

# **EXHIBIT 92**



**KENTUCKIANA**  
— COURT REPORTERS —

**MASTER DOCKET CASE NO. CASE NO. 19-CV-01717**

**IN RE: WATTS COORDINATED  
PRETRIAL PROCEEDINGS**

**DEPONENT:**

**MICHAEL FITZGERALD ON BEHALF OF CITY OF CHICAGO**

**DATE:**

**March 06, 2024**



✉ [schedule@kentuckianareporters.com](mailto:schedule@kentuckianareporters.com)

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The Deposition of MICHAEL FITZGERALD, taken on March 06, 2024  
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| <p>IN THE UNITED STATES DISTRICT COURT<br/>FOR THE NORTHERN DISTRICT OF ILLINOIS<br/>EASTERN DIVISION<br/>MASTER DOCKET CASE NO. 19-CV-01717<br/>JUDGE FRANKLIN U. VALDERRAMA<br/>MAGISTRATE JUDGE SHEILA M. FINNEGAN</p> <p>IN RE: WATTS COORDINATED<br/>PRETRIAL PROCEEDINGS</p> <p>DEPONENT: MICHAEL FITZGERALD ON BEHALF OF CITY OF<br/>CHICAGO<br/>DATE: MARCH 6, 2024<br/>REPORTER: TALIA JACKSON</p>                                                                                                                                                                                                                                                                                                                                                                               | <p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE LOEVY PLAINTIFFS:</p> <p>4 Scott Rauscher, Esquire</p> <p>5 Loevy &amp; Loevy</p> <p>6 311 North Aberdeen Street</p> <p>7 Third Floor</p> <p>8 Chicago, Illinois 60607</p> <p>9 Telephone No.: (312) 243-5900</p> <p>10 E-mail: scott@loevy.com</p> <p>11</p> <p>12 ON BEHALF OF THE FLAXMAN PLAINTIFFS:</p> <p>13 Joel Flaxman, Esquire</p> <p>14 Kenneth N. Flaxman P.C.</p> <p>15 200 South Michigan Avenue</p> <p>16 Suite 201</p> <p>17 Chicago, Illinois 60604</p> <p>18 Telephone No.: (312) 427-3200</p> <p>19 E-mail: jaf@kenlaw.com</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                        |
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| <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO AND</p> <p>4 MICHAEL FITZGERALD:</p> <p>5 Paul Michalik, Esquire</p> <p>6 Reiter Burns</p> <p>7 311 South Wacker Drive</p> <p>8 Suite 5200</p> <p>9 Chicago, Illinois 60606</p> <p>10 Telephone No.: (312) 878-1294</p> <p>11 E-mail: pmichalik@reiterburns.com</p> <p>12</p> <p>13 ON BEHALF OF THE INDIVIDUAL DEFENDANTS AS REPRESENTED</p> <p>14 BY HALE &amp; MONICO:</p> <p>15 William E. Bazarek, Esquire</p> <p>16 Hale &amp; Monico</p> <p>17 53 West Jackson Boulevard</p> <p>18 Suite 330</p> <p>19 Chicago, Illinois 60604</p> <p>20 Telephone No.: (312) 341-9646</p> <p>21 E-mail: web@halemonico.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, RONALD WATTS:</p> <p>4 Brian Gainer, Esquire</p> <p>5 Johnson &amp; Bell, LTD.</p> <p>6 33 West Monroe Street</p> <p>7 Suite 2700</p> <p>8 Chicago, Illinois 60603</p> <p>9 Telephone No.: (312) 984-0236</p> <p>10 E-mail: gainerb@jbltd.com</p> <p>11 (Appeared via videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, CALVIN RIDGELL:</p> <p>14 Steve Borkan, Esquire</p> <p>15 Borkan &amp; Seahill, Ltd.</p> <p>16 Two First National Plaza</p> <p>17 20 South Clark Street</p> <p>18 Suite 1700</p> <p>19 Chicago, Illinois 60603</p> <p>20 Telephone No.: (312) 580-1030</p> <p>21 E-mail: sborkanseahill.com</p> <p>22 (Appeared via videoconference)</p> <p>23</p> <p>24</p> <p>25</p> |

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| <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:</p> <p>4 Eric S. Palles, Esquire</p> <p>5 Mohan Groble Scolaro, P.C.</p> <p>6 55 West Monroe</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@mohangroble.com</p> <p>11 (Appeared via videoconference)</p> <p>12</p> <p>13 Also Present: Krystal Barnes, Videographer</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>1 INDEX</p> <p>2 Page</p> <p>3 PROCEEDINGS 9</p> <p>4 DIRECT EXAMINATION BY MR. RAUSCHER 10</p> <p>5 EXAMINATION BY MR. FLAXMAN 196</p> <p>6 CROSS-EXAMINATION BY MR. BAZAREK 206</p> <p>7 REDIRECT EXAMINATION BY MR. RAUSCHER 214</p> <p>8</p> <p>9 EXHIBITS</p> <p>10 Exhibit Page</p> <p>11 1 - Notice of Rule 30(b)(6) Deposition 34</p> <p>12 2 - Special Order S04-17 54</p> <p>13 3 - Special Order S04-18 59</p> <p>14 4 - Special Order S09-05-01 80</p> <p>15 5 - Vice Case Report, CPD-11.414 - General</p> <p>16 Instructions 98</p> <p>17 6 - Vice Case Report in re: Ben Baker 100</p> <p>18 7 - Ben Baker Arrest Report - Final</p> <p>19 Approval 108</p> <p>20 8 - Form Preparations Instructions 109</p> <p>21 9 - Chicago Police Department - Field</p> <p>22 Reporting Manual: General Reporting</p> <p>23 Instructions 122</p> <p>24 10 - Bureau of Patrol Special Order</p> <p>25 (BOPSO: 14-06) 136</p> |
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| <p>1 PROCEEDINGS</p> <p>2</p> <p>3 THE VIDEOGRAPHER: My name is Krystal Barnes,</p> <p>4 I'm the videographer today, and Talia Jackson is the</p> <p>5 court reporter. Today is the 6th day of March,</p> <p>6 2024, and the time is 10:03 a.m. Central Time. We</p> <p>7 are at the offices of Loevy &amp; Loevy to take the</p> <p>8 30(b)(6) City of Chicago representative, Michael</p> <p>9 Fitzgerald, deposition in the matter of the Watts</p> <p>10 Coordinated Pretrial Proceedings, pending in the</p> <p>11 United States District Court for the Northern</p> <p>12 District of Illinois, Eastern Division, Master</p> <p>13 Docket Case number 19-cv-01717. Will counsel please</p> <p>14 identify themselves for the record?</p> <p>15 MR. RAUSCHER: Scott Rauscher for the Loevy &amp;</p> <p>16 Loevy plaintiffs.</p> <p>17 MR. FLAXMAN: Joel Flaxman for the Flaxman</p> <p>18 plaintiffs.</p> <p>19 MR. MICHALIK: Paul Michalik for City of</p> <p>20 Chicago and the witness, Lieutenant Fitzgerald.</p> <p>21 MR. BAZAREK: William Bazarek for the law</p> <p>22 enforcement officers represented by Hale &amp; Monico.</p> <p>23 MR. GAINER: Brian Gainer for Ron Watts.</p> <p>24 MR. BORKAN: Steve Borkan for Ridgell.</p> <p>25 MR. PALLES: Eric Palles for Kallatt Mohammed.</p> | <p>1 THE VIDEOGRAPHER: All right. Sir, will you</p> <p>2 please raise your right hand so that the court</p> <p>3 reporter can swear you in?</p> <p>4 THE REPORTER: Do you solemnly swear or affirm</p> <p>5 that the testimony you're about to give will be the</p> <p>6 truth, the whole truth, and nothing but the truth?</p> <p>7 THE WITNESS: I do, ma'am.</p> <p>8 THE REPORTER: Thank you. Counsel, you may</p> <p>9 begin.</p> <p>10 DIRECT EXAMINATION</p> <p>11 BY MR. RAUSCHER:</p> <p>12 Q. Can you say it and spell your name, please?</p> <p>13 A. Sure. My name's Michael, M-I-C-H-A-E-L. My</p> <p>14 last name is Fitzgerald, and it's F-I-T-Z-G-E-R-A-L-D.</p> <p>15 Q. You're currently a police officer?</p> <p>16 A. That's correct, sir. I am.</p> <p>17 Q. And what's your rank?</p> <p>18 A. I'm currently a lieutenant.</p> <p>19 Q. And how long have you been with the Chicago</p> <p>20 Police Department?</p> <p>21 A. It'll be 25 years in October.</p> <p>22 Q. Can you -- well, before we get into that, you</p> <p>23 understand you're here today as a representative of the</p> <p>24 City of Chicago?</p> <p>25 A. Yes, sir.</p>                                                                                                                                                                                                                                                                                                                        |
| Page 11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Page 12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1 Q. And not just in your personal capacity?</p> <p>2 A. That's correct. Yes.</p> <p>3 Q. And you're here to testify on behalf of the</p> <p>4 City of Chicago as to certain specific topics?</p> <p>5 A. Yes, sir.</p> <p>6 Q. All right. What did you do to prepare for</p> <p>7 today's deposition?</p> <p>8 A. I met with the city attorneys on two occasions</p> <p>9 for approximately two hours, two and a half hours.</p> <p>10 Generally reviewed a handful of general and special</p> <p>11 orders and bureau patrol orders. Reviewed summarily a -</p> <p>12 - a complaint form set and an excerpt from a general</p> <p>13 offense case report.</p> <p>14 Q. Do you know which city attorneys you met with?</p> <p>15 A. Yes. Mr. Michalik and then Dan Noland.</p> <p>16 Q. Did you meet with them for two and -- to two</p> <p>17 and a half hours each time or total?</p> <p>18 A. Total.</p> <p>19 Q. What -- when did you meet with those</p> <p>20 attorneys?</p> <p>21 A. Last week on the 28th, I believe. And then</p> <p>22 two weeks prior to that. I don't know the exact date.</p> <p>23 Q. Did you do any prep outside of meeting with</p> <p>24 those lawyers?</p> <p>25 A. Yes.</p>                                                                                        | <p>1 Q. And what was that?</p> <p>2 A. So I -- I reviewed -- in -- in terms of, like,</p> <p>3 looking for some of the department orders, just to</p> <p>4 refresh my recollection on some things. The orders that</p> <p>5 we reviewed were things that I produced to them. And</p> <p>6 then I also looked at user guides that are online on our</p> <p>7 CLEAR system for both arrests and eTrack.</p> <p>8 Q. Are those user guides publicly available when</p> <p>9 you say online?</p> <p>10 A. So they're -- they're posted on our department</p> <p>11 internal CLEAR website. On our wire, I should say.</p> <p>12 Q. What's your -- what's the wire?</p> <p>13 A. The wire is, like, our internal webpage that</p> <p>14 we have all of our -- our applications are housed on. In</p> <p>15 this particular instance, there's training user guides</p> <p>16 that are available that you can -- you can reference.</p> <p>17 Q. And what -- which -- what specific documents</p> <p>18 do you remember reviewing?</p> <p>19 A. The current tact team order, which</p> <p>20 encompasses, like, the responsibilities of lieutenants,</p> <p>21 sergeants, and patrol officers. We reviewed an order --</p> <p>22 I don't know -- I don't remember the exact order number,</p> <p>23 but one that discussed the ability to sign on behalf of</p> <p>24 another department member. We looked at their -- like,</p> <p>25 the tactical scheduling that we have, like the matrix,</p> |

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| <p>1 and I believe that was it.</p> <p>2 Q. Those are the only specific ones you remember?</p> <p>3 A. That I remember for -- with specificity, yes.</p> <p>4 Q. But is it fair to say there were additional</p> <p>5 documents you reviewed, but you don't specifically</p> <p>6 remember right now which --</p> <p>7 A. That's correct --</p> <p>8 Q. -- those were?</p> <p>9 A. -- yes.</p> <p>10 Q. Tactical scheduling matrix --</p> <p>11 A. Yes.</p> <p>12 Q. -- what's that?</p> <p>13 A. So it's just a -- it's essentially, like, the</p> <p>14 -- the matrix that the department puts out where it'll</p> <p>15 tell you which tact teams are working on which days. So</p> <p>16 there's a uniform system throughout the department so</p> <p>17 that everyone that's assigned to a particular tactical</p> <p>18 team number, so they have designators. Like, the 61</p> <p>19 team, citywide, will be assigned to a particular day off</p> <p>20 group.</p> <p>21 Q. How long has that matrix been in place?</p> <p>22 A. That, I don't know.</p> <p>23 Q. Do you know if it was in place any time</p> <p>24 between 1999 and 2012?</p> <p>25 A. That, I don't know.</p>                                                                                                                                                                                                                                                                                                                                                                         | <p>1 Q. Is there a way to get the answer to that?</p> <p>2 A. I'm sure that there's -- probably in our</p> <p>3 archives, with our records section or with our Research</p> <p>4 &amp; Development group. They might have the archived</p> <p>5 orders for that.</p> <p>6 Q. What does it mean to have a uniform day off</p> <p>7 schedule? Is that what you said?</p> <p>8 A. Yes. So in other words, all the tact teams --</p> <p>9 we'll use again, like, the 1561 team. We have rotating</p> <p>10 day off groups within the department. So to allow the</p> <p>11 department to have, I guess, a better idea of how much</p> <p>12 personnel they have working on a given day, they'll know</p> <p>13 that every 1561 team throughout the entire city will all</p> <p>14 be in the same day off group. So if there's an event</p> <p>15 that's coming up that we need to plan for, they'll have</p> <p>16 an idea of how much manpower is available if they need</p> <p>17 to pull from those tact teams.</p> <p>18 Q. So what would it mean -- maybe you can give</p> <p>19 me, like, a practical example.</p> <p>20 A. Sure.</p> <p>21 Q. If there's a tactical team that's not</p> <p>22 citywide, but it's, you know, set to a specific area,</p> <p>23 what would it mean for them all to have the same day off</p> <p>24 schedule?</p> <p>25 A. So they wouldn't be a tactical team. They'd</p>                                                                  |
| Page 15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>1 either be, like, an area mission team. So the tactical</p> <p>2 team, they're assigned specifically to a district,</p> <p>3 right? And so by having the uniform day off groups, it</p> <p>4 gives them balance, right? So that we don't have -- all</p> <p>5 the teams are working on different or staggered day off</p> <p>6 groups to provide coverage for all the watches, so that</p> <p>7 there's always going to be someone from a tact team</p> <p>8 that's working in a district on any given day. And then</p> <p>9 citywide, the reason why they're all on the same day off</p> <p>10 group is so that, this way, when they're pulling, if</p> <p>11 they need to pull those resources, they know where they</p> <p>12 can pull those resources from and they know which teams</p> <p>13 they're getting. So it's -- it's more like -- so it's -</p> <p>14 - it makes the paperwork a little bit easier so that</p> <p>15 they know everyone that's supposed to be responding to</p> <p>16 this offense will be from a 16 -- or a 61 tactical team.</p> <p>17 Q. And so this case involves the tactical team</p> <p>18 led by Ronald Watts. You're familiar with that, at</p> <p>19 least generally?</p> <p>20 A. Generally, yes.</p> <p>21 Q. Under the system you're describing, would that</p> <p>22 whole tactical team have the same day off?</p> <p>23 A. Yes. And that would've been in place then. So</p> <p>24 every team was assigned to a supervisor and given a</p> <p>25 specific day off group. And then within those day off</p> | <p>1 groups, each period you rotated, so... And that -- that</p> <p>2 system was in place back then. So there would be one</p> <p>3 team that was working days, one team that was working</p> <p>4 nights, and another team that they would consider their</p> <p>5 relief team. And so the relief team would fill in the</p> <p>6 gaps. When the day team was off, they would be working</p> <p>7 days. And when the night team was off, they would be</p> <p>8 working nights. So you would spend one -- one period of</p> <p>9 28 days moving between a day and a night shift.</p> <p>10 Q. Okay. And it -- so the relief -- the members</p> <p>11 of the relief team are part of the tactical team?</p> <p>12 A. Yes.</p> <p>13 Q. It's not as though the tactical -- the whole</p> <p>14 264 tactical team, led by Ronald Watts, would all have</p> <p>15 Tuesday off?</p> <p>16 A. Yes, they would.</p> <p>17 Q. They would? Every single one --</p> <p>18 A. Yes. So I -- so what it is, is there would</p> <p>19 be, like, a 61 team, a 62 team, and a 63 team, right? So</p> <p>20 everyone that was in the 61 team would be assigned to a</p> <p>21 dedicated day off group with a dedicated sergeant. And</p> <p>22 then the 62 team, dedicated day off group with a</p> <p>23 dedicated sergeant. 63 team, and so on, right? And</p> <p>24 then they would be staggered so that they would ensure</p> <p>25 that there was coverage for -- for the watches.</p> |

