 5200</p> <p>18 Chicago, Illinois 60606</p> <p>19 Telephone No.: (312) 982-0090</p> <p>20 E-mail: dnoland@reiterburns.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">APPEARANCES (CONTINUED)</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, ROBERT GONZALEZ, MANUEL</p> <p>4 LEANO, DOUGLAS NICHOLS, JUNIOR, CALVIN RIDGELL, GEROME</p> <p>5 SUMMERS, JUNIOR, LAMONICA LEWIS, JOHN RODRIGUEZ,</p> <p>6 ELSWORTH SMITH, ALVIN JONES, DARRYL EDWARDS, REBECCA</p> <p>7 BOGARD, BRIAN BOLTON, MIGUEL CABRALES, FRANKIE LANE:</p> <p>8 William E. Bazarek, Esquire</p> <p>9 Hale &amp; Monico</p> <p>10 Monadnock Building</p> <p>11 53 West Jackson Boulevard</p> <p>12 Suite 337</p> <p>13 Chicago, Illinois 60604</p> <p>14 Telephone No.: (312) 341-9646</p> <p>15 E-mail: web@HaleMonico.com</p> <p>16 (Appeared via videoconference)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1	INDEX	Page 6	1	STIPULATION	Page 8
2		Page	2		
3	PROCEEDINGS	9	3	The VIDEO deposition of JUAN RIVERA was taken at LOEVY	
4	DIRECT EXAMINATION BY MR. RAUSCHER	11	4	& LOEVY, 311 NORTH ABERDEEN STREET, THIRD FLOOR,	
5	CONFIDENTIAL PORTION I REDACTED	91	5	CHICAGO ILLINOIS 60607, via videoconference in which	
6	CONFIDENTIAL PORTION II REDACTED	110	6	some participants attended remotely, on WEDNESDAY the	
7	CROSS-EXAMINATION BY MR. BAZAREK	120	7	6th day of SEPTEMBER 2023 at 12:33 p.m. (CT); said	
8	CONFIDENTIAL PORTION III REDACTED	123	8	VIDEO deposition was taken pursuant to the FEDERAL	
9			9	Rules of Civil Procedure.	
10			10		
11	EXHIBITS		11	It is agreed that SYDNEY LITTLE, being a Notary Public	
12	Exhibit	Page	12	and Court Reporter for the State of ILLINOIS, may swear	
13	1 - Internal Affairs Division Confidential		13	the witness and that the reading and signing of the	
14	Investigation Section To From Memorandum		14	completed transcript by the witness is not waived.	
15	September 17, 2004 - PL JOINT 010946	80	15		
16	2 - Internal Affairs Division Confidential		16		
17	Investigation Section To From Memorandum		17		
18	September 21, 2004 - PL JOINT 010844	82	18		
19	3 - Letter September 22, 2004 -		19		
20	PL JOINT 010861	84	20		
21	4 - Internal Affairs Division Confidential		21		
22	Investigation Section To From Memorandum		22		
23	September 27, 2004 - PL JOINT 010877	86	23		
24	6 - Federal Bureau of Investigation Report -		24		
25	PL JOINT 001092-001106	90	25		

  

1	EXHIBITS (CONTINUED)	Page 7	1	PROCEEDINGS	Page 9
2			2		
3	7 - Bureau of Professional Standards		3	THE REPORTER: Okay. We're on the record. My	
4	Internal Affairs Division		4	name is Sydney Little. I'm the online video	
5	January 21, 2010 - CITY-BG-011616		5	technician and court reporter today representing	
6	(CONFIDENTIAL)	91	6	Kentuckiana Court Reporters located at 730 West	
7	8 - Detailed List of Chronological Events in		7	Main Street, Suite 101, Louisville, Kentucky 40202.	
8	Investigation - CITY-BG-023858-023859		8	Today is the 6th day of September 2023. The time	
9	(CONFIDENTIAL)	98	9	is 12:33 p.m., Central. We are convened in person	
10	9 - Internal Affairs Division Confidential		10	and by video conference to take the deposition of	
11	Investigation Section To From Memorandum		11	Juan Rivera in the matter of In re: Watts	
12	June 15, 2010 - CITY-BG-011614-011615		12	Coordinated Pretrial Proceedings pending in the	
13	(CONFIDENTIAL)	99	13	United States District Court for the Northern	
14	10 - Complaint Register Report		14	District of Illinois Eastern Division. Master	
15	September 17, 2004 - CITY-BG-011620		15	Docket Case number 19-CV-01717. Will everyone, but	
16	(CONFIDENTIAL)	101	16	the witness, please state your appearance, how	
17	11 - Illinois Traffic Crash Report PL JOINT		17	you're attending, and the location you're attending	
18	010860-010911	105	18	from starting with Plaintiff's counsel?	
19	12 - Federal Bureau of Investigation Report		19	MR. RAUSCHER: Scott Rauscher for the	
20	November 23, 2011 - FBI000014-000016		20	Plaintiffs represented by Loevy and Loevy, and I'm	
21	(CONFIDENTIAL)	109	21	attending in person at our office in Chicago.	
22			22	MR. FLAXMAN: I am Kenneth Flaxman for the	
23			23	Flaxman Plaintiffs, attending remotely.	
24			24	MR. NOLAND: Daniel --	
25			25	MR. PALLES: Eric Palles for Kallatt Mohammed,	

Page 10

1 remotely from my office in Chicago.  
 2 MR. BAZAREK: William Bazarek for the  
 3 individual defendants represented by Hale and  
 4 Monico. I'm remote, I'm in Chicago.  
 5 MS. MCELROY: Lisa McElroy from Johnson and  
 6 Bell for Defendant Watts, attending remotely from  
 7 Chicago.  
 8 MR. SCHALKA: Michael Schalka on behalf of  
 9 Defendants Spaargaren and Cadman, appearing  
 10 remotely from Chicago.  
 11 MR. NOLAND: Daniel Noland for the City of  
 12 Chicago, certain supervisory Defendants, and the  
 13 witness.  
 14 THE REPORTER: Thank you. Mr. Rivera, will  
 15 you please state your name for the record?  
 16 THE WITNESS: My name is Juan Rivera. First  
 17 name, J-U-A-N. Last name, R-I-V-E-R-A.  
 18 THE REPORTER: Thank you. Do all parties  
 19 agree that the witness is, in fact, Juan Rivera?  
 20 MR. RAUSCHER: Yes.  
 21 MR. FLAXMAN: Yes.  
 22 MR. NOLAND: Yes.  
 23 MR. SCHALKA: Yes.  
 24 MS. MCELROY: Yes.  
 25 MR. PALLES: Yes.

Page 11

1 THE REPORTER: Great. Thank you. Sir, can  
 2 you please raise your right hand? Do you solemnly  
 3 swear or affirm that the testimony you're about to  
 4 give will be the truth, the whole truth, and  
 5 nothing but the truth?  
 6 MR. SCHALKA: Yes, I do. Thank you. Counsel,  
 7 you may begin.  
 8 DIRECT EXAMINATION  
 9 BY MR. RAUSCHER:  
 10 Q. Are you currently employed?  
 11 A. No.  
 12 Q. What was your last job?  
 13 A. Chief of Internal Affairs in the Chicago  
 14 Police Department.  
 15 Q. How long were you with the Chicago Police  
 16 Department?  
 17 A. Approximately 30 years.  
 18 Q. What were the years that you worked for the  
 19 Chicago Police Department?  
 20 A. From 1986 to 2015.  
 21 Q. What roles did you have over the years at CPD?  
 22 A. I started off as a Patrol Officer in the Third  
 23 District back in '87. I was there until 1989. I then  
 24 was reassigned to Gun Task Force officer from '89 to  
 25 '92. From '92 to '94, I was a Tactical officer in the

Page 12

1 First District. In '94, I was promoted to sergeant, and  
 2 so I was assigned to Fourth District as a Field sergeant  
 3 up until 1996. In '96, I ended up assigned to Summer  
 4 Mobile as a supervisor.  
 5 Q. Did you say Summer Mobile?  
 6 A. Summer Mobile. And subsequently went to unit  
 7 of assignment was Narcotics and starting in '96 also as  
 8 a street -- street corner -- Street Corner supervisor.  
 9 From there, '96 to '98, as the Street Enforcement in '98  
 10 to 2003, a sergeant of a long-term Narcotics  
 11 investigation team. From there, I was subsequently  
 12 promoted to lieutenant, reassigned to the Fifth District  
 13 as a field lieutenant. In 2000 -- I think, March of  
 14 2004, I was reassigned to Internal Affairs as the  
 15 commanding officer of the Confidential section. And I  
 16 was there until July of 2005. And at that point I was  
 17 promoted, reassigned as the commander of the 25th  
 18 District, Grand and Central. I was there until -- until  
 19 2008, reassigned to -- it was a lateral reassignment to  
 20 commander of the -- of Area Four Detective division.  
 21 That same year, 2008, I was promoted to deputy chief of  
 22 Area Five patrol, and I was there until March of 2009.  
 23 I was promoted again as the chief of internal -- the  
 24 Bureau of Internal Affairs. And I remained there until  
 25 the end of my career, which was at 2015.

Page 13

1 Q. And did you voluntarily retire in 2015?  
 2 A. Yes.  
 3 Q. Do you collect a pension?  
 4 A. Yes.  
 5 Q. Have you worked at all since 2015?  
 6 A. No.  
 7 Q. You were a tactical team officer for a couple  
 8 years, '92 to '94; is that right?  
 9 A. The First District, yes.  
 10 Q. Where did the -- where did that -- where was  
 11 the First District in '92 to '94?  
 12 A. At that time, it was 11 East 11th Street.  
 13 Q. And what area of the city did it cover?  
 14 A. Actually, the -- the central downtown area.  
 15 Probably from the river south to, at that time -- I  
 16 don't know if it was just up to Cermak or close to  
 17 Cermak and to the lake.  
 18 Q. What were your responsibilities as a tactical  
 19 team officer?  
 20 A. It was to aggressively investigate crimes of  
 21 property and also any narcotics, gun related incidents.  
 22 Q. Is narcotics and gun related incidents, were  
 23 you describing two separate things when you said that?  
 24 A. I -- it should be gun related and narcotics,  
 25 it's the -- it's the same thing. Yes. It's not -- it's

Page 14

1 not just drugs, but I mean, it's the same thing with  
 2 narcotics.  
 3 Q. When -- you said you were charged with  
 4 aggressively investigating those?  
 5 A. Yes.  
 6 Q. What do you mean by aggressively investigate?  
 7 A. With being a TAC officer, you actually were  
 8 able to dedicate additional time for surveillance and  
 9 target certain locations versus being in a squad car.  
 10 Q. Less reactive policing, more proactive?  
 11 A. More -- more proactive, I guess.  
 12 Q. How many members of your TAC team were there,  
 13 if you remember?  
 14 A. Anywhere from eight to ten.  
 15 Q. Was it an assignment you asked for?  
 16 A. Yes.  
 17 Q. Did you ever see anyone in your team plant  
 18 drugs on anyone?  
 19 A. No.  
 20 Q. Did you get any CRs filed against you when you  
 21 were a TAC team member?  
 22 A. I don't believe so, but I could be wrong. It's  
 23 -- it's been so long.  
 24 Q. Do you know if anyone on your team was accused  
 25 of planting drugs as a TAC team officer?

Page 15

1 A. Again, I -- I don't recall anyone being  
 2 accused of that.  
 3 Q. Did you request to move over to Internal  
 4 Affairs?  
 5 A. I -- I was asked to take a position there due  
 6 to the fact that the lieutenant was retiring at  
 7 Confidential.  
 8 Q. What -- who was retiring?  
 9 A. Lieutenant Trancitello, I believe is --  
 10 Q. How do you spell that?  
 11 A. I -- honestly, I don't wouldn't be able to  
 12 tell you.  
 13 Q. You said Truncitello [sic]?  
 14 A. Tranc, Trancitello.  
 15 MR. NOLAND: I'd go with, like, and this is  
 16 60 percent. T-R-A-N-C-I-T-E-L-L-O. Make that  
 17 50 percent.  
 18 MR. RAUSCHER: It doesn't sound like it would  
 19 be right. All right. We'll move on.  
 20 BY MR. RAUSCHER:  
 21 Q. All right. So you were at -- who asked you to  
 22 take a position in Internal Affairs?  
 23 A. It was the assistant deputy superintendent in  
 24 charge of Internal Affairs at the time, which was Karen  
 25 Rowan.

Page 16

1 THE REPORTER: Karen who?  
 2 A. Rowan.  
 3 BY MR. RAUSCHER:  
 4 Q. Had you worked with Karen Rowan before she  
 5 asked you to come over?  
 6 A. No.  
 7 Q. Do you know why she -- did she tell you why  
 8 she asked you?  
 9 A. She understood that I had the background in  
 10 Narcotics, including, you know, surveillance and Title  
 11 Threes.  
 12 Q. What do you mean by Title Threes?  
 13 A. Wire -- wiretaps.  
 14 Q. And how had you gained experience with Title  
 15 Threes?  
 16 A. It was narcotics related, these operations. We  
 17 would have informants inserted into the organization.  
 18 They would then provide information where we were able  
 19 to proceed into wiretaps of phones to further the  
 20 investigations.  
 21 Q. When you -- what roles at CPD did you have  
 22 where you were involved -- so before you got to IAD,  
 23 what roles at CPD did you have where you were involved  
 24 in obtaining wiretaps?  
 25 A. It was Long-term Narcotics Supervisor in,

Page 17

1 yeah, in NAGIS, or Narcotics.  
 2 Q. When you were in that role in NAGIS, did you -  
 3 - were all the informants who you team worked with  
 4 registered with the Chicago Police Department?  
 5 A. Yes.  
 6 Q. What was the process for registering an  
 7 informant with Chicago Police Department?  
 8 A. It was a thorough background check. And  
 9 again, they were vetted and they were required to sign  
 10 documents. It was actually a file that was kept by the  
 11 department.  
 12 Q. Do you know where those files were kept by the  
 13 department?  
 14 A. I believe there was someone assigned, a  
 15 supervisor, who had access to the files there in -- in  
 16 Narcotics.  
 17 Q. And you said there was a thorough background  
 18 check, what did the background check consist of?  
 19 A. From what -- what I understand it -- it  
 20 consisted of a background check to determine whether  
 21 there -- that the individual wasn't wanted for any  
 22 crimes. They would also look at his criminal history.  
 23 Q. Were you ever personally involved in running  
 24 one of those background checks or reviewing it?  
 25 A. No.

Page 18

1 Q. And what's your understanding of what the  
2 background check was based -- what is your understanding  
3 of the background check based on?

4 A. It was to actually identify the person, to  
5 make sure that person was who we said it was, or she  
6 said, and also like -- like I mentioned earlier, make  
7 sure that they didn't have any outstanding warrants or  
8 issues within our department or other agencies.

9 Q. And if they did have outstanding warrants,  
10 would that disqualify them from being an informant?

11 A. Yes.

12 Q. And what is the basis for your belief that  
13 this is the background check?

14 A. It was a conversation I -- I had with one of  
15 my officers who was handling one of the informants. And  
16 there's, again, I -- it happened years ago. There's a  
17 file where I actually had to sign some of the forms.

18 Q. Who was the officer who you just mentioned?

19 A. I -- I -- there was a few, but I -- I don't  
20 remember exactly which officer it was.

21 Q. You mean there were a few people you had that  
22 conversation with or there were a few who it could have  
23 been?

24 A. That it could have been. There was, you know,  
25 I had a team of again, seven, eight officers. I

Page 19

1 remember some of them may have had registered  
2 informants. Right now, off the top of my head, I can't  
3 -- might be --

4 MR. NOLAND: Before you identify names. If  
5 there's any concern with confidentiality. I know  
6 it's been a while.

7 THE WITNESS: Yeah.

8 MR. NOLAND: -- but if you have any, if there  
9 would be, then please keep that in mind, too.

10 A. I mean, I'm just trying to think back which  
11 officers were actively engaged with handling CIs. And I  
12 think the one that stands out is Rick Herrera,  
13 unfortunately he passed away.

