

EXHIBIT 8

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF
3 ILLINOIS EASTERN DIVISION
4 JUDGE VALDERRAMA

ORIGINAL

5 MAGISTRATE JUDGE SHEILA M. FINNEGAN
6 MASTER DOCKET CASE NO. 19-CV-01717

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10 IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS
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23 DEPONENT: JUAN RIVERA
24 DATE: SEPTEMBER 6, 2023
25 REPORTER: SYDNEY LITTLE

<p>1 APPEARANCES</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 & 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>Page 2</p> <p>1 APPEARANCES (CONTINUED)</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 & 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 & 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: mcelroy@jbltd.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, 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@daleytmoham.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>Page 3</p> <p>1 APPEARANCES (CONTINUED)</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 & 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>

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2			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	
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24	6 - Federal Bureau of Investigation Report -		24	
25	PL JOINT 001092-001106	90	25	
1	EXHIBITS (CONTINUED)		Page 7	Page 9
2			1	PROCEEDINGS
3	7 - Bureau of Professional Standards		2	
4	Internal Affairs Division		3	THE REPORTER: Okay. We're on the record. My
5	January 21, 2010 - CITY-BG-011616		4 name is Sydney Little. I'm the online video	
6	(CONFIDENTIAL)	91	5 technician and court reporter today representing	
7	8 - Detailed List of Chronological Events in		6 Kentuckiana Court Reporters located at 730 West	
8	Investigation - CITY-BG-023858-023859		7 Main Street, Suite 101, Louisville, Kentucky 40202.	
9	(CONFIDENTIAL)	98	8 Today is the 6th day of September 2023. The time	
10	9 - Internal Affairs Division Confidential		9 is 12:33 p.m., Central. We are convened in person	
11	Investigation Section To From Memorandum		10 and by video conference to take the deposition of	
12	June 15, 2010 - CITY-BG-011614-011615		11 Juan Rivera in the matter of In re: Watts	
13	(CONFIDENTIAL)	99	12 Coordinated Pretrial Proceedings pending in the	
14	10 - Complaint Register Report		13 United States District Court for the Northern	
15	September 17, 2004 - CITY-BG-011620		14 District of Illinois Eastern Division. Master	
16	(CONFIDENTIAL)	101	15 Docket Case number 19-CV-01717. Will everyone, but	
17	11 - Illinois Traffic Crash Report PL JOINT		16 the witness, please state your appearance, how	
18	010860-010911	105	17 you're attending, and the location you're attending	
19	12 - Federal Bureau of Investigation Report		18 from starting with Plaintiff's counsel?	
20	November 23, 2011 - FBI000014-000016		19 MR. RAUSCHER: Scott Rauscher for the	
21	(CONFIDENTIAL)	109	20 Plaintiffs represented by Loevy and Loevy, and I'm	
22			21 attending in person at our office in Chicago.	
23			22 MR. FLAXMAN: I am Kenneth Flaxman for the	
24			23 Flaxman Plaintiffs, attending remotely.	
25			24 MR. NOLAND: Daniel --	
			25 MR. PALLES: Eric Palles for Kallatt Mohammed,	

<p>1 remotely from my office in Chicago.</p> <p>2 MR. BAZAREK: William Bazarek for the</p> <p>3 individual defendants represented by Hale and</p> <p>4 Monico. I'm remote, I'm in Chicago.</p> <p>5 MS. MCELROY: Lisa McElroy from Johnson and</p> <p>6 Bell for Defendant Watts, attending remotely from</p> <p>7 Chicago.</p> <p>8 MR. SCHALKA: Michael Schalka on behalf of</p> <p>9 Defendants Spaargaren and Cadman, appearing</p> <p>10 remotely from Chicago.</p> <p>11 MR. NOLAND: Daniel Noland for the City of</p> <p>12 Chicago, certain supervisory Defendants, and the</p> <p>13 witness.</p> <p>14 THE REPORTER: Thank you. Mr. Rivera, will</p> <p>15 you please state your name for the record?</p> <p>16 THE WITNESS: My name is Juan Rivera. First</p> <p>17 name, J-U-A-N. Last name, R-I-V-E-R-A.</p> <p>18 THE REPORTER: Thank you. Do all parties</p> <p>19 agree that the witness is, in fact, Juan Rivera?</p> <p>20 MR. RAUSCHER: Yes.</p> <p>21 MR. FLAXMAN: Yes.</p> <p>22 MR. NOLAND: Yes.</p> <p>23 MR. SCHALKA: Yes.</p> <p>24 MS. MCELROY: Yes.</p> <p>25 MR. PALLE: Yes.</p>	Page 10	Page 12
<p>1 THE REPORTER: Great. Thank you. Sir, can</p> <p>2 you please raise your right hand? Do you solemnly</p> <p>3 swear or affirm that the testimony you're about to</p> <p>4 give will be the truth, the whole truth, and</p> <p>5 nothing but the truth?</p> <p>6 MR. SCHALKA: Yes, I do. Thank you. Counsel,</p> <p>7 you may begin.</p> <p>8 DIRECT EXAMINATION</p> <p>9 BY MR. RAUSCHER:</p> <p>10 Q. Are you currently employed?</p> <p>11 A. No.</p> <p>12 Q. What was your last job?</p> <p>13 A. Chief of Internal Affairs in the Chicago</p> <p>14 Police Department.</p> <p>15 Q. How long were you with the Chicago Police</p> <p>16 Department?</p> <p>17 A. Approximately 30 years.</p> <p>18 Q. What were the years that you worked for the</p> <p>19 Chicago Police Department?</p> <p>20 A. From 1986 to 2015.</p> <p>21 Q. What roles did you have over the years at CPD?</p> <p>22 A. I started off as a Patrol Officer in the Third</p> <p>23 District back in '87. I was there until 1989. I then</p> <p>24 was reassigned to Gun Task Force officer from '89 to</p> <p>25 '92. From '92 to '94, I was a Tactical officer in the</p>	Page 11	Page 13

<p style="text-align: right;">Page 14</p> <p>1 not just drugs, but I mean, it's the same thing with 2 narcotics.</p> <p>3 Q. When -- you said you were charged with 4 aggressively investigating those?</p> <p>5 A. Yes.</p> <p>6 Q. What do you mean by aggressively investigate?</p> <p>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.</p> <p>10 Q. Less reactive policing, more proactive?</p> <p>11 A. More -- more proactive, I guess.</p> <p>12 Q. How many members of your TAC team were there, 13 if you remember?</p> <p>14 A. Anywhere from eight to ten.</p> <p>15 Q. Was it an assignment you asked for?</p> <p>16 A. Yes.</p> <p>17 Q. Did you ever see anyone in your team plant 18 drugs on anyone?</p> <p>19 A. No.</p> <p>20 Q. Did you get any CRs filed against you when you 21 were a TAC team member?</p> <p>22 A. I don't believe so, but I could be wrong. It's 23 -- it's been so long.</p> <p>24 Q. Do you know if anyone on your team was accused 25 of planting drugs as a TAC team officer?</p>	<p style="text-align: right;">Page 16</p> <p>1 THE REPORTER: Karen who?</p> <p>2 A. Rowan.</p> <p>3 BY MR. RAUSCHER:</p> <p>4 Q. Had you worked with Karen Rowan before she 5 asked you to come over?</p> <p>6 A. No.</p> <p>7 Q. Do you know why she -- did she tell you why 8 she asked you?</p> <p>9 A. She understood that I had the background in 10 Narcotics, including, you know, surveillance and Title 11 Threes.</p> <p>12 Q. What do you mean by Title Threes?</p> <p>13 A. Wire -- wiretaps.</p> <p>14 Q. And how had you gained experience with Title 15 Threes?</p> <p>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.</p> <p>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?</p> <p>25 A. It was Long-term Narcotics Supervisor in,</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Again, I -- I don't recall anyone being 2 accused of that.</p> <p>3 Q. Did you request to move over to Internal 4 Affairs?</p> <p>5 A. I -- I was asked to take a position there due 6 to the fact that the lieutenant was retiring at 7 Confidential.</p> <p>8 Q. What -- who was retiring?</p> <p>9 A. Lieutenant Trancitello, I believe is --</p> <p>10 Q. How do you spell that?</p> <p>11 A. I -- honestly, I don't wouldn't be able to 12 tell you.</p> <p>13 Q. You said Trancitello [sic]?</p> <p>14 A. Tranc, Trancitello.</p> <p>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.</p> <p>18 MR. RAUSCHER: It doesn't sound like it would 19 be right. All right. We'll move on.</p> <p>20 BY MR. RAUSCHER:</p> <p>21 Q. All right. So you were at -- who asked you to 22 take a position in Internal Affairs?</p> <p>23 A. It was the assistant deputy superintendent in 24 charge of Internal Affairs at the time, which was Karen 25 Rowan.</p>	<p style="text-align: right;">Page 17</p> <p>1 yeah, in NAGIS, or Narcotics.</p> <p>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?</p> <p>5 A. Yes.</p> <p>6 Q. What was the process for registering an 7 informant with Chicago Police Department?</p> <p>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.</p> <p>12 Q. Do you know where those files were kept by the 13 department?</p> <p>14 A. I believe there was someone assigned, a 15 supervisor, who had access to the files there in -- in 16 Narcotics.</p> <p>17 Q. And you said there was a thorough background 18 check, what did the background check consist of?</p> <p>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.</p> <p>23 Q. Were you ever personally involved in running 24 one of those background checks or reviewing it?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 18</p> <p>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?</p> <p>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.</p> <p>9 Q. And if they did have outstanding warrants, 10 would that disqualify them from being an informant?</p> <p>11 A. Yes.</p> <p>12 Q. And what is the basis for your belief that 13 this is the background check?</p> <p>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.</p> <p>18 Q. Who was the officer who you just mentioned?</p> <p>19 A. I -- I -- there was a few, but I -- I don't 20 remember exactly which officer it was.</p> <p>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?</p> <p>24 A. That it could have been. There was, you know, 25 I had a team of again, seven, eight officers. I</p>	<p style="text-align: right;">Page 20</p> <p>1 A. That was a policy at the NAGIS or Narcotics 2 and Gangs Investigation Section.</p> <p>3 Q. Do you know if that was a policy for any other 4 sections?</p> <p>5 MR. NOLAND: Object to the form.</p> <p>6 BY MR. RAUSCHER:</p> <p>7 Q. Units, or divisions?</p> <p>8 A. That I wouldn't know.</p> <p>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?</p> <p>13 MR. NOLAND: Objection. Form. Foundation. 14 You can answer.</p> <p>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.</p> <p>22 BY MR. RAUSCHER:</p> <p>23 Q. Is that Trancitello?</p> <p>24 A. Yes.</p> <p>25 Q. He's the one with a limited experience with</p>
<p style="text-align: right;">Page 19</p> <p>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 --</p> <p>4 MR. NOLAND: Before you identify names. If 5 there's any concern with confidentiality. I know 6 it's been a while.</p> <p>7 THE WITNESS: Yeah.</p> <p>8 MR. NOLAND: -- but if you have any, if there 9 would be, then please keep that in mind, too.</p> <p>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.</p> <p>14 BY MR. RAUSCHER:</p> <p>15 Q. Rick Herrera?</p> <p>16 A. Yes.</p> <p>17 Q. And did -- were there any unregistered CIs who 18 your team worked with?</p> <p>19 MR. NOLAND: I think I just object to the form 20 of that.</p> <p>21 A. No. They were required to be -- in order for 22 the CI to be utilized, they were required to be 23 registered.</p> <p>24 BY MR. RAUSCHER:</p> <p>25 Q. Do you know where that requirement came from?</p>	<p style="text-align: right;">Page 21</p> <p>1 the pen registers, et cetera?</p> <p>2 MR. NOLAND: Objection. Foundation. Go 3 ahead.</p> <p>4 A. Yes. From what I recall, yes.</p> <p>5 BY MR. RAUSCHER:</p> <p>6 Q. And do you know which investigation it was?</p> <p>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.</p> <p>14 A. Yeah, it was -- it was a successful operation.</p> <p>15 It was Restore Faith, Operation Restore Faith.</p> <p>16 BY MR. RAUSCHER:</p> <p>17 Q. What was Operation Restore Faith?</p> <p>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.</p> <p>21 Q. Which officers were implicated in Operation 22 Restore Faith?</p> <p>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.</p>

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

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

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.