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| <p>1 Q. So from the 1999- to 2012-time period, the</p> <p>2 whole Watts team would have the same day off?</p> <p>3 A. They should have. Yes.</p> <p>4 Q. That is the -- that -- if they were following</p> <p>5 the policy --</p> <p>6 A. Yes.</p> <p>7 Q. -- that's how typically it would work?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Meaning that on any particular day, there</p> <p>10 would be no one from the Watts team working?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And you think -- what records would you</p> <p>13 look at to track that?</p> <p>14 A. To track the -- back then?</p> <p>15 Q. ANAs or...?</p> <p>16 A. So the ANAs would be able to tell you. Also,</p> <p>17 like, if you were looking to see if the -- what the</p> <p>18 matrix was, if that existed, that would probably be</p> <p>19 something through our Research &amp; Development group that</p> <p>20 would probably be able to look back and see what</p> <p>21 actually existed in writing then.</p> <p>22 Q. And would that -- would they be able to do</p> <p>23 that electronically, or would they have to go, like,</p> <p>24 to --</p> <p>25 A. I'm not familiar with how they do their</p>                                                                                                                                                    | <p>1 system. I don't know, like, if it would go beyond --</p> <p>2 you know, if it was, like, original paper documents that</p> <p>3 predated our computer systems or if they have archived</p> <p>4 that stuff and they have it available that way as well.</p> <p>5 I wouldn't be aware.</p> <p>6 Q. All right. You mentioned a couple other</p> <p>7 specific policies or documents you remember reviewing.</p> <p>8 One was the current tactical team order. Another was</p> <p>9 about the ability to sign on behalf of another member?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you remember which specific general or</p> <p>12 special orders those were?</p> <p>13 A. So the -- I believe the tactical team order</p> <p>14 was referenced as the tactical team order. And I -- I</p> <p>15 was the one that produced that document, and it was more</p> <p>16 or less just to establish my understanding of what the</p> <p>17 tact teams were and then show them what was in writing,</p> <p>18 at least currently, in policy and how it sort of</p> <p>19 mirrored what was going on in the time frame that we're</p> <p>20 discussing.</p> <p>21 Q. And do you think it did mirror what was going</p> <p>22 on in the time period we're discussing?</p> <p>23 A. For the most part, yes. There's been little</p> <p>24 nuances that have changed over time, but overall, like,</p> <p>25 it's essentially the same structure.</p>                                                                                                                                                             |
| Page 19                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page 20                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>1 Q. Okay. And we'll go through that, probably in</p> <p>2 a lot more detail --</p> <p>3 A. Sure.</p> <p>4 Q. -- a little bit later. And do you -- what</p> <p>5 about the document or documents that talk about the</p> <p>6 ability to sign on behalf of someone else?</p> <p>7 A. So I don't remember the exact document title,</p> <p>8 but it -- it walks through, like, presenting a -- a case</p> <p>9 report for review and indicating the circumstances under</p> <p>10 which you could sign on behalf of another member.</p> <p>11 Q. Is the gist of it that you can do that as long</p> <p>12 as you write your initials and star number next to the</p> <p>13 other signature?</p> <p>14 A. There's a handful of circumstances under which</p> <p>15 it can happen. That identifies the circumstances under</p> <p>16 which that's a possibility. And then typically, that</p> <p>17 would've been the policy, yes, would be to sign your</p> <p>18 name and then initial above it.</p> <p>19 Q. All right. Any other specific documents you</p> <p>20 can remember?</p> <p>21 A. No.</p> <p>22 Q. All right. So I think you've already answered</p> <p>23 this, but how long have been with the department?</p> <p>24 A. It's going to be 25 years in October.</p> <p>25 Q. Can you just kind of walk through an overview</p> | <p>1 of the roles you've had over the years?</p> <p>2 A. Sure. When I first got on the job, I was</p> <p>3 hired in October of 1999 as a probationary police</p> <p>4 officer. I spent approximately six months in the</p> <p>5 training academy until I was sent off for my -- my</p> <p>6 probationary field status, which I did in the 14th</p> <p>7 District. While I was there, I did three cycles of</p> <p>8 training with field training officers. Approximately a</p> <p>9 couple weeks passed, I was sent down to Loop traffic.</p> <p>10 They were doing the Michigan Avenue rehabilitation back</p> <p>11 then, so they took probationary police officers and used</p> <p>12 us as traffic aides to supplement the -- the traffic</p> <p>13 staff downtown. I did that until, I believe it was,</p> <p>14 September of that year, and then I went on -- I came</p> <p>15 back to the 14th District. I went on furlough. I came</p> <p>16 back. I was then redeployed downtown for the window</p> <p>17 detail where, essentially, we were just supplemental</p> <p>18 force for -- or manpower for, like, the Christmas season</p> <p>19 for traffic support again and also just to be a -- a</p> <p>20 visual presence for people that law enforcement was</p> <p>21 there with the number of people that were downtown. I</p> <p>22 stayed in the 14th District, I believe, until April of</p> <p>23 2000 -- or 2001. Then I transferred into the 15th</p> <p>24 District. While I was in the 15th District, I worked</p> <p>25 patrol for a short period of time. I was on a tactical</p> |



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| <p>1 team there for a short period of time. I left the<br/>2 tactical team and went back to the watch. I believe it<br/>3 was either '03 or '04, I transferred to the Targeted<br/>4 Response Unit, which was a citywide unit that was sent<br/>5 all over the various high crime districts. I stayed<br/>6 there from -- until 2007. I transferred to the 19th<br/>7 District in 2007. I was in 19 as a patrol officer from<br/>8 2007 to 2008 when I got promoted to sergeant. When I<br/>9 was promoted to sergeant, after spending our preservice<br/>10 training in the academy, I was assigned to the 15th<br/>11 District. As a sergeant in the 15th District, I was a<br/>12 watch sergeant, I was a CAPS sergeant, I was a tact<br/>13 sergeant, I was a mission team sergeant. I spent from -<br/>14 - I believe it was 20 -- 2013, I believe, to 2014<br/>15 detailed to the deputy chief's office where we did what<br/>16 was considered operation impact, where we were assigned<br/>17 a group of probationary police officers whose job it was<br/>18 to -- to walk in certain areas. So that was my -- I<br/>19 supervised them. And then after that, I went to Area<br/>20 South as a detective division sergeant. I spent<br/>21 approximately two years there. And then about 2016, I<br/>22 transferred to Area Central where I stayed for<br/>23 approximately almost two and a half, almost three years.<br/>24 And in 2019, I transferred to the Bureau of Internal<br/>25 Affairs where I was a sergeant that was assigned to the</p> | <p>1 confidential section for investigations and then also<br/>2 general investigations. I stayed there until roughly<br/>3 November of 2019 and returned to Area 1, which would<br/>4 have been Area Central at the time. Shortly thereafter,<br/>5 they restructured the Bureau of Detectives, and they<br/>6 reopened Area 5 and Area 4. And I was selected to help<br/>7 then-Commander Winstrom reopen Area 5. And I became<br/>8 assigned as the administrative sergeant for Area 5,<br/>9 where I stayed until I was promoted to lieutenant in<br/>10 2021. After I was promoted to lieutenant in 2021, I was<br/>11 assigned to the 18th District. I was there for<br/>12 approximately -- I think it was less than a month, month<br/>13 and a half. I was reassigned to the Special<br/>14 Investigations Unit, which handles child sex crimes. I<br/>15 stayed there until April of 2022, and then I was<br/>16 reassigned to the Evidence and Recovered Property<br/>17 Section, where I am currently assigned.<br/>18 Q. Is it ERPS? Is that what --<br/>19 A. Yes, that's correct. Yes.<br/>20 Q. -- the acronym is?<br/>21 A. Uh-huh.<br/>22 Q. Have you conducted any training over the<br/>23 years?<br/>24 A. Yes.<br/>25 Q. What training have you conducted?</p>                                                                              |
| Page 23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>1 A. So I've been -- since I've taken over as the<br/>2 commanding officer of the Evidence and Recovered<br/>3 Property Section, I will go and do preservice training<br/>4 for our eTrack system for newly-sworn or newly-promoted<br/>5 sergeants. And then we did -- while I was in Special<br/>6 Investigations Section, we did a -- a brief presentation<br/>7 of what our -- our unit overview was for newly-promoted<br/>8 detectives.<br/>9 Q. Did you become familiar with the policies and<br/>10 procedures on tactical teams when you worked on a<br/>11 tactical team and then when you were a sergeant on the<br/>12 tactical team?<br/>13 A. Yes.<br/>14 Q. About how long were you -- did you work on a<br/>15 tactical team?<br/>16 A. I think I was on the tact team for maybe a<br/>17 year and a half, two years, in '15 as a patrol officer.<br/>18 And then as a sergeant, I had a tact team for a year and<br/>19 a mission team, which essentially mirrored that in the<br/>20 district, for approximately two and a half years.<br/>21 Q. So about three and a half years, you were<br/>22 essentially in charge of a tactical team or similar to a<br/>23 tactical team?<br/>24 A. Or similar, yes. Uh-huh.<br/>25 Q. What -- can you put a time period -- I know it</p>                                                                                                                                                                                                                                                          | <p>1 kind of got blended in there, but can you put a time<br/>2 period on when you were a member of a tactical team as a<br/>3 patrol officer?<br/>4 A. I want to say it was 2001 through maybe '03.<br/>5 So it was either '02 -- '01 or '02 when I got on the<br/>6 tact team as a patrol officer and then '02, '03 when I<br/>7 transferred off and went back to the watch.<br/>8 Q. Which tactical team were you a member of?<br/>9 A. I -- I believe we were the 1563 team in the<br/>10 15th District.<br/>11 Q. And why did you transfer off?<br/>12 A. My partner at the time had had -- I believe it<br/>13 was his third child, and so he needed to get a more<br/>14 steady schedule. We had been partners for, at that<br/>15 point in time, like, two or three years, and I'd rather<br/>16 stay with him. So I -- I shifted and went back to the<br/>17 watch and worked with him.<br/>18 Q. Okay. What were the general responsibilities<br/>19 of your tactical team?<br/>20 A. So our general responsibilities were to work,<br/>21 pretty much, as -- like, our orders are defined at the<br/>22 direction of the district commander. So on a daily<br/>23 basis, that would depend on what was going on in the<br/>24 district. If there was a shooting or some other high-<br/>25 profile type of incident, they may reassign our team to</p> |



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| <p>1 go work in a particular area to see if we could develop<br/>2 any information as to what was going on, or even just<br/>3 provide, like, high visibility to, sort of, you know, I<br/>4 guess, quell the violence a little bit by showing people<br/>5 that there is, you know, law enforcement in the area.<br/>6 Aside from that, when there weren't specific things<br/>7 going on at -- on a daily basis, we would -- we would<br/>8 drive in the areas and -- and just kind of see what was<br/>9 going on. If we observed possible criminal activity, if<br/>10 it was narcotics-related, we might establish a<br/>11 surveillance. Either my partner and I, or with members<br/>12 of our team, we might set up collectively and -- and do<br/>13 the enforcement together. Sometimes we would be sent to<br/>14 details where we would be -- like I was saying before,<br/>15 they would select a certain number of people if there's,<br/>16 like, a Cubs game or -- you know, or something like<br/>17 that, or a parade where they needed additional support<br/>18 units. We would get pulled and go there. Sometimes we<br/>19 would be given CAPS mission problems where we would go<br/>20 to the CAPS mission board. And they would say if there<br/>21 was a particular problem, this is your assignment for<br/>22 today. Other times we might even get citizen complaints<br/>23 that came in directly to one of our superiors and they<br/>24 would say, hey, a civilian's calling from this<br/>25 particular area, they're noticing that this or this is</p> | <p>1 going on, we need you guys to investigate it and come<br/>2 back to us with a report and let us know what -- what's<br/>3 going on.<br/>4 Q. Were you familiar with Ronald Watts or the<br/>5 Watts team while you were -- while they were a team?<br/>6 A. So I don't know when I became aware of them,<br/>7 per se. I don't -- I don't know that I would have been<br/>8 aware of them while we were working in the 15th<br/>9 District. Obviously because of the situation that<br/>10 evolved, that's where my -- my knowledge of them<br/>11 specifically comes from.<br/>12 Q. What area did the 15th District cover when you<br/>13 were on the tactical team?<br/>14 A. So the -- the borders of the 15th District are<br/>15 from Division to Roosevelt and then from Cicero to<br/>16 Austin.<br/>17 Q. And was your tactical team -- did they<br/>18 concentrate in any particular area, or was it -- I guess<br/>19 you've sort of described it dependent on what was going<br/>20 on?<br/>21 A. Yeah. And so -- and, again, like, on a daily<br/>22 basis, it would be dictated as to what our mission was<br/>23 given to us for that day. If there was something in<br/>24 particular we needed to focus on, then that's where we<br/>25 would lend our resources. Other than that, it was, you</p>                                                                        |
| Page 27                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Page 28                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 know, we just drove the district. And there were some<br/>2 areas that we were more familiar with. Because, you<br/>3 know, either from our interactions in patrol, we were<br/>4 aware because we were assigned to certain beats or<br/>5 sectors, we were -- some people were a little more<br/>6 familiar with certain areas than they were others. And<br/>7 so then that would become the areas where they would<br/>8 kind of concentrate their efforts because that's where<br/>9 they were most aware of the criminal activity that was<br/>10 going on there.<br/>11 Q. What -- which tactical team were you a<br/>12 sergeant for?<br/>13 A. The 1561 team.<br/>14 Q. Was that in the -- also the same area?<br/>15 A. So we -- yeah, it would have been the same<br/>16 boundaries for the district, yes.<br/>17 Q. Did you -- did -- was the 1561 team different<br/>18 than the 1563 team, like, as far as responsibilities go?<br/>19 A. No. I mean, it would have been the same<br/>20 concept. It's just now, instead of being on the team as<br/>21 a patrol officer, I was now in charge of a team as a<br/>22 supervisor.<br/>23 Q. What was your role as the supervisor of a<br/>24 tactical team?<br/>25 A. So as a supervisor of a tactical team,</p>                                                                                                                                                                                                                                                                                                        | <p>1 obviously you're given -- each team consists of ten<br/>2 officers. Each of which is, in theory, a two-man car.<br/>3 On days when someone's off, those cars can get expanded<br/>4 to a three-person car because they don't ever let a tact<br/>5 car go out by themselves. But same thing. Like, you<br/>6 would communicate with your tactical lieutenant, find<br/>7 out what was going on in the district. If there was a<br/>8 specific mission that the tactical lieutenant assigned<br/>9 to you or your team, then that would be the information<br/>10 that you would send out. Sometimes it would come<br/>11 directly from the district commander. As a sergeant,<br/>12 though, you were also supposed to be in tune to what was<br/>13 going on in the district and being aware yourself of,<br/>14 you know, different kinds of criminal activity that was<br/>15 taking place, if there were spikes in violence, what was<br/>16 going on, and kind of direct your resources to -- you<br/>17 know, to those areas to sort of prevent that crime from<br/>18 -- from continuing.<br/>19 Q. Were you -- when you were the sergeant of the<br/>20 1561 team -- that was the one you were a sergeant of,<br/>21 right?<br/>22 A. Yes, sir.<br/>23 Q. 15 -- when you were a sergeant of the 1561<br/>24 team, were you out patrolling with your officers?<br/>25 A. I was.</p> |