14 BY MR. RAUSCHER:

15 Q. Rick Herrera?

16 A. Yes.

17 Q. And did -- were there any unregistered CIs who  
18 your team worked with?

19 MR. NOLAND: I think I just object to the form  
20 of that.

21 A. No. They were required to be -- in order for  
22 the CI to be utilized, they were required to be  
23 registered.

24 BY MR. RAUSCHER:

25 Q. Do you know where that requirement came from?

Page 20

1 A. That was a policy at the NAGIS or Narcotics  
2 and Gangs Investigation Section.

3 Q. Do you know if that was a policy for any other  
4 sections?

5 MR. NOLAND: Object to the form.

6 BY MR. RAUSCHER:

7 Q. Units, or divisions?

8 A. That I wouldn't know.

9 Q. Was there any other experience that you had  
10 gained over the years that made you particularly  
11 qualified to work as a head of Confidential at Internal  
12 Affairs?

13 MR. NOLAND: Objection. Form. Foundation.  
14 You can answer.

15 A. Back -- again, going back to what I recall,  
16 there was an operation or an investigation taking place  
17 at the time and the lieutenant who was in charge had  
18 limited knowledge in terms of surveillance and  
19 wiretapping, pen registers, and so on. And they were  
20 looking for someone that obviously had that type of  
21 experience to further -- further the investigation.

22 BY MR. RAUSCHER:

23 Q. Is that Trancitello?

24 A. Yes.

25 Q. He's the one with a limited experience with

Page 21

1 the pen registers, et cetera?

2 MR. NOLAND: Objection. Foundation. Go  
3 ahead.

4 A. Yes. From what I recall, yes.

5 BY MR. RAUSCHER:

6 Q. And do you know which investigation it was?

7 MR. NOLAND: So I would caution you that if it  
8 is an investigation that wasn't -- didn't become  
9 public or if this otherwise would be confidential,  
10 then please keep that in mind. We also have the  
11 option of putting things under a protective order,  
12 if you have concerns that could be covered with  
13 that. I think I know the answer to this.

14 A. Yeah, it was -- it was a successful operation.  
15 It was Restore Faith, Operation Restore Faith.

16 BY MR. RAUSCHER:

17 Q. What was Operation Restore Faith?

18 A. It was a -- an investigation involving  
19 officers from the Seventh District Tact Team who were  
20 involved in stealing or theft of drug dealer proceeds.

21 Q. Which officers were implicated in Operation  
22 Restore Faith?

23 A. There's a few. The two that stand out was  
24 Corey Flagg and Broderick Jones. I can't recall the  
25 other officers, but those two stand out.



Page 22

1 Q. And was that a joint investigation with  
2 outside agencies or is that just CPD?

3 A. My understanding, it was initiated by CPD.  
4 They requested assistance from FBI, and it was actually  
5 officers from my previous unit, the narcotics officers,  
6 that actually tipped us off to a -- to the main target  
7 following actual narcotics traffickers.

8 Q. Who was the main target?

9 A. Broderick Jones.

10 Q. What was your role in Operation Restore Faith?

11 A. I was actually in charge of the officers  
12 involved in it. There were TAC officers involved in the  
13 operation that were part of Internal Affairs  
14 Confidential section. So I was in many ways involved in  
15 the -- the furtherance of the investigation.

16 Q. How long did the investigation take?

17 A. I would say almost a year and a half.  
18 Somewhere -- I mean, I could be wrong, but somewhere in  
19 that range.

20 Q. Did you think that was about how long it  
21 should have taken? Was that too slow for you? Too  
22 fast?

23 MR. NOLAND: Object to the form. Foundation.  
24 Incomplete hypothetical. You can answer.

25 A. Again, I'm not 100 percent sure how long the

Page 23

1 investigation was due to the fact that I -- that when I  
2 was assigned to that position, it was already ongoing,  
3 from what I recall. So I'm not 100 percent sure how  
4 long that aspect of it was. But I know when I was  
5 there, it probably was about a year and a half or year  
6 and a few months or somewhere in that range. But it was  
7 in -- it was active prior to me being assigned to that  
8 position.

9 BY MR. RAUSCHER:

10 Q. How did the pace of the investigation seem to  
11 you once you got in the position of head of Confidential  
12 at IA?

13 MR. NOLAND: Object to the form. Go ahead.

14 A. Again, if these investigations are long-term,  
15 that's what we consider them. So we're looking to get  
16 conspiracies, wiretaps, pen registers. So it -- it does  
17 take some while.

18 BY MR. RAUSCHER:

19 Q. Just for this one specifically, did it seem  
20 like a, you know, were you happy with the pace of it?

21 MR. NOLAND: Object to the form. Go ahead.

22 A. I was happy with the outcome and that had a  
23 lot to do with the fact that we had patience and we  
24 followed the course of the investigation, like I said,  
25 with the actual surveillance and wiretaps.

Page 24

1 BY MR. RAUSCHER:

2 Q. Why were you happy with the outcome of  
3 Operation Restore Faith?

4 A. Because we were actually able to arrest, not  
5 only the main target, but other officers that were  
6 assisting the -- the main target.

7 Q. Was the FBI in charge of that investigation?

8 A. Yes.

9 Q. Did they dictate, you know, what investigative  
10 steps were taken?

11 A. Yes.

12 Q. Did you have any input into the investigation?

13 A. I -- in many ways, I was able to ask what the  
14 progress -- what progress we were making and what they  
15 needed for us to do in terms of assisting them. But it  
16 was clear to me that it was going to be a conspiracy  
17 case, and the charges wouldn't be all federal.

18 Q. How quickly did it become clear to you that it  
19 was going to be a federal conspiracy case?

20 A. Immediately after I arrived.

21 Q. How would -- how did you know immediately  
22 after you arrived that it was going to be a federal  
23 conspiracy case?

24 A. During meetings with the agents, they had  
25 already taken certain steps in the investigation with

Page 25

1 federal informants and so on. So they were heading in  
2 that direction. That's the direction they were --

3 Q. Did you have any concern, during the year and  
4 a half time period when you were at IA and the  
5 investigation was ongoing, that the officers were out  
6 there committing crimes while still being active police  
7 officers?

8 A. We were -- well, we were conducting  
9 surveillances and actually monitoring their -- their  
10 conversations on phone. So if we did come across  
11 anything that sounded -- that would be a concern, we  
12 would deploy our people to go out and conduct  
13 surveillance on these individuals.

14 Q. What do you mean by that?

15 A. If -- if they were planning something that was  
16 on the -- the wiretap, the surveillance team would --  
17 would deploy out to conduct surveillance of these  
18 individuals. The -- the strategy was to videotape and  
19 record anything that took place, including any crimes,  
20 to prosecute them in the future.

21 Q. Was there any sort of balancing done between  
22 the need to try to catch these officers committing a  
23 crime versus allowing them to be on the street still and  
24 potentially committing more crimes?

25 MR. NOLAND: Object to the form. Foundation.



Page 26

1 Go ahead. You can answer.  
 2 A. I don't quite understand the question.  
 3 BY MR. RAUSCHER:  
 4 Q. Okay.  
 5 A. In terms of --  
 6 Q. So you -- is it fair to say that when you got  
 7 into that role as chief of Confidential at Internal  
 8 Affairs, you looked at this Restored Faith and you said  
 9 "There's something wrong here, these guys are doing  
 10 something illegal"? I mean, you probably didn't say it  
 11 just like I said it, but you looked at it and said, this  
 12 is going to be a federal conspiracy, right?  
 13 A. Yes.  
 14 Q. And the fact that it was going to be a federal  
 15 conspiracy meant that there were police officers doing  
 16 things that were illegal?  
 17 A. It -- it meant that we may discover they were  
 18 doing something illegal. At the time when I first  
 19 joined the investigation, they hadn't realized any  
 20 progress in the investigation. It was only after I -- I  
 21 actually arrived and received a phone call from my  
 22 previous team members in Narcotics that tipped us to  
 23 this individual following narcotics dealers.  
 24 Q. When you mean -- when you say "following," you  
 25 mean literally he would follow narcotics dealers and

Page 27

1 take their money?  
 2 A. The main target, yes.  
 3 Q. Was there already a joint investigation with  
 4 the FBI when you joined Confidential?  
 5 A. For that investigation, yes.  
 6 Q. But it just -- no progress had been made on  
 7 it?  
 8 A. They weren't successful in inserting a -- a --  
 9 a -- again, I'm going back years, but they were  
 10 attempting to insert human sources, CI, confidential  
 11 informants, in order to obtain pen registers and work  
 12 their way to a wiretap.  
 13 Q. What's a pen register?  
 14 A. It's the -- it's a court order where -- where  
 15 they actually have the ability to monitor the phone  
 16 calls that are made in terms of the numbers that are  
 17 being dialed.  
 18 Q. Sort of now like you get on a detailed phone  
 19 bill basically, right?  
 20 A. Yes.  
 21 Q. Were the officers who were implicated in  
 22 Operation Restore Faith taken off of the street the  
 23 first time they were caught committing a crime?  
 24 A. No.  
 25 Q. And why was that?

Page 28

1 A. Because it was a long-term investigation.  
 2 Q. Did -- were you told -- were you kept up to  
 3 date so that you knew the first time they were caught  
 4 committing a crime?  
 5 A. More than likely I was, yes.  
 6 Q. And when that happened, did you do any sort of  
 7 balancing between the need to make a federal case and  
 8 the need to get dirty police officers off the street?  
 9 MR. NOLAND: Objection to the form. Go ahead.  
 10 A. Again, the only way to remove these officers  
 11 from the street is to continue the federal  
 12 investigation. Everything was under their jurisdiction.  
 13 So it would have been difficult for me to insert myself  
 14 and try to undermine the federal investigation.  
 15 BY MR. RAUSCHER:  
 16 Q. So does that mean, no, you didn't do that  
 17 balancing act that I asked about?  
 18 MR. NOLAND: Object to the form, but go ahead.  
 19 A. I -- I mean, we were aware and we had  
 20 conversations regarding probably the acts that would --  
 21 that took place, from what I recall. Again, as I  
 22 mentioned earlier, the surveillance either observed them  
 23 or actually videotaped some of the acts.  
 24 BY MR. RAUSCHER:  
 25 Q. And when that happened, you didn't look at it

Page 29

1 and say, "Maybe we should take them off the street." And  
 2 the reason you didn't do that is because you thought you  
 3 had to defer to the FBI?  
 4 MR. NOLAND: Object to the form. Go ahead.  
 5 A. Again, the -- the concern, it -- it was -- it  
 6 was there for all of us. But we understood that the  
 7 only way to remove these officers from the street was to  
 8 continue the investigation.  
 9 BY MR. RAUSCHER:  
 10 Q. And why was the only way to remove them from  
 11 the street to continue the investigation?  
 12 A. Because that -- that type of evidence was  
 13 necessary to -- to charge them and convict them.  
 14 Q. What was the -- was there a way to remove them  
 15 from the street without a conviction?  
 16 MR. NOLAND: Objection. Incomplete  
 17 hypothetical, but go ahead.  
 18 A. Again, it wasn't our -- our -- at the time, it  
 19 was not our decision to do that. I understood that they  
 20 wanted to charge them federally, conspiracy, and that  
 21 was their goal. The other goal was, obviously they  
 22 wanted to find out if other officers were involved. So  
 23 the -- the only way to do that is to continue this  
 24 operation, and -- and again, it's a long-term  
 25 operation, to try to determine if other officers are

Page 30

1 involved. My understanding was that if we acted and  
2 stripped officers or removed them off the street, then  
3 we failed probably to identify other officers that were  
4 probably involved in the same type of criminal activity.  
5 BY MR. RAUSCHER:

6 Q. And is that something you had an understanding  
7 of at the time?

8 A. Yes. I believe the information was that it  
9 was either the majority of the team somewhat -- a few  
10 officers besides the main target from the team.

11 Q. And so their concern on your end is, if I pull  
12 the first guy off the street and we caught him, then we  
13 don't get the rest of them?

14 A. Yes.

15 Q. But you understood there was not like there  
16 was some prohibition on you doing that that the FBI  
17 could have or did impose on CPD, right?

18 MR. NOLAND: Objection. Mischaracterize his  
19 testimony. Go ahead.

20 A. Again, if we -- if we had acted on our own,  
21 number one, there's no doubt that we would have been  
22 accused of obstructing their investigation. So that's  
23 something that, you know, we take into consideration.  
24 It's a federal investigation and the last thing we want  
25 to do is obstruct something that they're involved in.

Page 31

1 BY MR. RAUSCHER:

2 Q. All right. Did someone from the FBI tell you  
3 -- you would be obstructing their investigation if you  
4 took administrative action?

5 A. That was implied. Again, they were grand jury  
6 6(e) issues, and that was all part of that.

7 Q. What does that mean?

8 A. Violating -- it's the -- the secrecy of the  
9 grand jury. And there were certain -- certain rules or  
10 things you have to follow. If you violate them, then  
11 you can actually be charged.

12 Q. And which act or restriction would you have  
13 been violating by taking administrative action?

14 A. Well, again, I don't have --

15 MR. NOLAND: Objection. Asked and answered,  
16 but go ahead.

17 A. Yeah. I don't have the 6(e) in -- in front of  
18 me, but it was delineated in -- in the -- in the 6(e)  
19 notification that you receive.

20 BY MR. RAUSCHER:

21 Q. The -- so the -- you'd say -- when you say  
22 6(e), that's federal rule of criminal procedure? What  
23 rule of 6(e) are you talking about?

24 A. Grand jury procedure. Secrecy.

25 Q. So you think if you had rule 6(e) in front of

Page 32

1 you, you could look at it and tell me which provision  
2 you would have been violating?

3 A. I -- I couldn't answer that right now.

4 Q. All right. Well, we can maybe get it on a  
5 break and take a look.

6 MR. NOLAND: Objection. Mischaracterizes.

7 MR. RAUSCHER: Am I mischaracterizing? I  
8 don't want to do that.

9 A. I -- again, I -- I don't know if for that  
10 particular case, there's certain facts that are entered  
11 into that 6(e) just based on that investigation. I  
12 don't recall. Or if it's a general 6(e) form set.

13 BY MR. RAUSCHER:

14 Q. I'm sorry, a general 6(e) what?

15 A. Form.

16 Q. Form?

17 A. Notification form.

18 Q. What is it -- what is 6(e) just in broad  
19 strokes?

20 A. It's -- it's just --

21 MR. NOLAND: Objection. Legal conclusion. But  
22 go ahead.

23 A. From what I understood, it was a --  
24 proceedings that took place under grand jury and all  
25 that remained sensitive and you weren't to disclose that

Page 33

1 or violate any of those things that -- certain  
2 requirements that were delineated in there with regards  
3 to that case.

4 BY MR. RAUSCHER:

5 Q. And so is it your belief that you could not  
6 have removed an officer from the street without -- and  
7 under -- in -- as part of Operation Restore Faith  
8 without divulging grand jury secrets?

9 A. Well, it's something you would have to  
10 consider, and that's something that's basically  
11 presented to you by the US -- US Attorney and the -- and  
12 the FBI agents.

13 Q. Did you have access to what was being  
14 presented to the grand jury?

15 MR. NOLAND: Objection. Foundation. Go  
16 ahead.

17 A. Again, this is going back. I may be -- I  
18 may have been made aware of some of the issues that were  
19 in the 6(e). I just don't recall specifically line per  
20 line what it was.

21 BY MR. RAUSCHER:

22 Q. What is "the 6(e)"? What do you mean by that?

23 A. It's the notification that you are -- that  
24 they call 6(e), and you're included in that. In other  
25 words, people can actually discuss those items in the

Page 34

1 6(e) grand jury secrecy list of items or issues, they  
2 can discuss them with you, but you can't discuss them  
3 with anybody else.