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.

<p style="text-align: right;">Page 26</p> <p>1 Go ahead. You can answer.</p> <p>2 A. I don't quite understand the question.</p> <p>3 BY MR. RAUSCHER:</p> <p>4 Q. Okay.</p> <p>5 A. In terms of --</p> <p>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?</p> <p>13 A. Yes.</p> <p>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?</p> <p>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.</p> <p>24 Q. When you mean -- when you say "following," you 25 mean literally he would follow narcotics dealers and</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Because it was a long-term investigation.</p> <p>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?</p> <p>5 A. More than likely I was, yes.</p> <p>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?</p> <p>9 MR. NOLAND: Objection to the form. Go ahead.</p> <p>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.</p> <p>15 BY MR. RAUSCHER:</p> <p>16 Q. So does that mean, no, you didn't do that 17 balancing act that I asked about?</p> <p>18 MR. NOLAND: Object to the form, but go ahead.</p> <p>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.</p> <p>24 BY MR. RAUSCHER:</p> <p>25 Q. And when that happened, you didn't look at it</p>
<p style="text-align: right;">Page 27</p> <p>1 take their money?</p> <p>2 A. The main target, yes.</p> <p>3 Q. Was there already a joint investigation with 4 the FBI when you joined Confidential?</p> <p>5 A. For that investigation, yes.</p> <p>6 Q. But it just -- no progress had been made on 7 it?</p> <p>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.</p> <p>13 Q. What's a pen register?</p> <p>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.</p> <p>18 Q. Sort of now like you get on a detailed phone 19 bill basically, right?</p> <p>20 A. Yes.</p> <p>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?</p> <p>24 A. No.</p> <p>25 Q. And why was that?</p>	<p style="text-align: right;">Page 29</p> <p>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?</p> <p>4 MR. NOLAND: Objection to the form. Go ahead.</p> <p>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.</p> <p>9 BY MR. RAUSCHER:</p> <p>10 Q. And why was the only way to remove them from 11 the street to continue the investigation?</p> <p>12 A. Because that -- that type of evidence was 13 necessary to -- to charge them and convict them.</p> <p>14 Q. What was the -- was there a way to remove them 15 from the street without a conviction?</p> <p>16 MR. NOLAND: Objection. Incomplete 17 hypothetical, but go ahead.</p> <p>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</p>

<p style="text-align: right;">Page 30</p> <p>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:</p> <p>6 Q. And is that something you had an understanding 7 of at the time?</p> <p>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.</p> <p>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?</p> <p>14 A. Yes.</p> <p>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?</p> <p>18 MR. NOLAND: Objection. Mischaracterize his 19 testimony. Go ahead.</p> <p>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.</p>	<p style="text-align: right;">Page 32</p> <p>1 you, you could look at it and tell me which provision 2 you would have been violating?</p> <p>3 A. I -- I couldn't answer that right now.</p> <p>4 Q. All right. Well, we can maybe get it on a 5 break and take a look.</p> <p>6 MR. NOLAND: Objection. Mischaracterizes.</p> <p>7 MR. RAUSCHER: Am I mischaracterizing? I 8 don't want do that.</p> <p>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.</p> <p>13 BY MR. RAUSCHER:</p> <p>14 Q. I'm sorry, a general 6(e) what?</p> <p>15 A. Form.</p> <p>16 Q. Form?</p> <p>17 A. Notification form.</p> <p>18 Q. What is it -- what is 6(e) just in broad 19 strokes?</p> <p>20 A. It's -- it's just --</p> <p>21 MR. NOLAND: Objection. Legal conclusion. But 22 go ahead.</p> <p>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</p>
<p style="text-align: right;">Page 31</p> <p>1 BY MR. RAUSCHER:</p> <p>2 Q. All right. Did someone from the FBI tell you 3 -- you would be obstructing their investigation if you 4 took administrative action?</p> <p>5 A. That was implied. Again, they were grand jury 6 6(e) issues, and that was all part of that.</p> <p>7 Q. What does that mean?</p> <p>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.</p> <p>12 Q. And which act or restriction would you have 13 been violating by taking administrative action?</p> <p>14 A. Well, again, I don't have --</p> <p>15 MR. NOLAND: Objection. Asked and answered, 16 but go ahead.</p> <p>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.</p> <p>20 BY MR. RAUSCHER:</p> <p>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?</p> <p>24 A. Grand jury procedure. Secrecy.</p> <p>25 Q. So you think if you had rule 6(e) in front of</p>	<p style="text-align: right;">Page 33</p> <p>1 or violate any of those things that -- certain 2 requirements that were delineated in there with regards 3 to that case.</p> <p>4 BY MR. RAUSCHER:</p> <p>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?</p> <p>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.</p> <p>13 Q. Did you have access to what was being 14 presented to the grand jury?</p> <p>15 MR. NOLAND: Objection. Foundation. Go 16 ahead.</p> <p>17 A. Again, this is going back. I may been -- 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.</p> <p>21 BY MR. RAUSCHER:</p> <p>22 Q. What is "the 6(e)"? What do you mean by that?</p> <p>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</p>

<p style="text-align: right;">Page 34</p> <p>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.</p> <p>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?</p> <p>8 MR. NOLAND: Besides what he already said? So 9 asked and answered. He's already testified to 10 other things. Go ahead.</p> <p>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.</p> <p>16 BY MR. RAUSCHER:</p> <p>17 Q. What do you mean it wasn't your property?</p> <p>18 A. It -- everything generated on that 19 investigation was theirs.</p> <p>20 Q. Did you ever ask them to use any of it?</p> <p>21 A. We -- we did at the conclusion of the 22 investigation, yes.</p> <p>23 Q. And did they give it to you?</p> <p>24 A. I would have to -- I'd be speculating because 25 I -- I just don't know if -- sometimes they give us</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. When did that meeting take place?</p> <p>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.</p> <p>5 Q. Was that toward the end of the investigation?</p> <p>6 A. I -- I wouldn't be able to give you specific 7 dates or times.</p> <p>8 Q. And when you say -- how did the AUSA make it 9 clear that they would be the one to take action?</p> <p>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.</p> <p>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"?</p> <p>21 MR. NOLAND: Object to the form.</p> <p>22 Argumentative. But go ahead.</p> <p>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</p>
<p style="text-align: right;">Page 35</p> <p>1 certain documents, other times, they won't. They 2 continue with the 6(e) issue.</p> <p>3 Q. But you were part of the 6(e) group in that 4 case, right?</p> <p>5 A. From what I recall, I -- I did receive a -- a 6 6(e) notification, yes.</p> <p>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"?</p> <p>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.</p> <p>15 Q. How did that -- who was that AUSA?</p> <p>16 A. I -- I don't recall the name offhand, because 17 there were a few of them, but -- I -- I can't recall</p> <p>18 Q. Who else was at the meeting?</p> <p>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.</p> <p>22 Q. And how did the AUSA make it clear that they 23 would prosecute and take any actions?</p> <p>24 A. It -- it was clear that they -- it was their -- 25 it was going to be federally charged.</p>	<p style="text-align: right;">Page 37</p> <p>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.</p> <p>4 BY MR. RAUSCHER:</p> <p>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?</p> <p>8 MR. NOLAND: Objection. Form. Misstates, 9 mischaracterizes it. Go ahead.</p> <p>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.</p> <p>16 BY MR. RAUSCHER:</p> <p>17 Q. Were you involved in the DOJ task force 18 investigation at all?</p> <p>19 A. DOJ task force?</p> <p>20 Q. So you know, somewhat recently, the DOJ came 21 in and they wrote a big report about the Chicago Police 22 Department?</p> <p>23 A. No, they never -- I was shocked they never 24 even asked for an interview.</p> <p>25 Q. Did you ever talk to anybody at CPD about</p>