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| <p>1 Q. Would you ride with another member of the</p> <p>2 team?</p> <p>3 A. Most generally, yes.</p> <p>4 Q. And how would that be reflected, generally, on</p> <p>5 reports?</p> <p>6 A. On reports, like, if I was on an arrest, then</p> <p>7 I would be on the paperwork as having been there. We</p> <p>8 would do a daily supervisor's log, but I would be</p> <p>9 separated from that on the log. Like, I wouldn't be</p> <p>10 listed in the car riding with them because I would be</p> <p>11 the one checking their -- their status. You know, we</p> <p>12 have to do a status check on all of our officers every</p> <p>13 45 minutes. And so it's like as that would go, you</p> <p>14 know, I would still be having my role as the 1561 car,</p> <p>15 but I would be with them.</p> <p>16 Q. And can you break down the years of when you</p> <p>17 were supervising the 1561 team versus the other similar</p> <p>18 team?</p> <p>19 A. So I believe -- I believe I had the 1561 team</p> <p>20 from 2010 to 2011, and then I was with the 67 team from</p> <p>21 2011 until 2013, I think. Yeah.</p> <p>22 Q. The -- tell me more about the daily</p> <p>23 supervisor's log.</p> <p>24 A. So every supervisor will do a supervisor's</p> <p>25 log. Whether they're on patrol or on the tact team, you</p> | <p>1 have a log that you have to fill out that indicates when</p> <p>2 you checked in with your -- your officers. In patrol,</p> <p>3 it's every 45 minutes you have to log the car. So as,</p> <p>4 like, a -- as a beat sergeant, that could be you saw</p> <p>5 them passing in traffic, to you saw them on a traffic</p> <p>6 stop, to you responded to a domestic with them. You</p> <p>7 assisted with some of the paperwork. But there's got to</p> <p>8 be, on your log, 45 -- something must be occurring every</p> <p>9 45 minutes in terms of some sort of supervisory role.</p> <p>10 The tact team sometimes a little bit different, just</p> <p>11 because of the circumstances under which you operate.</p> <p>12 If you're conducting a surveillance, per se, you know,</p> <p>13 and your team is all there, you know, you might only</p> <p>14 have a log for that hour, and then it turns into an</p> <p>15 arrest. Or, you know, there -- there might be larger</p> <p>16 gaps in the time frame for those things.</p> <p>17 Q. But there should be a log of -- every day that</p> <p>18 you work as the supervisor of a tact team, you should</p> <p>19 fill out a log at the end of the day?</p> <p>20 A. That's correct.</p> <p>21 Q. Do you fill it out as you're going, or do you</p> <p>22 fill it out at the end of the day?</p> <p>23 A. I filled it out as I was going.</p> <p>24 Q. Do you know if there was a policy or a</p> <p>25 procedure as to whether it should be done throughout the</p> |
| Page 31                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 32                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 day, or once, or something else?</p> <p>2 A. That, I'm not aware of.</p> <p>3 Q. Do you know when daily supervisor logs started</p> <p>4 being required?</p> <p>5 A. That, I don't know. I do know that when I was</p> <p>6 promoted to sergeant, there was one. So in 2008, there</p> <p>7 was one.</p> <p>8 Q. Had you seen a daily supervisor's log before</p> <p>9 2008?</p> <p>10 A. That, I don't -- I don't ever recall.</p> <p>11 Q. And do you know if you were familiar with the</p> <p>12 concept before you became a supervisor?</p> <p>13 A. I think when we went to our preservice</p> <p>14 training is when they introduced us to it and, like,</p> <p>15 what the concepts were behind it. I mean, it's a pretty</p> <p>16 self-explanatory form, but, you know, that -- it was</p> <p>17 only explained to us what it was and how we were</p> <p>18 supposed to fill it out in preservice training.</p> <p>19 Q. And when did you do that preservice training?</p> <p>20 A. So that would've been 2008.</p> <p>21 Q. Did someone have to review your daily logs?</p> <p>22 A. Yes.</p> <p>23 Q. Who reviewed the daily logs?</p> <p>24 A. We -- we would submit them for review by our</p> <p>25 lieutenant either on the watch, or if you're on the tact</p>                                           | <p>1 team, it would've been the tactical lieutenant.</p> <p>2 Q. And then how did they get -- were they</p> <p>3 electronic forms?</p> <p>4 A. So they're -- they're PDF forms, but we print</p> <p>5 them out and obviously turn them in, so there's a</p> <p>6 physical paper copy of it.</p> <p>7 Q. And then --</p> <p>8 A. And I believe they were then transferred to</p> <p>9 our admin section.</p> <p>10 Q. And then are they scanned?</p> <p>11 A. What's that?</p> <p>12 Q. Do you know if they're scanned and stored</p> <p>13 electronically?</p> <p>14 A. That, I don't know.</p> <p>15 Q. Do they reflect arrests if there are arrests</p> <p>16 made?</p> <p>17 A. In terms of, like, the -- the information</p> <p>18 about the specific arrest or</p> <p>19 Q. Well, let's -- maybe just -- you can -- let's</p> <p>20 just -- maybe you can give me an example. Say you're</p> <p>21 out and you assist with, you know, an arrest of four or</p> <p>22 five people. Would that, in some way, be reflected on</p> <p>23 the daily log?</p> <p>24 A. It might be in the sense that if you put</p> <p>25 yourself down on -- there was a -- the front section</p>                                                                                                                                                                                                                                                                                                                                               |

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| <p style="text-align: right;">Page 33</p> <p>1 just had all the cars listed and then, like, a time and<br/>2 a location where you logged them at. And then the back<br/>3 side had, like, involvement in terms of, like, stops and<br/>4 other activity. So then you could put in those time<br/>5 frames. Whether it would reflect the individual who was<br/>6 arrested? No. I think there was a section for -- for<br/>7 coding on there where you could put down that it was,<br/>8 like, either 19 Paul or whatever it was, a 1 Frank, if<br/>9 it was a domestic, I believe there's a box for that on<br/>10 there. But aside from that, like, it wouldn't -- it<br/>11 wouldn't specifically reflect, like, the name of the<br/>12 individual who was involved, but it would give you,<br/>13 like, the location and the timestamp of when you were<br/>14 there.</p> <p>15 Q. Would it say -- would it say something like<br/>16 participated in or assisted in arrest but not<br/>17 necessarily who was arrested?</p> <p>18 A. I -- I believe it would have just the address<br/>19 of occurrence and the type of job, potentially, I think<br/>20 is what the two boxes were. It's been a while since<br/>21 I've seen one. But like I said, it's all -- it's all<br/>22 self-explanatory as you're going through it. There's a<br/>23 timestamp that's on there that says it was between this<br/>24 time and this time, so that they can monitor the hours<br/>25 and make sure that you're actually filling the -- the</p> | <p style="text-align: right;">Page 34</p> <p>1 log out within that 45-minute time frame.</p> <p>2 Q. Is the purpose of the log to show what you,<br/>3 the supervisor, is doing or what the team is doing, or<br/>4 something else?</p> <p>5 A. I think it's a combination. Like, my -- my<br/>6 personal opinion is to show that you're actually<br/>7 supervising your personnel as opposed to just saying, oh<br/>8 yeah, I watched them. You know, it's like, well, where<br/>9 were you at with them? I was here at these locations.</p> <p>10 Q. So when it's, like, interaction with a -- one<br/>11 of the beat cars or patrol cars, it's not just saying<br/>12 the patrol car was over here. It's saying I was there<br/>13 with them?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And the same idea where if there was an<br/>16 arrest or if you list an occurrence, it's you were at<br/>17 the spot of the occurrence?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Thanks.</p> <p>20 MR. RAUSCHER: We're going to mark Exhibit 1.<br/>21 This is a notice of Rule 30(b)(6) deposition. It's<br/>22 the version that was circulated last week, but<br/>23 attached was the old version.</p> <p>24 (EXHIBIT 1 MARKED FOR IDENTIFICATION)<br/>25 BY MR. RAUSCHER:</p>                                                                                                  |
| <p style="text-align: right;">Page 35</p> <p>1 Q. I went ahead and highlighted the topics that I<br/>2 think you're here to testify about. If you could take a<br/>3 look and let me know if you agree. It goes onto the 3<br/>4 and -- Page 3 and Page 4. Did I highlight the correct<br/>5 topics?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Okay. So I have -- well, I guess we didn't<br/>8 say it yet. I have 13A, B and C, E, F and G, and J<br/>9 and K.</p> <p>10 A. That's correct.</p> <p>11 Q. All right. And those cover the time period --<br/>12 so those are about the city's written and unwritten<br/>13 policies, practices, and customs, and training in effect<br/>14 from 1999 to 2011. And I'm not going to read each<br/>15 topic --</p> <p>16 A. Right.</p> <p>17 Q. -- but on those topics. And you're prepared<br/>18 to testify about those today?</p> <p>19 A. To the best of my knowledge, yes, sir.</p> <p>20 Q. And to the best of the city's knowledge?</p> <p>21 A. Well, I mean, it would be to the -- the best<br/>22 of my knowledge. I mean, I don't know if there is<br/>23 someone who's more knowledgeable about these topics than<br/>24 I am, but I'm -- I'm going to let you know what I know<br/>25 about these things.</p>                                                                                                                                                                                                                                                                          | <p style="text-align: right;">Page 36</p> <p>1 Q. Okay. Did you talk to anybody at the<br/>2 department other than -- well, did you talk to anybody<br/>3 at the department about any of the topics that we're<br/>4 going to talk about today?</p> <p>5 A. No, I did not.</p> <p>6 Q. Are there any -- do you believe you have any<br/>7 gaps in knowledge on any of these topics?</p> <p>8 A. I'm not sure I understand what you mean by<br/>9 "gaps in knowledge."</p> <p>10 Q. So do you think you know -- you've said you're<br/>11 not sure if there's someone at the city who knows more<br/>12 than you about this. And it's a big department, so I<br/>13 understand, I think, why you're saying that, but you're<br/>14 here to testify on behalf of the city. So what I'm<br/>15 trying to understand is, do you believe that you are<br/>16 competent and prepared to testify on behalf of the city<br/>17 on these topics, or are there some where you think I'm<br/>18 not sure actually if I have full knowledge of this for<br/>19 the city?</p> <p>20 A. No, I -- I think I'd be all right.</p> <p>21 Q. Okay.</p> <p>22 MR. MICHALIK: Yeah. And, Scott, just for the<br/>23 record, I think, in terms of the tactical team, it's<br/>24 my understanding that you spoke with Dan and that<br/>25 he's going to be talking about tact teams in general</p> |

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| Page 37                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 38                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| <p>1 as opposed to specific 2nd District tactical teams.</p> <p>2 MR. RAUSCHER: So my understanding was that</p> <p>3 there probably isn't anything specific to the 2nd</p> <p>4 District, which is why we had that conversation, but</p> <p>5 you will tell me if you think I'm wrong as we go.</p> <p>6 MR. MICHALIK: I just wanted to clarify.</p> <p>7 MR. RAUSCHER: So the topic -- as far as, you</p> <p>8 know, from my perspective, the topic is still the</p> <p>9 same, but I think the answer is probably going to be</p> <p>10 we have general policies.</p> <p>11 MR. MICHALIK: Right.</p> <p>12 MR. RAUSCHER: But I'm not testifying, so I</p> <p>13 will stop giving my expected answers now.</p> <p>14 BY MR. RAUSCHER:</p> <p>15 Q. Did you bring any documents with you today?</p> <p>16 A. No, I did not.</p> <p>17 Q. Did you print out the documents -- so when --</p> <p>18 you said you had looked a bunch of documents. Some of</p> <p>19 them -- were some of them done online and some of them</p> <p>20 printed?</p> <p>21 A. So everything that I researched was offline.</p> <p>22 So it would've been from our department director's</p> <p>23 database and then from the -- the CLEAR system off the</p> <p>24 wire, the user guides.</p> <p>25 Q. Offline, meaning you had a --</p> | <p>1 A. Well, online, I'm sorry.</p> <p>2 Q. On -- everything was online?</p> <p>3 A. Online, yes. Off of our wire, yes.</p> <p>4 Q. So you did not print out any copies of</p> <p>5 anything?</p> <p>6 A. To bring today?</p> <p>7 Q. Either way?</p> <p>8 A. Yes, I did.</p> <p>9 Q. Okay. Do you still have a copy of the things</p> <p>10 you've printed? Did you keep a set?</p> <p>11 A. I did not keep a full set of everything. I --</p> <p>12 most of what I had, I tendered.</p> <p>13 Q. To Counsel?</p> <p>14 A. To Counsel, yes.</p> <p>15 Q. Okay. If -- we're going to go through some</p> <p>16 documents today. If there is a document that you looked</p> <p>17 at or that you think bears on these topics that we</p> <p>18 haven't -- that we -- you know, that we don't talk about</p> <p>19 today, I'm going to ask you to just let me know that,</p> <p>20 okay?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And then before we get into specific topics,</p> <p>23 are you aware of any unwritten policies, practices, or</p> <p>24 customs relating to any of these topics that you're here</p> <p>25 to testify about?</p>                                                                                                                                                                                    |
| Page 39                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 40                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 A. Unwritten policies, no.</p> <p>2 Q. And what about unwritten practices or customs?</p> <p>3 A. No.</p> <p>4 Q. And did you do any research into the training</p> <p>5 about these policies the training officers receive?</p> <p>6 A. No.</p> <p>7 Q. Do you -- are -- but are you familiar with the</p> <p>8 training that they receive?</p> <p>9 A. Based on the training I've received.</p> <p>10 Q. And it's your understanding the training</p> <p>11 you've received is consistent with the training every</p> <p>12 other officer receives?</p> <p>13 A. I would imagine, yes.</p> <p>14 Q. And why do you imagine that?</p> <p>15 A. It's -- when I went through the training</p> <p>16 academy -- so in 1999, that's when I first started my</p> <p>17 training. A lot of the things that you're asking about</p> <p>18 in that time frame, I would have knowledge of how they</p> <p>19 trained us to write reports from when I was in the</p> <p>20 academy then. Follow-up to that would be when they</p> <p>21 created eTrack and the CLEAR system for arrest reports,</p> <p>22 there was training that came out that was</p> <p>23 department-wide user guides. Everyone had access to the</p> <p>24 same resources.</p> <p>25 Q. So maybe you can -- we can start with just</p>             | <p>1 give me an overview of the training on arrest reports</p> <p>2 during the 1999 to 2011 time frame.</p> <p>3 A. So obviously, when we're in the academy, one</p> <p>4 of the -- the courses that we were given was instruction</p> <p>5 on how to complete arrest reports. At the time in 1999,</p> <p>6 arrest reports were -- were paper. So they were not the</p> <p>7 digital copies that we have now or the digital versions,</p> <p>8 I should say. And so there was instruction on how to</p> <p>9 fill them out and essentially what the boxes on there</p> <p>10 stood for and then in addition to that, like, what the</p> <p>11 narrative of that report should contain predominantly.</p> <p>12 Q. And there are some, you know, separate</p> <p>13 categories that are probably fairly be said to be</p> <p>14 subcategories in this topic.</p> <p>15 A. Yes, sir.</p> <p>16 Q. For example, B is the use of official reports</p> <p>17 of abbreviations, such as RO and AO instead of listing</p> <p>18 participating officers by name.</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did you receive training on the use of any</p> <p>21 abbreviations?</p> <p>22 A. Yes.</p> <p>23 Q. What training do you remember about using</p> <p>24 abbreviations?</p> <p>25 A. I mean, specifically that ROs were -- were</p> |

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| <p>1 typically abbreviations that were used for general<br/>2 offense case reports, vice case reports, anything that<br/>3 was not an arrest report, because the RO stood for the<br/>4 responding officer or the reporting officer. AO was<br/>5 something that was more or less specifically dictated<br/>6 towards the arrest report, so that an AO would appear in<br/>7 an arrest report, but not necessarily in a case report<br/>8 for abbreviation. Sometimes people will get the two<br/>9 confused or, you know, by, I guess, force of habit, an<br/>10 RO might show up in an -- in an arrest report and -- and<br/>11 AO might show up in a case report.<br/>12 Q. What does AO stand for?<br/>13 A. Arresting officer.<br/>14 Q. And then RO, you said, could be responding or<br/>15 reporting officer?<br/>16 A. That's correct.<br/>17 Q. Is there a -- any training on when it stands<br/>18 for what -- for which of those?<br/>19 A. I mean, I think it's like -- they're -- in my<br/>20 opinion, they're interchangeable, right? In terms of,<br/>21 like, you -- usually, the person who's reporting it is<br/>22 the one who responded to the scene. You know, in some<br/>23 instances, you didn't respond, you were taking the<br/>24 report at the desk, so I think those would be probably<br/>25 the differences and just more or less semantics.</p>                      | <p>1 Q. So if it's talking about someone who is coming<br/>2 to the scene, like ROs did something, that means the<br/>3 person who's going there?<br/>4 A. Well, like, there were -- right. So the<br/>5 responding officer would've been, like, in terms of,<br/>6 like, you're writing the report because you're there,<br/>7 right? A reporting officer might be somebody at the<br/>8 desk. In the same regard, like, reporting law officer<br/>9 could also be in reference to the person who's on the<br/>10 scene, you know, who also did respond. It -- like I<br/>11 said, it's more or less an interchangeable use of the<br/>12 two words.<br/>13 Q. But the only -- I guess the -- is it fair to<br/>14 say that the only time the reporting officer wouldn't be<br/>15 the responding officer is if that person was just doing<br/>16 it at the desk and hadn't been at the scene?<br/>17 A. I'd say that's fair to say.<br/>18 Q. Okay. And did you receive training on who is<br/>19 supposed to sign arrest reports and vice case reports?<br/>20 A. Yes.<br/>21 Q. What was the training you received on who is<br/>22 supposed to sign reports and who -- sorry, and who is<br/>23 supposed to sign arrest reports or vice case reports?<br/>24 A. So on the paper versions of them, I believe<br/>25 our -- our instruction sheets were that the original</p> |
| Page 43                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Page 44                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>1 signature of the arresting officer would appear. Again,<br/>2 it's been a long time since I filled out a paper one. I<br/>3 don't believe there's -- there's a signature line for<br/>4 the second arresting officer. I believe it's just a<br/>5 printed name that goes in that box, if I remember<br/>6 correctly. Today's reports, there aren't any actual<br/>7 physical signatures that are applied. Everything's done<br/>8 electronically.<br/>9 Q. How do you sign an electronic report, if at<br/>10 all?<br/>11 A. So what'll ultimately happen is whoever's<br/>12 logged in for the application for the arrest report,<br/>13 when you prepare to submit that report, there'll be a<br/>14 notifier that will come up that'll explain to you that<br/>15 you understand, under the penalty of perjury, that<br/>16 you're submitting this report. To the best of your<br/>17 knowledge, it's true and accurate. And there is your PC<br/>18 number that's embedded in there that's linked to the<br/>19 person who logged in, and then you put in your password<br/>20 underneath, and then it affixes your name as the<br/>21 attesting officer to the report.<br/>22 Q. Is that -- the thing you just described, does<br/>23 that apply to vice case reports as well?<br/>24 A. So case reports, presently, are all done<br/>25 electronically, and so the reports are slightly</p> | <p>1 different. And as we've continued to evolve and write<br/>2 reports differently, there is numbers of, like,<br/>3 different people that are put in there, but it's the<br/>4 same thing where it's like, at the end, whoever's typing<br/>5 the report is going to put their PC number in, and it'll<br/>6 be marked as them as submitting the report.<br/>7 Q. In this case, as you probably know from your<br/>8 experience, a lot of the vice case reports are paper?<br/>9 A. Paper.<br/>10 Q. Who was supposed to sign paper vice case<br/>11 reports?<br/>12 A. So that could -- that could vary. So, like,<br/>13 the individual who authored the report could sign for<br/>14 himself and his partner under certain circumstances that<br/>15 are delineated in some of our orders.<br/>16 Q. And then -- so let me -- I think there's --<br/>17 that's maybe, like, a two-part question. And so, one --<br/>18 there's one issue of whether you can sign for someone<br/>19 else.<br/>20 A. Uh-huh.<br/>21 Q. And then there's a different issue of who is<br/>22 supposed to be the person signing the report in the<br/>23 first place.<br/>24 A. Okay.<br/>25 Q. So set the issue aside of if you can sign for</p>                                                                                                                                              |