4 Q. And so -- okay. Anything else, any other  
5 prohibitions you can think of against taking  
6 administrative action other than the fact that you may  
7 have been included in the 6(e) group?

8 MR. NOLAND: Besides what he already said? So  
9 asked and answered. He's already testified to  
10 other things. Go ahead.

11 A. Again, it's -- it's really simple. If I were  
12 to request these officers be stripped, I would then have  
13 to have facts, documents to justify that. And none of  
14 that was our property. That all was the federal  
15 government's.

16 BY MR. RAUSCHER:

17 Q. What do you mean it wasn't your property?

18 A. It -- everything generated on that  
19 investigation was theirs.

20 Q. Did you ever ask them to use any of it?

21 A. We -- we did at the conclusion of the  
22 investigation, yes.

23 Q. And did they give it to you?

24 A. I would have to -- I'd be speculating because  
25 I -- I just don't know if -- sometimes they give us

Page 35

1 certain documents, other times, they won't. They  
2 continue with the 6(e) issue.

3 Q. But you were part of the 6(e) group in that  
4 case, right?

5 A. From what I recall, I -- I did receive a -- a  
6 6(e) notification, yes.

7 Q. Did anybody from the FBI ever affirmatively  
8 tell you, "You are not allowed to do anything to these  
9 officers while we're conducting the investigation"?

10 A. I don't know if it was the F -- the agents. It  
11 was -- I think from what I recall, there was a meeting  
12 with the AUSA who made it clear that they were the ones  
13 that were going to prosecute, they were the ones that  
14 were going to take any action on these officers.

15 Q. How did that -- who was that AUSA?

16 A. I -- I don't recall the name offhand, because  
17 there were a few of them, but -- I -- I can't recall

18 Q. Who else was at the meeting?

19 A. I would have to say -- again, I'm speculating,  
20 some of the task force officers that were involved in  
21 the -- in the investigation.

22 Q. And how did the AUSA make it clear that they  
23 would prosecute and take any actions?

24 A. It -- it was clear that they -- it was their --  
25 - it was going to be federally charged.

Page 36

1 Q. When did that meeting take place?

2 A. I -- I would have to say once I was cleared or  
3 presented with the 6(e), which I -- I don't have a time  
4 frame for that.

5 Q. Was that toward the end of the investigation?

6 A. I -- I wouldn't be able to give you specific  
7 dates or times.

8 Q. And when you say -- how did the AUSA make it  
9 clear that they would be the one to take action?

10 A. They told us, basically, this is federally --  
11 it's going to be federally charged. If there's  
12 something that can be charged or they're not going to  
13 charge it federally, they will ensure that we get  
14 documents to follow through either state charge or  
15 administratively, to relieve them and possibly  
16 discipline or separate them.

17 Q. And is this one of -- something where, you  
18 know, the feds come in and then CPD just has to kind of  
19 throw their hands up and say, "ell, if you're in charge,  
20 you're in charge"?

21 MR. NOLAND: Object to the form.

22 Argumentative. But go ahead.

23 A. It comes down to the balancing act as to what  
24 -- how best to charge these officers. So if you're  
25 looking at state charges versus federal charges, you

Page 37

1 know, that's usually the course of action. The federal  
2 charges are more severe. And that's what we're usually  
3 looking or discussing at -- at that time, which charges.  
4 BY MR. RAUSCHER:

5 Q. The balancing act that you're describing,  
6 that's something that you can do as a CPD Officer? CPD  
7 is allowed to do that balancing act, right?

8 MR. NOLAND: Objection. Form. Misstates,  
9 mischaracterizes it. Go ahead.

10 A. Again, we could do all the balancing we want,  
11 but when we work with these federal agencies, it was  
12 told, this is a federal case. This is going federally.  
13 And at that point, we're not going to insert ourselves  
14 and get caught up in obstruction or compromising the  
15 investigation.

16 BY MR. RAUSCHER:

17 Q. Were you involved in the DOJ task force  
18 investigation at all?

19 A. DOJ task force?

20 Q. So you know, somewhat recently, the DOJ came  
21 in and they wrote a big report about the Chicago Police  
22 Department?

23 A. No, they never -- I was shocked they never  
24 even asked for an interview.

25 Q. Did you ever talk to anybody at CPD about

Page 38

1 that?

2 A. No.

3 Q. About the DOJ investigating, not about how  
4 they didn't interview you.5 MR. NOLAND: And I'm just going to -- just for  
6 the record, what -- I think I understand what  
7 you're asking about, but I mean, you were just  
8 talking about a DOJ case against some police  
9 officers, Jones and Flagg. I think you're talking  
10 about something completely different and --

11 MR. RAUSCHER: I'm talking about --

12 MR. NOLAND: -- irrelevant to this litigation,  
13 not the task force investigation into Watts. So  
14 now I think it's a really confusing question. So I  
15 think I know what you're talking about, so you  
16 should probably clarify.17 MR. RAUSCHER: I think he also -- you  
18 understand what I'm talking about, right? You've  
19 given me an answer about not being --20 MR. NOLAND: Well, just because he -- you tell  
21 him. I just think for the record, we should talk  
22 about -- we should put on the record what we're  
23 talking about.24 MR. RAUSCHER: It may be unclear on the record  
25 when we look at it. I was not asking about the

Page 39

1 Watts investigation.

2 BY MR. RAUSCHER:

3 Q. Did you have an understanding of what I was  
4 just asking you about?5 A. I -- I believe so. I don't know if you -- if  
6 you get into more specifics in terms -- I understand  
7 there was a DOJ task force, but are you asking me if  
8 they included me in any of that? I -- I answered that  
9 by saying "No."10 Q. Were you involved in the response to the DOJ  
11 in any way? Were you consulted at CPD?

12 A. No.

13 Q. Okay. Do you have any understanding of how  
14 CPD responded to the DOJ task Force?

15 A. No, I was totally -- I was retired by then.

16 Q. Okay.

17 MR. NOLAND: And I'm just going to put on the  
18 record, I believe you're talking about the task --  
19 the DOJ investigation of the Chicago Police  
20 Department for which there's now a consent decree,  
21 correct?

22 MR. RAUSCHER: Yes.

23 MR. NOLAND: Okay.

24 MR. RAUSCHER: Yes.

25 BY MR. RAUSCHER:

Page 40

1 Q. But you've said you were not involved in that  
2 at all?

3 A. I was not included, no.

4 Q. Are you familiar with something called a  
5 Standards and Guidelines for Internal Affairs:  
6 Recommendations from a Community of Practice? Have you  
7 heard of that document before?

8 A. I -- offhand, no, I -- I don't recall.

9 Q. Are you familiar with any document that  
10 provide standards and guidelines from Internal Affairs  
11 that was put together through a -- like a group of  
12 municipalities in conjunction with the Department of  
13 Justice?

14 A. No.

15 Q. You don't recall ever looking at that  
16 document?

17 A. No.

18 Q. How many joint investigations was Internal  
19 Affairs involved with while you were either head of  
20 Confidential or when you were -- when you came back in a  
21 more senior role later?22 A. Again, I'm -- I'm -- I'd be speculating. I --  
23 I -- I'm not sure.

24 Q. What's your best estimate?

25 A. We used to have quarterly meetings, and it

Page 41

1 could include anywhere -- it varied depending on the  
2 time frame, but it could have been from anywhere from  
3 half a dozen to -- anywhere from -- yeah, half a dozen  
4 to about 20 different investigations, but again, I was  
5 there for six years, so it depends on the time frame.6 Q. And those are -- somewhere between six and 20  
7 at any given time, those are joint investigations with  
8 CPD and the feds?

9 A. Yes.

10 Q. Okay. Were the terms of the joint  
11 investigation typically laid out in writing?12 A. Again, going back, usually -- well, again, I  
13 -- I'd have to say when I was there, I recall it -- it  
14 didn't always -- it wasn't always written, but they --  
15 it depended on who was in charge. They would then -- in  
16 many cases, they -- they did generate the memorandum of  
17 understandings, which dictated how we operated.18 Q. Tell me more about what you -- what to --  
19 generating memorandum of understandings?20 A. When the task -- the task force was  
21 implemented, which meant Internal Affairs task force  
22 officers were working in conjunction with the Public  
23 Corruption units of the FBI, they would generate these  
24 memorandums of understanding.

25 Q. So now I'm going to agree with Mr. Noland on

Page 42

1 the use of task force in so many contexts. Just so that  
2 we have a clean record, when you said the "task force  
3 were operating," can you give me some -- just tell me  
4 what you mean. Which task force are you talking about?

5 A. There were -- okay. In Internal Affairs,  
6 there were certain officers that were deputized that  
7 were allowed to work with FBI agents, and those were  
8 considered our task force officers, and they would work  
9 closely on any of these joint investigations.

10 Q. Got it. And so MOUs would get generated on a  
11 particular investigation or more broadly?

12 A. It -- it was broadly. It -- it -- it just  
13 depended on who was in charge there, you know, as far as  
14 the agent in charge at -- at Chicago.

15 Q. The FBI -- who was in charge of the FBI  
16 Chicago office?

17 A. Yes -- yes.

18 Q. Got it. Do you recall having more than one  
19 written MOU with the FBI?

20 A. I -- again, going back when I was a  
21 lieutenant, I -- I don't recall. And that's something  
22 that would have been an issue for the ADS at the time.  
23 However, when I was the chief, that did come to me  
24 directly.

25 Q. Who's the -- what does ADS stand for?

Page 43

1 A. Assistant Deputy Superintendent.

2 Q. So back in the 2004 time period, it would've  
3 gone -- if there was an MOU, you wouldn't have seen it  
4 necessarily; is that right?

5 A. I may or may not. Again, I -- I don't recall,  
6 but it -- it -- it's possible. But the person who would  
7 have been notified and would have signed off on it would  
8 have been the ADS of Bureau of Internal Affairs.

9 Q. And was that Rowan at the time?

10 A. She was there -- I -- again, I -- I'd be  
11 speculating because she was there for a short time frame  
12 and then Kirby took the position over.

13 Q. Okay. One of the two of them?

14 A. I -- yeah, I wouldn't be able to tell you for  
15 sure.

16 Q. You wouldn't be able to tell me if it was one  
17 of the two of them or you just -- you're not sure which  
18 one?

19 A. I -- yeah, I wouldn't know which one. If --  
20 if it did happen, I -- I wouldn't know. I don't recall.

21 Q. Understood. I was just trying to make sure  
22 that I understood the universe of people who might have  
23 if so. We don't know as we sit here today if there was  
24 an MOU with the feds in 2004?

25 A. Yeah. I just don't recall if there was or

Page 44

1 not.

2 Q. Why do you think that if there would have been  
3 one, it would have been signed off by the ADS?

4 A. From what I understand, at least the procedure  
5 was when I was there, it's reviewed -- it's actually  
6 reviewed by our general counsel, Legal Affairs. Once  
7 they approve it, then it comes to me since I'm in  
8 charge, at the time chief. I then sign off on it.

9 Q. How many MOUs do you recall signing off on as  
10 chief of Internal Affairs?

11 A. The one I -- I know for sure. And I -- again,  
12 that covers a time span. It doesn't really cover a  
13 particular investigation.

14 Q. Is that the only MOU you recall signing off  
15 on?

16 A. Yeah. I mean, again, it's -- it's been years.  
17 That's -- that's -- that one in particular because it  
18 was a -- a major case.

19 Q. But it -- does it cover one specific case or  
20 does it cover any case?

21 A. Well, I think in many -- in many -- I think it  
22 was [REDACTED] wanted to cover all the cases, but in  
23 particular because that case was also starting to show  
24 signs of, you know, success, he wanted to make sure all  
25 that was in place, so there was an understanding between

Page 45

1 the task force officers and Internal Affairs. I believe  
2 it was based on the fact that he may have -- from what I  
3 recall, he was he asked if there was one in place and  
4 was told that there hadn't been a recent one, and he --  
5 he decided it was prudent to have an agreement drawn up  
6 and signed by both the department and the FBI.

7 Q. And you said "[REDACTED] Is that [REDACTED]  
8 who was the Special Agent in Charge of the FBI Chicago  
9 office?

10 A. Yes.

11 Q. And you said it was for -- it covered other  
12 cases, but it was -- it doesn't -- it was written up in  
13 particular relating to one case? Which case?

14 A. Well, I think at -- at the time when we were  
15 reviewing -- when he was reviewing this case of Watts  
16 and he saw the progression, he wanted to make sure that  
17 there was an understanding as to how our task force  
18 officers were going to be utilized and the restrictions  
19 and so on that we were going to fall under.

20 Q. And was the purpose of the MOU to memorialize  
21 the existing relationship or was it, we're starting  
22 fresh, this is how it is going forward; or something  
23 else?

24 MR. NOLAND: Objection. Foundation. But go  
25 ahead.



Page 46

1 A. Again, going back to what I recall, I believed  
2 he thought there was one in place. And when he realized  
3 there wasn't and these operations were starting to pick  
4 up steam, he decided to make sure that there was a MOU  
5 so there was an understanding as to how our task force  
6 officers were going to interact with the Public  
7 Corruption team.

8 BY MR. RAUSCHER:

9 Q. Does it -- was the goal also to reflect how  
10 the teams had been operating?

11 MR. NOLAND: Objection. Foundation. Go  
12 ahead.

13 A. I -- again, I -- I -- I wouldn't -- I wouldn't  
14 be able to answer that.

15 BY MR. RAUSCHER:

16 Q. Who do you think would be able to answer that?

17 A. If someone actually had a -- an MOU from  
18 previous years or so on, they might be able to ascertain  
19 whether the -- it's the same guidelines or rules or if  
20 it changed. I -- I'm not sure.

21 Q. Do you think there was an MOU before?

22 A. I'm not certain. I couldn't say for sure.

23 Q. I know you're not certain, but I'm just -- I --  
24 -- maybe I'm reading between the lines, but it seems like  
25 you think there might have been.

Page 47

1 A. It's possible. I -- I just don't recall.

2 Q. Do you have a -- like do you think there's  
3 more than a 50 percent chance it existed or --

4 MR. NOLAND: Object to form.

5 BY MR. RAUSCHER:

6 Q. Yeah, I'm not asking you to -- I guess that's  
7 not a great way to ask it. I don't want you just to  
8 guess. I want to know if you have some basis to think  
9 there may have been one, even if you don't know for  
10 sure.

11 MR. NOLAND: Objection. Form. Asked and  
12 answered. Go ahead.

13 A. The only way I'm not -- the only reason I'm  
14 not sure is because I know our task force officers were  
15 working closely with their Public Corruption team. So  
16 again, I -- I would assume maybe there might have been,  
17 but I'm not sure. And the only one that can probably  
18 answer that would be the person or -- that was in charge  
19 at the time. They would -- probably would be the ones  
20 that would receive the -- the MOU.

21 BY MR. RAUSCHER:

22 Q. Did anything change in the way that the --  
23 when you said they were public corruption, you meant the  
24 FBI's Public Corruption unit?

25 A. Yes.

Page 48

1 Q. Did anything change in the relationship  
2 between your task force officers and the Public  
3 Corruption group relating to the Watts investigation  
4 once that MOU was signed?

5 A. No. Virtually -- I mean, the -- one of the  
6 reasons I signed it is because we were following those  
7 same guidelines, principles anyways. I mean, they made  
8 it clear what they owned, what we could divulge or not  
9 divulge, and so on and so on. I mean, they delineated  
10 all that there in the MOU.

11 Q. Same principles and guidelines you were  
12 already operating under, so not a huge event to sign it?

13 A. Right.

14 Q. Did you look at that MOU to prepare for your  
15 deposition?

16 A. Yes.

17 Q. And when was the last time you had seen it  
18 before that?

19 A. Probably back when the operation was taking  
20 place, when I signed it in -- no, I'm not even sure what  
21 year it was.