<p>1 that?</p> <p>2 A. No.</p> <p>3 Q. About the DOJ investigating, not about how</p> <p>4 they didn't interview you.</p> <p>5 MR. NOLAND: And I'm just going to -- just for</p> <p>6 the record, what -- I think I understand what</p> <p>7 you're asking about, but I mean, you were just</p> <p>8 talking about a DOJ case against some police</p> <p>9 officers, Jones and Flagg. I think you're talking</p> <p>10 about something completely different and --</p> <p>11 MR. RAUSCHER: I'm talking about --</p> <p>12 MR. NOLAND: -- irrelevant to this litigation,</p> <p>13 not the task force investigation into Watts. So</p> <p>14 now I think it's a really confusing question. So I</p> <p>15 think I know what you're talking about, so you</p> <p>16 should probably clarify.</p> <p>17 MR. RAUSCHER: I think he also -- you</p> <p>18 understand what I'm talking about, right? You've</p> <p>19 given me an answer about not being --</p> <p>20 MR. NOLAND: Well, just because he -- you tell</p> <p>21 him. I just think for the record, we should talk</p> <p>22 about -- we should put on the record what we're</p> <p>23 talking about.</p> <p>24 MR. RAUSCHER: It may be unclear on the record</p> <p>25 when we look at it. I was not asking about the</p>	<p>Page 38</p> <p>1 Q. But you've said you were not involved in that</p> <p>2 at all?</p> <p>3 A. I was not included, no.</p> <p>4 Q. Are you familiar with something called a</p> <p>5 Standards and Guidelines for Internal Affairs:</p> <p>6 Recommendations from a Community of Practice? Have you</p> <p>7 heard of that document before?</p> <p>8 A. I -- offhand, no, I -- I don't recall.</p> <p>9 Q. Are you familiar with any document that</p> <p>10 provide standards and guidelines from Internal Affairs</p> <p>11 that was put together through a -- like a group of</p> <p>12 municipalities in conjunction with the Department of</p> <p>13 Justice?</p> <p>14 A. No.</p> <p>15 Q. You don't recall ever looking at that</p> <p>16 document?</p> <p>17 A. No.</p> <p>18 Q. How many joint investigations was Internal</p> <p>19 Affairs involved with while you were either head of</p> <p>20 Confidential or when you were -- when you came back in a</p> <p>21 more senior role later?</p> <p>22 A. Again, I'm -- I'm -- I'd be speculating. I --</p> <p>23 I -- I'm not sure.</p> <p>24 Q. What's your best estimate?</p> <p>25 A. We used to have quarterly meetings, and it</p>
<p>1 Watts investigation.</p> <p>2 BY MR. RAUSCHER:</p> <p>3 Q. Did you have an understanding of what I was</p> <p>4 just asking you about?</p> <p>5 A. I -- I believe so. I don't know if you -- if</p> <p>6 you get into more specifics in terms -- I understand</p> <p>7 there was a DOJ task force, but are you asking me if</p> <p>8 they included me in any of that? I -- I answered that</p> <p>9 by saying "No."</p> <p>10 Q. Were you involved in the response to the DOJ</p> <p>11 in any way? Were you consulted at CPD?</p> <p>12 A. No.</p> <p>13 Q. Okay. Do you have any understanding of how</p> <p>14 CPD responded to the DOJ task Force?</p> <p>15 A. No, I was totally -- I was retired by then.</p> <p>16 Q. Okay.</p> <p>17 MR. NOLAND: And I'm just going to put on the</p> <p>18 record, I believe you're talking about the task --</p> <p>19 the DOJ investigation of the Chicago Police</p> <p>20 Department for which there's now a consent decree,</p> <p>21 correct?</p> <p>22 MR. RAUSCHER: Yes.</p> <p>23 MR. NOLAND: Okay.</p> <p>24 MR. RAUSCHER: Yes.</p> <p>25 BY MR. RAUSCHER:</p>	<p>Page 39</p> <p>1 could include anywhere -- it varied depending on the</p> <p>2 time frame, but it could have been from anywhere from</p> <p>3 half a dozen to -- anywhere from -- yeah, half a dozen</p> <p>4 to about 20 different investigations, but again, I was</p> <p>5 there for six years, so it depends on the time frame.</p> <p>6 Q. And those are -- somewhere between six and 20</p> <p>7 at any given time, those are joint investigations with</p> <p>8 CPD and the feds?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Were the terms of the joint</p> <p>11 investigation typically laid out in writing?</p> <p>12 A. Again, going back, usually -- well, again, I</p> <p>13 -- I'd have to say when I was there, I recall it -- it</p> <p>14 didn't always -- it wasn't always written, but they --</p> <p>15 it depended on who was in charge. They would then -- in</p> <p>16 many cases, they -- they did generate the memorandum of</p> <p>17 understandings, which dictated how we operated.</p> <p>18 Q. Tell me more about what you -- what to --</p> <p>19 generating memorandum of understandings?</p> <p>20 A. When the task -- the task force was</p> <p>21 implemented, which meant Internal Affairs task force</p> <p>22 officers were working in conjunction with the Public</p> <p>23 Corruption units of the FBI, they would generate these</p> <p>24 memorandums of understanding.</p> <p>25 Q. So now I'm going to agree with Mr. Noland on</p>

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?

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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

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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

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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.

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.

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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

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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.

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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 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

<p>1 CPD officers you looked at?</p> <p>2 A. No.</p> <p>3 Q. Do you remember which officers from CPD</p> <p>4 prepared reports that you reviewed?</p> <p>5 A. Agent Holliday.</p> <p>6 Q. Calvin Holliday?</p> <p>7 A. Calvin, yes.</p> <p>8 Q. Okay. Anyone else?</p> <p>9 A. Also Echeverria, Officer Echeverria.</p> <p>10 Q. Were the Echeverria reports you're talking</p> <p>11 about To-Froms?</p> <p>12 A. Yes, I believe so.</p> <p>13 Q. Any other reports other than the To-Froms from</p> <p>14 Echeverria?</p> <p>15 A. No.</p> <p>16 Q. Did you review any deposition transcripts?</p> <p>17 A. Yes. The Spalding and Echeverria one, I</p> <p>18 believe. Yes.</p> <p>19 Q. You reviewed their depositions from this case</p> <p>20 or you reviewed some depositions from their case?</p> <p>21 A. No. From the one I was involved with them.</p> <p>22 Q. Was it your deposition in that case you</p> <p>23 reviewed?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Did that deposition refresh your</p>	<p>Page 50</p> <p>1 someone on your team did or both?</p> <p>2 A. It could have been both. Again, we had</p> <p>3 quarterly meetings at times and then there are -- there</p> <p>4 are times I -- I recall we were asked to go there and</p> <p>5 meet on a separate date or -- or -- so it wasn't just</p> <p>6 quarterly meetings, but there were other meetings that</p> <p>7 we were required or requested to go.</p> <p>8 Q. Do you have a specific memory of either asking</p> <p>9 that question or hearing someone else ask it, or are you</p> <p>10 making an assumption that it would have been asked?</p> <p>11 MR. NOLAND: Object to the form. Go ahead.</p> <p>12 A. I recall it being asked by -- I don't know if</p> <p>13 it was -- I think it was a task force -- one of the task</p> <p>14 force officers, if I remember correctly.</p> <p>15 BY MR. RAUSCHER:</p> <p>16 Q. Do you remember about when during the</p> <p>17 investigation that was asked?</p> <p>18 A. No, I would -- I would be speculating.</p> <p>19 Q. And do you recall what -- the answer you got?</p> <p>20 A. I'm sorry. I -- I lost track. What was the</p> <p>21 question again?</p> <p>22 Q. If you recall the answer to the question?</p> <p>23 A. What was the question? I'm sorry.</p> <p>24 Q. Oh, the question was -- well, there's a</p> <p>25 question and then my question was about a question, so.</p>
<p>1 recollection about any of the events?</p> <p>2 A. Yes, of course.</p> <p>3 Q. What in particular were you -- was your</p> <p>4 recollection refreshed about from reviewing your</p> <p>5 deposition?</p> <p>6 MR. NOLAND: Objection. Form. Over broad. Go</p> <p>7 ahead.</p> <p>8 A. I -- I -- mainly time frame, more or less, the</p> <p>9 time frame as to how the investigation progressed.</p> <p>10 BY MR. RAUSCHER:</p> <p>11 Q. The investigation into Watts and Mohammed?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know if the investigation ever looked</p> <p>14 at other officers on the tactical team?</p> <p>15 A. I -- I -- I believe we asked, and I don't</p> <p>16 recall any other names. Again, that's my recollection,</p> <p>17 but I know that the two main officers were Watts and</p> <p>18 Mohammed.</p> <p>19 Q. You -- who do you think you asked?</p> <p>20 A. Well, we were in quarterly meetings, so we</p> <p>21 would probably have asked the case agent, the FBI case</p> <p>22 agents, and again, I wouldn't recall who they were, but</p> <p>23 AUSAs that were involved.</p> <p>24 Q. Okay. What's the time period when -- do you</p> <p>25 think you asked that question personally or do you think</p>	<p>Page 51</p> <p>1 But I had asked you if either you or someone on your</p> <p>2 team asked the FBI, if anyone else was implicated in the</p> <p>3 investigation. And I believe you said, I think, a task</p> <p>4 force member asked at a meeting you were present at.</p> <p>5 A. Right.</p> <p>6 Q. Is that right?</p> <p>7 A. Yes, that's correct.</p> <p>8 Q. Do you know how they -- well, so then it says,</p> <p>9 how did they ask the question? What did they say?</p> <p>10 A. I believe the question was whether any of the</p> <p>11 human sources had mentioned other officers on the team</p> <p>12 at that point in time. And the answer, I believe, was</p> <p>13 no.</p> <p>14 Q. And you don't remember when during the</p> <p>15 investigation this happened?</p> <p>16 A. No, I -- I would have to -- I would be</p> <p>17 speculating.</p> <p>18 Q. And you think the answer was no; is that</p> <p>19 right?</p> <p>20 A. Correct.</p> <p>21 Q. Do you know who -- you don't know which</p> <p>22 officer asked the question?</p> <p>23 A. No, there were a few of them, but.</p> <p>24 Q. Which ones do you think it could have been?</p> <p>25 A. Again, I'd be speculating, but I know the task</p>

<p style="text-align: right;">Page 54</p> <p>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.</p> <p>5 Q. Anyone else?</p> <p>6 A. Not off the top of my head. I think those 7 were --</p> <p>8 Q. Did you see any of the 302 -- so you looked at 9 some 302s to prepare for your deposition?</p> <p>10 A. Yes.</p> <p>11 Q. Had you seen any of those three oh twos 12 before?</p> <p>13 A. No.</p> <p>14 Q. Did you see any 302s during the investigation?</p> <p>15 A. No.</p> <p>16 Q. Did any of the 302s you looked at to prepare 17 for your deposition mention other officers besides Watts 18 and Mohammed?</p> <p>19 A. I -- yes, I did notice that one did mention 20 Jones, I believe.</p> <p>21 Q. Was that about the theft of about \$5,000, if 22 you remember?</p> <p>23 A. I -- yeah, I don't recall.</p> <p>24 Q. What do you know -- what do you remember, if 25 anything, about what that 302 said about Jones?</p>	<p style="text-align: right;">Page 55</p> <p>1 not allowed into the FBI facility?</p> <p>2 A. There was some issue with equipment that was 3 misplaced or lost or --</p> <p>4 Q. Recording equipment or something else?</p> <p>5 A. It may have been the recorded equipment or 6 something. Yeah.</p> <p>7 Q. Who lost it?</p> <p>8 A. Not sure who lost it. All I know is that they 9 couldn't locate it.</p> <p>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"?</p> <p>13 A. And -- and, you know -- that's the gist of it, 14 yes.</p> <p>15 Q. But did you still want them working on the 16 investigation?</p> <p>17 A. Oh, yes, of course.</p> <p>18 Q. Did the FBI still want them working on the 19 investigation?</p> <p>20 A. Yes, because they were handling the informant.</p> <p>21 Q. Which informant were they handling?</p> <p>22 A. I don't recall the name.</p> <p>23 Q. Do you know how many informants they handled 24 for the Watts investigation?</p> <p>25 A. I only know of the one.</p>
<p style="text-align: right;">Page 55</p> <p>1 A. That he was possibly present? I'm -- I'm not, 2 again, 100 percent sure.</p> <p>3 Q. And you haven't seen other 302s talking about 4 another officers potentially being involved?</p> <p>5 A. No, I don't recall any.</p> <p>6 Q. Do you have an independent recollection of 7 receiving "To-Froms" that Echeverria created relating to 8 the Watts investigation?</p> <p>9 A. Do I recall all the content? Not all.</p> <p>10 Q. No, just --</p> <p>11 A. -- no, I --</p> <p>12 Q. -- do you recall that he did that and gave 13 them to you?</p> <p>14 A. Yes.</p> <p>15 Q. And do you know why he did that and -- why he 16 created those memos and gave them to you?</p> <p>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.</p> <p>21 Q. Why did you want him to do that?</p> <p>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.</p> <p>25 Q. Why were they not involved -- why were they</p>	<p style="text-align: right;">Page 57</p> <p>1 Q. Were they the ones who handled the informant 2 who was used in the event that ultimately led to the 3 arrests?</p> <p>4 A. Yes.</p> <p>5 Q. Was [REDACTED] that name?</p> <p>6 A. I -- you know, again, I -- all I knew him as 7 was "the informant," basically.</p> <p>8 Q. At the -- so you didn't even know his name at 9 the time?</p> <p>10 A. No.</p> <p>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?</p> <p>14 MR. NOLAND: I'm going to object to the form 15 of that question. You mean before he got there or 16 like --</p> <p>17 MR. RAUSCHER: Yeah, it was not a good -- I 18 blended them. It wasn't a great question.</p> <p>19 BY MR. RAUSCHER:</p> <p>20 Q. Was it -- do you know when the Watts 21 investigation started?</p> <p>22 A. It started while I was assigned there as the 23 lieutenant of Confidential.</p> <p>24 Q. That was sometime in 2004?</p> <p>25 A. Yes.</p>