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| <p>1 someone else.</p> <p>2 A. Okay.</p> <p>3 Q. Was there training on who is supposed to be</p> <p>4 the person signing the vice case report?</p> <p>5 A. I don't recall if there was specific training</p> <p>6 that would've come in a class or anything like that, but</p> <p>7 I mean, it's just -- it -- it was, again, you would</p> <p>8 complete the report on a probationary level. You would</p> <p>9 give it to your field training officer for them to</p> <p>10 review. They would -- they would then sign the report</p> <p>11 to say, yes, I reviewed it, right? When you're working</p> <p>12 with partners, after a certain period of time, yeah, you</p> <p>13 would give them the report. If they weren't available</p> <p>14 to sign, then you would sign on their behalf.</p> <p>15 Q. So if there's a team involved in an arrest --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- who -- is there a policy about who is</p> <p>18 supposed to sign the vice case report?</p> <p>19 A. Who's supposed to sign it? Again, like, the</p> <p>20 author of the -- of that report should be the one who's</p> <p>21 signing it.</p> <p>22 Q. Is there a policy on who the author is</p> <p>23 supposed to be?</p> <p>24 A. No. In terms of -- I guess it's kind of</p> <p>25 difficult to explain in -- in -- in the sense that the</p> | <p>1 old paper case reports, there's different sections of</p> <p>2 them, right? And so as you were kind of going through</p> <p>3 it, someone might be doing the header for you, and then</p> <p>4 you as the author, who -- who is box 1 arresting</p> <p>5 officer, they would fill out the top portion of that for</p> <p>6 you because you were either filling out the arrest</p> <p>7 report or doing something else, just to kind of expedite</p> <p>8 the process. But the person who crafted that narrative</p> <p>9 would generally be the person signing it.</p> <p>10 Q. And when you're saying fill out the top part,</p> <p>11 you're not saying the narrative. You're talking about,</p> <p>12 like, the --</p> <p>13 A. Just all the boxes, right? So it's like, you</p> <p>14 know, who the -- what the address of occurrence was,</p> <p>15 what UCR code we had, the RD number, the offender's</p> <p>16 information, what was recovered, if there was a car that</p> <p>17 was involved. Just, like I said, it was more or less to</p> <p>18 kind of expedite the process sometimes.</p> <p>19 Q. Should the person signing be someone who was</p> <p>20 involved in the arrest?</p> <p>21 A. Yes.</p> <p>22 Q. So let -- maybe we can --</p> <p>23 MR. MICHALIK: And just to be clear, you're</p> <p>24 talking about the vice case report?</p> <p>25 MR. RAUSCHER: The vice -- yes, the vice case</p>                                                                                                                                                       |
| Page 47                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 48                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>1 report. We're talking about vice case now.</p> <p>2 BY MR. RAUSCHER:</p> <p>3 Q. So if there's an arrest, two people were the</p> <p>4 prime -- you know, two officers were the primary people</p> <p>5 involved and seeing the illegal activity, putting the</p> <p>6 handcuffs on, someone else came later and helped move</p> <p>7 the person who was arrested to a police car, and someone</p> <p>8 else on the team transported them, and then someone else</p> <p>9 helped them, you know, get to the bathroom at the police</p> <p>10 station.</p> <p>11 A. Right.</p> <p>12 Q. Who should be signing the vice case report?</p> <p>13 A. It'd be the two officers that were involved in</p> <p>14 -- in the incident, making the arrest.</p> <p>15 Q. Like, the first two?</p> <p>16 A. Yes.</p> <p>17 Q. What if there was only one involved in the</p> <p>18 arrest?</p> <p>19 A. In terms of</p> <p>20 Q. Do you put two names on there or just one?</p> <p>21 A. I mean, you could put other individuals on</p> <p>22 there as assisting, and -- and that's how it works in a</p> <p>23 lot of the -- the case reports we have now. And they'll</p> <p>24 just add as many people as were involved on whatever</p> <p>25 level into the -- into the -- into that report. In</p>                                                 | <p>1 terms of case reporting for the tact teams, like, I</p> <p>2 don't know that there would've ever been a time that it</p> <p>3 would've just been someone individually making an</p> <p>4 arrest. Because as a team, like, you can't have -- that</p> <p>5 99 car usually wasn't going out. There had to be, like,</p> <p>6 extenuating circumstances to do that.</p> <p>7 Q. So it would be -- there would have to be</p> <p>8 extenuating circumstances for a partner to leave -- you</p> <p>9 know, if there's two part -- two people in the car,</p> <p>10 there'd have to be really extenuating circumstances for</p> <p>11 one of those two people to go leave and leave the other</p> <p>12 person alone?</p> <p>13 A. In terms of you were working by yourself to</p> <p>14 make an arrest, I would say there would have to be</p> <p>15 something that would be explainable, because, again, the</p> <p>16 teams went out in pairs or in more than pairs. Like, it</p> <p>17 was -- like I said before, if my partner was off that</p> <p>18 day, I had to find another car to ride in, and then we</p> <p>19 rode what we would consider what would they call 3D,</p> <p>20 right? There'd be three of us in the car. And then our</p> <p>21 car that day would be somewhat of a down car. Like, on</p> <p>22 the sheets, I would still carry my -- my unit</p> <p>23 designator. Each team was given an alphanumeric code.</p> <p>24 So it's like -- it's 1561 Adam, Boy, David, Charlie, and</p> <p>25 Eddie. So I would still carry, if I was the Boy car, I</p> |

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| <p style="text-align: right;">Page 49</p> <p>1 would still carry that Boy moniker when I would -- when</p> <p>2 I would come up on there. That'd be my designator.</p> <p>3 Q. If -- does a signature of a second person on</p> <p>4 vice case report -- so there's two -- up to two --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- we'll look at a specific one later. We can</p> <p>7 then walk through it. But does the signature of a</p> <p>8 second person on the vice case report indicate that that</p> <p>9 person was at the scene and involved in the arrest?</p> <p>10 A. It should, yes.</p> <p>11 Q. Is there anything else it could indicate and</p> <p>12 still be in compliance with CPD policy?</p> <p>13 A. That their sig -- like, their signature showed</p> <p>14 on the report?</p> <p>15 Q. Yes.</p> <p>16 A. I mean, in terms of being physically present</p> <p>17 when the arrest was made, if you had a surveillance</p> <p>18 situation, like, you might have had someone that was on</p> <p>19 surveillance that was not in the immediate vicinity when</p> <p>20 an individual was arrested or there could be some other</p> <p>21 extenuating circumstances, like, you get somebody</p> <p>22 detained a block over, and then, you know, your team</p> <p>23 came and got this other individual.</p> <p>24 Q. But it would at least indicate that that</p> <p>25 person who signed it has personal knowledge of the</p>                                                                                                                                                                            | <p style="text-align: right;">Page 50</p> <p>1 alleged illegal activity?</p> <p>2 A. I would say yes.</p> <p>3 Q. That they saw it or saw --</p> <p>4 A. In some -- yes. On some level, they were</p> <p>5 involved, yes.</p> <p>6 Q. Not just that they showed up after and, you</p> <p>7 know, saw the person that had handcuffs or something</p> <p>8 like that?</p> <p>9 A. I would imagine no.</p> <p>10 Q. In your experience, would the policy allow you</p> <p>11 to sign for, as the one of the two officers, if all you</p> <p>12 did was show up after they were arrested?</p> <p>13 A. I mean, it would depend on what your role was,</p> <p>14 I would imagine. I think that, you know, it wouldn't be</p> <p>15 necessarily out of the policy if you then came in and</p> <p>16 then helped process the rest of the way through.</p> <p>17 Q. That could be one of the first two people who</p> <p>18 signed?</p> <p>19 A. I would say yes.</p> <p>20 Q. Okay. Are there any rules that you're aware</p> <p>21 of as to who can be the two signers on a vice case</p> <p>22 report?</p> <p>23 A. No. Not directly, no.</p> <p>24 Q. What about indirectly?</p> <p>25 A. I mean, like I said, based on the</p>                                                                                                                                                                                                                                                                 |
| <p style="text-align: right;">Page 51</p> <p>1 circumstances that we're giving here, I think that there</p> <p>2 are different circumstances where someone who wasn't</p> <p>3 immediately present could be listed on the case report.</p> <p>4 Q. Would it comply with CPD policy if you showed</p> <p>5 up at the scene after someone was in handcuffs and you</p> <p>6 were the first officer listed and that you signed the</p> <p>7 report?</p> <p>8 A. So you're saying you showed up second, he's</p> <p>9 already been detained, and you're going to be the first</p> <p>10 to report it? Again, if it was a narcotic surveillance</p> <p>11 and then you were coming out to verify that that's the</p> <p>12 individual that I did the surveillance on, then, yes,</p> <p>13 you could be in box 1. There are other circumstances</p> <p>14 where if it was your call and maybe it wasn't</p> <p>15 narcotics-related, you just responded to a call and it</p> <p>16 was a domestic battery, and someone got there before</p> <p>17 you, detained him, had him in, you know, in handcuffs,</p> <p>18 and then you conducted that investigation, then, yes,</p> <p>19 you could flip roles, and then you could go into box 1</p> <p>20 because you're the one that's then going to author the</p> <p>21 report. But you would indicate in the narrative or</p> <p>22 explain out or flesh out, like, hey, I responded to the</p> <p>23 scene. When I got there, this is what had happened and</p> <p>24 then I subsequently learned the following.</p> <p>25 Q. So in those examples, you still have personal</p> | <p style="text-align: right;">Page 52</p> <p>1 knowledge of what has happened, or you're -- in the</p> <p>2 second example, you're kind of deeply involved in the</p> <p>3 investigation, right?</p> <p>4 A. Correct.</p> <p>5 Q. What if the situation is the narrative on the</p> <p>6 report says something like ROs observed offender 1 hand</p> <p>7 drugs to offender 2 who handed currency to offender 1,</p> <p>8 would it be appropriate -- there's no surveillance</p> <p>9 listed in the report. Would it be appropriate for an</p> <p>10 officer who didn't see that to be one of the two</p> <p>11 signers?</p> <p>12 A. I would say that report should be limited to</p> <p>13 the two individuals who are involved in the actual ROs</p> <p>14 observed. So who those ROs were would be box 1.</p> <p>15 Q. And would you -- would CPD policy have you</p> <p>16 list who the ROs were in that narrative?</p> <p>17 A. I think in -- in prior reports, like, the</p> <p>18 paper reports, I don't know that we ever went that</p> <p>19 detailed. Presently, like, our -- our reporting</p> <p>20 procedures now are a little more detailed than what they</p> <p>21 were back then with the capabilities of, you know,</p> <p>22 specifically clicking a button and then adding an</p> <p>23 individual's name into some of the reports, so they're -</p> <p>24 - they're slightly different in that regard.</p> <p>25 Q. And when did it change so that you could more</p> |



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| <p>1 easily list specific officers who are involved?</p> <p>2 A. I think it was with the creation of the AIRA</p> <p>3 reports, and I don't know when we first started using</p> <p>4 AIRA, to be honest with you.</p> <p>5 Q. When creating reports, if there are officers</p> <p>6 who witnessed the alleged offense who are not the two</p> <p>7 reporting signing officers, should the narrative</p> <p>8 indicate who those people are?</p> <p>9 A. In -- in term -- so if you could provide me</p> <p>10 with an example --</p> <p>11 Q. So let's say there's two spots on a vice case</p> <p>12 report to sign, but there were three reporting or</p> <p>13 responding -- if they were three responding officers who</p> <p>14 all worked together in the car that day and they all</p> <p>15 witnessed the offense, should the narrative indicate</p> <p>16 that all three of them witnessed the offense?</p> <p>17 A. If they all did, yes.</p> <p>18 Q. Right. If -- of course. It shouldn't say</p> <p>19 falsely that someone witnessed the offense.</p> <p>20 A. Right.</p> <p>21 Q. But it -- even though you might not, as a</p> <p>22 practice, always say ROs 1 and 2 witnessed the offense,</p> <p>23 if there were more than who were signing, you'd want</p> <p>24 that to indicate that to be in compliance with the</p> <p>25 policy?</p> | <p>1 A. So I mean, the thing is, like, if there was --</p> <p>2 in a situation like you were saying before, like, with a</p> <p>3 three-man car, if we compare it to the arrest report,</p> <p>4 there was only room for a certain number of boxes. So I</p> <p>5 believe 1 and 2, more often than not, sometimes we would</p> <p>6 put a slash for that other individual, but I don't know</p> <p>7 that it was a required policy for all three of them to</p> <p>8 be there. I think, typically, if we were doing a</p> <p>9 narcotics surveillance, we would explain who was there</p> <p>10 and who did what, you know, like, whether it was by --</p> <p>11 by beat number or, like, 1563 team lended their</p> <p>12 assistance and they detained them, you know. Just to</p> <p>13 kind of explain out who did what, but, again, I don't</p> <p>14 know that there was a hard and fast rule for, you know,</p> <p>15 specifically explaining who -- who did what.</p> <p>16 MR. RAUSCHER: We're going to mark Exhibit 2 as</p> <p>17 -- it's just -- it was sent out this morning. It's</p> <p>18 PL Joint 087423 through 425.</p> <p>19 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>20 BY MR. RAUSCHER:</p> <p>21 Q. Have you had a chance to look at this</p> <p>22 document?</p> <p>23 A. I have. Yes, sir.</p> <p>24 Q. Was this one of the documents you reviewed</p> <p>25 before the deposition?</p> |
| Page 55                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 56                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>1 A. It was not.</p> <p>2 Q. Are you familiar with this special order?</p> <p>3 A. I mean, having read general -- yeah, at some</p> <p>4 point, I would come across it, certainly.</p> <p>5 Q. Do you remember -- do you remember ever</p> <p>6 reading it?</p> <p>7 A. I'm sure I read it in terms of preparing for</p> <p>8 promotional exams, but aside from that, no, I have no</p> <p>9 direct recollection of ever reading it.</p> <p>10 Q. Are you familiar with the policies written in</p> <p>11 here now that you've had a chance to look at it today?</p> <p>12 A. Yes.</p> <p>13 Q. If you see up here, it says this rescinds</p> <p>14 January 1, 1996 version?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know if anything had -- what, if</p> <p>17 anything, changed between the two versions?</p> <p>18 A. Based on my understanding of how our Research</p> <p>19 &amp; Development Section puts out new policy, anything</p> <p>20 that's new in department special and general orders is</p> <p>21 underlined. So if you look on Page 2, under Item 3, it</p> <p>22 says logging into the -- the CLEAR homepage, click on</p> <p>23 the Bureau Sites link, and then Organized Crime, and</p> <p>24 then finally click on ESV Conversion link. I would</p> <p>25 imagine that was an addition or an amendment to the</p>                       | <p>1 original order, along with what you see in Item G that's</p> <p>2 also underlined, where it starts with, "Unlawful conduct</p> <p>3 and disturbances." And then, similarly, on Page 3,</p> <p>4 where they have under Section B for the letters of</p> <p>5 abatement, the information about the License</p> <p>6 Investigation Unit and then finally in Item 3, again,</p> <p>7 the License Investigation Unit and Asset Forfeiture.</p> <p>8 Q. And then it says "authenticated by JKH" on the</p> <p>9 last page.</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what that means?</p> <p>12 A. I'm going to assume that this is who authored</p> <p>13 it from or was involved in the process from the Research</p> <p>14 &amp; Development Section, but without certainty, I don't --</p> <p>15 and it's just their initials. It's the initials of</p> <p>16 whatever reporting officer or department member was</p> <p>17 involved in this. So, like, when we do department</p> <p>18 memos, someone -- if they're going to craft it on my</p> <p>19 behalf, their initials will go on the bottom, and it may</p> <p>20 just be something that I then review, but it's, like, it</p> <p>21 was put together by them.</p> <p>22 Q. Is this crafted on behalf of Garry McCarthy as</p> <p>23 the superintendent?</p> <p>24 A. I -- I would say yes.</p> <p>25 Q. And is that how policies work, the</p>         |