22 Q. I know it's been rescheduled at least once,  
23 but what do you -- so you may not -- if -- you may not  
24 remember everything, but did you look at any documents  
25 to prepare for your deposition, whether it was for today

Page 49

1 or for a prior setting?

2 A. Yes.

3 Q. What documents did you look at?

4 A. I looked at some 302s from the FBI that was  
5 generated based on this investigation.

6 Q. This meaning the Watts investigation?

7 A. Yes.

8 Q. Okay.

9 A. Some reports that were generated by officers  
10 that were involved in the Watts case. I may have looked  
11 at -- I -- I -- I just don't recall all of them, but  
12 that was the majority.

13 Q. When you say "reports generated by officers  
14 involved in the Watts case," you mean the investigation  
15 of Watts?

16 A. Yes.

17 Q. You mean C -- are you talking about CPD  
18 reports?

19 A. Majority, yes.

20 Q. And then what -- so I know you said 302s,  
21 which are -- those are created by the FBI, right?

22 A. Correct.

23 Q. And then of the second category, reports  
24 generated by officers involved in the Watts  
25 investigation, were there reports by anyone other than

Page 50

1 CPD officers you looked at?

2 A. No.

3 Q. Do you remember which officers from CPD

4 prepared reports that you reviewed?

5 A. Agent Holliday.

6 Q. Calvin Holliday?

7 A. Calvin, yes.

8 Q. Okay. Anyone else?

9 A. Also Echeverria, Officer Echeverria.

10 Q. Were the Echeverria reports you're talking

11 about To-Frms?

12 A. Yes, I believe so.

13 Q. Any other reports other than the To-Frms from

14 Echeverria?

15 A. No.

16 Q. Did you review any deposition transcripts?

17 A. Yes. The Spalding and Echeverria one, I

18 believe. Yes.

19 Q. You reviewed their depositions from this case

20 or you reviewed some depositions from their case?

21 A. No. From the one I was involved with them.

22 Q. Was it your deposition in that case you

23 reviewed?

24 A. Yes.

25 Q. Okay. Did that deposition refresh your

Page 51

1 recollection about any of the events?

2 A. Yes, of course.

3 Q. What in particular were you -- was your

4 recollection refreshed about from reviewing your

5 deposition?

6 MR. NOLAND: Objection. Form. Over broad. Go

7 ahead.

8 A. I -- I -- mainly time frame, more or less, the

9 time frame as to how the investigation progressed.

10 BY MR. RAUSCHER:

11 Q. The investigation into Watts and Mohammed?

12 A. Yes.

13 Q. Do you know if the investigation ever looked

14 at other officers on the tactical team?

15 A. I -- I -- I believe we asked, and I don't

16 recall any other names. Again, that's my recollection,

17 but I know that the two main officers were Watts and

18 Mohammed.

19 Q. You -- who do you think you asked?

20 A. Well, we were in quarterly meetings, so we

21 would probably have asked the case agent, the FBI case

22 agents, and again, I wouldn't recall who they were, but

23 AUSAs that were involved.

24 Q. Okay. What's the time period when -- do you

25 think you asked that question personally or do you think

Page 52

1 someone on your team did or both?

2 A. It could have been both. Again, we had

3 quarterly meetings at times and then there are -- there

4 are times I -- I recall we were asked to go there and

5 meet on a separate date or -- or -- so it wasn't just

6 quarterly meetings, but there were other meetings that

7 we were required or requested to go.

8 Q. Do you have a specific memory of either asking

9 that question or hearing someone else ask it, or are you

10 making an assumption that it would have been asked?

11 MR. NOLAND: Object to the form. Go ahead.

12 A. I recall it being asked by -- I don't know if

13 it was -- I think it was a task force -- one of the task

14 force officers, if I remember correctly.

15 BY MR. RAUSCHER:

16 Q. Do you remember about when during the

17 investigation that was asked?

18 A. No, I would -- I would be speculating.

19 Q. And do you recall what -- the answer you got?

20 A. I'm sorry. I -- I lost track. What was the

21 question again?

22 Q. If you recall the answer to the question?

23 A. What was the question? I'm sorry.

24 Q. Oh, the question was -- well, there's a

25 question and then my question was about a question, so.

Page 53

1 But I had asked you if either you or someone on your

2 team asked the FBI, if anyone else was implicated in the

3 investigation. And I believe you said, I think, a task

4 force member asked at a meeting you were present at.

5 A. Right.

6 Q. Is that right?

7 A. Yes, that's correct.

8 Q. Do you know how they -- well, so then it says,

9 how did they ask the question? What did they say?

10 A. I believe the question was whether any of the

11 human sources had mentioned other officers on the team

12 at that point in time. And the answer, I believe, was

13 no.

14 Q. And you don't remember when during the

15 investigation this happened?

16 A. No, I -- I would have to -- I would be

17 speculating.

18 Q. And you think the answer was no; is that

19 right?

20 A. Correct.

21 Q. Do you know who -- you don't know which

22 officer asked the question?

23 A. No, there were a few of them, but.

24 Q. Which ones do you think it could have been?

25 A. Again, I'd be speculating, but I know the task



Page 54

1 force officers that might've been there would've been  
 2 Boehmer, Chester. Who else? I forgot the officer's  
 3 name. Daria -- I forgot her last name. She was a  
 4 liaison, but she was CPD.  
 5 Q. Anyone else?  
 6 A. Not off the top of my head. I think those  
 7 were --  
 8 Q. Did you see any of the 302 -- so you looked at  
 9 some 302s to prepare for your deposition?  
 10 A. Yes.  
 11 Q. Had you seen any of those three oh twos  
 12 before?  
 13 A. No.  
 14 Q. Did you see any 302s during the investigation?  
 15 A. No.  
 16 Q. Did any of the 302s you looked at to prepare  
 17 for your deposition mention other officers besides Watts  
 18 and Mohammed?  
 19 A. I -- yes, I did notice that one did mention  
 20 Jones, I believe.  
 21 Q. Was that about the theft of about \$5,000, if  
 22 you remember?  
 23 A. I -- yeah, I don't recall.  
 24 Q. What do you know -- what do you remember, if  
 25 anything, about what that 302 said about Jones?

Page 55

1 A. That he was possibly present? I'm -- I'm not,  
 2 again, 100 percent sure.  
 3 Q. And you haven't seen other 302s talking about  
 4 another officers potentially being involved?  
 5 A. No, I don't recall any.  
 6 Q. Do you have an independent recollection of  
 7 receiving "To-Froms" that Echeverria created relating to  
 8 the Watts investigation?  
 9 A. Do I recall all the content? Not all.  
 10 Q. No, just --  
 11 A. -- no, I --  
 12 Q. -- do you recall that he did that and gave  
 13 them to you?  
 14 A. Yes.  
 15 Q. And do you know why he did that and -- why he  
 16 created those memos and gave them to you?  
 17 A. We -- I should say the supervisors in Internal  
 18 Affairs, myself and Klimas wanted him to document what  
 19 their daily activity was, more or less what they were  
 20 involved in.  
 21 Q. Why did you want him to do that?  
 22 A. Because at that point in time, they really  
 23 didn't have anywhere to report. They were no longer  
 24 allowed into the FBI facility.  
 25 Q. Why were they not involved -- why were they

Page 56

1 not allowed into the FBI facility?  
 2 A. There was some issue with equipment that was  
 3 misplaced or lost or --  
 4 Q. Recording equipment or something else?  
 5 A. It may have been the recorded equipment or  
 6 something. Yeah.  
 7 Q. Who lost it?  
 8 A. Not sure who lost it. All I know is that they  
 9 couldn't locate it.  
 10 Q. So they had been given the responsibility for  
 11 hanging on to this equipment and they couldn't locate it  
 12 and the FBI said, "You can't come back here anymore"?  
 13 A. And -- and, you know -- that's the gist of it,  
 14 yes.  
 15 Q. But did you still want them working on the  
 16 investigation?  
 17 A. Oh, yes, of course.  
 18 Q. Did the FBI still want them working on the  
 19 investigation?  
 20 A. Yes, because they were handling the informant.  
 21 Q. Which informant were they handling?  
 22 A. I don't recall the name.  
 23 Q. Do you know how many informants they handled  
 24 for the Watts investigation?  
 25 A. I only know of the one.

Page 57

1 Q. Were they the ones who handled the informant  
 2 who was used in the event that ultimately led to the  
 3 arrests?  
 4 A. Yes.  
 5 Q. Was [REDACTED] that name?  
 6 A. I -- you know, again, I -- all I knew him as  
 7 was "the informant," basically.  
 8 Q. At the -- so you didn't even know his name at  
 9 the time?  
 10 A. No.  
 11 Q. Do you know if the Watts investigation was  
 12 started while you were -- or was ongoing when you were  
 13 the head of confidential in Internal Affairs?  
 14 MR. NOLAND: I'm going to object to the form  
 15 of that question. You mean before he got there or  
 16 like --  
 17 MR. RAUSCHER: Yeah, it was not a good -- I  
 18 blended them. It wasn't a great question.  
 19 BY MR. RAUSCHER:  
 20 Q. Was it -- do you know when the Watts  
 21 investigation started?  
 22 A. It started while I was assigned there as the  
 23 lieutenant of Confidential.  
 24 Q. That was sometime in 2004?  
 25 A. Yes.

Page 58

1 Q. And do you know when it concluded?

2 A. I -- I'm not sure what you mean by conclusion.

3 Q. Well --

4 A. The criminal aspect of it? Administrative?

5 Q. From your perspective, when did it end?

6 A. When they were arrested.

7 Q. All right. Do you know when that was?

8 A. Sometime in the beginning of -- and again, I'm

9 not 100 percent sure. The beginning of 2012.

10 Q. Seven, eight years, basically?

11 A. Yes.

12 Q. Do you have any opinions on the length of the

13 investigation?

14 A. No.

15 Q. Do you have any opinions on the pace of the

16 investigation?

17 A. I -- I can't comment on that because I wasn't

18 there for the entire time.

19 Q. Did you look at the file when you came back as

20 chief of Internal Affairs?

21 A. I don't believe I was 6E, so I relied on task

22 force officer and the other officers that were involved

23 in briefing us.

24 Q. So there was some information that you wanted,

25 but couldn't get?

Page 59

1 MR. NOLAND: Object to form. Go ahead.

2 A. The -- the -- the information that -- I -- I

3 probably -- I mean, I wasn't privy to specifics was that

4 time frame when I wasn't there. I -- I probably -- I

5 mean, I recall them giving me a general idea that there

6 was money that was presented and taken by, I think

7 Mohammed several times, but I didn't have details or any

8 of that information.

9 BY MR. RAUSCHER:

10 Q. What do you mean you didn't have details or

11 any of that information?

12 A. For instance, the dates, I mean, they were

13 telling me it happened during the time frame I was gone.

14 I don't know if it was '07, '08. And I believe Joe

15 Barnes may have not been there when I went back, and he

16 was the person involved in it during that time frame.

17 So again, I mean, I got a -- a -- a briefing, but I

18 don't think I, you know -- obviously, I didn't -- I

19 wasn't there, so I didn't have a lot of the specifics.

20 For instance, I -- I was briefed that there was a sting

21 that took place at a -- at a house or something to that

22 effect. I -- I don't know the specifics of that sting.

23 Q. When were you briefed about a sting at a

24 house?

25 A. Probably early on when I first arrived there

Page 60

1 as chief.

2 Q. And do you remember any of those specifics?

3 A. It's been so long. I -- I don't know exactly

4 what was told. Like, I kind of got a -- an idea of some

5 of the sequence of events that had taken place while I

6 was gone, but not totally specifics as to, like, did

7 they use a human source or undercovers or -- I -- I

8 didn't have all those specifics.

9 Q. Did you read any reports -- any internal

10 reports saying, "We caught Mohammed on a wire taking

11 money," while you were gone? I mean, anything like

12 that?

13 A. I don't recall. I -- I just remember being

14 briefed by the task force officers. I don't recall. I

15 mean, it's been years ago, so I -- I don't know if they

16 had a -- a report that they allowed me to see. I -- I --

17 - I don't know. I don't recall that.

18 Q. It's a pretty big deal for an officer to steal

19 money, right?

20 A. Yes.

21 Q. And that's what you were told that Mohammed

22 did?

23 MR. NOLAND: Steal money? Object to the form.

24 Mischaracterizes the testimony and --

25 BY MR. RAUSCHER:

Page 61

1 Q. Or is --

2 MR. NOLAND: -- the evidence in the case.

3 BY MR. RAUSCHER:

4 Q. Is that not what Mohammed did?

5 A. He -- from what I understood that there was

6 money presented and he -- he did take it, yes.

7 Q. How would you describe that?

8 A. He -- he stole it from -- like I said, I don't

9 know if it was an undercover department.

10 Q. And did you follow up when you heard that this

11 officer, who was still on the street, stole money

12 multiple times?

13 MR. NOLAND: Objection. Mischaracterizes

14 the --

15 A. Well, that was all part of the evidence that's

16 -- that was being accumulated to charge him.

17 BY MR. RAUSCHER:

18 Q. And that was something that you knew -- right

19 when you got back as chief that had already happened?

20 A. Yeah, it was probably soon after I -- I

21 returned.

22 Q. Right. But the events had already happened

23 before you were back, right?

24 A. Yes.

25 Q. In that case, did you think, "we better get

Page 62

1 this guy off the street"?

2 A. Well, again, I was being told that it -- it  
3 was a source or an undercover being provided or  
4 something to that effect. So it wasn't, from what I  
5 understood, he was out there stealing from other  
6 individuals. It was scenarios -- stings that were  
7 directed towards him.

8 Q. And there were no complaints that he had been  
9 doing that before?

10 MR. NOLAND: Object to the form. Foundation.  
11 Go ahead.

12 A. Again, that's -- we had information that they  
13 were charging drug dealers street tax. That's what I  
14 understood when I was there as a lieutenant.

15 BY MR. RAUSCHER:

16 Q. Right. And that's why there was an  
17 investigation, at least in part?

18 A. Right.

19 Q. And, so you found out that he actually was  
20 doing it, did you think, "we better get him off the  
21 street"?

22 A. Well -- well, again, I'm not going to insert  
23 myself into a federal investigation and compromise their  
24 investigation or be accused of obstructing their  
25 investigation. The goal was to charge him federally

Page 63

1 with severe penalties. That was the goal.

2 Q. And --

3 MR. NOLAND: Why don't -- he's still talking.

4 MR. RAUSCHER: That's fair. I didn't mean to  
5 cut you off.

6 A. That -- I mean, that's -- that was the goal.

7 BY MR. RAUSCHER:

8 Q. How many years were you prepared to wait for  
9 the feds to act?

10 MR. NOLAND: Objection. Form. Calls for  
11 speculation. Argumentative. Go ahead.

12 A. Well, we weren't waiting. We were assisting  
13 in every -- every way we can to -- to prompt this  
14 investigation and get it to its fruition. I -- from  
15 what I recall, when I was back in '04, we were trying to  
16 develop human sources to present to the federal agency  
17 so that they can do -- so we were suggesting integrity  
18 checks in an effort to possibly quicken the  
19 investigation. So we were constantly working with the  
20 FBI to ensure that this investigation moved as quickly  
21 as possible.

22 BY MR. RAUSCHER:

23 Q. So you made some suggestions all the way back  
24 in 2004 about steps that could be taken, including  
25 developing confidential sources, right?

Page 64

1 A. Providing confidential -- yes.

2 Q. To the FBI?

3 A. Correct.

4 Q. And then that happened and they caught  
5 Mohammed taking bribes. Within four years did you  
6 think, "all right, it's time to do something"?