<p>1 Q. And do you know when it concluded?</p> <p>2 A. I -- I'm not sure what you mean by conclusion.</p> <p>3 Q. Well --</p> <p>4 A. The criminal aspect of it? Administrative?</p> <p>5 Q. From your perspective, when did it end?</p> <p>6 A. When they were arrested.</p> <p>7 Q. All right. Do you know when that was?</p> <p>8 A. Sometime in the beginning of -- and again, I'm</p> <p>9 not 100 percent sure. The beginning of 2012.</p> <p>10 Q. Seven, eight years, basically?</p> <p>11 A. Yes.</p> <p>12 Q. Do you have any opinions on the length of the</p> <p>13 investigation?</p> <p>14 A. No.</p> <p>15 Q. Do you have any opinions on the pace of the</p> <p>16 investigation?</p> <p>17 A. I -- I can't comment on that because I wasn't</p> <p>18 there for the entire time.</p> <p>19 Q. Did you look at the file when you came back as</p> <p>20 chief of Internal Affairs?</p> <p>21 A. I don't believe I was 6E, so I relied on task</p> <p>22 force officer and the other officers that were involved</p> <p>23 in briefing us.</p> <p>24 Q. So there was some information that you wanted,</p> <p>25 but couldn't get?</p>	<p>Page 58</p> <p>1 as chief.</p> <p>2 Q. And do you remember any of those specifics?</p> <p>3 A. It's been so long. I -- I don't know exactly</p> <p>4 what was told. Like, I kind of got a -- an idea of some</p> <p>5 of the sequence of events that had taken place while I</p> <p>6 was gone, but not totally specifics as to, like, did</p> <p>7 they use a human source or undercovers or -- I -- I</p> <p>8 didn't have all those specifics.</p> <p>9 Q. Did you read any reports -- any internal</p> <p>10 reports saying, "We caught Mohammed on a wire taking</p> <p>11 money," while you were gone? I mean, anything like</p> <p>12 that?</p> <p>13 A. I don't recall. I -- I just remember being</p> <p>14 briefed by the task force officers. I don't recall. I</p> <p>15 mean, it's been years ago, so I -- I don't know if they</p> <p>16 had a -- a report that they allowed me to see. I -- I -</p> <p>17 - I don't know. I don't recall that.</p> <p>18 Q. It's a pretty big deal for an officer to steal</p> <p>19 money, right?</p> <p>20 A. Yes.</p> <p>21 Q. And that's what you were told that Mohammed</p> <p>22 did?</p> <p>23 MR. NOLAND: Steal money? Object to the form.</p> <p>24 Mischaracterizes the testimony and --</p> <p>25 BY MR. RAUSCHER:</p>
<p>1 MR. NOLAND: Object to form. Go ahead.</p> <p>2 A. The -- the -- the information that -- I -- I</p> <p>3 probably -- I mean, I wasn't privy to specifics was that</p> <p>4 time frame when I wasn't there. I -- I probably -- I</p> <p>5 mean, I recall them giving me a general idea that there</p> <p>6 was money that was presented and taken by, I think</p> <p>7 Mohammed several times, but I didn't have details or any</p> <p>8 of that information.</p> <p>9 BY MR. RAUSCHER:</p> <p>10 Q. What do you mean you didn't have details or</p> <p>11 any of that information?</p> <p>12 A. For instance, the dates, I mean, they were</p> <p>13 telling me it happened during the time frame I was gone.</p> <p>14 I don't know if it was '07, '08. And I believe Joe</p> <p>15 Barnes may have not been there when I went back, and he</p> <p>16 was the person involved in it during that time frame.</p> <p>17 So again, I mean, I got a -- a -- a briefing, but I</p> <p>18 don't think I, you know -- obviously, I didn't -- I</p> <p>19 wasn't there, so I didn't have a lot of the specifics.</p> <p>20 For instance, I -- I was briefed that there was a sting</p> <p>21 that took place at a -- at a house or something to that</p> <p>22 effect. I -- I don't know the specifics of that sting.</p> <p>23 Q. When were you briefed about a sting at a</p> <p>24 house?</p> <p>25 A. Probably early on when I first arrived there</p>	<p>Page 59</p> <p>1 Q. Or is --</p> <p>2 MR. NOLAND: -- the evidence in the case.</p> <p>3 BY MR. RAUSCHER:</p> <p>4 Q. Is that not what Mohammed did?</p> <p>5 A. He -- from what I understood that there was</p> <p>6 money presented and he -- he did take it, yes.</p> <p>7 Q. How would you describe that?</p> <p>8 A. He -- he stole it from -- like I said, I don't</p> <p>9 know if it was an undercover department.</p> <p>10 Q. And did you follow up when you heard that this</p> <p>11 officer, who was still on the street, stole money</p> <p>12 multiple times?</p> <p>13 MR. NOLAND: Objection. Mischaracterizes</p> <p>14 the --</p> <p>15 A. Well, that was all part of the evidence that's</p> <p>16 -- that was being accumulated to charge him.</p> <p>17 BY MR. RAUSCHER:</p> <p>18 Q. And that was something that you knew -- right</p> <p>19 when you got back as chief that had already happened?</p> <p>20 A. Yeah, it was probably soon after I -- I</p> <p>21 returned.</p> <p>22 Q. Right. But the events had already happened</p> <p>23 before you were back, right?</p> <p>24 A. Yes.</p> <p>25 Q. In that case, did you think, "we better get</p>

<p>1 this guy off the street"?</p> <p>2 A. Well, again, I was being told that it -- it</p> <p>3 was a source or an undercover being provided or</p> <p>4 something to that effect. So it wasn't, from what I</p> <p>5 understood, he was out there stealing from other</p> <p>6 individuals. It was scenarios -- stings that were</p> <p>7 directed towards him.</p> <p>8 Q. And there were no complaints that he had been</p> <p>9 doing that before?</p> <p>10 MR. NOLAND: Object to the form. Foundation.</p> <p>11 Go ahead.</p> <p>12 A. Again, that's -- we had information that they</p> <p>13 were charging drug dealers street tax. That's what I</p> <p>14 understood when I was there as a lieutenant.</p> <p>15 BY MR. RAUSCHER:</p> <p>16 Q. Right. And that's why there was an</p> <p>17 investigation, at least in part?</p> <p>18 A. Right.</p> <p>19 Q. And, so you found out that he actually was</p> <p>20 doing it, did you think, "we better get him off the</p> <p>21 street"?</p> <p>22 A. Well -- well, again, I'm not going to insert</p> <p>23 myself into a federal investigation and compromise their</p> <p>24 investigation or be accused of obstructing their</p> <p>25 investigation. The goal was to charge him federally</p>	<p>Page 62</p> <p>1 A. Providing confidential -- yes.</p> <p>2 Q. To the FBI?</p> <p>3 A. Correct.</p> <p>4 Q. And then that happened and they caught</p> <p>5 Mohammed taking bribes. Within four years did you</p> <p>6 think, "all right, it's time to do something"?</p> <p>7 MR. NOLAND: Object to form. Go ahead.</p> <p>8 A. Again. We're -- we're being briefed and the</p> <p>9 AUSAs and the FBI agents, they were looking at long-</p> <p>10 term conspiracy to try to determine if other officers</p> <p>11 were involved. So that's not going to be something</p> <p>12 where you remove one officer and then you allow other</p> <p>13 officers that are out there, you know, conducting</p> <p>14 themselves the same way, you defeat the purpose of the</p> <p>15 investigation. So we have to rely on the FBI, they're</p> <p>16 looking at charging them with conspiracy, and that's</p> <p>17 federal. So we rely on them and they made it known to</p> <p>18 us that that's the direction that they were going</p> <p>19 BY MR. RAUSCHER:</p> <p>20 Q. This -- sorry, go ahead.</p> <p>21 A. Okay. So it -- it would make no sense for,</p> <p>22 again, like I mentioned earlier, for us to insert</p> <p>23 ourselves into the investigation or obstruct their</p> <p>24 investigation by compromising it by stripping an</p> <p>25 officer. We don't accomplish what we want to which is</p>
<p>1 with severe penalties. That was the goal.</p> <p>2 Q. And --</p> <p>3 MR. NOLAND: Why don't -- he's still talking.</p> <p>4 MR. RAUSCHER: That's fair. I didn't mean to</p> <p>5 cut you off.</p> <p>6 A. That -- I mean, that's -- that was the goal.</p> <p>7 BY MR. RAUSCHER:</p> <p>8 Q. How many years were you prepared to wait for</p> <p>9 the feds to act?</p> <p>10 MR. NOLAND: Objection. Form. Calls for</p> <p>11 speculation. Argumentative. Go ahead.</p> <p>12 A. Well, we weren't waiting. We were assisting</p> <p>13 in every -- every way we can to -- to prompt this</p> <p>14 investigation and get it to its fruition. I -- from</p> <p>15 what I recall, when I was back in '04, we were trying to</p> <p>16 develop human sources to present to the federal agency</p> <p>17 so that they can do -- so we were suggesting integrity</p> <p>18 checks in an effort to possibly quicken the</p> <p>19 investigation. So we were constantly working with the</p> <p>20 FBI to ensure that this investigation moved as quickly</p> <p>21 as possible.</p> <p>22 BY MR. RAUSCHER:</p> <p>23 Q. So you made some suggestions all the way back</p> <p>24 in 2004 about steps that could be taken, including</p> <p>25 developing confidential sources, right?</p>	<p>Page 63</p> <p>1 A. Again, at that point in time, it was these</p> <p>2 two. But they're always, you know, looking at whether</p> <p>3 they knew they were part of a team, so they're always</p> <p>4 looking to see if there's -- this is -- this is going to</p> <p>5 expand or not.</p> <p>6 Q. I thought you said that an AUSA told you they</p> <p>7 were looking at other officers and made clear that was</p> <p>8 the direction of the investigation.</p> <p>9 MR. NOLAND: Objection. Form. Now you're</p> <p>10 just arguing with him.</p> <p>11 A. I'm sorry. What was it?</p> <p>12 MR. NOLAND: I don't -- is that a question?</p> <p>13 MR. RAUSCHER: It is a question.</p> <p>14 MR. NOLAND: Well, you can read it back if you</p> <p>15 want.</p> <p>16 A. Yeah, I don't know. I don't understand.</p> <p>17 BY MR. RAUSCHER:</p> <p>18 Q. Did you testify just a couple questions ago that an AUSA made clear that the</p> <p>19 direction of the investigation was trying to make a</p> <p>20 conspiracy and look at other officers?</p>

<p style="text-align: right;">Page 66</p> <p>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 --</p>	<p style="text-align: right;">Page 68</p> <p>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 Well 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</p>
<p style="text-align: right;">Page 67</p> <p>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</p>	<p style="text-align: right;">Page 69</p> <p>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</p>

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,

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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"?