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| <p>1 superintendent ultimately issues them?</p> <p>2 A. Yes.</p> <p>3 Q. Let's look back at the first thing you</p> <p>4 identified as likely having changed. And that is what</p> <p>5 it says in here also. If you see at the end, that's</p> <p>6 consistent with what -- with your testimony. In the</p> <p>7 "Processing Vice Complaints" section, E3 is the first</p> <p>8 thing that has a change, and it looks like it's changing</p> <p>9 how you obtain the estimated street value of controlled</p> <p>10 substances that are recovered. And this is saying you</p> <p>11 do it by logging into CLEAR and then clicking on some</p> <p>12 links.</p> <p>13 A. Right.</p> <p>14 Q. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. How was that done prior -- how did you obtain</p> <p>17 estimated street value of controlled substance to place</p> <p>18 on a vice case report before this process was put into</p> <p>19 place?</p> <p>20 A. I'm trying to remember. I think -- you know,</p> <p>21 we -- we had a similar system where you logged in and</p> <p>22 they had street values for everything. Like, you would</p> <p>23 give them the weight of whatever it was that you had</p> <p>24 recovered, and then it would spit out a dollar value.</p> <p>25 Some people would just break it down if they were -- if</p> | <p>1 that wasn't available, they would just use it, like, you</p> <p>2 know, it was \$10 for every -- every gram. But it was</p> <p>3 all based off of, like, whatever the FBI value was, or,</p> <p>4 you know, there was a -- there was a set standard for</p> <p>5 how much, you know, a gram of cocaine went for, and then</p> <p>6 you entered it into the system and it gave you a value.</p> <p>7 Q. And I think as part of your answer -- was part</p> <p>8 of your answer in there -- you might just know because</p> <p>9 you do it so often --</p> <p>10 A. Yeah.</p> <p>11 Q. -- so you're not actually going to go look</p> <p>12 it up.</p> <p>13 A. Correct.</p> <p>14 Q. Would doing it that way still comply with</p> <p>15 CPD's policy?</p> <p>16 A. And -- and, again, I mean, it's an estimated</p> <p>17 street value. So by the time it goes to court, it might</p> <p>18 change. And ultimately, in terms of the value of what</p> <p>19 you have, the value doesn't really impact the charging.</p> <p>20 It's the weight of what you have, so</p> <p>21 Q. Sure. But the question, really, is just, if</p> <p>22 you -- does it comply with CPD's policy if you provide</p> <p>23 an estimated amount on a vice case report without going</p> <p>24 to a secondary source?</p> <p>25 A. I would say it -- it would've, yes, it</p> |
| Page 59                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 60                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>1 would've sufficed.</p> <p>2 Q. Do you need to have at least a reason -- you</p> <p>3 know, some basis for believing the estimated value to</p> <p>4 comply with the policy?</p> <p>5 A. In terms of do you have to print something out</p> <p>6 or --</p> <p>7 Q. Do you have to have any knowledge? I mean,</p> <p>8 you -- presumably, you can't just make it up.</p> <p>9 A. Correct. Right. I mean, so it's -- it's</p> <p>10 based on an understanding -- like, if you worked in an</p> <p>11 open-air drug market, I mean, it was like, you weren't</p> <p>12 going to say that, you know, 0.1 grams of crack cocaine</p> <p>13 was worth \$3,000. You know, there was a common sense</p> <p>14 factor that was applied to it.</p> <p>15 Q. Does the estimated value have any impact on</p> <p>16 the charging decisions?</p> <p>17 A. No. It's all based off of weight.</p> <p>18 MR. RAUSCHER: All right. We're going to mark</p> <p>19 Exhibit 3 as CITY-BG-062148 through 062165.</p> <p>20 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>21 BY MR. RAUSCHER:</p> <p>22 Q. Yeah. So this has multiple different special</p> <p>23 orders in it. And take a look at all of them, but I</p> <p>24 only have some specific questions about -- toward the</p> <p>25 end.</p>                                                         | <p>1 A. Okay.</p> <p>2 Q. Have you had a chance to flip through that?</p> <p>3 A. I did.</p> <p>4 Q. Did you review any of these policies to</p> <p>5 prepare for today?</p> <p>6 A. No.</p> <p>7 Q. Can you take a look at special order</p> <p>8 S04-18-03, which is almost toward the end? It starts at</p> <p>9 CITY-BG-062162. It's titled "Pre-Planned Narcotics</p> <p>10 Enforcement Operations." Do you see that?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Are you familiar with this special order?</p> <p>13 A. In terms of knowing that it existed, yeah, at</p> <p>14 the time. Yeah.</p> <p>15 Q. And you believe you would've read it?</p> <p>16 A. From my involvement when I was on the tact</p> <p>17 team, yeah.</p> <p>18 Q. And have you had a chance to look it over</p> <p>19 today?</p> <p>20 A. Briefly, yes.</p> <p>21 Q. Are you familiar with the contents?</p> <p>22 A. Yes.</p> <p>23 Q. Does it reflect the policies of the CPD for</p> <p>24 pre-planned narcotics enforcement operations, including</p> <p>25 for preparation of reports for those investigations?</p>                                                                                                                                                                                                                                                           |

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| <p>1 A. Yes.</p> <p>2 Q. This is dated February 15th, 2006. That's the</p> <p>3 issue date and the effective date. Do you see that?</p> <p>4 A. Yes, sir.</p> <p>5 Q. And it doesn't -- it says it rescinds</p> <p>6 S05-02-03.</p> <p>7 A Uh-huh.</p> <p>8 Q. Do you know what that policy is?</p> <p>9 A. No. That, I don't.</p> <p>10 Q. I don't see on here, really, any italics or</p> <p>11 anything that indicates what changed. Do you know what</p> <p>12 changed?</p> <p>13 A. From the original, from the --</p> <p>14 Q. Yeah.</p> <p>15 A. -- S05-02-03? No. And, again, I don't know</p> <p>16 when Research &amp; Development started utilizing the</p> <p>17 italics to identify changes in an order, so I don't know</p> <p>18 if that wasn't a policy then by Research &amp; Development</p> <p>19 at the time.</p> <p>20 Q. So now that you've had a chance to look at it,</p> <p>21 can you identify anything that's different about this</p> <p>22 policy than about the previous policy for pre-planned</p> <p>23 narcotics enforcement operations?</p> <p>24 A. If I had to venture a guess, the only thing I</p> <p>25 could point to, and it's just based on the language in</p> | <p>1 it, would be underneath the purpose for Item B, the fact</p> <p>2 that the order "introduces the Arrestee Control Sheet,"</p> <p>3 but that would be just from the language, not from</p> <p>4 anything specifically.</p> <p>5 Q. Prior to 2006, were there special procedures</p> <p>6 for processing multiple arrest situations related to</p> <p>7 pre-planned narcotic enforcement operations?</p> <p>8 MR. MICHALIK: I'm just going to object to the</p> <p>9 extent I think this probably is not really within</p> <p>10 any of the designated topics for this particular</p> <p>11 witness.</p> <p>12 MR. RAUSCHER: I think it is because it has</p> <p>13 pretty specific things about how to document those</p> <p>14 investigations, including reports.</p> <p>15 MR. MICHALIK: Well, if you're going to talk</p> <p>16 about the documentation, it's one thing, but that's</p> <p>17 not what you're asking him.</p> <p>18 MR. RAUSCHER: Well, I'm getting there. I</p> <p>19 mean, I'm establishing that, if it even existed.</p> <p>20 THE WITNESS: Could you ask the question again,</p> <p>21 please?</p> <p>22 BY MR. RAUSCHER:</p> <p>23 Q. Yeah. Prior to February 2006, did the Chicago</p> <p>24 Police Department have a written policy about</p> <p>25 pre-planned narcotics enforcement operations?</p>                                                                                                                                   |
| Page 63                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Page 64                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>1 A. That I wouldn't know for certain, but I would</p> <p>2 imagine yes. Because if it's saying it's rescinding</p> <p>3 this S05-02-03, I'd imagine whatever that was was</p> <p>4 contained inside that policy.</p> <p>5 Q. And this document describes multiple different</p> <p>6 roles that people have in processing individuals in</p> <p>7 these types of operations, including, you know, how to</p> <p>8 document it, right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Are these policies consistent with how you did</p> <p>11 things when you were on a tactical team?</p> <p>12 A. For</p> <p>13 Q. For the pre-planned narcotics enforcement</p> <p>14 operations?</p> <p>15 A. They look reasonably similar, yes.</p> <p>16 Q. Is there anything you can identify that's</p> <p>17 different?</p> <p>18 A. Not in this general overview, no.</p> <p>19 Q. I'm sorry, not in what?</p> <p>20 A. Not in this general overview, no. I'm not</p> <p>21 seeing anything.</p> <p>22 Q. Did you participate in -- I should have asked</p> <p>23 this. Did you participate in any pre-planned narcotics</p> <p>24 enforcement operations as a tactical team member?</p> <p>25 A. Yes, I did.</p>       | <p>1 Q. And what about as a sergeant in a tactical</p> <p>2 team?</p> <p>3 A. A sergeant, I don't believe I did, no.</p> <p>4 Q. Were they referred to as reverse stings, or is</p> <p>5 that an example of a pre-planned narcotics operation?</p> <p>6 A. It -- that's -- like, in a general term, yes.</p> <p>7 Q. Are the vice case or arrest reports stemming</p> <p>8 from pre-planned narcotics enforcement operations</p> <p>9 supposed to document which officers had which roles?</p> <p>10 A. In terms of the -- the processing of the</p> <p>11 individual?</p> <p>12 Q. At all. So they've got -- this refers to</p> <p>13 on-scene documenting team, arresting processing --</p> <p>14 arresting processing team, things like that. Should the</p> <p>15 reports show which officers were on which teams?</p> <p>16 A. I would say they did not, and the reason being</p> <p>17 is because they were processing on behalf of a report</p> <p>18 that was forwarded to them that was based on the</p> <p>19 observations that were made by other officers. So the</p> <p>20 processing team, more often than not, the ones that were</p> <p>21 actually preparing the reports, were housed, at least in</p> <p>22 -- in our situations, in the station. There was a team</p> <p>23 that was obviously working in the field as the</p> <p>24 undercover officers, and then there was another</p> <p>25 processing team that was involved in either the</p> |

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| <p>1 transportation or the securing of those who were</p> <p>2 identified or arrested during the course of the</p> <p>3 pre-planned narcotics operation.</p> <p>4 Q. Did your team ever conduct those operations</p> <p>5 and have it with the processing team on-site?</p> <p>6 A. So in terms of the actual arresting -- like</p> <p>7 the teams that are typing out the arrest reports?</p> <p>8 Q. Yeah.</p> <p>9 A. We could not, no. And it is -- you couldn't</p> <p>10 type the reports that way. So we had one group that was</p> <p>11 sitting inside waiting for the arrestees to come, one</p> <p>12 group that was responsible for the apprehension, another</p> <p>13 group that was somewhat responsible for keeping them</p> <p>14 until we were able to transport them, and -- and so on</p> <p>15 and so forth.</p> <p>16 Q. And then the people who write -- wrote the</p> <p>17 reports were none of those groups; is that right?</p> <p>18 A. Correct. So there would be an officer. And,</p> <p>19 again, like with this, where it's the arrestee control</p> <p>20 sheet, I don't believe the arrestee control sheet</p> <p>21 existed when I was on the tact team. It seems to just</p> <p>22 be -- what we used to do is just document the name of</p> <p>23 the individual, their demographics, what the general</p> <p>24 probable cause was for that person to be arrested, and</p> <p>25 then it would go off with that individual, either in a</p>                                                                                                                     | <p>1 property bag. And then the -- the felt tip pen was the</p> <p>2 mark and identifier this was arrestee number 1. And</p> <p>3 then this is his card that goes with him. So that</p> <p>4 whoever was processing him would receive both the</p> <p>5 individual and the card, confirm the information about</p> <p>6 at least their demographics to make sure that they had</p> <p>7 the right individual, and then that was the narrative</p> <p>8 that they were they were -- they were supplied.</p> <p>9 Q. So if this introduced the arrestee control</p> <p>10 sheets in 2006, what was used in place of that?</p> <p>11 A. There might not have been anything. And,</p> <p>12 again, from my recollection, I don't recall if there</p> <p>13 was, other than we just kept like -- of -- what would be</p> <p>14 considered a miscell ex card, which was blank on the</p> <p>15 backside and had information that was placed on -- on</p> <p>16 that, and then that would accompany the individual. But</p> <p>17 to be honest, I don't know for sure.</p> <p>18 Q. If it was one of those two things or maybe it</p> <p>19 was --</p> <p>20 A. If the arrestee control sheet existed at that</p> <p>21 time.</p> <p>22 Q. It was either the arrestee control sheet or,</p> <p>23 like, this kind of card you're describing?</p> <p>24 A. Right. But there -- but there was there was</p> <p>25 somewhere for us to -- to document who this individual</p> |
| Page 67                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Page 68                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>1 was and then what transpired between them. And then how</p> <p>2 that would be done, is the officers who were involved in</p> <p>3 the undercover portion would inform the team that was</p> <p>4 taking possession of that individual, he did X, Y, and</p> <p>5 Z, and then they would document that based on the</p> <p>6 observations from the undercover.</p> <p>7 Q. Would it comply with CPD policy to fill out</p> <p>8 the narrative section for a reverse sting before the</p> <p>9 operation was conducted?</p> <p>10 A. Before it was conducted? I mean, it wouldn't</p> <p>11 necessarily be out of the realm of possibilities in the</p> <p>12 sense that if it was a pre-designated offense where they</p> <p>13 knew a specific location that they were going to was</p> <p>14 only going to result in individuals coming to purchase</p> <p>15 heroin, right, or crack cocaine, right, there wasn't</p> <p>16 anyone that was going to be coming to that location for</p> <p>17 anything other than that, they might have pre-printed</p> <p>18 form sets already done with a location, RD number</p> <p>19 absent, the date and time absent obviously because those</p> <p>20 would be the things that would change within that, and</p> <p>21 then what was specifically asked for in terms of he</p> <p>22 asked for six or he asked for two, and then the dollar</p> <p>23 amount that might have been exchanged in -- in terms for</p> <p>24 that -- that alleged purchase, things like that would be</p> <p>25 different. Obviously, the arrestee demographics would</p> | <p>1 be -- would be empty as well.</p> <p>2 Q. Could you get the RD number before you went</p> <p>3 out?</p> <p>4 A. You would not, no.</p> <p>5 Q. Could you get it, though?</p> <p>6 A. I mean, you can get an RD number for anything.</p> <p>7 All you have to do is -- the dispatcher won't know, but</p> <p>8 the dispatcher will ask you what you're working on. You</p> <p>9 can't just tell the dispatcher, I'd like, you know, an</p> <p>10 RD number for this UCR. They'd be like, okay, where are</p> <p>11 you at and what are you working on? You know, so to get</p> <p>12 it ahead of time, I would say no.</p> <p>13 Q. Are you able to get an RD number on your own</p> <p>14 as an officer?</p> <p>15 A. Yes.</p> <p>16 Q. So you could do that before you went out,</p> <p>17 right?</p> <p>18 A. No. I mean, in terms of, like, getting --</p> <p>19 getting an RD number, like, if I responded to a job or I</p> <p>20 made an arrest, whether it was for a domestic battery or</p> <p>21 I on-viewed a PCS, I would then identify myself on the</p> <p>22 radio, tell them that I had an arrest situation, I'm at</p> <p>23 this location, and I need an RD number for UCR code, and</p> <p>24 I would provide them with the UCR code.</p> <p>25 Q. And is the only way -- was it -- from the 1999</p>                                                                                                                                        |