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

8 A. Again. We're -- we're being briefed and the  
9 AUSAs and the FBI agents, they were looking at long-  
10 term conspiracy to try to determine if other officers  
11 were involved. So that's not going to be something  
12 where you remove one officer and then you allow other  
13 officers that are out there, you know, conducting  
14 themselves the same way, you defeat the purpose of the  
15 investigation. So we have to rely on the FBI, they're  
16 looking at charging them with conspiracy, and that's  
17 federal. So we rely on them and they made it known to  
18 us that that's the direction that they were going

19 BY MR. RAUSCHER:

20 Q. This -- sorry, go ahead.

21 A. Okay. So it -- it would make no sense for,  
22 again, like I mentioned earlier, for us to insert  
23 ourselves into the investigation or obstruct their  
24 investigation by compromising it by stripping an  
25 officer. We don't accomplish what we want to which is

Page 65

1 removing as many officers that were involved in any of  
2 this criminal activity.

3 Q. Which other officers did they tell you they  
4 were looking at?

5 A. Again, at that point in time, it was these  
6 two. But they're always, you know, looking at whether  
7 they knew they were part of a team, so they're always  
8 looking to see if there's -- this is -- this is going to  
9 expand or not.

10 Q. I thought you said that an AUSA told you they  
11 were looking at other officers and made clear that was  
12 the direction of the investigation.

13 MR. NOLAND: Objection. Form. Now you're  
14 just arguing with him.

15 A. I'm sorry. What was it?

16 MR. NOLAND: I don't -- is that a question?

17 MR. RAUSCHER: It is a question.

18 MR. NOLAND: Well, you can read it back if you  
19 want.

20 A. Yeah, I don't know. I don't understand.

21 BY MR. RAUSCHER:

22 Q. Did you testify just a couple question -- a  
23 couple answers ago that an AUSA made clear that the  
24 direction of the investigation was trying to make a  
25 conspiracy and look at other officers?

Page 66

1 A. If they were involved, that's -- that was  
2 their goal.

3 Q. Okay. Who told you that and what did they  
4 tell you?

5 MR. NOLAND: Objection. Asked and answered.  
6 Go ahead.

7 A. That's what -- that was their goal. The  
8 conspiracy involves more than just one person, so that  
9 was their goal. They're looking at the RICO statute.  
10 Whether they accomplish that or not, that was part of  
11 their goal is to determine whether there were other  
12 officers involved.

13 BY MR. RAUSCHER:

14 Q. And how many conversations were there in which  
15 an AUSA told you they were looking at using RICO  
16 statute?

17 A. I'm sure there was a few at the quarterly  
18 meetings. Obviously, I think I recall the one time  
19 where we were trying to provide them with a human  
20 source, and I encouraged Holliday to present the  
21 integrity check scenario and they decided to go the  
22 other direction because of the RICO. They wanted the  
23 conspiracy.

24 Q. What did -- what is an integrity check?

25 A. It's when you present a scenario to target --

Page 67

1 targeted officers or officer to determine whether they  
2 are going to commit whatever acts of misconduct they've  
3 been alleged to be committed.

4 Q. And why did you encourage Holliday to present  
5 an integrity check as an option?

6 A. Because it would quicken the pace of the --  
7 the investigation. As I mentioned before, their --  
8 their direction was to look at the conspiracy case and  
9 determine whether other officers may or may not be  
10 involved.

11 Q. Why did you want them to quicken the pace of  
12 the investigation?

13 A. Because at the time, the investigation was not  
14 moving forward. I think, from what I recall, the human  
15 sources that the FBI initially came in contact with,  
16 were not providing the information or that they needed  
17 to move the case along.

18 Q. About what time period did this happen?

19 A. This would probably have been towards the end  
20 of my stay there as lieutenant.

21 Q. That was the original 2004 time period?

22 A. Yes.

23 Q. And they said, "no, we're not going to do  
24 that," right?

25 A. Well, they said we were going -- they were

Page 68

1 going the route of the conspiracy.

2 Q. And did you disagree with that decision?

3 A. No. Because if obviously, if it did discover  
4 that other officers were involved, we needed to remove  
5 them from the department.

6 Q. If they would've said to you, back then toward  
7 the end of 2004, "We're not going to do the integrity  
8 check. What we're going to do is seven to eight years  
9 of investigation. Come back to us at the end." Would  
10 you have said, "that seems like a long time"?

11 MR. NOLAND: Objection. Form. Foundation.  
12 Incomplete hypothetical. Mischaracterized the  
13 witness. Go ahead.

14 A. Again, there -- every case is unique. This --  
15 there's a lot of unknowns and a lot of circumstances  
16 that are beyond your control. So in looking back at  
17 this case, I recall the failure of human -- or human  
18 sources to come up with information. So that also  
19 hampered the investigation. I recall changes in the  
20 investigating the agents that were in charge of the  
21 investigations at the FBI. The fact that the Ida B.  
22 Wells homes were torn down, the -- and I think when I --  
23 I arrived there, there was the issue with Watts who was  
24 on the medical, so that slowed the process of the  
25 investigation also. So there's a lot of different

Page 69

1 factors that can affect the length of these  
2 investigations.

3 BY MR. RAUSCHER:

4 Q. Do you think that Ronald Watts was wrongfully  
5 convicted?

6 A. I'm sorry? Do -- do I think that Ronald Watts  
7 was wrong -- no.

8 Q. No? Why do you think he was not wrongfully  
9 convicted?

10 A. All the evidence, you know, shows that he was  
11 willing to extort drug dealers.

12 Q. What about Mohammed? Was he wrongfully  
13 convicted?

14 A. No.

15 Q. Why was -- why -- what's your position -- what  
16 is your basis to say that Mohammed was not wrongfully  
17 convicted?

18 A. Same thing. Again, when I was there, he -- he  
19 was part of the sting operation, the successful sting  
20 operation.

21 Q. Are you aware of any steps that the -- either  
22 the Chicago Police Department or the FBI took to  
23 determine whether other officers were involved in the  
24 alleged illegal activity?

25 A. Again, going back to what I recall, I believe

Page 70

1 they were all -- from what I recall -- again, they were  
2 all part of a either pen register or a wiretap. And  
3 towards the end of the investigation, we were adamant  
4 that the -- that we knew exactly whether these officers  
5 -- these other officers were involved or not. And, so  
6 there were several more. I don't know if it was two  
7 other sting operations that were either set up or  
8 attempted after the successful sting of Watts and  
9 Mohammed. And -- and that resulted in negative results.

10 Q. Who were -- who were the targets of those  
11 other stings?

12 A. I -- I just -- I think it was just -- I -- I  
13 don't recall. Again, I don't recall the seeing the  
14 operational plan, so I don't know if they were named on  
15 there or not.

16 Q. Do you know if those stings actually took  
17 place?

18 A. I -- I know that was -- I know they were  
19 attempted. I believe, on the second sting, like Watts  
20 and Mohammed were arrested.

21 Q. Second sting against other officers?

22 A. Against the same group. Obviously, they --  
23 Watts and Mohammed weren't arrested in the first sting.  
24 The goal was to determine if other officers were also  
25 involved and I believe the last -- the last attempt,

Page 71

1 they arrested Watts and Mohammed. Again, that's from  
2 what I recall.

3 Q. Do you know why they -- well, did CPD have any  
4 say in whether Watts and Mohammed were going to be  
5 arrested?

6 MR. NOLAND: Object to the form. You mean the  
7 timing of it?

8 MR. RAUSCHER: Generally. Timing, substance.

9 MR. NOLAND: Object to the form. Go ahead.

10 A. Well, I mean, we knew that they were still  
11 looking at the conspiracy and we had continued to ask  
12 them if we had to be concerned about other officers. So  
13 they informed us that they were going to eventually  
14 arrest them, but they wanted to attempt these other  
15 sting operations.

16 BY MR. RAUSCHER:

17 Q. And did CPD have any say in whether and when  
18 Mohammed and Watts were going to be arrested?

19 A. No.

20 Q. Did CPD conduct its own investigation to see  
21 whether it needed to be concerned with other officers?

22 MR. NOLAND: Object to the form. Go ahead.

23 A. No, we relied on the extensive investigation  
24 and information that the FBI and our task force officers  
25 gathered during the Watts and Mohammed investigation.

Page 72

1 BY MR. RAUSCHER:

2 Q. Were you involved in investigating any CRs  
3 when Watts or Mohammed or anyone on their team was  
4 accused of framing anyone?

5 A. No.

6 Q. Do you recall seeing any of those when you  
7 were at Internal Affairs?

8 A. No, I don't recall seeing anything.

9 Q. Would you have been given CRs against Watts,  
10 Mohammed, and team members as a matter of course when  
11 you were at IA?

12 A. If it was deemed confidential investigation,  
13 it would've made its way to my section, but I don't  
14 recall that.

15 Q. You don't recall any of those -- any such CRs?

16 A. I don't recall, no.

17 Q. Do you recall being involved in any decisions  
18 as to whether CRs against Watts, Mohammed, or others on  
19 the team should be deemed confidential?

20 A. I don't recall. I recall when I was there,  
21 other investigations involving them were absorbed into  
22 this one.

23 Q. Okay.

24 A. Yes.

25 Q. What do you mean "absorbed into this one"?

Page 73

1 A. There were other allegations. I -- I wouldn't  
2 be able to tell you what they were, but I recall we  
3 allowed the investigators to combine it into the one  
4 investigation that we were currently, actively looking  
5 at.

6 Q. All right. Let's try to break that down a  
7 little bit. You said, "we allowed," who's the we?

8 A. The -- well, a lot went through, not just me,  
9 but the commander, Klimas, he was -- he's actually the  
10 commander. He's in -- his title is Commander of  
11 Investigations --

12 Q. Okay.

13 A. -- so a lot goes through him and, you know, we  
14 actually work together and we make the decisions and  
15 determinations if it's best to combine these cases and  
16 allow the task force officers to address the allegations  
17 in these other --

18 Q. And then the other investigation you're  
19 talking about, are you talking about CRs that were  
20 filed?

21 A. Yes.

22 Q. CRs meaning complaint register?

23 A. Right.

24 Q. Citizen complaint, essentially?

25 A. Yes.



Page 74

1 Q. And when you say they were -- did you say they  
2 were absorbed into the investigation?

3 A. They were included.

4 Q. Okay.

5 A. And, so the -- the reason for doing that is,  
6 obviously, it involves the same officers. So if  
7 anything develops in the current investigation that we  
8 can address these other CR numbers, that would -- that's  
9 something we would do. So we would combine all those  
10 allegations or charges, whatever, against the officer in  
11 that one investigation.

12 Q. As a practical matter, what did it mean for  
13 the CR to be included or combined into the joint  
14 investigation with the feds?

15 A. It just meant that we could actually look into  
16 those allegations as well as the current ones.

17 Q. You "could," you said?

18 A. Yes.

19 Q. Okay. I'm sorry. I didn't mean to cut you  
20 off. I didn't hear if it was could or couldn't in the  
21 middle.

22 A. No, could.

23 Q. Did you have more to say about it?

24 A. The -- the whole point of the other CRs being  
25 combined with the one active one was to determine

Page 76

1 also, so that's why it's combined. At times, it doesn't  
2 develop into that, but other times it could. So that's  
3 why it's all combined.

4 BY MR. RAUSCHER:

5 Q. Did you expect that witnesses would go --  
6 would be interviewed as part of the CR investigation?  
7 Even though the CRs were combined?

8 A. If they were going to be interviewed, they  
9 would be interviewed by the FBI because they were the  
10 lead agency.

11 Q. So CPD wasn't doing its own CR investigation  
12 for the ones that were combined?

13 A. Again, it was made clear to us that they were  
14 in charge. They were going to handle all the aspects of  
15 this investigation.

16 Q. Including CRs?

17 A. Well, including -- no, you were asking  
18 interviewing witnesses.

19 Q. Of -- so a witness that is relevant to the CR.  
20 Someone says, "I got framed." You look at the police  
21 report and say, "Well, all right -- well, there's five  
22 people who are listed here," right? And then normally  
23 as part of a CR investigation, shouldn't those people be  
24 interviewed?

25 MR. NOLAND: Objection. Incomplete

Page 75

1 whether any of those could be addressed. Those  
2 allegations could be addressed in the open current  
3 investigation.

4 Q. Did you still expect that each individual CR  
5 would be completely investigated, as if it was a  
6 standalone CR?

7 MR. NOLAND: Objection. Incomplete  
8 hypothetical. Go ahead.

9 A. Again, it depends on the information. Whatever  
10 the investigation led us to and whatever evidence we  
11 were able to obtain during the active investigation.

12 BY MR. RAUSCHER:

13 Q. Maybe it's not a clear question. I don't mean  
14 it even as a hypothetical. There were actual CRs that  
15 were made against Watts and Mohammed that were included  
16 in the federal joint investigation with CPD, right?

17 A. Yes.

18 Q. What was your expectation for how those CRs  
19 would be investigated?

20 MR. NOLAND: Object to form. Go ahead.

21 A. Yeah, I think I answered it. Basically, if we  
22 can address those allegations, and in many cases, if  
23 there's an allegation that we determine later was  
24 something that came up during the active investigation,  
25 then we can actually charge the officer with that one

Page 77

1 hypothetical. Foundation. Form. Go ahead.

2 A. Again, it's FBI investigation. Even though  
3 it's our CR investigations, they are -- they made it  
4 clear that any witnesses, and whatnot, they were going  
5 to interview themselves. And if anything came from  
6 that, then we were -- we would be given any interviews  
7 or whatnot that it's pertinent to closing off that --  
8 that investigation. That happens all the time. When  
9 there's a federal case, they provide us the documents we  
10 need to separate the officers or charge them.

11 BY MR. RAUSCHER:

12 Q. Who decided which CRs would be included in the  
13 joint investigation?

14 A. I -- I mean, it ultimately -- I signed off on  
15 it, so I -- I guess, I would -- I would say it was  
16 presented to me, and I -- I did the final approval of  
17 it.

18 Q. It wasn't -- the feds didn't come to you and  
19 say, "Any CR that's filed against these guys, we're in  
20 charge of that one, too"?

21 A. Well, they're made aware of it, and it  
22 facilitates it if we combine it, so they're -- they're  
23 aware of it. We kept them aware of every -- I mean,  
24 including, I think, Keith -- Calvin Holliday even  
25 included a -- a traffic accident that took place

Page 78

1 involving him. He made the -- we -- we made the FBI  
2 aware of that case also, just in case that person could  
3 become a human source for the case.

4 Q. You said "involving him." You don't mean the  
5 accident did involve Holliday?

6 A. No -- no, Watts.

7 Q. Right. Okay.

8 A. Yeah. It was a CR against Watts, and it was  
9 involving some kind of accident that hit -- I don't know  
10 if it was hit-and-run or whatever. I -- I don't recall  
11 exactly. So anything that came through, my whole point  
12 is, we notified and gave the FBI copies of everything  
13 that -- that were coming through.

14 Q. And that one that you're talking about,  
15 though, CPD did conduct in witness interviews, right, or  
16 at least tried to?

17 A. I think Holliday did -- his goal was to  
18 determine whether the person involved would become a  
19 human source for us for the operation.

20 Q. And at some point, are you saying that in that  
21 process of interviewing witnesses who have relevant  
22 information on a Watts-related CR stopped as far as  
23 CPD's involvement?

24 MR. NOLAND: Objection. Mischaracterized. Go  
25 ahead.

Page 79

1 A. No, the -- the interview that Holliday  
2 conducted was more towards whether this person would be  
3 able to help us further the investigation. In terms of  
4 the, you know, person giving us information with regards  
5 to the allegations, it may have come up, but then at  
6 that point we combined it all into this investigation.  
7 In other words, we let the FBI know, here's another  
8 incident, possibly a source. It's a hit-and-run, so it  
9 wasn't involving the actual allegations that these two  
10 officers were, you know, being alleged to be committing,  
11 so it was more of us looking at it from the perspective  
12 of anything involving these officers, trying to  
13 ascertain whether the parties involved would actually be  
14 able to be used as a human source to further the  
15 investigation.

16 BY MR. RAUSCHER:

17 Q. Well, but just to be clear, it wasn't just a  
18 hit-and-run. It wasn't like Watts left and that was the  
19 end of it, right?