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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.

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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.

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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

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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

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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

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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

<p style="text-align: right;">Page 78</p> <p>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.</p> <p>4 Q. You said "involving him." You don't mean the 5 accident did involve Holliday?</p> <p>6 A. No -- no, Watts.</p> <p>7 Q. Right. Okay.</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>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?</p> <p>24 MR. NOLAND: Objection. Mischaracterized. Go 25 ahead.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q. Watts wanted someone else to pay for it, 2 right?</p> <p>3 A. I don't even recall.</p> <p>4 MR. RAUSCHER: Okay. A break?</p> <p>5 MR. NOLAND: We've been going for a little 6 bit.</p> <p>7 MR. RAUSCHER: Yeah.</p> <p>8 MR. NOLAND: Maybe some time --</p> <p>9 MR. RAUSCHER: Sure.</p> <p>10 MR. NOLAND: -- take five-minutes?</p> <p>11 MR. RAUSCHER: Yeah.</p> <p>12 THE REPORTER: All right, we are off the 13 record. The time is 2:10 p.m., Central.</p> <p>14 (OFF THE RECORD)</p> <p>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.</p> <p>20 BY MR. RAUSCHER:</p> <p>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?</p> <p>24 (EXHIBIT 1 MARKED FOR IDENTIFICATION)</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 79</p> <p>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.</p> <p>16 BY MR. RAUSCHER:</p> <p>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?</p> <p>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.</p>	<p style="text-align: right;">Page 81</p> <p>1 BY MR. RAUSCHER:</p> <p>2 Q. Have you seen it before?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Can you tell me what it is?</p> <p>5 A. It's the CR initiation for this investigation 6 regarding Watts and Mohammed.</p> <p>7 Q. Is this the -- to your knowledge, is this the 8 first thing that kicked the -- kicked off the 9 investigation?</p> <p>10 A. I -- again, I'm going back years, but I 11 believe it was.</p> <p>12 Q. And it refers to a CI in here; you see that?</p> <p>13 A. Yes.</p> <p>14 Q. And it looks like you met with that CI?</p> <p>15 A. Yes.</p> <p>16 Q. Yeah. Who was that CI?</p> <p>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.</p> <p>23 Q. Did you find him credible?</p> <p>24 A. Yes.</p> <p>25 MR. NOLAND: Object to form.</p>

<p>1 A. Yes.</p> <p>2 BY MR. RAUSCHER:</p> <p>3 Q. What was the next step after this memo was</p> <p>4 written?</p> <p>5 A. We -- I know we asked the FBI, I think, who's</p> <p>6 their agent. They were working along with one of our</p> <p>7 Highland teams, who's CPD, if they needed our</p> <p>8 assistance, or obviously they -- at that time, they told</p> <p>9 us they were -- they were the lead. It was their CI, so</p> <p>10 we deferred, but we -- we basically offered any</p> <p>11 assistance with regards to the case.</p> <p>12 Q. And then I'm just going to show you what we'll</p> <p>13 mark as Exhibit 2, which is PL Joint 010844. Does this</p> <p>14 memo describe the meeting conversation you just</p> <p>15 testified about?</p> <p>16 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>17 A. Yes. In essence, it's what we were told, they</p> <p>18 were going to take the lead.</p> <p>19 BY MR. RAUSCHER:</p> <p>20 Q. It says the lesson says that US Attorney's</p> <p>21 Office believe they should be in control of everything</p> <p>22 that results from his cooperation; do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. How come it doesn't say what CPD's position on</p> <p>25 that belief is?</p>	<p>Page 82</p> <p>1 Q. All right. I'm going to mark Exhibit 3, which</p> <p>2 is PL Joint 010861. Have you had a chance to look at</p> <p>3 this?</p> <p>4 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>5 A. Yes.</p> <p>6 BY MR. RAUSCHER:</p> <p>7 Q. Do you recognize this letter?</p> <p>8 A. I reviewed this, but I -- I honestly don't</p> <p>9 recall the letter itself.</p> <p>10 Q. When you say -- I'm sorry, go ahead.</p> <p>11 A. No, I'm just saying I -- I -- I -- well, this</p> <p>12 is one of the items I reviewed, but I really didn't</p> <p>13 recall this report.</p> <p>14 Q. That was going to be -- so my question was,</p> <p>15 when you say you reviewed it, you mean in preparation</p> <p>16 for your deposition?</p> <p>17 A. Correct.</p> <p>18 Q. This is -- this relates to that car accident</p> <p>19 you were talking about earlier, right?</p> <p>20 A. I -- not -- not 100 percent sure. Yeah.</p> <p>21 Q. Well, did you see anything else involving a</p> <p>22 car accident where Watts was trying to pay for or have</p> <p>23 someone pay for getting a car fixed from September of</p> <p>24 2004?</p> <p>25 A. Oh, I see now, car fixed. I -- I -- I would</p>
<p>Page 83</p> <p>1 MR. NOLAND: Object to the form, foundation.</p> <p>2 Go ahead.</p> <p>3 A. Again, they're look -- if you read up there,</p> <p>4 it says "federally prosecuted," so that would be --</p> <p>5 they're taking the lead.</p> <p>6 BY MR. RAUSCHER:</p> <p>7 Q. And when it says in here, "It was determined</p> <p>8 that this would be a federally prosecuted investigation</p> <p>9 at a meeting that CPD attended, among others," does that</p> <p>10 mean there was a joint decision that it would be</p> <p>11 federally prosecuted?</p> <p>12 A. It was the AUSA who made the decision. Again,</p> <p>13 this was not our informant. It was theirs, so there's</p> <p>14 no way we would've made any decision here.</p> <p>15 Q. Is that because you couldn't have developed</p> <p>16 evidence without them or for some other reason?</p> <p>17 A. Because anything they --</p> <p>18 MR. NOLAND: Objection form. Go ahead.</p> <p>19 A. Anything they generate would be their</p> <p>20 property.</p> <p>21 BY MR. RAUSCHER:</p> <p>22 Q. Let me rephrase. So does that mean you</p> <p>23 couldn't develop evidence from this CI without the feds</p> <p>24 giving it to you; is that fair?</p> <p>25 A. The way we understood, yes.</p>	<p>Page 85</p> <p>1 assume it's part of that investigation. Again, this is</p> <p>2 not a To-From to me. It's just an attachment to an</p> <p>3 investigation.</p> <p>4 Q. Do you know who Patrick Noonan is?</p> <p>5 A. No.</p> <p>6 Q. You see where it says, "Quincy told me how</p> <p>7 Sergeant Watts forces Patrick and workers to pay him off</p> <p>8 in order to continue to sell drugs in Ida B. Wells"?</p> <p>9 A. Again, the name sounds familiar, but I -- I'm</p> <p>10 not 100 percent sure if he was one of the individuals</p> <p>11 that came forward. The name does sound familiar, but I</p> <p>12 can't -- I'm not going to speculate.</p> <p>13 Q. Was the allegation that Watts was trying to</p> <p>14 have a drug dealer pay for an accident that he caused</p> <p>15 troubling to you?</p> <p>16 MR. NOLAND: Object to the form. Go ahead.</p> <p>17 A. Yes.</p> <p>18 BY MR. RAUSCHER:</p> <p>19 Q. And why was that a troubling allegation?</p> <p>20 A. Because it sounds like there was some sort of</p> <p>21 coverup. Again, this is just an allegation being made.</p> <p>22 You know, again, it -- it is concerning, but it's an</p> <p>23 allegation that -- that was, I think, forwarded to</p> <p>24 Calvin.</p> <p>25 Q. Yeah, but that's what it looks like in the</p>

<p>1 letter, right?</p> <p>2 A. Right.</p> <p>3 Q. Calvin Holliday?</p> <p>4 A. Yes.</p> <p>5 Q. I'm going to mark another page as Exhibit 4,</p> <p>6 PL Joint 010877.</p> <p>7 (EXHIBIT 4 MARKED FOR IDENTIFICATION)</p> <p>8 A. Yes.</p> <p>9 BY MR. RAUSCHER:</p> <p>10 Q. This is another part of the CR relating to that car accident, right?</p> <p>11 A. Yes.</p> <p>12 Q. All right.</p> <p>13 MR. NOLAND: Object to the form.</p> <p>14 BY MR. RAUSCHER:</p> <p>15 Q. Do you know what other steps, if any, that CPD took to investigate this CR, other -- if we haven't -- well, let me ask you a different way: Did CPD do anything to investigate the CR that we haven't yet talked about today?</p> <p>16 MR. NOLAND: I'll -- objection. Foundation.</p> <p>17 A. I -- it's been so long ago, I don't -- I'm not sure. I -- I know that I recall Calvin looking at developing a human source from this, but I wouldn't be able -- I'd be speculating if they -- if they actually</p>	<p>Page 86</p> <p>1 A. No.</p> <p>2 Q. Do you know the identities of any sources who participated in the joint investigation?</p> <p>3 A. I mean, if I did, it was back then. I can't recall now.</p> <p>4 Q. Do you know if the person who is identified as the CI in Exhibit 1 is the same person who is the confidential source used for the sting that led to the arrest of Mohammed and Watts?</p> <p>5 A. Can I see that?</p> <p>6 Q. Yeah, of course.</p> <p>7 A. Which one?</p> <p>8 Q. It's your Exhibit 1.</p> <p>9 A. Which one?</p> <p>10 Q. It's Exhibit 1 there.</p> <p>11 A. 1?</p> <p>12 Q. But I can show you my copy if that's easier.</p> <p>13 A. So you're -- I'm -- I'm sorry. Can you repeat what --</p> <p>14 Q. So this September 17, 2004 To-From says that a -- you met with -- you and others met with a CI who provided information, right?</p> <p>15 A. Right.</p> <p>16 Q. In 2004?</p>
<p>1 conducted an investigation or addressed the allegations.</p> <p>2 I -- it's been so long ago.</p> <p>3 BY MR. RAUSCHER:</p> <p>4 Q. And then he essentially turned it over to the feds, right?</p> <p>5 MR. NOLAND: Object to form, foundation.</p> <p>6 A. I don't know if this was included. I know this was presented to him because this was an opportunity for a human source, and that's what I recall.</p> <p>7 BY MR. RAUSCHER:</p> <p>8 Q. What do you mean, you don't know if it was included?</p> <p>9 A. Included in the main CR investigation.</p> <p>10 Q. If this number, 300778, is listed as one of the ones included, would that mean that it was turned over to the feds for investigation?</p> <p>11 A. It would've been -- well, it would've been part of that investigation.</p> <p>12 Q. So is that yes?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recall looking at any police reports relating to the car accident?</p> <p>15 A. No.</p> <p>16 Q. Do you know who [REDACTED] is?</p>	<p>Page 89</p> <p>1 A. Correct.</p> <p>2 Q. Later, toward the end of the investigation, a CI was used as part of a sting, right?</p> <p>3 MR. NOLAND: So there were a couple -- objection. You're talking about the November 2011?</p> <p>4 MR. RAUSCHER: Yeah. There was --</p> <p>5 MR. NOLAND: The successful sting?</p> <p>6 MR. RAUSCHER: Yeah. The successful sting.</p> <p>7 A. No. I -- my understanding is this CI was not cooperative at a certain point. And so then the two officers, Spalding and Echeverria, they developed a source, and that was the CI towards the end.</p> <p>8 MR. NOLAND: And just for the record, when you say "this," you were referring to Exhibit 1, correct?</p> <p>9 A. Yes.</p> <p>10 MR. NOLAND: The paper in front of you?</p> <p>11 BY MR. RAUSCHER:</p> <p>12 Q. So the short answer is the CI -- the unnamed CI who was listed in the report as -- in Exhibit 1 is not the same CI used in the sting in 2011 or stings in 2011?</p> <p>13 A. That's what I recall. Yes.</p> <p>14 Q. Thanks.</p> <p>15 MR. RAUSCHER: All right. I am going to mark</p>