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| <p style="text-align: right;">Page 69</p> <p>1 to 2011 time period, is the only way to get an RD number<br/>2 to go through dispatch?<br/>3 A. Yes. And that could happen in one of two<br/>4 ways. So you could either do it, you know, over the air<br/>5 with your radio, or you could call the ED desk itself<br/>6 and provide the ED desk with your beat, your<br/>7 information, and then they would enter that information<br/>8 into our PCAD system to put you down on -- and generate<br/>9 the records division number for you.<br/>10 Q. So back to a vice case report and a<br/>11 pre-planned narcotics offense, would it be appropriate<br/>12 to put quotation marks in there saying Offender I said<br/>13 "blows, blows, blows" before you went out and did the<br/>14 operation?<br/>15 A. Before you went out and did it? I mean, it<br/>16 would depend on -- like, if you put it multiple times, I<br/>17 would say that would say that that individual made that<br/>18 statement that many times, right? To use that, my under<br/>19 -- well, my experience is, if you're like, he was<br/>20 yelling "blows, blows, blows," that's more or less like<br/>21 someone who's out there soliciting the unlawful business<br/>22 for the sale of that narcotic, right? As opposed to<br/>23 there isn't necessarily going to be an individual, in my<br/>24 experience, who's ever come up and told someone that<br/>25 they were looking to buy narcotics from, "I need blows,</p> | <p style="text-align: right;">Page 70</p> <p>1 blows, blows," you know. It would be more or less like,<br/>2 hey, what are you looking to buy? I'm looking to get<br/>3 some blows. So then that would be in -- you could put<br/>4 that in quotation marks because that's specifically what<br/>5 they came and asked you for.<br/>6 Q. And you could do that before you met the<br/>7 person?<br/>8 A. And, again, like, in regards to the locations<br/>9 that some of these things were set up at, because they<br/>10 were known spots, like, in open-air drug markets,<br/>11 different corners only sold certain things. So if you<br/>12 had, like, a particular person that was, I guess, in the<br/>13 15th District, like Iowa and -- trying to remember --<br/>14 Lemont, I believe, was strictly, like, the heroin spot,<br/>15 right? No one was going there to buy crack cocaine<br/>16 because no one sold crack cocaine at that spot. So in<br/>17 those instances, you could, yes, in theory, say, yeah,<br/>18 the only thing that's going to transact here is for<br/>19 someone to purchase heroin. Now, were there times where<br/>20 other things did happen? If that happened, then those<br/>21 anomalies would be indicated in a different case report.<br/>22 So, like, if -- let's just say, for example, it's a<br/>23 heroin spot, but someone did happen to come by and ask<br/>24 for weed, right? All right, well, he's still soliciting<br/>25 me for -- for weed. They'd let everyone know, he's not</p> |
| <p style="text-align: right;">Page 71</p> <p>1 a heroin guy. He's a -- he's -- he's for cannabis, and<br/>2 then we would have to do a cannabis report for him.<br/>3 Q. What about -- is the use of the quotation<br/>4 marks appropriate before the offense happens?<br/>5 A. Before it happens? And, again, like the<br/>6 conversation that's going to be had, is that that's what<br/>7 the individual is going to ask him for, right? He's not<br/>8 going to come up and ask him for anything other than<br/>9 that particular substance, right? He wouldn't refer to<br/>10 the heroin as something different, you know. It<br/>11 wouldn't be like -- I don't know. There -- there's so<br/>12 many different names that they have now for some of the<br/>13 stuff that's out there, and different spots call things<br/>14 different things, so But back then, I mean, if you were<br/>15 looking to buy crack cocaine, it was you were looking to<br/>16 buy rocks. If you were buying heroin, you were looking<br/>17 to purchase blow.<br/>18 Q. In -- from 1999 to 2011, was it your<br/>19 experience that everyone looking to buy heroin would<br/>20 just say blows?<br/>21 A. In terms of the -- the buyers --<br/>22 Q. Yeah.<br/>23 A. -- and the sellers? I mean, again, it would<br/>24 all depend. As time evolved, things became different<br/>25 from different spots. But when I was on tact in, you</p>                                                                       | <p style="text-align: right;">Page 72</p> <p>1 know, the early 2001, '02, '03, I mean, it was -- that's<br/>2 all you heard, was rocks and blows.<br/>3 Q. And then at some point, were there, like,<br/>4 different lines of drugs?<br/>5 A. In terms of<br/>6 Q. Like ---<br/>7 A. Right -- right now, they -- I mean, now<br/>8 ecstasy became, you know, something different, where,<br/>9 you know, that would be solicited in a whole bunch of<br/>10 different ways. Guys would cross their arms over each<br/>11 other and make an X and bang them back and forth as cars<br/>12 went by indicating that they were selling ecstasy.<br/>13 Cannabis, guys would start doing, like, the smoking<br/>14 gestures to cars as they went by, you know, indicating<br/>15 that they were selling cannabis, and everyone would know<br/>16 that, you know, making that smoking gesture, you weren't<br/>17 selling heroin, and you weren't selling crack cocaine.<br/>18 You were selling cannabis.<br/>19 Q. What about different, like, brands of drugs?<br/>20 Is that something you're familiar with?<br/>21 A. In terms of<br/>22 Q. Like, people have referred to lines of drugs<br/>23 as Obama or other names throughout the years in these<br/>24 cases. Have you heard of that in your experience?<br/>25 A. No. I mean, predominantly everyone that we</p>                                                                                                                                                                      |



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| <p>1 were dealing with would refer to it as either rocks or<br/>2 blows.<br/>3 Q. If you were in an area where people did refer<br/>4 to drugs by different names, different lines at<br/>5 different buildings, things like that, would you still<br/>6 say it could comply with CPD policy to put, you know,<br/>7 Offender 1 came for -- or asked for "blows" before you<br/>8 did that operation?<br/>9 A. I would --<br/>10 MR. MICHALIK: Object to the form.<br/>11 THE WITNESS: I would say essentially that the<br/>12 report, if it was -- if it was a pre-completed form,<br/>13 that it was specific to those people who asked for<br/>14 that. And if there was an individual who came and<br/>15 asked for something different, then that -- an<br/>16 additional report would be generated, right, to<br/>17 document that difference in what they were asking<br/>18 for.<br/>19 BY MR. RAUSCHER:<br/>20 Q. So you could fill out a form -- you could fill<br/>21 out the narrative before you completed the offense,<br/>22 including a quotation, but you would not be complying<br/>23 with CPD policy if you used that report for someone who<br/>24 didn't actually say the quoted words; is that fair?<br/>25 A. I would say yes, but you also wouldn't sub --</p>                                                         | <p>1 you wouldn't submit that report either, you know. So<br/>2 the thing is, is that just because you had the<br/>3 pre-printed report didn't mean that you were submitting<br/>4 that report for approval. The report -- because, again,<br/>5 everything that was on that report, from the<br/>6 demographics of the individual to the time to what was<br/>7 asked for, was all blank, right? And so then it would<br/>8 just be like a fill-in-the-blank-type instance where<br/>9 it's like, okay, you know, Mike Fitzgerald came down and<br/>10 he asked for blows, and he asked for three, and he gave<br/>11 me \$30. And all of that would be documented so that the<br/>12 officer who was receiving it would say, okay, this all<br/>13 complies with what they said. We're using this report.<br/>14 And it was just in order to sort of, like, expedite the<br/>15 process, because in some of these instances, like, I<br/>16 don't know how they did them in other districts, but<br/>17 there would be sometimes in excess of maybe 30 to 40<br/>18 people that were all being processed. So that was a way<br/>19 to kind of expedite the process. But, again, if there<br/>20 was something that was different or there was an anomaly<br/>21 to that particular arrest, then it -- it got entered the<br/>22 way it happened.<br/>23 Q. Right. You wouldn't say -- if 30 people came,<br/>24 in your example, and 29 of them did ask for blows, but<br/>25 Mike Fitzgerald just asked for heroin, it wouldn't use</p> |
| Page 75                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 76                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1 the -- it would not comply with CPD policy to use that<br/>2 same arrest report that said Mike Fitzgerald asked for<br/>3 blows; is that fair?<br/>4 A. That's correct, yes.<br/>5 Q. C1 on here, on Page 62163, it says -- it<br/>6 starts, "Department members designated to the arrestee<br/>7 processing teams will."<br/>8 A. Okay.<br/>9 Q. And then it says, "Utilize the Arrestee<br/>10 Control Sheet to identify each arrestee and complete an<br/>11 Arrest Report, listing the arresting/decoy officer as<br/>12 first arresting officer." Who is the arresting/decoy<br/>13 officer in that scenario?<br/>14 A. So it would be whoever was approached by the<br/>15 individual. So if I -- I'll use myself as an example.<br/>16 If I went to a particular location and I was the buyer<br/>17 looking to purchase heroin and I approached you, and I<br/>18 said, hey, I want to buy some blows, and then you would<br/>19 then escort me to the processing team, you know, to --<br/>20 like, hey, we're going to go back here and -- and<br/>21 transact. You lead us to the arresting officer. He's<br/>22 there to place him into custody. You would be the box<br/>23 1, and that would be the officer who would -- then the<br/>24 processing team would identify you as the individual he<br/>25 interacted with.</p> | <p>1 Q. So at least in this scenario, there is a<br/>2 policy about who should be the first arresting officer<br/>3 in the report, right?<br/>4 A. Yes.<br/>5 Q. And do you know the reason for that policy?<br/>6 A. In terms -- oh, it's just because that's who<br/>7 you interacted with. I mean -- so it's, like, you're<br/>8 the one that's going to make the observations so that<br/>9 when you go to court, you would be the one to say that,<br/>10 yes, you know, I interacted with you, and then you would<br/>11 be able to testify and say, yes, I interacted with this<br/>12 -- this individual here, and this is what he asked me<br/>13 for.<br/>14 Q. And then number 2 is that the processing team<br/>15 will "attest to the information contained within the<br/>16 arrest report"?<br/>17 A. Yes.<br/>18 Q. And what is the -- what are they attesting<br/>19 based on?<br/>20 A. They're -- they're attesting based on the<br/>21 information that's been supplied to them by all the<br/>22 teams that are -- that are participating in this. So<br/>23 whether -- starting from the very beginning in terms of<br/>24 if the process is working the way it's supposed to, it's<br/>25 the decoy officer brings the individual back to the</p>                                                                                                                                                                                                                                                                   |



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| <p style="text-align: right;">Page 77</p> <p>1 processing team or the -- the team that's going to<br/>2 detain him. He's going to tell them what transpired.<br/>3 They're going to document all that information. They're<br/>4 going to hand him off to the team that's either going to<br/>5 transport him or hold him until a transport vehicle<br/>6 comes. All that paperwork then goes into the station<br/>7 with him. They're taking that -- that card -- almost<br/>8 like a -- a mass arrest card. You weren't necessarily<br/>9 on-scene. You're attesting to what's been supplied to<br/>10 you to be factual.<br/>11 Q. And if you were on-scene, does the attestation<br/>12 include all of your knowledge, including what you<br/>13 observed?<br/>14 A. The arrest report? The arrest report would<br/>15 just be the probable cause to effect the arrest and to<br/>16 support that charge. So in terms of, you know, that he<br/>17 -- he approached and requested to -- to purchase, you<br/>18 know, blows, you know, a street terminology for heroin,<br/>19 placed into custody, you know, just to support the<br/>20 probable cause because that's what the arrest report is<br/>21 there for.<br/>22 Q. And so that -- you're doing that based on --<br/>23 if you were not at the scene, you're attesting based on<br/>24 what you were -- the information you have received,<br/>25 right?</p>             | <p style="text-align: right;">Page 78</p> <p>1 A. Yes.<br/>2 Q. If you were on the scene, you are attesting to<br/>3 whatever information you may have received plus what<br/>4 other personal knowledge you would have; is that right?<br/>5 A. Well, not necessarily, no. I mean -- and<br/>6 again, like, when it comes to the arrest report, the<br/>7 arrest report is just there to support that probable<br/>8 cause. So whatever we decided to charge that individual<br/>9 with, that's what the arrest report is there for.<br/>10 Q. You're attesting that you believe that there's<br/>11 probable cause?<br/>12 A. Based on the information that's been supplied<br/>13 to you, yes.<br/>14 Q. But also -- would it also be based on whatever<br/>15 information you have?<br/>16 A. In terms of, like, if I saw him --<br/>17 Q. Yeah.<br/>18 A. -- engage in it? Again, the person who would<br/>19 be going in that first box would be the individual he<br/>20 directly interacted with who then would say we need to<br/>21 arrest this individual because the transaction that --<br/>22 that happened.<br/>23 Q. It wouldn't -- it would not comply with CPD<br/>24 policy to attest to a report that you knew was not<br/>25 accurate?</p> |
| <p style="text-align: right;">Page 79</p> <p>1 A. Correct.<br/>2 Q. What does the on-duty watch commander do to<br/>3 approve an arrest report?<br/>4 A. So currently, the officers will come into the<br/>5 office. They'll indicate that they have an arrest<br/>6 report in the queue. They will review that arrest<br/>7 report for probable cause, ensure that the charges that<br/>8 are on there are applicable, and then they'll review it,<br/>9 and then apply their approval to it. There's now<br/>10 additional remedies that we have with the Pretrial<br/>11 Fairness Act that they have to -- you know, as -- as it<br/>12 progresses, you know, whether or not this person can be<br/>13 held for bond or not. There's additional aspects that -<br/>14 - none of that, obviously, existed when these reports<br/>15 were done. If it were a paper report, which would've<br/>16 been in 2002, 2003, they would come in with the arrest<br/>17 report, present it to the watch commander. Again, he<br/>18 would review it for completeness, accuracy, and the fact<br/>19 that the charge that's on the arrest report is<br/>20 substantiated by what's in the -- what's in the actual<br/>21 body of the narrative.<br/>22 Q. Did anything -- other than the new<br/>23 bond-related information, is there anything that changed<br/>24 from 1999 to 2011?<br/>25 A. I just -- everything became electronic in</p> | <p style="text-align: right;">Page 80</p> <p>1 terms of, you know, watch commander comments now are<br/>2 entered electronically. If someone's released without<br/>3 charging, I believe in the old arrest report form sets,<br/>4 that was done on the back or the reverse side of the<br/>5 paper form set. On this, it's all embedded into the --<br/>6 the document itself.<br/>7 Q. Substantively, did the review change at all<br/>8 during the 1999 to 2011 time frame?<br/>9 A. I would say no.<br/>10 MR. RAUSCHER: All right. We're going to mark<br/>11 Exhibit 4, which is special order 9-5-01,<br/>12 CITY-BG-62837 to 41. I may not have enough. I may<br/>13 be one short on that one. Do you want me to go and<br/>14 get another copy?<br/>15 (EXHIBIT 4 MARKED FOR IDENTIFICATION)<br/>16 MR. MICHALIK: Yeah, if you wouldn't mind.<br/>17 MR. RAUSCHER: Yeah. Sure.<br/>18 MR. MICHALIK: Unless you're only going to be,<br/>19 like, a couple of minutes.<br/>20 MR. RAUSCHER: Well, actually, do you have one?<br/>21 I'll just go print another one.<br/>22 MR. MICHALIK: 09-05-01?<br/>23 MR. RAUSCHER: Yeah.<br/>24 MR. MICHALIK: I got it.<br/>25 MR. RAUSCHER: Oh, you got it? Okay.</p>                                            |

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| <p>1 MR. MICHALIK: Yeah.</p> <p>2 BY MR. RAUSCHER:</p> <p>3 Q. So this is Exhibit 4. Was this one of the</p> <p>4 documents you reviewed to prepare for your deposition?</p> <p>5 A. Yes, this is one of the ones I produced.</p> <p>6 Q. Okay. To 41. Can you just give me the</p> <p>7 general overview of what this document is?</p> <p>8 A. Yeah, it -- it just walks through, you know,</p> <p>9 in terms of -- if you look at the -- the first portion,</p> <p>10 the -- the reporting standards, this reference to the</p> <p>11 field reporting manual, that used to be the -- like, the</p> <p>12 reporting guide. So this was something that we were</p> <p>13 given when we were in -- in Training and Education</p> <p>14 Division, which kind of just explained out how you were</p> <p>15 supposed to write a report and -- and the facts of which</p> <p>16 -- how it was supposed to be contained. Kind of walk</p> <p>17 you through different -- different aspects of it, like,</p> <p>18 the hotel rule, that kind of thing. It sort of, like,</p> <p>19 was a more in-depth guide for -- for how you were</p> <p>20 supposed to generally write reports. This is the one</p> <p>21 where -- this is the report I was referencing where it</p> <p>22 explains the circumstances under which you can sign on</p> <p>23 behalf of someone else that you're going to find on Page</p> <p>24 3, and then just kind of generally went over, like,</p> <p>25 court complaints, what are supposed to be in there, and</p> | <p>1 -- and how to fill out certain portions of the arrest</p> <p>2 reports.</p> <p>3 Q. And are there any substantive changes from</p> <p>4 S03-13-1, which this policy rescinded?</p> <p>5 A. Again, that, I wouldn't know with certainty. I</p> <p>6 mean, this -- this order was published in -- looks like</p> <p>7 14 August of '03. So, how old the order was that it</p> <p>8 rescinded, I don't know.</p> <p>9 Q. So was there anything different in this order</p> <p>10 starting in '03 that you weren't doing in '99?</p> <p>11 A. I would say -- again, it looks like the</p> <p>12 changes that were made in this are related to the advent</p> <p>13 of the CLEAR system. So if you look at -- what page is</p> <p>14 it -- Page 4 under Section -- or Item number 2, the</p> <p>15 "Automated Application for Arrests, where it's</p> <p>16 indicating that the signature and affirmation</p> <p>17 requirements listed in III -- will be satisfied by a</p> <p>18 [sic] member entering their own PC login," and then,</p> <p>19 "The application at the beginning of the reporting</p> <p>20 process or such other digital or electronic process of</p> <p>21 authentication and approval as established in the</p> <p>22 related computer application." Like, we didn't have,</p> <p>23 obviously, automated reports back then. So that's kind</p> <p>24 of what I'm seeing, is that it's perhaps that's what the</p> <p>25 changes in this were.</p> |
| Page 83                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 84                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>1 Q. So no substantive changes about how to create</p> <p>2 reports or not -- sorry, I shouldn't say it like that.</p> <p>3 No substantive changes about how to fill out reports or</p> <p>4 the information that needed to be in the reports?</p> <p>5 A. No, I don't believe so.</p> <p>6 Q. Just more about the process of doing it on a</p> <p>7 more computerized basis?</p> <p>8 A. That's what it appears to me, yes.</p> <p>9 Q. There are -- the requirements for signing --</p> <p>10 or the rules about signing for other people, were those</p> <p>11 new in 2003?</p> <p>12 A. I don't believe so, no.</p> <p>13 Q. Those were the same in 1999?</p> <p>14 A. I believe they were, yes.</p> <p>15 Q. Did you receive any training on whether you</p> <p>16 could sign for someone else and under what circumstance?</p> <p>17 A. I don't specifically recall, like, attending a</p> <p>18 class or, you know, other than anything that would've</p> <p>19 been in writing, potentially. But no, I don't -- don't</p> <p>20 recall anything specifically.</p> <p>21 Q. But you would've received the written</p> <p>22 policies?</p> <p>23 A. Yes.</p> <p>24 Q. And how were -- how was a -- when a policy</p> <p>25 like this comes out, how was that communicated to</p>                                                                                                                                                                                                                                             | <p>1 officers?</p> <p>2 A. So presently, we have our -- we get notified</p> <p>3 that there's amendments that have come out to -- to new</p> <p>4 orders. Every month, we're required by the department</p> <p>5 to -- to log into our learning system and find the new -</p> <p>6 - they have the new orders already pulled. And so with</p> <p>7 all the amendments in them, then you're supposed to</p> <p>8 review them, and then you affirm that you read it and</p> <p>9 reviewed them by clicking a button that you mark as</p> <p>10 completed. Prior to that, the reports used to be</p> <p>11 forwarded to the department in stacks back when we were</p> <p>12 -- you know, everything was still paper-based. We would</p> <p>13 get the orders. There would be a pile of them. They</p> <p>14 would tell you at roll call, hey, there's a new order</p> <p>15 that came out. You guys have got to go get them.</p> <p>16 They're downstairs.</p> <p>17 Q. In 2003, what was the process for alerting</p> <p>18 officers to rule changes?</p> <p>19 A. I'm sorry?</p> <p>20 Q. In 2003, what was the process for alerting</p> <p>21 officers to new special orders or general orders?</p> <p>22 A. I would say it was predominantly through --</p> <p>23 through roll call and, you know, a notification from,</p> <p>24 you know, like, department memos that came out that</p> <p>25 would say there's been an amendment to this particular</p>             |