20 A. Again, I don't recall exact details, but I  
21 remember it was an accident and he somehow was involved.  
22 And the other party knew of him, so from my  
23 recollection, Holliday was trying to determine whether  
24 that person could be inserted as a human source for the  
25 FBI to further the investigation.

Page 80

1 Q. Watts wanted someone else to pay for it,  
2 right?

3 A. I don't even recall.

4 MR. RAUSCHER: Okay. A break?

5 MR. NOLAND: We've been going for a little  
6 bit.

7 MR. RAUSCHER: Yeah.

8 MR. NOLAND: Maybe some time --

9 MR. RAUSCHER: Sure.

10 MR. NOLAND: -- take five-minutes?

11 MR. RAUSCHER: Yeah.

12 THE REPORTER: All right, we are off the  
13 record. The time is 2:10 p.m., Central.

14 (OFF THE RECORD)

15 THE REPORTER: We are back on the record for  
16 the deposition of Juan Rivera, being conducted in  
17 person and by video conference. My name is Sydney  
18 Little. Today is September 6, 2023, and the time  
19 is 2:28 p.m., Central.

20 BY MR. RAUSCHER:

21 Q. I'm going to hand you what I've marked as  
22 Exhibit 1, which is PL Joint 010946. You had a chance  
23 to review this memo?

24 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

25 A. Yes.

Page 81

1 BY MR. RAUSCHER:

2 Q. Have you seen it before?

3 A. Yes.

4 Q. Okay. Can you tell me what it is?

5 A. It's the CR initiation for this investigation  
6 regarding Watts and Mohammed.

7 Q. Is this the -- to your knowledge, is this the  
8 first thing that kicked the -- kicked off the  
9 investigation?

10 A. I -- again, I'm going back years, but I  
11 believe it was.

12 Q. And it refers to a CI in here; you see that?

13 A. Yes.

14 Q. And it looks like you met with that CI?

15 A. Yes.

16 Q. Yeah. Who was that CI?

17 A. I -- I don't recall his name, but what I do  
18 recall was he was a -- a person who was part of a  
19 combined, like, DEA, ATF, FBI operation and he was  
20 willing to come forward with information. And we were  
21 asked if we could go meet at this location and speak to  
22 this individual.

23 Q. Did you find him credible?

24 A. Yes.

25 MR. NOLAND: Object to form.



Page 82

1 A. Yes.  
 2 BY MR. RAUSCHER:  
 3 Q. What was the next step after this memo was  
 4 written?  
 5 A. We -- I know we asked the FBI, I think, who's  
 6 their agent. They were working along with one of our  
 7 Highland teams, who's CPD, if they needed our  
 8 assistance, or obviously they -- at that time, they told  
 9 us they were -- they were the lead. It was their CI, so  
 10 we deferred, but we -- we basically offered any  
 11 assistance with regards to the case.  
 12 Q. And then I'm just going to show you what we'll  
 13 mark as Exhibit 2, which is PL Joint 010844. Does this  
 14 memo describe the meeting conversation you just  
 15 testified about?  
 16 (EXHIBIT 2 MARKED FOR IDENTIFICATION)  
 17 A. Yes. In essence, it's what we were told, they  
 18 were going to take the lead.  
 19 BY MR. RAUSCHER:  
 20 Q. It says the lesson says that US Attorney's  
 21 Office believe they should be in control of everything  
 22 that results from his cooperation; do you see that?  
 23 A. Yes.  
 24 Q. How come it doesn't say what CPD's position on  
 25 that belief is?

Page 83

1 MR. NOLAND: Object to the form, foundation.  
 2 Go ahead.  
 3 A. Again, they're look -- if you read up there,  
 4 it says "federally prosecuted," so that would be --  
 5 they're taking the lead.  
 6 BY MR. RAUSCHER:  
 7 Q. And when it says in here, "It was determined  
 8 that this would be a federally prosecuted investigation  
 9 at a meeting that CPD attended, among others," does that  
 10 mean there was a joint decision that it would be  
 11 federally prosecuted?  
 12 A. It was the AUSA who made the decision. Again,  
 13 this was not our informant. It was theirs, so there's  
 14 no way we would've made any decision here.  
 15 Q. Is that because you couldn't have developed  
 16 evidence without them or for some other reason?  
 17 A. Because anything they --  
 18 MR. NOLAND: Objection form. Go ahead.  
 19 A. Anything they generate would be their  
 20 property.  
 21 BY MR. RAUSCHER:  
 22 Q. Let me rephrase. So does that mean you  
 23 couldn't develop evidence from this CI without the feds  
 24 giving it to you; is that fair?  
 25 A. The way we understood, yes.

Page 84

1 Q. All right. I'm going to mark Exhibit 3, which  
 2 is PL Joint 010861. Have you had a chance to look at  
 3 this?  
 4 (EXHIBIT 3 MARKED FOR IDENTIFICATION)  
 5 A. Yes.  
 6 BY MR. RAUSCHER:  
 7 Q. Do you recognize this letter?  
 8 A. I reviewed this, but I -- I honestly don't  
 9 recall the letter itself.  
 10 Q. When you say -- I'm sorry, go ahead.  
 11 A. No, I'm just saying I -- I -- I -- well, this  
 12 is one of the items I reviewed, but I really didn't  
 13 recall this report.  
 14 Q. That was going to be -- so my question was,  
 15 when you say you reviewed it, you mean in preparation  
 16 for your deposition?  
 17 A. Correct.  
 18 Q. This is -- this relates to that car accident  
 19 you were talking about earlier, right?  
 20 A. I -- not -- not 100 percent sure. Yeah.  
 21 Q. Well, did you see anything else involving a  
 22 car accident where Watts was trying to pay for or have  
 23 someone pay for getting a car fixed from September of  
 24 2004?  
 25 A. Oh, I see now, car fixed. I -- I -- I would

Page 85

1 assume it's part of that investigation. Again, this is  
 2 not a To-From to me. It's just an attachment to an  
 3 investigation.  
 4 Q. Do you know who Patrick Nooner is?  
 5 A. No.  
 6 Q. You see where it says, "Quincy told me how  
 7 Sergeant Watts forces Patrick and workers to pay him off  
 8 in order to continue to sell drugs in Ida B. Wells"?  
 9 A. Again, the name sounds familiar, but I -- I'm  
 10 not 100 percent sure if he was one of the individuals  
 11 that came forward. The name does sound familiar, but I  
 12 can't -- I'm not going to speculate.  
 13 Q. Was the allegation that Watts was trying to  
 14 have a drug dealer pay for an accident that he caused  
 15 troubling to you?  
 16 MR. NOLAND: Object to the form. Go ahead.  
 17 A. Yes.  
 18 BY MR. RAUSCHER:  
 19 Q. And why was that a troubling allegation?  
 20 A. Because it sounds like there was some sort of  
 21 coverup. Again, this is just an allegation being made.  
 22 You know, again, it -- it is concerning, but it's an  
 23 allegation that -- that was, I think, forwarded to  
 24 Calvin.  
 25 Q. Yeah, but that's what it looks like in the

Page 86

1 letter, right?

2 A. Right.

3 Q. Calvin Holliday?

4 A. Yes.

5 Q. I'm going to mark another page as Exhibit 4,

6 PL Joint 010877.

7 (EXHIBIT 4 MARKED FOR IDENTIFICATION)

8 A. Yes.

9 BY MR. RAUSCHER:

10 Q. This is another part of the CR relating to

11 that car accident, right?

12 A. Yes.

13 Q. All right.

14 MR. NOLAND: Object to the form.

15 BY MR. RAUSCHER:

16 Q. Do you know what other steps, if any, that CPD

17 took to investigate this CR, other -- if we haven't --

18 well, let me ask you a different way: Did CPD do

19 anything to investigate the CR that we haven't yet

20 talked about today?

21 MR. NOLAND: I'll -- objection. Foundation.

22 A. I -- it's been so long ago, I don't -- I'm not

23 sure. I -- I know that I recall Calvin looking at

24 developing a human source from this, but I wouldn't be

25 able -- I'd be speculating if they -- if they actually

Page 87

1 conducted an investigation or addressed the allegations.

2 I -- it's been so long ago.

3 BY MR. RAUSCHER:

4 Q. And then he essentially turned it over to the

5 feds, right?

6 MR. NOLAND: Object to form, foundation.

7 A. I don't know if this was included. I know

8 this was presented to him because this was an

9 opportunity for a human source, and that's what I

10 recall.

11 BY MR. RAUSCHER:

12 Q. What do you mean, you don't know if it was

13 included?

14 A. Included in the main CR investigation.

15 Q. If this number, 300778, is listed as one of

16 the ones included, would that mean that it was turned

17 over to the feds for investigation?

18 A. It would've been -- well, it would've been

19 part of that investigation.

20 Q. So is that yes?

21 A. Yes.

22 Q. Do you recall looking at any police reports

23 relating to the car accident?

24 A. No.

25 Q. Do you know who [REDACTED] is?

Page 88

1 A. No.

2 Q. Do you know the identities of any sources who

3 participated in the joint investigation?

4 A. I mean, if I did, it was back then. I can't

5 recall now.

6 Q. Do you know if the person who is identified as

7 the CI in Exhibit 1 is the same person who is the

8 confidential source used for the sting that led to the

9 arrest of Mohammed and Watts?

10 A. Can I see that?

11 Q. Yeah, of course.

12 A. Which one?

13 Q. It's your Exhibit 1.

14 A. Which one?

15 Q. It's Exhibit 1 there.

16 A. I?

17 Q. But I can show you my copy if that's easier.

18 It doesn't have a name on it. It just says CI.

19 A. So you're -- I'm -- I'm sorry. Can you repeat

20 what --

21 Q. So this September 17, 2004 To-From says that a

22 -- you met with -- you and others met with a CI who

23 provided information, right?

24 A. Right.

25 Q. In 2004?

Page 89

1 A. Correct.

2 Q. Later, toward the end of the investigation, a

3 CI was used as part of a sting, right?

4 MR. NOLAND: So there were a couple --

5 objection. You're talking about the November 2011?

6 MR. RAUSCHER: Yeah. There was --

7 MR. NOLAND: The successful sting?

8 MR. RAUSCHER: Yeah. The successful sting.

9 A. No. I -- my understanding is this CI was not

10 cooperative at a certain point. And so then the two

11 officers, Spalding and Echeverria, they developed a

12 source, and that was the CI towards the end.

13 MR. NOLAND: And just for the record, when you

14 say "this," you were referring to Exhibit 1,

15 correct?

16 A. Yes.

17 MR. NOLAND: The paper in front of you?

18 BY MR. RAUSCHER:

19 Q. So the short answer is the CI -- the unnamed

20 CI who was listed in the report as -- in Exhibit 1 is

21 not the same CI used in the sting in 2011 or stings in

22 2011?

23 A. That's what I recall. Yes.

24 Q. Thanks.

25 MR. RAUSCHER: All right. I am going to mark

Page 90

1 Exhibit 5. I think this part will have to be  
 2 confidential because it's an FBI Report.  
 3 (CONFIDENTIAL PORTION I REDACTED)  
 4 BY MR. RAUSCHER:  
 5 Q. The next one was a plaintiff production. It's  
 6 -- so Exhibit 6 is going to be PL Joint 001092 through  
 7 001106. Did you have a chance to review this?  
 8 (EXHIBIT 6 MARKED FOR IDENTIFICATION)  
 9 A. Yes.  
 10 Q. Did you see this -- have you seen this 302  
 11 before?  
 12 A. No.  
 13 Q. Do you know who Bernard Brown is?  
 14 A. No.  
 15 Q. Did you ever talk about Bernard Brown with  
 16 Echeverria and Spalding?  
 17 A. I don't recall, but that doesn't mean I  
 18 didn't. I mean, again, there was a lot of conversations  
 19 we had.  
 20 Q. Do you know who Big Shorty is?  
 21 A. The -- the name -- the -- the nickname sounds  
 22 familiar, so I -- I know we probably discussed that  
 23 name. I just don't know -- I don't remember what  
 24 context.  
 25 Q. Do you know the name Wilbur Moore?

Page 91

1 A. The name sounds familiar. I don't know if  
 2 they include it in a report, but I -- I just don't  
 3 remember, again, the context of it.  
 4 Q. On page 2, there's -- second paragraph, last  
 5 sentence says, "Brown knew that Ghost Face, Gambino, and  
 6 Zeke paid Watts to remain out of jail."  
 7 A. Let me look at this here. Okay.  
 8 Q. See that?  
 9 A. Yes.  
 10 Q. Do you know any of those people are?  
 11 A. No.  
 12 Q. Do you know if that allegation is true?  
 13 A. No.  
 14 Q. A few paragraphs down, the last paragraph of  
 15 the report starts talking about photos. That paragraph  
 16 ends, "Brown knew one of Watts' informants by the street  
 17 named Goon." You see that?  
 18 A. Yes.  
 19 Q. Do you know who Goon is?  
 20 A. I don't recall the name.  
 21 Q. All right. Exhibit 7 is City BG 011616.  
 22 (EXHIBIT 7 MARKED FOR IDENTIFICATION)  
 23 A. Yes.  
 24 BY MR. RAUSCHER:  
 25 Q. So this is a subject we've talked about

Page 92

1 before, right?  
 2 A. Yes.  
 3 Q. And this is a memo from Sergeant Chester to  
 4 you talking about the consolidation of certain CRs into  
 5 the FBI investigation; is that right?  
 6 A. That's correct.  
 7 Q. And the -- looks like the lead one is 300778,  
 8 which is the car accident one we talked about earlier?  
 9 MR. NOLAND: Objection. That mischaracterizes  
 10 the car accident.  
 11 MR. RAUSCHER: I don't mean lead as, like, a  
 12 substantive thing, so if that's the objection,  
 13 lead.  
 14 BY MR. RAUSCHER:  
 15 Q. Me -- I just meant the subject line is the  
 16 first one mentioned in this memo, right?  
 17 MR. PALLES: Can you speak up a little Scott?  
 18 MR. RAUSCHER: Yeah, sure. I'll move closer.  
 19 Is this better?  
 20 MR. PALLES: Great. Thanks.  
 21 BY MR. RAUSCHER:  
 22 Q. The first CR mentioned here, it's in the  
 23 subject line. That's the car accident one we talked  
 24 about earlier, right?  
 25 MR. NOLAND: Objection. Mischaracterizes.

Page 93

1 A. It looks to be. I -- I'd have to refer back  
 2 to the Report.  
 3 BY MR. RAUSCHER:  
 4 Q. So if you look at Exhibit 1, you can refer  
 5 back. Maybe I'm just wrong. I don't --  
 6 MR. NOLAND: It's the same number.  
 7 MR. RAUSCHER: Is it?  
 8 THE WITNESS: Let's see.  
 9 MR. RAUSCHER: What's the objection, then?  
 10 MR. NOLAND: Well, the car -- the case  
 11 initiation 300778 is Exhibit number 1, the  
 12 presentment of a CI. The car accident was folded  
 13 into that CR number. The presentment of somebody  
 14 who was claiming a street tax was being collected.  
 15 That's the objection.  
 16 MR. RAUSCHER: Okay.  
 17 MR. NOLAND: You're calling it the car  
 18 accident CR.  
 19 MR. RAUSCHER: Okay.  
 20 MR. NOLAND: It's not the car accident CR.  
 21 MR. RAUSCHER: Okay.  
 22 MR. NOLAND: The car accident CR was put into  
 23 the, you know --  
 24 MR. RAUSCHER: I appreciate the clarification.  
 25 MR. NOLAND: Yeah. And I don't -- yeah. I --

Page 94

1 MR. RAUSCHER: Okay. I was not intentionally  
2 saying the wrong -- I was -- that was a shorthand  
3 reference. So I got it, though.