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1	Exhibit 5. I think this part will have to be	1	before, right?
2	confidential because it's an FBI Report.	2	A. Yes.
3	(CONFIDENTIAL PORTION I REDACTED)	3	Q. And this is a memo from Sergeant Chester to
4	BY MR. RAUSCHER:	4	you talking about the consolidation of certain CRs into
5	Q. The next one was a plaintiff production. It's	5	the FBI investigation; is that right?
6	-- so Exhibit 6 is going to be PL Joint 001092 through	6	A. That's correct.
7	001106. Did you have a chance to review this?	7	Q. And the -- looks like the lead one is 300778,
8	(EXHIBIT 6 MARKED FOR IDENTIFICATION)	8	which is the car accident one we talked about earlier?
9	A. Yes.	9	MR. NOLAND: Objection. That mischaracterizes
10	Q. Did you see this -- have you seen this 302	10	the car accident.
11	before?	11	MR. RAUSCHER: I don't mean lead as, like, a
12	A. No.	12	substantive thing, so if that's the objection,
13	Q. Do you know who Bernard Brown is?	13	lead.
14	A. No.	14	BY MR. RAUSCHER:
15	Q. Did you ever talk about Bernard Brown with	15	Q. Me -- I just meant the subject line is the
16	Echeverria and Spalding?	16	first one mentioned in this memo, right?
17	A. I don't recall, but that doesn't mean I	17	MR. PALLES: Can you speak up a little Scott?
18	didn't. I mean, again, there was a lot of conversations	18	MR. RAUSCHER: Yeah, sure. I'll move closer.
19	we had.	19	Is this better?
20	Q. Do you know who Big Shorty is?	20	MR. PALLES: Great. Thanks.
21	A. The -- the name -- the -- the nickname sounds	21	BY MR. RAUSCHER:
22	familiar, so I -- I know we probably discussed that	22	Q. The first CR mentioned here, it's in the
23	name. I just don't know -- I don't remember what	23	subject line. That's the car accident one we talked
24	context.	24	about earlier, right?
25	Q. Do you know the name Wilbur Moore?	25	MR. NOLAND: Objection. Mischaracterizes.
Page 91		Page 93	
1	A. The name sounds familiar. I don't know if	1	A. It looks to be. I -- I'd have to refer back
2	they include it in a report, but I -- I just don't	2	to the Report.
3	remember, again, the context of it.	3	BY MR. RAUSCHER:
4	Q. On page 2, there's -- second paragraph, last	4	Q. So if you look at Exhibit 1, you can refer
5	sentence says, "Brown knew that Ghost Face, Gambino, and	5	back. Maybe I'm just wrong. I don't --
6	Zeke paid Watts to remain out of jail."	6	MR. NOLAND: It's the same number.
7	A. Let me look at this here. Okay.	7	MR. RAUSCHER: Is it?
8	Q. See that?	8	THE WITNESS: Let's see.
9	A. Yes.	9	MR. RAUSCHER: What's the objection, then?
10	Q. Do you know any of those people are?	10	MR. NOLAND: Well, the car -- the case
11	A. No.	11	initiation 300778 is Exhibit number 1, the
12	Q. Do you know if that allegation is true?	12	presentment of a CI. The car accident was folded
13	A. No.	13	into that CR number. The presentment of somebody
14	Q. A few paragraphs down, the last paragraph of	14	who was claiming a street tax was being collected.
15	the report starts talking about photos. That paragraph	15	That's the objection.
16	ends, "Brown knew one of Watts' informants by the street	16	MR. RAUSCHER: Okay.
17	named Goon." You see that?	17	MR. NOLAND: You're calling it the car
18	A. Yes.	18	accident CR.
19	Q. Do you know who Goon is?	19	MR. RAUSCHER: Okay.
20	A. I don't recall the name.	20	MR. NOLAND: It's not the car accident CR.
21	Q. All right. Exhibit 7 is City BG 011616.	21	MR. RAUSCHER: Okay.
22	(EXHIBIT 7 MARKED FOR IDENTIFICATION)	22	MR. NOLAND: The car accident CR was put into
23	A. Yes.	23	the, you know --
24	BY MR. RAUSCHER:	24	MR. RAUSCHER: I appreciate the clarification.
25	Q. So this is a subject we've talked about	25	MR. NOLAND: Yeah. And I don't -- yeah. I --

<p style="text-align: right;">Page 94</p> <p>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.</p> <p>4 MR. NOLAND: I understand now. Thank you.</p> <p>5 MR. RAUSCHER: I -- sorry.</p> <p>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 --</p> <p>10 MR. RAUSCHER: Okay.</p> <p>11 MR. NOLAND: -- or relative to it.</p> <p>12 BY MR. RAUSCHER:</p> <p>13 Q. Do you know why this memo is -- well, was this 14 memo written in 2010?</p> <p>15 A. It looks to be written in 2010.</p> <p>16 Q. And do you know why this was done in 2010?</p> <p>17 A. I -- I would be speculating.</p> <p>18 Q. What's your best guess just based on your 19 experience?</p> <p>20 MR. NOLAND: Object to the form. Go ahead.</p> <p>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.</p> <p>25 BY MR. RAUSCHER:</p>	<p style="text-align: right;">Page 96</p> <p>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.</p> <p>10 Q. Should someone from Internal Affairs have seen 11 every CR that was filed against Watts, Mohammed, or 12 someone on their team?</p> <p>13 A. I'm not sure what you mean by that.</p> <p>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?</p> <p>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.</p> <p>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?</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. Do you know why -- do you know when it was 2 reassigned?</p> <p>3 A. I'm not sure.</p> <p>4 Q. Would it have been reassigned around the time 5 this memo was written?</p> <p>6 MR. NOLAND: Objection. Form.</p> <p>7 A. It -- it's possible. I mean, I'd be 8 speculating.</p> <p>9 BY MR. RAUSCHER:</p> <p>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?</p> <p>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.</p> <p>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?</p> <p>21 A. Yes.</p> <p>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?</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Again, it -- it -- it could be. Yes.</p> <p>2 Q. What do you mean could be?</p> <p>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.</p> <p>6 Q. What do you mean caught it?</p> <p>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.</p> <p>18 Q. So was Klimas, like, the backstop if the first 19 intake missed it, or was there --</p> <p>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</p>

<p style="text-align: right;">Page 98</p> <p>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.</p> <p>4 Q. That's a -- is it fair to say that is a thing 5 that should have happened throughout the investigation?</p> <p>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.</p> <p>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.</p> <p>13 What I'm asking you, though, is: Should it 14 have happened throughout the entire investigation from 15 CPD's perspective?</p> <p>16 MR. NOLAND: Object to form. Go ahead.</p> <p>17 A. I would've to say it should. Yes.</p> <p>18 Q. All right. We're going to mark Exhibit 8, 19 which is City BG 023858.</p> <p>20 (EXHIBIT 8 MARKED FOR IDENTIFICATION)</p> <p>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.</p> <p>25 MR. RAUSCHER: Yes. I think I have multiple</p>	<p style="text-align: right;">Page 100</p> <p>1 MR. NOLAND: So yeah the document will be 2 confidential, but perhaps the transcript won't have 3 to be.</p> <p>4 MR. RAUSCHER: Okay.</p> <p>5 MR. NOLAND: So let's just see what you ask.</p> <p>6 BY MR. RAUSCHER:</p> <p>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?</p> <p>12 A. Yes.</p> <p>13 Q. Where would that file have been kept?</p> <p>14 A. It looks like it may have been returned to 15 Records.</p> <p>16 Q. Okay.</p> <p>17 A. This -- yeah.</p> <p>18 Q. No, go ahead.</p> <p>19 A. I didn't sign it. I -- I didn't -- I don't 20 remember this.</p> <p>21 Q. Your -- but you did sign it, right?</p> <p>22 A. No, that's not mine. I don't know what that 23 meant, but Klimas signed for me.</p> <p>24 Q. Oh, I see. Is that --</p> <p>25 A. That's not my signature.</p>
<p style="text-align: right;">Page 99</p> <p>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.</p> <p>6 THE REPORTER: Okay. We're off the record. 7 The time is 3:12 p.m., Central.</p> <p>8 (OFF THE RECORD)</p> <p>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.</p> <p>14 BY MR. RAUSCHER:</p> <p>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.</p> <p>23 (EXHIBIT 9 MARKED FOR IDENTIFICATION)</p> <p>24 MR. NOLAND: 9?</p> <p>25 MR. RAUSCHER: Yeah, sorry. That's 9.</p>	<p style="text-align: right;">Page 101</p> <p>1 Q. That's not your --</p> <p>2 A. That's not my initials or not --</p> <p>3 Q. To the left of your name's not yours?</p> <p>4 A. Yeah. No.</p> <p>5 Q. Okay. Got it.</p> <p>6 A. I think that's four. That's the word "four."</p> <p>7 Q. Oh, okay. Well, it's his name twice it looks 8 like, right?</p> <p>9 A. Yeah.</p> <p>10 MR. RAUSCHER: All right. Exhibit 10 is City 11 BG 011620.</p> <p>12 (EXHIBIT 10 MARKED FOR IDENTIFICATION)</p> <p>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.</p> <p>16 BY MR. RAUSCHER:</p> <p>17 Q. Do you recognize this document?</p> <p>18 A. Not this document. I recognize the -- the 19 system.</p> <p>20 Q. Okay. What's the system?</p> <p>21 A. I think it's -- it had an acronym, CRMS.</p> <p>22 Q. And is that a -- that's a computer system 23 where information about CRs is held?</p> <p>24 A. Yes.</p> <p>25 Q. Do you see what CR this relates to?</p>