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| Page 85                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page 86                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p>1 order, and then the order would be released. Whether or</p> <p>2 not they would put out, like, a -- a department notice</p> <p>3 saying, hey, there's a new order that came out, you need</p> <p>4 to send someone from the district down to graphic arts</p> <p>5 to pick up, you know, all the new printed- out orders</p> <p>6 and bring them to the district, I don't know if that was</p> <p>7 something that was in place then, but I think that</p> <p>8 became something that was adopted at some point.</p> <p>9 Q. If you could take a look at the Section C on</p> <p>10 the second page, specifically C4. This talks about</p> <p>11 getting an RD number, which is something we've talked a</p> <p>12 little bit about already.</p> <p>13 A. Uh-huh.</p> <p>14 Q. What the -- what is an RD?</p> <p>15 A. It's a records division number.</p> <p>16 Q. What's the purpose of an RD number?</p> <p>17 A. The RD number identifies a particular incident</p> <p>18 that you're then going to write a report off of, so that</p> <p>19 going back in time, they can reference and linking</p> <p>20 things together. Typically, every records division</p> <p>21 number is associated with an offense number. So that</p> <p>22 offense number is also tied to those two things. So,</p> <p>23 like, if there's a phone call that came in for a</p> <p>24 domestic battery, it would have come in under, you know,</p> <p>25 offense number 123456. And then you get there and</p> | <p>1 you're like, okay, I need, you know, an RD number for --</p> <p>2 an 0486 for a domestic battery. And then those two</p> <p>3 would be then linked because it would go into the PCAD</p> <p>4 as associated with that ticket.</p> <p>5 Q. So if you look at b -- so C4b, it looks like</p> <p>6 that gives a few ways that you get an RD number; is that</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. What is -- can you explain b(2)?</p> <p>10 A. b(2)? "Entering the required information in</p> <p>11 the appropriate computer menu on either a (PCAD) or a</p> <p>12 [sic] terminal located in a unit or a PDT." So the</p> <p>13 PCADs were terminals that were inside each station.</p> <p>14 Those PCADs allowed you the opportunity to do, like,</p> <p>15 offense searches, to enter daily ANAs before the</p> <p>16 automation portion came in. So there was a screen that</p> <p>17 was in there where you would indicate that for -- in the</p> <p>18 station, more often than not, it was used when people</p> <p>19 came in to make -- make out a police report. Like, you</p> <p>20 would then get on the air and be like, 1502, which is</p> <p>21 our -- our desk, we needed an RD number for this. They</p> <p>22 would just go to the PCAD terminal, enter in the fact</p> <p>23 that they had a walk-in report, that it occurred at the</p> <p>24 15th District, type in the RD number -- or the UCR code</p> <p>25 that they were looking for, and it would generate an RD</p> |
| Page 87                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page 88                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>1 number for them.</p> <p>2 Q. So that's a way you could just directly get an</p> <p>3 RD number without going through dispatch, right?</p> <p>4 A. So you're still kind of going through</p> <p>5 dispatch, but electronically, yes.</p> <p>6 Q. In what way are you going through dispatch?</p> <p>7 A. So the -- it's -- it's -- everything's still</p> <p>8 linked into the dispatch terminal. So it's, like, that</p> <p>9 information's still going -- it's -- there's still a</p> <p>10 record of it. There's not, like -- you're not doing it</p> <p>11 under the cover of darkness.</p> <p>12 Q. It flows through dispatch, but there's no one</p> <p>13 in dispatch who's asking you questions about it?</p> <p>14 A. Correct, but usually in -- in asking for an RD</p> <p>15 number, a lot of times dispatch won't ask you any</p> <p>16 questions. So if you want to view something, you'd be</p> <p>17 like, hey, I -- I viewed a traffic accident at, you</p> <p>18 know, Central and -- and -- and Madison. I need a 99</p> <p>19 Boy. They put you down at Central and Madison, 99 Boy.</p> <p>20 That's the extent of it. And then everything else that</p> <p>21 comes from it is, you know, the information that you've</p> <p>22 then entered into the report that's then subsequently</p> <p>23 reviewed by your supervisor.</p> <p>24 Q. Is there anything in the PCAD or PDT that</p> <p>25 would prevent someone from getting an RD number on their</p>               | <p>1 own before going out and making an arrest?</p> <p>2 A. That would prevent -- I mean, you would have</p> <p>3 to put yourself down on an offense. Like, you couldn't</p> <p>4 just say I need, you know, an RD number and just say --</p> <p>5 and just generate it without being assigned to an</p> <p>6 offense. So by doing that, you're identifying the fact</p> <p>7 that you're assigned to a particular offense and that</p> <p>8 this is what it is.</p> <p>9 Q. And that offense could be an arrest for</p> <p>10 someone purchasing heroin, right?</p> <p>11 A. It -- right.</p> <p>12 Q. And there is no -- there's nothing to stop --</p> <p>13 like, preventing you from doing that before you go out</p> <p>14 and make the arrest?</p> <p>15 A. Ethics, but yeah.</p> <p>16 Q. Why would it be unethical to get an RD number</p> <p>17 before you make an arrest?</p> <p>18 A. I mean, in the sense that, like, if -- if</p> <p>19 you're going to sit there and you're going to say I'm</p> <p>20 going to -- I need an RD number for arresting someone</p> <p>21 for the possession of a controlled substance, that would</p> <p>22 raise questions as to where that controlled substance</p> <p>23 came from. You know, why are you drawing an RD number</p> <p>24 for, you know, a 2027 or a 2014 when you don't have any</p> <p>25 narcotics or a person you have arrested for them? You</p>                                                                                      |

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| <p style="text-align: right;">Page 89</p> <p>1 know, we don't get our RD numbers because that's what we<br/>2 intend to go arrest that day and get numbers ahead of<br/>3 time to establish the fact, oh, I finally got one. Now<br/>4 I'm going to use my number. You know, it's something<br/>5 that you're doing during the course of it. In terms of,<br/>6 like, these missions, they might have drawn it at the<br/>7 very beginning of the mission, right, knowing that we're<br/>8 going to arrest at least one individual. Because we're<br/>9 tied to this offense, we already pulled the offense<br/>10 number for we're at this location and -- you know. So<br/>11 in that regard, yes, but, like, to just randomly go in<br/>12 and say I need it for something else, I would say no.<br/>13 Q. But you could -- you might do it -- would you<br/>14 be able to do it and still be complying with CPD policy<br/>15 for a pre-planned offense?<br/>16 A. For a pre-planned offense? I would say you --<br/>17 under the circumstances under which I -- I just<br/>18 explained, once the offense started, you could, in<br/>19 theory, yes, because you know you're going to arrest at<br/>20 least one person, but it wouldn't be like, hey, we're<br/>21 going to draw the RD number the night before.<br/>22 Q. You'd have to do it once you actually go to<br/>23 the location?<br/>24 A. Right. And you start the mission.<br/>25 Q. And let's go to Section D on the next page,</p> | <p style="text-align: right;">Page 90</p> <p>1 "Case Report Signatures."<br/>2 A. Uh-huh.<br/>3 Q. Is this the section you were -- or one of the<br/>4 sections you were talking about that gives the rules<br/>5 about signing for other officers?<br/>6 A. Yes. This is what I referenced earlier.<br/>7 Q. And just can you explain it?<br/>8 A. Yes. So I mean, essentially, it says that,<br/>9 you know -- I'll -- I'll read it and then I'll explain.<br/>10 It says, "Members working a two-person beat car and<br/>11 completing a case report will personally sign the report<br/>12 in the appropriate spaces. However, one member may sign<br/>13 for a second member by signing the second member's name<br/>14 and placing the member's initials and star number<br/>15 immediately following the second member's signature only<br/>16 if the following circumstances are met. The second<br/>17 member is unavailable" -- or, I'm sorry, "unable or<br/>18 unavailable to sign; and if the member actually<br/>19 completing the report advised the second member of the<br/>20 content of the report; and the second member gave the<br/>21 first member permission to sign the report on behalf of<br/>22 the second member." So, I mean, essentially what it's<br/>23 saying is that you do have the -- the permission to sign<br/>24 someone's name on a report if these three parameters are<br/>25 met. Being unable to, could be anything from, you know,</p> |
| <p style="text-align: right;">Page 91</p> <p>1 he injured himself and he can't sign anymore.<br/>2 Unavailable, left for -- left the tour before the report<br/>3 was completed, or is tied up doing processing somewhere<br/>4 else, but the report's completed and we need -- and<br/>5 we're going to submit it. Typically, in -- in<br/>6 interactions with my partner, we would always discuss<br/>7 the report. So he would always be aware of what -- what<br/>8 the content was. More often than not, we would probably<br/>9 read each other's reports, too, so that we would know<br/>10 what the content was in there, and then we would give<br/>11 the affirmation verbally, that, yeah, I'm -- I'm in<br/>12 agreement with what's on here.<br/>13 Q. And then you would do -- you would show on<br/>14 there that you signed for the other person?<br/>15 A. Yeah.<br/>16 Q. And that's in your personal experience? That's<br/>17 how you did it?<br/>18 A. Yes.<br/>19 Q. It says -- this thing starts off by<br/>20 referencing "members working a two-person beat car"?<br/>21 A. Yes, sir.<br/>22 Q. Is it limited to people working a two-person<br/>23 beat car?<br/>24 A. I mean, under the -- the guise of this report,<br/>25 that's what they -- they reference it as. I mean, it</p>                                                                                                                                                                                         | <p style="text-align: right;">Page 92</p> <p>1 could just be the fact that there isn't -- that every<br/>2 single set of circumstances under the sun aren't going<br/>3 to be incorporated into every -- every report. There's<br/>4 just going to be different things for everything.<br/>5 Because then if you take it to the next level, it's, you<br/>6 know, members working a two-person tactical car and then<br/>7 there is times when you have three guys inside the<br/>8 tactical car, that I don't know that they would have<br/>9 necessarily broken it down to that level.<br/>10 Q. But this -- the same policy applies to three<br/>11 people working in a tactical car?<br/>12 A. I would say yes.<br/>13 Q. It is not the case that whether it's two,<br/>14 three, or six people working on a tactical team together<br/>15 can just sign someone else's name without saying<br/>16 anything about it?<br/>17 A. Correct. You would have a conversation with<br/>18 your partners, and they would be aware, you know, and<br/>19 they would give you permission to do it.<br/>20 Q. And then you'd have to show your initials and<br/>21 star number?<br/>22 A. You should, yes.<br/>23 Q. Well, you should if want to comply with the<br/>24 policy?<br/>25 A. Correct.</p>                                                                                                                                                                                      |

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| <p style="text-align: right;">Page 93</p> <p>1 Q. And if you don't do that, you are not<br/>2 complying with the policy?<br/>3 A. Correct.<br/>4 Q. And this applies to vice case reports,<br/>5 correct --<br/>6 A. I --<br/>7 Q. -- in addition to other reports?<br/>8 A. I would say it applies to all reports.<br/>9 Q. Okay. There's a Section F, "Completion of<br/>10 Arrest Reports and Related Documents."<br/>11 A. Uh-huh.<br/>12 Q. And there's some highlighting.<br/>13 A. Yes.<br/>14 Q. Did you do that highlighting?<br/>15 A. I did.<br/>16 Q. All right. Why -- what -- how'd you pick what<br/>17 to highlight?<br/>18 A. Well, I was just highlighting because it was<br/>19 -- one of the questions that was brought up in the -- in<br/>20 the 30(b)(6) was preparation of arrest reports. It was<br/>21 just me annotating and highlighting for myself that this<br/>22 might be something that we would have to reference<br/>23 during our conversation.<br/>24 MR. RAUSCHER: Can we take a five-minute break?<br/>25 THE WITNESS: Sure.</p>                                                                                                                                                                                                                                                       | <p style="text-align: right;">Page 94</p> <p>1 MR. RAUSCHER: Thanks.<br/>2 THE VIDEOGRAPHER: We are off the record. The<br/>3 time is 11:47 a.m.<br/>4 (OFF THE RECORD)<br/>5 THE VIDEOGRAPHER: We are back on the record.<br/>6 The time is 11:57 a.m.<br/>7 MR. SCHALKA: And just -- I was a few minutes<br/>8 late joining the deposition. My name is Michael<br/>9 Schalka. I represent Defendants Spaargaren and<br/>10 Cadman in the coordinated proceedings.<br/>11 BY MR. RAUSCHER:<br/>12 Q. All right, We were talking about -- I think<br/>13 you had said right before the break, you highlighted the<br/>14 sections that -- for topics that had come up. Was that<br/>15 essentially right?<br/>16 A. I highlighted them based off of what -- what I<br/>17 received from the 30(b)(6), just so when I went in to<br/>18 have meetings with Counsel, that the things that I was<br/>19 referencing, I could point to them and say where I was<br/>20 getting my information from.<br/>21 Q. For any of the highlighted sections on this<br/>22 document, did you have information beyond the -- what's<br/>23 in this report? Like, did you have personal knowledge<br/>24 where you said, well, the policy, you know, says this<br/>25 specific thing, but I know there's a little more to it?</p> |
| <p style="text-align: right;">Page 95</p> <p>1 Was there anything like that?<br/>2 A. No. I mean, essentially, when I was going<br/>3 through everything, it -- it was all based off, like I<br/>4 said, the -- receiving the 30(b)(6) and then looking for<br/>5 the information, you know, just to refresh my<br/>6 recollection or even look for department orders that<br/>7 might substantiate some of the things that we needed to<br/>8 present today. And, again, I know one of the -- the<br/>9 conversations that we did have was about, you know,<br/>10 signing on behalf of another member, which is part of<br/>11 the reason why I highlighted that, because I wasn't,<br/>12 prior to that, you know, familiar with remembering<br/>13 exactly where I would have seen that before. So I made<br/>14 a note of that and made sure I printed this and shared<br/>15 it with them. The same thing with just some of the --<br/>16 the form sets that, you know, it was brought up about<br/>17 preparing arrest reports and discussion about complaints<br/>18 that was also included in the 30(b)(6).<br/>19 Q. When you say "complaints," are you talking<br/>20 about court complaints?<br/>21 A. Yes, sir.<br/>22 Q. Like, the preliminary complaint?<br/>23 A. Correct.<br/>24 Q. Okay.<br/>25 A. Yes.</p> | <p style="text-align: right;">Page 96</p> <p>1 Q. And was there anything that you looked at when<br/>2 you were preparing for this, anything in the written<br/>3 policies, where you thought that's not exactly how I<br/>4 remembered it from my time as an officer?<br/>5 A. No.<br/>6 Q. Page 4 of this document --<br/>7 A. Yes, sir.<br/>8 Q. -- which would be F1. And then specifically<br/>9 F1b refers to an arresting member signing an affirmation<br/>10 statement. Do you see that?<br/>11 A. Yes, sir.<br/>12 Q. Who is the arresting member? What does that<br/>13 mean?<br/>14 A. My understanding of this would be whoever's in<br/>15 what we would consider box 1, so the arresting officer.<br/>16 I'd have to see the old paper form set to know for<br/>17 certain.<br/>18 Q. And then we looked at an example of, like,<br/>19 that pre-planned narcotics offense where it said who's<br/>20 the arresting -- you know, who should be in box 1. Are<br/>21 there other contexts where there is a policy for who<br/>22 should be in box 1?<br/>23 A. Box 1 is essentially the individual who's<br/>24 going to be able to go forward to provide an account for<br/>25 all probable cause at -- at a court hearing, so that we</p>                                                         |