4 MR. NOLAND: I understand now. Thank you.

5 MR. RAUSCHER: I -- sorry.

6 MR. NOLAND: So just for the record, this  
7 document is confidential, so -- but I don't think  
8 anything has been said confidential that we need to  
9 designate --

10 MR. RAUSCHER: Okay.

11 MR. NOLAND: -- or relative to it.

12 BY MR. RAUSCHER:

13 Q. Do you know why this memo is -- well, was this  
14 memo written in 2010?

15 A. It looks to be written in 2010.

16 Q. And do you know why this was done in 2010?

17 A. I -- I would be speculating.

18 Q. What's your best guess just based on your  
19 experience?

20 MR. NOLAND: Object to the form. Go ahead.

21 A. Like I said, it looks like they're  
22 consolidating everything into one under Sergeant  
23 Chester, so he's now taking responsibility for this  
24 investigation.

25 BY MR. RAUSCHER:

Page 95

1 Q. Do you know why -- do you know when it was  
2 reassigned?

3 A. I'm not sure.

4 Q. Would it have been reassigned around the time  
5 this memo was written?

6 MR. NOLAND: Objection. Form.

7 A. It -- it's possible. I mean, I'd be  
8 speculating.

9 BY MR. RAUSCHER:

10 Q. Is there anything you can think of that you  
11 could look at to refresh your recollection as to when  
12 the reassignment occurred?

13 A. Anything that lists Sergeant Chester having  
14 responsibility for this investigation or this aspect of  
15 it, but, I mean, this is clearly what's happening here.  
16 He's -- he's now responsible for addressing these and  
17 -- and folding them into the larger investigation.

18 Q. And when you say he's responsible for  
19 addressing them, you mean just as part of the joint  
20 investigation, not as the lead investigator?

21 A. Yes.

22 Q. Was there one person at CPD who was in charge  
23 of identifying which of the CRs that were filed against  
24 Watts or Mohammed or people on their team should be  
25 folded into the investigation?

Page 96

1 A. Again, it's been a while, but there -- it  
2 would more than likely be Klimas. He reviews the  
3 intake. And also, if, let's say, a confidential  
4 investigator who is working this case sees this a new CR  
5 number with new allegations involving the officer, they  
6 can actually approach Klimas, and the decision is made  
7 by him. And if he needs to, he could come and confer  
8 with me, and I've signed off on it also, where I was  
9 included.

10 Q. Should someone from Internal Affairs have seen  
11 every CR that was filed against Watts, Mohammed, or  
12 someone on their team?

13 A. I'm not sure what you mean by that.

14 Q. Well, were there certain standards in place to  
15 decide which CRs would be incorporated into the federal  
16 investigation and which ones wouldn't?

17 A. It -- it just -- it -- we relied on the  
18 allegations. If the allegations were similar to what we  
19 were investigating with the FBI, then it could be folded  
20 in, or if they were, let's say totally unrelated  
21 operational personnel violations or something, it  
22 wouldn't be included.

23 Q. Would an allegation that someone was being  
24 framed by Watts or Mohammed or someone on the team be  
25 the type that would be included?

Page 97

1 A. Again, it -- it -- it could be. Yes.

2 Q. What do you mean could be?

3 A. I mean, again, I'd -- I'd have to see the  
4 nature of the allegations, and, I mean, more than  
5 likely, if someone caught that it would be included.

6 Q. What do you mean caught it?

7 A. In other words, if -- we have an intake system  
8 in -- in Internal Affairs, and at times they may not  
9 catch it and assign it to some -- someone else. And  
10 Klimas, he would actually go through these intake  
11 investigations, and he would actually look at anything  
12 that we could tie into some of the major investigations  
13 and then assign it either to the investigator or  
14 Internal Affairs. At that point, we could discuss it  
15 with whatever agency we were working with, and then they  
16 could decide, you know, if it should become part of the  
17 investigation or not.

18 Q. So was Klimas, like, the backstop if the first  
19 intake missed it, or was there --

20 A. Yes. Because, again, a lot of these cases are  
21 confidential, the intake personnel are not going to know  
22 what cases are important or confidential. So Klimas  
23 would go through -- again, he was the head of  
24 investigations, and he would go through intake to see if  
25 there's anything in there that we needed to take over to

Page 98

1 confidential and include -- include with other  
2 investigations or discuss it with the federal agencies  
3 or partner agencies that we were working with.

4 Q. That's a -- is it fair to say that is a thing  
5 that should have happened throughout the investigation?

6 A. Again, I was only there initially and not sure  
7 what time frame you're speaking of later. I would  
8 assume that that was being done, but during that time  
9 frame when I wasn't there, I'm -- I'm not sure what was  
10 being done or how it was being handled.

11 Q. I'm not asking you -- that's fair, but I'm not  
12 asking you is -- if it happened when you were gone.

13 What I'm asking you, though, is: Should it  
14 have happened throughout the entire investigation from  
15 CPD's perspective?

16 MR. NOLAND: Object to form. Go ahead.

17 A. I would've to say it should. Yes.

18 Q. All right. We're going to mark Exhibit 8,  
19 which is City BG 023858.

20 (EXHIBIT 8 MARKED FOR IDENTIFICATION)

21 MR. NOLAND: This is marked confidential, so I  
22 think we put this part of the transcript as  
23 confidential. But, Scott, I also think there's a  
24 second page in this.

25 MR. RAUSCHER: Yes. I think I have multiple

Page 99

1 versions of this. You know what? Is it all right  
2 if we go off for about two-minutes? I want to see  
3 if I have them printed in my office. If not, I  
4 will have someone print the full thing and come  
5 back to it.

6 THE REPORTER: Okay. We're off the record.  
7 The time is 3:12 p.m., Central.

8 (OFF THE RECORD)

9 THE REPORTER: We are back on the record for  
10 the deposition of Juan Rivera being conducted in  
11 person and by video conference. My name is Sydney  
12 Little. Today is September 6, 2023 and the time is  
13 3:16 p.m., Central.

14 BY MR. RAUSCHER:

15 Q. We're going to come back to Exhibit 8 when I  
16 get the full version, and I think I'll just add or  
17 substitute the exhibit. So I'm going to -- we actually  
18 should, I guess -- well, you'll tell me if we should go  
19 back to confidential. I'm going to show you Exhibit 9,  
20 which is City BG 011614 to 615. And I -- you can read  
21 that thing. I just have a -- one specific question  
22 about it.

23 (EXHIBIT 9 MARKED FOR IDENTIFICATION)

24 MR. NOLAND: 9?

25 MR. RAUSCHER: Yeah, sorry. That's 9.

Page 100

1 MR. NOLAND: So yeah the document will be  
2 confidential, but perhaps the transcript won't have  
3 to be.

4 MR. RAUSCHER: Okay.

5 MR. NOLAND: So let's just see what you ask.

6 BY MR. RAUSCHER:

7 Q. So my only question about this one, I think,  
8 is the third paragraph talks about "the original  
9 unredacted report placed within the original  
10 investigative file," and then it goes on to talk a  
11 little bit more about it. Do you see that?

12 A. Yes.

13 Q. Where would that file have been kept?

14 A. It looks like it may have been returned to  
15 Records.

16 Q. Okay.

17 A. This -- yeah.

18 Q. No, go ahead.

19 A. I didn't sign it. I -- I didn't -- I don't  
20 remember this.

21 Q. Your -- but you did sign it, right?

22 A. No, that's not mine. I don't know what that  
23 meant, but Klimas signed for me.

24 Q. Oh, I see. Is that --

25 A. That's not my signature.

Page 101

1 Q. That's not your --

2 A. That's not my initials or not --

3 Q. To the left of your name's not yours?

4 A. Yeah. No.

5 Q. Okay. Got it.

6 A. I think that's four. That's the word "four."

7 Q. Oh, okay. Well, it's his name twice it looks  
8 like, right?

9 A. Yeah.

10 MR. RAUSCHER: All right. Exhibit 10 is City  
11 BG 011620.

12 (EXHIBIT 10 MARKED FOR IDENTIFICATION)

13 MR. NOLAND: And again, this is a confidential  
14 document, but it could be that there's nothing  
15 confidential about the questions and answers.

16 BY MR. RAUSCHER:

17 Q. Do you recognize this document?

18 A. Not this document. I recognize the -- the  
19 system.

20 Q. Okay. What's the system?

21 A. I think it's -- it had an acronym, CRMS.

22 Q. And is that a -- that's a computer system  
23 where information about CRs is held?

24 A. Yes.

25 Q. Do you see what CR this relates to?



Page 102

1 A. Yes.

2 Q. And which CR does it relate to?

3 A. The -- the one involving Watts in the vehicle.

4 Q. And then it says it was initiated by

5 anonymous. Do you see that?

6 A. Yes.

7 Q. Is that right?

8 A. I -- more than likely this was entered in

9 there to avoid other people being able to determine

10 identities.

11 Q. Got it. And then it -- there's a complaint

12 finding that says "unfounded." What does that mean?

13 A. The actual unfounded means that there was no

14 factual evidence to support the allegation.

15 Q. Is that true for this one or is that another

16 one that's a placeholder kind of thing?

17 A. I think it might be the fact that they just

18 want that to be listed as unfounded and just like a

19 placeholder here.

20 Q. Why would they want that to be listed as

21 unfounded?

22 A. Obviously, so no one looks to try to determine

23 what the outcome was. More likely, Records has a copy

24 of it. Again, it's probably redacted. But they're

25 making -- I think it looks like they're making every

Page 103

1 effort to avoid any access to it or anybody being able

2 to identify anybody through this cover -- or the sheet.

3 Q. Who's the "they" you're referring to, like

4 when you're saying they wouldn't want anyone to have

5 access?

6 A. It would be -- it would be us, the

7 administrative -- I mean, it would be Klimas would end

8 up ensuring that this was done in -- in Records.

9 Q. Is there a -- something in place so that

10 someone can go back, for example, after the joint

11 investigation was concluded and change this so it

12 doesn't say unfounded?

13 A. There is if someone -- again, I don't know

14 what happened, if this still stands this way or if it's

15 included into the other case and it was closed there.

16 That can happen. It -- at times they'll put unfounded

17 on this, but it's absorbed into the other one. And then

18 that's where the actual classification is entered. It's

19 all combined.

20 Q. To your knowledge, is it accurate to say that

21 this complaint was unfounded?

22 A. Again, I -- I don't know.

23 MR. NOLAND: I'm going to object to form. Go

24 ahead.

25 A. I don't know what investigation was done. I

Page 104

1 don't know if there was additional information that came

2 out of this. I -- I'm not sure.

3 BY MR. RAUSCHER:

4 Q. When you say you don't know what investigation

5 was done, what do you mean?

6 A. At times when the federal cases are

7 adjudicated, we could close them based on the

8 information they provided or if there's a need to open

9 it and address that specific allegation, it -- it could

10 -- could be addressed.

11 Q. Have you seen any evidence that the feds

12 investigated this CR and determined that Watts didn't do

13 the things he was accused of relating to that car

14 accident?

15 MR. NOLAND: So --

16 MR. RAUSCHER: And the CR --

17 MR. NOLAND: We're creating a false -- a

18 misleading record here about this CR, but objection

19 to form, foundation, and car accident.

20 MR. RAUSCHER: Mr. Rivera referred to it as a

21 car accident.

22 MR. NOLAND: It's just because you introduced

23 it earlier. So go ahead. I'll have to clean it up

24 later, so I don't -- you know. Go ahead.

25 A. I'm sorry. Can you repeat that just so I make

Page 105

1 sure I answer it correctly?

2 MR. RAUSCHER: I think I lost that question to

3 be honest. Can you try to read it back?

4 THE REPORTER: Gladly.

5 MR. RAUSCHER: Thanks.

6 (REPORTER PLAYS BACK REQUESTED QUESTION)

7 THE REPORTER: Did you hear that? Because I

8 can repeat it.

9 MR. RAUSCHER: I think I --

10 (REPORTER READS BACK REQUESTED QUESTION)

11 A. Again, I'd be speculating. I'd have to see

12 the closing report on the actual main investigation to

13 see if they addressed it or if this was referred -- or -

14 - or if it was just closed unfounded there. I -- I -- I

15 wouldn't be able to answer that.

16 BY MR. RAUSCHER:

17 Q. Okay. Why don't we mark as Exhibit 11 PL

18 Joint 010860 through 010911. You got a chance to flip

19 through this?

20 (EXHIBIT 11 MARKED FOR IDENTIFICATION)

21 A. Yes.

22 BY MR. RAUSCHER:

23 Q. Did you see Complaint Register 300778 on a

24 bunch of pages?

25 A. Uh-huh.

Page 106

1 Q. Including a bunch of pages discussing the car  
2 accident we've been talking about today?

3 A. Yes.

4 Q. What's the significance of that CR number  
5 being on documents relating to the car accident?

6 A. It's -- it's all part of this packet -- this  
7 investigation.

8 Q. This investigation meaning investigation of  
9 Watts, including the car accident or --

10 A. No, this is just the incident.

11 MR. NOLAND: Hold on. Objection. Foundation.  
12 Go ahead.

13 A. This, the incident with the vehicle.

14 BY MR. RAUSCHER:

15 Q. Okay. All right. We're going to go back to  
16 Exhibit 8. And now I have both pages of the document to  
17 show Mr. Rivera. So the full thing is City BG 023858 to  
18 23859. So I'm just going to add this to your the second  
19 page. I only have one, though. Is that all right? I'm  
20 sure you've seen it.

21 MR. NOLAND: Yeah, that's fine.

22 MR. PALLES: 23858?

23 MR. NOLAND: Yeah, to 23859.

24 A. Yes. Let me see.

25 BY MR. RAUSCHER:

Page 107

1 Q. Have you seen this document before?

2 A. Yes, prepping.

3 Q. Okay. Have you not -- you hadn't seen it  
4 before prepping?

5 A. I don't recall.

6 Q. Do you know who created it?

7 A. No.

8 Q. Do you know why it was created?

9 A. I -- it just details what was the timeline and  
10 what was done.

11 Q. It's not something to your knowledge that you  
12 asked to be created?

13 A. It's possible, but I don't recall this. I --  
14 I recall being briefed and a lot of the briefing covered  
15 some of this. Again, not in detail like this, but this  
16 was prior to this. I was briefed prior to the  
17 successful sting.

18 Q. Okay.

19 A. Yes.

20 Q. When you say you were briefed prior to the  
21 successful sting, you mean there was like a particular  
22 briefing that you asked for close in time to the  
23 successful sting in 2011?

24 A. I don't know if I asked for it, but I believe,  
25 if I can recall correctly, before this sting was

Page 108

1 conducted the -- the -- I'm not sure which task force or  
2 both of them were there. They came and they ran down,  
3 more or less, what has been done and up to the date of  
4 what we were planning. And again, it was a verbal  
5 brief. I don't remember actually getting this paperwork  
6 handed to me, but I remember in essence a briefing  
7 covering most of this.

8 Q. I got it. Is it possible that the FBI created  
9 this document? It referenced it. Well, I mean, I'll  
10 let you answer that question.

11 A. It's -- it's possible.

12 Q. It references the bottom of the first page, a  
13 briefing that is to be conducted November, it looks like  
14 2011. Do you see that?

15 A. Yes.

16 Q. Is that the briefing that you are remembering?

17 A. It could have been something prior to that. I  
18 -- I -- I am not sure.

19 Q. Is that around the time of the briefing that  
20 you are testifying about?

21 A. I -- I'd be speculating it.

22 Q. Right?

23 A. Yeah.

24 Q. Okay.

25 A. I don't want to speculate. It could have

Page 109

1 been. I -- I don't know. I don't recall.

2 Q. Was it fairly close in time to the successful  
3 sting?

4 A. From what I recall, it was -- yeah. It was in  
5 the planning stage, so it would probably be close.

6 Q. All right. We're going to be at another FBI  
7 Privacy Act document, FBI 14 to 16, as Exhibit 12.

(EXHIBIT 12 MARKED FOR IDENTIFICATION)

9 MR. NOLAND: So again, that document was  
10 confidential, but I don't think anything discussed  
11 regarding it was confidential.