<p>1 A. Yes.</p> <p>2 Q. And which CR does it relate to?</p> <p>3 A. The -- the one involving Watts in the vehicle.</p> <p>4 Q. And then it says it was initiated by</p> <p>5 anonymous. Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Is that right?</p> <p>8 A. I -- more than likely this was entered in</p> <p>9 there to avoid other people being able to determine</p> <p>10 identities.</p> <p>11 Q. Got it. And then it -- there's a complaint</p> <p>12 finding that says "unfounded." What does that mean?</p> <p>13 A. The actual unfounded means that there was no</p> <p>14 factual evidence to support the allegation.</p> <p>15 Q. Is that true for this one or is that another</p> <p>16 one that's a placeholder kind of thing?</p> <p>17 A. I think it might be the fact that they just</p> <p>18 want that to be listed as unfounded and just like a</p> <p>19 placeholder here.</p> <p>20 Q. Why would they want that to be listed as</p> <p>21 unfounded?</p> <p>22 A. Obviously, so no one looks to try to determine</p> <p>23 what the outcome was. More likely, Records has a copy</p> <p>24 of it. Again, it's probably redacted. But they're</p> <p>25 making -- I think it looks like they're making every</p>	<p>Page 102</p> <p>1 don't know if there was additional information that came</p> <p>2 out of this. I -- I'm not sure.</p> <p>3 BY MR. RAUSCHER:</p> <p>4 Q. When you say you don't know what investigation</p> <p>5 was done, what do you mean?</p> <p>6 A. At times when the federal cases are</p> <p>7 adjudicated, we could close them based on the</p> <p>8 information they provided or if there's a need to open</p> <p>9 it and address that specific allegation, it -- it could</p> <p>10 -- could be addressed.</p> <p>11 Q. Have you seen any evidence that the feds</p> <p>12 investigated this CR and determined that Watts didn't do</p> <p>13 the things he was accused of relating to that car</p> <p>14 accident?</p> <p>15 MR. NOLAND: So --</p> <p>16 MR. RAUSCHER: And the CR --</p> <p>17 MR. NOLAND: We're creating a false -- a</p> <p>18 misleading record here about this CR, but objection</p> <p>19 to form, foundation, and car accident.</p> <p>20 MR. RAUSCHER: Mr. Rivera referred to it as a</p> <p>21 car accident.</p> <p>22 MR. NOLAND: It's just because you introduced</p> <p>23 it earlier. So go ahead. I'll have to clean it up</p> <p>24 later, so I don't -- you know. Go ahead.</p> <p>25 A. I'm sorry. Can you repeat that just so I make</p>
<p>Page 103</p> <p>1 effort to avoid any access to it or anybody being able</p> <p>2 to identify anybody through this cover -- or the sheet.</p> <p>3 Q. Who's the "they" you're referring to, like</p> <p>4 when you're saying they wouldn't want anyone to have</p> <p>5 access?</p> <p>6 A. It would be -- it would be us, the</p> <p>7 administrative -- I mean, it would be Klimas would end</p> <p>8 up ensuring that this was done in -- in Records.</p> <p>9 Q. Is there a -- something in place so that</p> <p>10 someone can go back, for example, after the joint</p> <p>11 investigation was concluded and change this so it</p> <p>12 doesn't say unfounded?</p> <p>13 A. There is if someone -- again, I don't know</p> <p>14 what happened, if this still stands this way or if it's</p> <p>15 included into the other case and it was closed there.</p> <p>16 That can happen. It -- at times they'll put unfounded</p> <p>17 on this, but it's absorbed into the other one. And then</p> <p>18 that's where the actual classification is entered. It's</p> <p>19 all combined.</p> <p>20 Q. To your knowledge, is it accurate to say that</p> <p>21 this complaint was unfounded?</p> <p>22 A. Again, I -- I don't know.</p> <p>23 MR. NOLAND: I'm going to object to form. Go</p> <p>24 ahead.</p> <p>25 A. I don't know what investigation was done. I</p>	<p>Page 105</p> <p>1 sure I answer it correctly?</p> <p>2 MR. RAUSCHER: I think I lost that question to</p> <p>3 be honest. Can you try to read it back?</p> <p>4 THE REPORTER: Gladly.</p> <p>5 MR. RAUSCHER: Thanks.</p> <p>6 (REPORTER PLAYS BACK REQUESTED QUESTION)</p> <p>7 THE REPORTER: Did you hear that? Because I</p> <p>8 can repeat it.</p> <p>9 MR. RAUSCHER: I think I --</p> <p>10 (REPORTER READS BACK REQUESTED QUESTION)</p> <p>11 A. Again, I'd be speculating. I'd have to see</p> <p>12 the closing report on the actual main investigation to</p> <p>13 see if they addressed it or if this was referred -- or -</p> <p>14 -- or if it was just closed unfounded there. I -- I -- I</p> <p>15 wouldn't be able to answer that.</p> <p>16 BY MR. RAUSCHER:</p> <p>17 Q. Okay. Why don't we mark as Exhibit 11 PL</p> <p>18 Joint 010860 through 010911. You got a chance to flip</p> <p>19 through this?</p> <p>20 (EXHIBIT 11 MARKED FOR IDENTIFICATION)</p> <p>21 A. Yes.</p> <p>22 BY MR. RAUSCHER:</p> <p>23 Q. Did you see Complaint Register 300778 on a</p> <p>24 bunch of pages?</p> <p>25 A. Uh-huh.</p>

<p style="text-align: right;">Page 106</p> <p>1 Q. Including a bunch of pages discussing the car 2 accident we've been talking about today?</p> <p>3 A. Yes.</p> <p>4 Q. What's the significance of that CR number 5 being on documents relating to the car accident?</p> <p>6 A. It's -- it's all part of this packet -- this 7 investigation.</p> <p>8 Q. This investigation meaning investigation of 9 Watts, including the car accident or --</p> <p>10 A. No, this is just the incident.</p> <p>11 MR. NOLAND: Hold on. Objection. Foundation. 12 Go ahead.</p> <p>13 A. This, the incident with the vehicle.</p> <p>14 BY MR. RAUSCHER:</p> <p>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.</p> <p>21 MR. NOLAND: Yeah, that's fine.</p> <p>22 MR. PALLE: 23858?</p> <p>23 MR. NOLAND: Yeah, to 23859.</p> <p>24 A. Yes. Let me see.</p> <p>25 BY MR. RAUSCHER:</p>	<p style="text-align: right;">Page 108</p> <p>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.</p> <p>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.</p> <p>11 A. It's -- it's possible.</p> <p>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?</p> <p>15 A. Yes.</p> <p>16 Q. Is that the briefing that you are remembering?</p> <p>17 A. It could have been something prior to that. I 18 -- I -- I am not sure.</p> <p>19 Q. Is that around the time of the briefing that 20 you are testifying about?</p> <p>21 A. I -- I'd be speculating it.</p> <p>22 Q. Right?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay.</p> <p>25 A. I don't want to speculate. It could have</p>
<p style="text-align: right;">Page 107</p> <p>1 Q. Have you seen this document before?</p> <p>2 A. Yes, prepping.</p> <p>3 Q. Okay. Have you not -- you hadn't seen it 4 before prepping?</p> <p>5 A. I don't recall.</p> <p>6 Q. Do you know who created it?</p> <p>7 A. No.</p> <p>8 Q. Do you know why it was created?</p> <p>9 A. I -- it just details what was the timeline and 10 what was done.</p> <p>11 Q. It's not something to your knowledge that you 12 asked to be created?</p> <p>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.</p> <p>18 Q. Okay.</p> <p>19 A. Yes.</p> <p>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?</p> <p>24 A. I don't know if I asked for it, but I believe, 25 if I can recall correctly, before this sting was</p>	<p style="text-align: right;">Page 109</p> <p>1 been. I -- I don't know. I don't recall.</p> <p>2 Q. Was it fairly close in time to the successful 3 sting?</p> <p>4 A. From what I recall, it was -- yeah. It was in 5 the planning stage, so it would probably be close.</p> <p>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)</p> <p>9 MR. NOLAND: So again, that document was 10 confidential, but I don't think anything discussed 11 regarding it was confidential.</p> <p>12 MR. RAUSCHER: Okay. The one we just did?</p> <p>13 MR. NOLAND: Yeah. Number 8.</p> <p>14 THE REPORTER: So we are confidential now, 15 though, correct?</p> <p>16 MR. RAUSCHER: Yes.</p> <p>17 THE REPORTER: Okay. (CONFIDENTIAL PORTION II REDACTED)</p> <p>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?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know any of the plaintiffs in those 25 cases?</p>

<p style="text-align: right;">Page 110</p> <p>1 MR. NOLAND: Objection. Foundation.</p> <p>2 BY MR. RAUSCHER:</p> <p>3 Q. To your knowledge, are you aware of any of the</p> <p>4 plaintiffs in the --</p> <p>5 A. I have --</p> <p>6 Q. -- in those cases?</p> <p>7 A. -- no clue names or anything, so I -- I'm --</p> <p>8 I'd have to say, no.</p> <p>9 Q. Do you know -- does the name Clarissa Glenn</p> <p>10 sound familiar to you?</p> <p>11 A. Clarissa Glenn. Off the top of my head, no.</p> <p>12 Q. What about Ben Baker?</p> <p>13 A. Ben Baker. It sounds familiar, but I -- I</p> <p>14 can't recall for sure.</p> <p>15 Q. You don't know why it sounds familiar?</p> <p>16 A. No. I don't know if it was in a report, or --</p> <p>17 but Baker does sound familiar.</p> <p>18 Q. I'm not suggesting the next person is a</p> <p>19 plaintiff, but do you know the name [REDACTED]?</p> <p>20 A. [REDACTED] That -- no. That name, I do not know.</p> <p>21 Q. I may have asked you this earlier, but one of</p> <p>22 the reports referenced someone alleging that Watts had</p> <p>23 shot at them?</p> <p>24 A. Yes, I do recall. --</p> <p>25 Q. Do you know who that person is who allegedly</p>	<p style="text-align: right;">Page 112</p> <p>1 A. As a sergeant, from '94, all the way up to</p> <p>2 lieutenant. Beyond that, it's reviewing.</p> <p>3 Q. What were the -- what are the typical steps in</p> <p>4 the investigation of a CR?</p> <p>5 MR. NOLAND: Objection. Form. Foundation.</p> <p>6 Incomplete hypothetical. You may answer.</p> <p>7 A. First and foremost, contacting the -- the</p> <p>8 complainant.</p> <p>9 BY MR. RAUSCHER:</p> <p>10 Q. What happens after that?</p> <p>11 MR. NOLAND: Same objection. But go ahead.</p> <p>12 A. You'd take a statement.</p> <p>13 BY MR. RAUSCHER:</p> <p>14 Q. All right. After you take the statement,</p> <p>15 would you sometimes end the investigation right there?</p> <p>16 A. If -- if there is a way of -- if there is</p> <p>17 evidence that proves it's unfounded, yes, you could end</p> <p>18 it.</p> <p>19 Q. Would you typically end it after talking to</p> <p>20 the complainant, or would you have to go do other</p> <p>21 things?</p> <p>22 MR. NOLAND: Objection. Form. Foundation.</p> <p>23 Incomplete hypothetical. Go ahead.</p> <p>24 A. I recall where they were able to decline</p> <p>25 further investigation, and they signed a form of</p>
<p style="text-align: right;">Page 111</p> <p>1 was shot at by Watts?</p> <p>2 A. No.</p> <p>3 Q. Did you personally investigate CRs during your</p> <p>4 time at CPD?</p> <p>5 A. Yes. As a sergeant, that was one of your</p> <p>6 responsibilities.</p> <p>7 Q. What types of CRs did you investigate as a</p> <p>8 sergeant?</p> <p>9 MR. NOLAND: Before you answer that, can I</p> <p>10 just go back? You can stop the confidential</p> <p>11 portion after -- it would have been Exhibit --</p> <p>12 THE REPORTER: 25.</p> <p>13 MR. NOLAND: -- 25.</p> <p>14 THE REPORTER: 25. Okay.</p> <p>15 A. They -- they were CR numbers that came to the</p> <p>16 district for investigation involving officers assigned</p> <p>17 to the district at the time, 4th District.</p> <p>18 BY MR. RAUSCHER:</p> <p>19 Q. All types of CRs?</p> <p>20 A. For the most part, yes.</p> <p>21 Q. About how many did you personally investigate?</p> <p>22 A. I -- I -- I'd be speculating on that. I don't</p> <p>23 -- it -- over my career, it could have been over 100.</p> <p>24 Q. Okay. What were the years where you would</p> <p>25 have been charged with investigating CRs?</p>	<p style="text-align: right;">Page 113</p> <p>1 declination, as they called it, and we were able to</p> <p>2 close it.</p> <p>3 BY MR. RAUSCHER:</p> <p>4 Q. Did you ever ask anyone to sign a form of</p> <p>5 declination?</p> <p>6 A. No.</p> <p>7 Q. Assuming that the complainant didn't want to -</p> <p>8 - assuming the complainant wanted to pursue it and there</p> <p>9 was nothing that proved that the complainant was lying,</p> <p>10 what were the next steps?</p> <p>11 MR. NOLAND: Objection. Form. Foundation.</p> <p>12 Incomplete hypothetical. Go ahead.</p> <p>13 A. I would then schedule interviews with the</p> <p>14 officers or the accused.</p> <p>15 BY MR. RAUSCHER:</p> <p>16 Q. Would you also talk to witnesses, if there</p> <p>17 were any?</p> <p>18 A. If there were, yes.</p> <p>19 Q. What's the reason for talking to officers and</p> <p>20 witnesses?</p> <p>21 MR. NOLAND: Objection. Form. Foundation.</p> <p>22 Incomplete hypothetical. Go ahead.</p> <p>23 A. To establish whether the incident took place</p> <p>24 or didn't take place.</p> <p>25 BY MR. RAUSCHER:</p>