12 MR. RAUSCHER: Okay. The one we just did?

13 MR. NOLAND: Yeah. Number 8.

14 THE REPORTER: So we are confidential now,  
15 though, correct?

16 MR. RAUSCHER: Yes.

17 THE REPORTER: Okay.

(CONFIDENTIAL PORTION II REDACTED)

19 Q. Do you have -- do you understand that there  
20 are 175 or so people suing and alleging that they were  
21 wrongfully convicted by Watts and other members of this  
22 team?

23 A. Yes.

24 Q. Do you know any of the plaintiffs in those  
25 cases?



Page 110

1 MR. NOLAND: Objection. Foundation.  
 2 BY MR. RAUSCHER:  
 3 Q. To your knowledge, are you aware of any of the  
 4 plaintiffs in the --  
 5 A. I have --  
 6 Q. -- in those cases?  
 7 A. -- no clue names or anything, so I -- I'm --  
 8 I'd have to say, no.  
 9 Q. Do you know -- does the name Clarissa Glenn  
 10 sound familiar to you?  
 11 A. Clarissa Glenn. Off the top of my head, no.  
 12 Q. What about Ben Baker?  
 13 A. Ben Baker. It sounds familiar, but I -- I  
 14 can't recall for sure.  
 15 Q. You don't know why it sounds familiar?  
 16 A. No. I don't know if it was in a report, or --  
 17 but Baker does sound familiar.  
 18 Q. I'm not suggesting the next person is a  
 19 plaintiff, but do you know the name [REDACTED]?  
 20 A. [REDACTED] That -- no. That name, I do not know.  
 21 Q. I may have asked you this earlier, but one of  
 22 the reports referenced someone alleging that Watts had  
 23 shot at them?  
 24 A. Yes, I do recall. --  
 25 Q. Do you know who that person is who allegedly

Page 111

1 was shot at by Watts?  
 2 A. No.  
 3 Q. Did you personally investigate CRs during your  
 4 time at CPD?  
 5 A. Yes. As a sergeant, that was one of your  
 6 responsibilities.  
 7 Q. What types of CRs did you investigate as a  
 8 sergeant?  
 9 MR. NOLAND: Before you answer that, can I  
 10 just go back? You can stop the confidential  
 11 portion after -- it would have been Exhibit --  
 12 THE REPORTER: 25.  
 13 MR. NOLAND: -- 25.  
 14 THE REPORTER: 25. Okay.  
 15 A. They -- they were CR numbers that came to the  
 16 district for investigation involving officers assigned  
 17 to the district at the time, 4th District.  
 18 BY MR. RAUSCHER:  
 19 Q. All types of CRs?  
 20 A. For the most part, yes.  
 21 Q. About how many did you personally investigate?  
 22 A. I -- I -- I'd be speculating on that. I don't  
 23 -- it -- over my career, it could have been over 100.  
 24 Q. Okay. What were the years where you would  
 25 have been charged with investigating CRs?

Page 112

1 A. As a sergeant, from '94, all the way up to  
 2 lieutenant. Beyond that, it's reviewing.  
 3 Q. What were the -- what are the typical steps in  
 4 the investigation of a CR?  
 5 MR. NOLAND: Objection. Form. Foundation.  
 6 Incomplete hypothetical. You may answer.  
 7 A. First and foremost, contacting the -- the  
 8 complainant.  
 9 BY MR. RAUSCHER:  
 10 Q. What happens after that?  
 11 MR. NOLAND: Same objection. But go ahead.  
 12 A. You'd take a statement.  
 13 BY MR. RAUSCHER:  
 14 Q. All right. After you take the statement,  
 15 would you sometimes end the investigation right there?  
 16 A. If -- if there is a way of -- if there is  
 17 evidence that proves it's unfounded, yes, you could end  
 18 it.  
 19 Q. Would you typically end it after talking to  
 20 the complainant, or would you have to go do other  
 21 things?  
 22 MR. NOLAND: Objection. Form. Foundation.  
 23 Incomplete hypothetical. Go ahead.  
 24 A. I recall where they were able to decline  
 25 further investigation, and they signed a form of

Page 113

1 declination, as they called it, and we were able to  
 2 close it.  
 3 BY MR. RAUSCHER:  
 4 Q. Did you ever ask anyone to sign a form of  
 5 declination?  
 6 A. No.  
 7 Q. Assuming that the complainant didn't want to -  
 8 - assuming the complainant wanted to pursue it and there  
 9 was nothing that proved that the complainant was lying,  
 10 what were the next steps?  
 11 MR. NOLAND: Objection. Form. Foundation.  
 12 Incomplete hypothetical. Go ahead.  
 13 A. I would then schedule interviews with the  
 14 officers or the accused.  
 15 BY MR. RAUSCHER:  
 16 Q. Would you also talk to witnesses, if there  
 17 were any?  
 18 A. If there were, yes.  
 19 Q. What's the reason for talking to officers and  
 20 witnesses?  
 21 MR. NOLAND: Objection. Form. Foundation.  
 22 Incomplete hypothetical. Go ahead.  
 23 A. To establish whether the incident took place  
 24 or didn't take place.  
 25 BY MR. RAUSCHER:

Page 114

1 Q. Was there a rule that said you should believe  
2 officers over civilians if there's a credibility gap?

3 A. No.

4 Q. Gap's not the right way to say it. If there's  
5 a credibility issue -- you know, if you have to decide  
6 credibility, to pick the officers over civilians?

7 A. No. It -- it -- it all came down to whether  
8 you had a substantial amount of evidence to sustain it  
9 or you didn't. So there's cases where you couldn't  
10 prove either way, and so it would be not sustained,  
11 which didn't mean you couldn't reopen it at a future  
12 date if you received additional information or  
13 additional witnesses came forward.

14 Q. So you'd have -- not sustained meant you just  
15 couldn't tell one way or the other?

16 A. One way or the other.

17 Q. And unfounded means that it -- there's no  
18 basis for it?

19 A. It's factually, yeah, not true.

20 Q. And unsustained means it is true?

21 A. It's true. We have substantial amount of  
22 evidence.

23 Q. Do you have any idea of what percentage of CRs  
24 you investigated you found sustained?

25 A. I -- I wouldn't even pretend to know. I --

Page 115

1 it's been so many years.

2 Q. Do you know if you sustained any?

3 A. Yes.

4 Q. Do you have any specific recollection of  
5 sustaining any CRs?

6 A. Some of the CRs were -- that I sustained would  
7 be like a verbal abuse, misuse of equipment, failure to  
8 inventory property.

9 Q. And how would you prove, for example, verbal  
10 abuse?

11 A. The officer at -- at times would admit, you  
12 know, I lost -- or, you know, I -- I -- I did it. I did  
13 say what I did, and --

14 Q. You -- do you have any -- do you know -- do  
15 you remember any instances of sustaining a verbal abuse  
16 complaint where the officer didn't admit that they lost  
17 their temper and did it?

18 MR. NOLAND: So I know, Scott, you got  
19 30(b)(6) on discipline, so I would think this would  
20 take time away from that.

21 MR. RAUSCHER: I don't have too many questions  
22 about it.

23 MR. NOLAND: Oh, yeah. Go ahead.

24 A. I can't recall that. I mean, I just -- right  
25 now, I can't.

Page 116

1 BY MR. RAUSCHER:

2 Q. And failure to inventory?

3 A. Right.

4 Q. Same type of thing, where the officer would  
5 admit it, or it's something different there?

6 A. Right. I mean, the -- there's certain  
7 property that we expect the officers to secure, personal  
8 property of a -- say, an arrestee, and when they fail to  
9 do that, we -- we discipline.

10 Q. That's failure to secure officer -- I'm sorry,  
11 that isn't, like, for -- you're not saying you sustain  
12 someone if an officer was accused of stealing money from  
13 someone there?

14 A. No -- no.

15 Q. You're saying, they didn't search them  
16 properly or something like that, and didn't -- and  
17 didn't secure their property?

18 A. Exactly.

19 Q. Okay. Got it. And what about misuse of  
20 equipment?

21 A. That could -- that could be some similar as a  
22 -- a radio they failed to care for, and it ended up  
23 damaged.

24 Q. Got it.

25 MR. RAUSCHER: All right. Can we go off for

Page 117

1 about five-minutes?

2 MR. NOLAND: Yeah.

3 THE REPORTER: All right. We're off the  
4 record. The time is 4:40 p.m., Central.

5 (OFF THE RECORD)

6 THE REPORTER: We are back on the record for  
7 the deposition of Juan Rivera, being conducted in  
8 person and by video conference. My name is Sydney  
9 Little. Today is September 6, 2023, and the time  
10 is 4:52 p.m., Central.

11 BY MR. RAUSCHER:

12 Q. Do you think there was a code of silence at  
13 the Chicago Police Department during any of the period  
14 of time when you worked there?

15 MR. NOLAND: Object to the form. Go ahead.

16 A. Again, I -- I've heard the -- the term, code  
17 of silence. We never used the term code of silence.  
18 It's a big department. You know, we're always going to  
19 have issues with officers covering up for other  
20 officers, but it wasn't a -- you know, widespread in the  
21 department. We didn't -- we didn't witness that. I  
22 didn't, so, I -- I didn't see this code of silence. I --  
23 I've seen cases where officers did lie, or didn't  
24 report, and we disciplined or separated them.

25 BY MR. RAUSCHER:

Page 118

1 Q. Is this one of those cases?

2 A. I would say that there were officers, the two  
3 targets, that obviously did not turn the other officer  
4 in. They decided to collude together, so it would be,  
5 you know, appropriate to say yes, and they were charged  
6 and -- you know, arrested and charged.

7 Q. You said, "we" don't use the term, code of  
8 silence. Who did you mean by we?

9 A. The -- the department. I mean, I've been  
10 asked is there a code of silence? I've never heard  
11 department members, "Oh, it's a code of silence." I  
12 mean, that was -- I don't know that -- I heard that  
13 start in the media. You know, that's when I first heard  
14 that, and then I was like, well, I -- I never heard  
15 anybody in the department use that. You -- you refer to  
16 it as the code of silence, and now, you know, obviously  
17 everybody's saying it's a code of silence, but when I  
18 was there, there was no, you know, widespread code of  
19 silence. There were, obviously because the department  
20 is large, cases in which I knew where officers had  
21 either lied to -- to cover up or failed to report  
22 misconduct, and we went after them.

23 Q. Are you aware of any instances where officers  
24 were retaliated for complaining about another officer's  
25 behavior or performance?

Page 119

1 A. That's kind of vague. I'm not sure, retaliate  
2 in terms of --

3 Q. What's vague about it? What would you -- what  
4 do you need to know to answer that?

5 A. Well, I mean, they're retaliating against an  
6 officer, for what purpose?

7 Q. For -- not for what purpose, but have you seen  
8 any officers or heard of any officers being retaliated  
9 against for complaining about another officer?

10 A. It -- it's happened, yes.

11 Q. Any specific instances that you can think of?

12 A. No. Off the top of my head, no. I mean -- I  
13 -- I mean, I was involved in the Spalding, Echeverria  
14 and again, they did come to me with that issue and I was  
15 fine, let's look into it, and every time they made a  
16 mention of that, I said, well, we're -- give me names of  
17 who it is. So they claimed it happened. They were  
18 never able to give me names of witnesses or people who  
19 were actually calling them, and that was investigated or  
20 at least addressed in two CR numbers. So I've heard of  
21 it, but that actually involved me, but that was, you  
22 know, never sustained or never, you know, found to be  
23 true.

24 Q. Okay. And no other specific examples you can  
25 think of.

Page 120

1 A. I -- I mean, I'd have to really think hard  
2 about it on these other cases that I've reviewed.

3 Q. I think that's it.

4 MR. NOLAND: Anybody on the TV here got  
5 questions.

6 CROSS-EXAMINATION

7 BY MR. BAZAREK:

8 Q. Yeah, I have a few questions. Chief Rivera,  
9 you reviewed your prior deposition that you gave in the  
10 Spalding, Echeverria lawsuit before this deposition?

11 A. Yes.

12 Q. Okay. In that deposition, you referred to a  
13 briefing that you gave to then interim superintendent,  
14 Terry Filler and Bea Cuello. Do you recall that?

15 A. Yes.

16 Q. And what you told them was that the targets of  
17 the investigation were Watts and Mohamed; is that  
18 correct?

19 A. I did not give any names.

20 Q. You told them that the target of the  
21 investigation was a sergeant and a patrolman; is that  
22 correct?

23 A. I may have mentioned that. I don't recall  
24 names.

25 Q. Okay, but it was -- you were talking about two

Page 121

1 officers, correct?

2 MR. RAUSCHER: Object to form.

3 A. Yes.

4 BY MR. BAZAREK:

5 Q. Meaning the sergeant and a patrol officer,  
6 correct?

7 A. That's correct.

8 Q. Okay. And also when you came back to Internal  
9 Affairs as a chief, that would've been in 2009; is that  
10 correct?

11 A. As chief, yes.

12 Q. And you were briefed on operation Brass Tax at  
13 that time; is that correct?

14 A. That's correct.

15 Q. And you had learned that the targets of the  
16 investigation were Watts and Mohammed; is that correct?

17 MR. RAUSCHER: Object to form.

18 A. That's correct.

19 MR. BAZAREK: What did -- I want to ask the  
20 court reporter, Scott, what was the exhibit number  
21 for the interview of [REDACTED] I know it's  
22 FBI 44 --

23 THE REPORTER: Yeah, that's Exhibit 5.

24 BY MR. BAZAREK:

25 Q. -- through 48. Okay. Chief, do you have that

Page 122

1 exhibit in front of you, Exhibit 5?

2 A. Yes.

3 (CONFIDENTIAL PORTION III REDACTED)

4 MR. RAUSCHER: I got nothing else.

5 THE REPORTER: Anyone on Zoom? No? No.

6 Before we go off the record, I'm sorry. I'm going  
7 to get orders really quickly. Scott, would you  
8 like a copy?

9 MR. NOLAN: Hold on. We'll reserve.

10 MS. MCELROY: Oh, we'll reserve. Okay. Thank  
11 you.

12 MR. RAUSCHER: I'm going to wait. I'm not  
13 sure.

14 THE REPORTER: Okay. No worries.

15 MR. RAUSCHER: Thanks.

16 THE REPORTER: Mr. Noland, would you like one?

17 MR. NOLAN: Yes.

18 THE REPORTER: Okay. And how would you like  
19 it?

20 MR. NOLAN: Expedited.

21 THE REPORTER: Expedited?

22 MR. NOLAN: Yeah.

23 THE REPORTER: Okay.

24 MR. NOLAN: Like, I'd like it tomorrow.

25 THE REPORTER: Tomorrow. We can do a rough

Page 123

1 tomorrow, not final; is that okay?

2 MR. NOLAN: Okay.

3 THE REPORTER: Okay. And then anyone on Zoom,  
4 would anyone like a copy of the transcript?

5 MR. FLAXMAN: Not for me. Thanks.

6 MR. SCHALKA: Not for me as well. This is  
7 Michael.

8 THE REPORTER: Okay.

9 MR. PALLES: No. Not yet.

10 THE REPORTER: Okay, great. I'll get us off  
11 the record. One moment.

12 (DEPOSITION CONCLUDED AT 5:17 P.M. CT)

Page 124

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 hereof by me after first  
7 being duly sworn to testify the truth, the whole truth,  
8 and nothing but the truth; and that the said matter was  
9 recorded digitally by me and then reduced to typewritten  
10 form under my direction, and constitutes a true record  
11 of the transcript as taken, all to the best of my skills  
12 and ability. I certify that I am not a relative or  
13 employee of either counsel, and that I am in no way  
14 interested financially, directly or indirectly, in this  
15 action.



16  
17  
18  
19  
20  
21  
22  
23  
24  
25

22 SYDNEY LITTLE,

23 DIGITAL REPORTER / NOTARY

24 COMMISSION EXPIRES ON: 03/18/2026

25 SUBMITTED ON: 09/13/2023