<p style="text-align: right;">Page 114</p> <p>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 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 --</p>	<p style="text-align: right;">Page 116</p> <p>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</p>
<p style="text-align: right;">Page 115</p> <p>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.</p>	<p style="text-align: right;">Page 117</p> <p>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:</p>

<p style="text-align: right;">Page 118</p> <p>1 Q. Is this one of those cases?</p> <p>2 A. I would say that there were officers, the two</p> <p>3 targets, that obviously did not turn the other officer</p> <p>4 in. They decided to collude together, so it would be,</p> <p>5 you know, appropriate to say yes, and they were charged</p> <p>6 and -- you know, arrested and charged.</p> <p>7 Q. You said, "we" don't use the term, code of</p> <p>8 silence. Who did you mean by we?</p> <p>9 A. The -- the department. I mean, I've been</p> <p>10 asked is there a code of silence? I've never heard</p> <p>11 department members, "Oh, it's a code of silence." I</p> <p>12 mean, that was -- I don't know that -- I heard that</p> <p>13 start in the media. You know, that's when I first heard</p> <p>14 that, and then I was like, well, I -- I never heard</p> <p>15 anybody in the department use that. You -- you refer to</p> <p>16 it as the code of silence, and now, you know, obviously</p> <p>17 everybody's saying it's a code of silence, but when I</p> <p>18 was there, there was no, you know, widespread code of</p> <p>19 silence. There were, obviously because the department</p> <p>20 is large, cases in which I knew where officers had</p> <p>21 either lied to -- to cover up or failed to report</p> <p>22 misconduct, and we went after them.</p> <p>23 Q. Are you aware of any instances where officers</p> <p>24 were retaliated for complaining about another officer's</p> <p>25 behavior or performance?</p>	<p style="text-align: right;">Page 120</p> <p>1 A. I -- I mean, I'd have to really think hard</p> <p>2 about it on these other cases that I've reviewed.</p> <p>3 Q. I think that's it.</p> <p>4 MR. NOLAND: Anybody on the TV here got</p> <p>5 questions.</p> <p>6 CROSS-EXAMINATION</p> <p>7 BY MR. BAZAREK:</p> <p>8 Q. Yeah, I have a few questions. Chief Rivera,</p> <p>9 you reviewed your prior deposition that you gave in the</p> <p>10 Spalding, Echeverria lawsuit before this deposition?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. In that deposition, you referred to a</p> <p>13 briefing that you gave to then interim superintendent,</p> <p>14 Terry Filler and Bea Cuello. Do you recall that?</p> <p>15 A. Yes.</p> <p>16 Q. And what you told them was that the targets of</p> <p>17 the investigation were Watts and Mohamed; is that</p> <p>18 correct?</p> <p>19 A. I did not give any names.</p> <p>20 Q. You told them that the target of the</p> <p>21 investigation was a sergeant and a patrolman; is that</p> <p>22 correct?</p> <p>23 A. I may have mentioned that. I don't recall</p> <p>24 names.</p> <p>25 Q. Okay, but it was -- you were talking about two</p>
<p style="text-align: right;">Page 119</p> <p>1 A. That's kind of vague. I'm not sure, retaliate</p> <p>2 in terms of --</p> <p>3 Q. What's vague about it? What would you -- what</p> <p>4 do you need to know to answer that?</p> <p>5 A. Well, I mean, they're retaliating against an</p> <p>6 officer, for what purpose?</p> <p>7 Q. For -- not for what purpose, but have you seen</p> <p>8 any officers or heard of any officers being retaliated</p> <p>9 against for complaining about another officer?</p> <p>10 A. It -- it's happened, yes.</p> <p>11 Q. Any specific instances that you can think of?</p> <p>12 A. No. Off the top of my head, no. I mean -- I</p> <p>13 -- I mean, I was involved in the Spalding, Echeverria</p> <p>14 and again, they did come to me with that issue and I was</p> <p>15 fine, let's look into it, and every time they made a</p> <p>16 mention of that, I said, well, we're -- give me names of</p> <p>17 who it is. So they claimed it happened. They were</p> <p>18 never able to give me names of witnesses or people who</p> <p>19 were actually calling them, and that was investigated or</p> <p>20 at least addressed in two CR numbers. So I've heard of</p> <p>21 it, but that actually involved me, but that was, you</p> <p>22 know, never sustained or never, you know, found to be</p> <p>23 true.</p> <p>24 Q. Okay. And no other specific examples you can</p> <p>25 think of.</p>	<p style="text-align: right;">Page 121</p> <p>1 officers, correct?</p> <p>2 MR. RAUSCHER: Object to form.</p> <p>3 A. Yes.</p> <p>4 BY MR. BAZAREK:</p> <p>5 Q. Meaning the sergeant and a patrol officer,</p> <p>6 correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Okay. And also when you came back to Internal</p> <p>9 Affairs as a chief, that would've been in 2009; is that</p> <p>10 correct?</p> <p>11 A. As chief, yes.</p> <p>12 Q. And you were briefed on operation Brass Tax at</p> <p>13 that time; is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. And you had learned that the targets of the</p> <p>16 investigation were Watts and Mohammed; is that correct?</p> <p>17 MR. RAUSCHER: Object to form.</p> <p>18 A. That's correct.</p> <p>19 MR. BAZAREK: What did -- I want to ask the</p> <p>20 court reporter, Scott, what was the exhibit number</p> <p>21 for the interview of [REDACTED] I know it's</p> <p>22 FBI 44 --</p> <p>23 THE REPORTER: Yeah, that's Exhibit 5.</p> <p>24 BY MR. BAZAREK:</p> <p>25 Q. -- through 48. Okay. Chief, do you have that</p>

<p>1 exhibit in front of you, Exhibit 5?</p> <p>2 A. Yes.</p> <p>3 (CONFIDENTIAL PORTION III REDACTED)</p> <p>4 MR. RAUSCHER: I got nothing else.</p> <p>5 THE REPORTER: Anyone on Zoom? No? No.</p> <p>6 Before we go off the record, I'm sorry. I'm going</p> <p>7 to get orders really quickly. Scott, would you</p> <p>8 like a copy?</p> <p>9 MR. NOLAN: Hold on. We'll reserve.</p> <p>10 MS. MCELROY: Oh, we'll reserve. Okay. Thank</p> <p>11 you.</p> <p>12 MR. RAUSCHER: I'm going to wait. I'm not</p> <p>13 sure.</p> <p>14 THE REPORTER: Okay. No worries.</p> <p>15 MR. RAUSCHER: Thanks.</p> <p>16 THE REPORTER: Mr. Noland, would you like one?</p> <p>17 MR. NOLAND: Yes.</p> <p>18 THE REPORTER: Okay. And how would you like</p> <p>19 it?</p> <p>20 MR. NOLAND: Expedited.</p> <p>21 THE REPORTER: Expedited?</p> <p>22 MR. NOLAND: Yeah.</p> <p>23 THE REPORTER: Okay.</p> <p>24 MR. NOLAND: Like, I'd like it tomorrow.</p> <p>25 THE REPORTER: Tomorrow. We can do a rough</p>	<p>Page 122</p> <p>1 CERTIFICATE OF DIGITAL REPORTER</p> <p>2 STATE OF ILLINOIS</p> <p>3</p> <p>4 I do hereby certify that the witness in the foregoing</p> <p>5 transcript was taken on the date, and at the time and</p> <p>6 place set out on the Title page hereof by me after first</p> <p>7 being duly sworn to testify the truth, the whole truth,</p> <p>8 and nothing but the truth; and that the said matter was</p> <p>9 recorded digitally by me and then reduced to typewritten</p> <p>10 form under my direction, and constitutes a true record</p> <p>11 of the transcript as taken, all to the best of my skills</p> <p>12 and ability. I certify that I am not a relative or</p> <p>13 employee of either counsel, and that I am in no way</p> <p>14 interested financially, directly or indirectly, in this</p> <p>15 action.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22 SYDNEY LITTLE,</p> <p>23 DIGITAL REPORTER / NOTARY</p> <p>24 COMMISSION EXPIRES ON: 03/18/2026</p> <p>25 SUBMITTED ON: 09/13/2023</p>
<p>1 tomorrow, not final; is that okay?</p> <p>2 MR. NOLAND: Okay.</p> <p>3 THE REPORTER: Okay. And then anyone on Zoom,</p> <p>4 would anyone like a copy of the transcript?</p> <p>5 MR. FLAXMAN: Not for me. Thanks.</p> <p>6 MR. SCHALKA: Not for me as well. This is</p> <p>7 Michael.</p> <p>8 THE REPORTER: Okay.</p> <p>9 MR. PALLE: No. Not yet.</p> <p>10 THE REPORTER: Okay, great. I'll get us off</p> <p>11 the record. One moment.</p> <p>12 (DEPOSITION CONCLUDED AT 5:17 P.M. CT)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</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>	<p>Page 123</p>