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| <p>1 wouldn't have seven officers going to go testify. It's</p> <p>2 the individual who has the most amount of knowledge</p> <p>3 about the case to answer up for any questions at a</p> <p>4 preliminary hearing.</p> <p>5 Q. And then do you know if that is reflected in a</p> <p>6 written policy?</p> <p>7 A. It might be in our hard card for arrest report</p> <p>8 procedures, which would have been -- I don't know if</p> <p>9 it's referenced in here. Like, the arrest report</p> <p>10 instructions.</p> <p>11 Q. What's hard card?</p> <p>12 A. So we used to have, like, hard cards back when</p> <p>13 -- like, I -- it was almost like a cardboard instruction</p> <p>14 sheet that we were given when we were going through the</p> <p>15 academy that explained vice case reports, arrest</p> <p>16 reports, listed all the different boxes that were on</p> <p>17 each of those reports, and then it kind of was, like, a</p> <p>18 quick reference guide for, hey, what's box 7? I don't</p> <p>19 remember what that is. So you go to it, and it will</p> <p>20 tell you box 7 is specifically this. And I think it's</p> <p>21 off of one of those hard cards.</p> <p>22 MR. RAUSCHER: So what I think I'm going to do</p> <p>23 now is mark another exhibit. So Exhibit 5 is going</p> <p>24 to be the vice case report document, and this is</p> <p>25 Bates stamp CITY-BG-062853 to 854. Do you happen to</p>                        | <p>1 have one of those, Paul? Looks like I've got only</p> <p>2 two of those, too, or do you have it -- this?</p> <p>3 (EXHIBIT 5 MARKED FOR IDENTIFICATION)</p> <p>4 MR. MICHALIK: Yeah, I think I might have that</p> <p>5 one.</p> <p>6 MR. RAUSCHER: You might have it in your stack.</p> <p>7 BY MR. RAUSCHER:</p> <p>8 Q. You know, before you get too far into that,</p> <p>9 let me ask you one more question on --</p> <p>10 A. Sure.</p> <p>11 Q. -- the previous exhibit.</p> <p>12 A. Uh-huh.</p> <p>13 Q. You had testified, I think, that your</p> <p>14 understanding was the written -- the policy about</p> <p>15 signing someone else's name applies to all documents,</p> <p>16 not just the specific case report?</p> <p>17 A. Well, for case reporting purposes, right. In</p> <p>18 various case reports that we have.</p> <p>19 Q. If you look at Section 6, which is the last</p> <p>20 page of that document, does that essentially say you can</p> <p>21 also sign other documents under the same circum -- or</p> <p>22 similar circumstances?</p> <p>23 A. Yes.</p> <p>24 Q. You always have to show that you've done it by</p> <p>25 the initials --</p> |
| Page 99                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 100                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>1 A. Right. So this --</p> <p>2 Q. -- and star number?</p> <p>3 A. You know, and the -- and the purpose behind</p> <p>4 that is so that they understand who it was that signed</p> <p>5 on your behalf.</p> <p>6 Q. Who's the "they" in your --</p> <p>7 A. Like, whoever's reviewing the report. So if</p> <p>8 I'm bringing it to, you know, my commander or I'm</p> <p>9 bringing it to my lieutenant and I'm like, all right,</p> <p>10 well, we'll know that that signature belongs to someone</p> <p>11 else. So in other words, there's been times in my role</p> <p>12 as a lieutenant where I will have a conversation with my</p> <p>13 -- well, he's now deceased. My -- my commanding officer</p> <p>14 at the time was Joe Murphy. He died in December. But,</p> <p>15 like, I would have conversations with him. He wouldn't</p> <p>16 necessarily be in the office. We would have to have a</p> <p>17 report that needed to be forwarded. I would ask him if</p> <p>18 I had permission to sign his name. After I forwarded</p> <p>19 him the document, he would review it and say it's good.</p> <p>20 I'd sign his signature with my name, and then put my</p> <p>21 name with my initials and my star next to it. I usually</p> <p>22 put a circle around it so that people would identify</p> <p>23 that it was -- it was my signature of his name.</p> <p>24 Q. Okay. Got it.</p> <p>25 MR. RAUSCHER: So I've marked Exhibit 5. And</p> | <p>1 now I'm going to also mark Exhibit 6, which is a</p> <p>2 vice case report Bates stamped CITY-BG-29 to 30.</p> <p>3 (EXHIBIT 6 MARKED FOR IDENTIFICATION)</p> <p>4 BY MR. RAUSCHER:</p> <p>5 Q. Did you -- was Exhibit 5 one of the documents</p> <p>6 reviewed to prepare for the deposition?</p> <p>7 A. No, it was not.</p> <p>8 Q. That's the vice case report instructions.</p> <p>9 A. Oh, I'm sorry. 5, yes. 6, no.</p> <p>10 Q. Okay. Right.</p> <p>11 A. Sorry.</p> <p>12 Q. 6 is a little more specific.</p> <p>13 A. Sorry. Yeah.</p> <p>14 Q. That's okay.</p> <p>15 A. And, again, 5 was the document that I</p> <p>16 produced.</p> <p>17 Q. And I see some highlighting on here again. Was</p> <p>18 that, again, highlighting that you made?</p> <p>19 A. Yeah, it is highlighting that I made in,</p> <p>20 again, response to what was contained in the 30(b)(6).</p> <p>21 Q. If you could first read the narrative section</p> <p>22 on Exhibit 6, it goes onto both pages, and then tell me</p> <p>23 when you're done with that.</p> <p>24 A. (Witness complies.)</p> <p>25 Q. You had a chance to review the narrative</p>                                |



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| Page 101                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 102                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>1 section?</p> <p>2 A. I did.</p> <p>3 Q. If you look back at Exhibit 5, there is a</p> <p>4 number 40 on Page 2. Does that give the policy for what</p> <p>5 should be in the narrative section of a vice case</p> <p>6 report?</p> <p>7 A. Yes.</p> <p>8 Q. And does this vice case report narrative</p> <p>9 section comply with the CPD policy?</p> <p>10 MR. MICHALIK: I'm going to object to that</p> <p>11 question. He's here to answer questions about the</p> <p>12 policies and practices of the CPD. He's not going</p> <p>13 to be offering opinions as to whether certain things</p> <p>14 comply with those policies.</p> <p>15 BY MR. RAUSCHER:</p> <p>16 Q. And you can still answer the question.</p> <p>17 A. I mean, on the basis of the fact that I wasn't</p> <p>18 there, I couldn't answer that question in its entirety.</p> <p>19 By reading the report, it seems to summarize the</p> <p>20 information that they receive and the enforcement action</p> <p>21 that they took. So I would say in terms of giving a</p> <p>22 concise statement of the facts, I would say yes. But,</p> <p>23 again, not being involved in the incident, I -- I don't</p> <p>24 know all the particulars of it.</p> <p>25 Q. Can you tell looking at this who the ROs are?</p>                                                                                                                                                                                                                     | <p>1 So the narrative references ROs a few times. Who are</p> <p>2 the ROs?</p> <p>3 MR. MICHALIK: Same objection.</p> <p>4 THE WITNESS: My response to that would be in -</p> <p>5 - in terms of that, that would be off of the</p> <p>6 knowledge from the officer who authored the report,</p> <p>7 and then he would be able to tell you who -- who ROs</p> <p>8 were and be able to expound upon -- expound upon</p> <p>9 everyone's roles. And there were other documents</p> <p>10 that would support in terms of who recovered what,</p> <p>11 inventories and so forth, that would fill in the</p> <p>12 blanks of who was where and -- and things of that</p> <p>13 nature.</p> <p>14 BY MR. RAUSCHER:</p> <p>15 Q. So RO 1 would be Jones, and this should be</p> <p>16 reflecting his knowledge, and he would be the person to</p> <p>17 say who else has knowledge. Is that what you're saying?</p> <p>18 MR. MICHALIK: Same objection.</p> <p>19 THE WITNESS: I would say it would be based</p> <p>20 upon the recollection of the indivi -- like, if</p> <p>21 you're looking for whoever authored the case report,</p> <p>22 which in this case, it seems to be Officer Jones, he</p> <p>23 would be the person that I would direct that</p> <p>24 question to in terms of determining the totality of</p> <p>25 -- of the offense. Like, does this accurately</p>                                                                          |
| Page 103                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Page 104                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1 describe what everyone did.</p> <p>2 BY MR. RAUSCHER:</p> <p>3 Q. And -- right. And I understand you weren't</p> <p>4 involved in this arrest, so maybe a different way to ask</p> <p>5 it is, is there -- to comply with CPD policy on writing</p> <p>6 narratives, do those ROs have to be any particular</p> <p>7 people listed anywhere else on this report?</p> <p>8 A. So, again, like, when he says that the ROs</p> <p>9 pulled alongside the passenger side of the vehicle, I</p> <p>10 mean -- and they were in a covert car, again, not being</p> <p>11 there, I don't know if all the officers that were listed</p> <p>12 inside were in that covert vehicle. So it's, like -- in</p> <p>13 terms of that, like, I wouldn't be able to respond to</p> <p>14 that, but I would say, based on reporting, that it does</p> <p>15 provide a concise explanation of what happened. I terms</p> <p>16 of identifying everyone's involvement, that then falls</p> <p>17 back on the officers that are listed on the report to</p> <p>18 then explain whose role was what if they get -- if they</p> <p>19 get asked.</p> <p>20 Q. So there is no CPD requirement that the report</p> <p>21 has to say what any particular officer did?</p> <p>22 A. Well, I mean, in -- in this particular one, it</p> <p>23 indicates that he was searched by an additional officer</p> <p>24 in the station at the very end. So it identifies PO</p> <p>25 Hurt as someone who searched him. The fact that Beat</p> | <p>1 211 was also there and what they did, so it spells out</p> <p>2 those portions of it. I would think that in terms of,</p> <p>3 like, the narcotics end of it, who recovered what, would</p> <p>4 be answered by the inventory reports because that would</p> <p>5 identify -- if a state's attorney was reading this for -</p> <p>6 - for trial purposes, to kind of then identify who did</p> <p>7 what, but then also they would bring all the officers in</p> <p>8 and interview everyone to make a determination of, you</p> <p>9 know, whose role was what. You know, who was in the</p> <p>10 covert car? Was it all of you? Was it not all of you?</p> <p>11 Was the enforcement car set up somewhere else? And then</p> <p>12 they would fill in the blanks on -- on that portion of</p> <p>13 it.</p> <p>14 Q. So the CPD policy does not require the</p> <p>15 identification of anybody -- sorry, I'm going to strike</p> <p>16 that. CPD policy doesn't require the report to identify</p> <p>17 who did what during the arrest?</p> <p>18 A. During the arrest or the incident?</p> <p>19 Q. During the incident.</p> <p>20 A. I -- I mean, the thing is, in -- in reading</p> <p>21 this report, I would say that, as a collective whole,</p> <p>22 they were all involved in receiving this information,</p> <p>23 setting up a surveillance, and then taking an</p> <p>24 enforcement action as a team.</p> <p>25 Q. They meaning?</p> |

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| <p>1 A. ROs. Meaning all the officers that are listed<br/>2 on this -- in box 12, 8, and 18, right? That they were<br/>3 identified -- to me, if I'm reading this report, I would<br/>4 identify them as the ROs. As a team, they then set this<br/>5 up, and then they use an enforcement vehicle along -- or<br/>6 a covert enforcement vehicle, along with a beat car, to<br/>7 take enforcement action, and then what transpired from<br/>8 there.</p> <p>9 Q. And the 45 and 46 having two people's name and<br/>10 signature doesn't signify any particular role beyond the<br/>11 other people listed; is that right?</p> <p>12 A. In terms of -- I would say 45 and 46 are going<br/>13 to be your two officers that more than likely appeared<br/>14 in box 1 and 2 of the arrest report.</p> <p>15 Q. Sure. So it ties with that --</p> <p>16 A. Right.</p> <p>17 Q. -- but does it signify -- under CPD policy,<br/>18 does it signify any particular role in the incident?</p> <p>19 A. That just that they were one of the responding<br/>20 officers that were involved in this -- in this incident.</p> <p>21 Q. But that they --</p> <p>22 A. And then --</p> <p>23 Q. I'm sorry. Go ahead. Continue.</p> <p>24 A. -- and -- and -- I mean -- and then maybe even<br/>25 to go -- I would say in this particular instance -- but,</p> | <p>1 again, this is just my -- my opinion, and everyone<br/>2 writes it differently. But, like, where it specifically<br/>3 indicates they set up a surveillance with Beat 211 and<br/>4 after a short time -- RO, to me, would be Jones,<br/>5 observed the vehicle approaching the area southbound on<br/>6 Rhodes from 35th Street. But, again, not being there, I<br/>7 mean, you'd have to ask them for who played what<br/>8 specific role in this.</p> <p>9 Q. Right. What I'm trying to get from you is<br/>10 more of what would the policy require them to put in<br/>11 this report and how do you read it as the official from<br/>12 CPD talking about the policies?</p> <p>13 A. I would say that according to our -- our<br/>14 policies that, again, when you're writing narratives,<br/>15 it's all -- it's all based on how the author wants to<br/>16 write it. In the sense that does it provide -- does it<br/>17 answer the question number 40? Does it give a concise<br/>18 statement of the facts of the case? It does. Some<br/>19 people would expound in their reports and indicate who<br/>20 everyone did, and it made it easier, you know, for<br/>21 recollection purposes for certain people when it went to<br/>22 court to remember that I did this, you did that, he did<br/>23 this, he did that. Other people didn't write that way.<br/>24 You know, some people just wrote it as, you know, in<br/>25 this general summary way where it gave a concise</p> |
| Page 107                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Page 108                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>1 statement of the facts that actually transpired and then<br/>2 they had supporting documents that then explained who<br/>3 did what. Or when they went to court, it was based off<br/>4 of their recollection of the offense, and then they<br/>5 would have to support their statements on the stand<br/>6 based on the reports that they then crafted.</p> <p>7 Q. And under the policies, it's okay -- either<br/>8 way is okay?</p> <p>9 A. I would say yes. I mean, as far as this is<br/>10 written, I would say that it would've been a report that<br/>11 would've been approved. Yes.</p> <p>12 Q. And then we've already talked about the policy<br/>13 for signing, but if you assume that one person signed<br/>14 for 45 and 46 here, would you agree that violates CPD<br/>15 policy?</p> <p>16 MR. MICHALIK: I'm going to object. Again,<br/>17 it's beyond the scope as to his interpretation of<br/>18 the document. He's here to talk about the policies.</p> <p>19 MR. BAZAREK: Yeah, I'm joining in that<br/>20 objection.</p> <p>21 THE WITNESS: I mean, I would say -- if we're<br/>22 saying the same person signed all three names, then,<br/>23 yes, obviously that would be a violation of policy.<br/>24 However, I mean, just looking at it, I would say it<br/>25 was signed by three different people.</p>         | <p>1 BY MR. RAUSCHER:</p> <p>2 Q. Right. I am not asking for a handwriting<br/>3 analysis --</p> <p>4 A. Right.</p> <p>5 Q. -- or necessarily saying three people signed<br/>6 it. Just to be clear, I'm asking if somebody -- one<br/>7 person signed two or multiple names on here, that would<br/>8 violate -- that would've violated the policy?</p> <p>9 A. It would've violated the policy. But, again,<br/>10 I don't know necessarily if you're talking about in<br/>11 terms of, like, disciplining someone, that might be<br/>12 something that would come down as a reprimand to remind<br/>13 someone that if you're going to sign a report on<br/>14 somebody's behalf, you've got to -- you've got to<br/>15 document it.</p> <p>16 MR. RAUSCHER: All right. We're going to mark<br/>17 Exhibit 7 as CITY-BG-3812 to 3816. This is an<br/>18 arrest report from the same incident.</p> <p>19 (EXHIBIT 7 MARKED FOR IDENTIFICATION)</p> <p>20 MR. BAZAREK: Scott, what's -- I'm sorry,<br/>21 what's the Bates, again, on that?</p> <p>22 MR. RAUSCHER: 3812 to 15. It's that Ben Baker<br/>23 arrest report or final approval of an arrest report.</p> <p>24 MR. BAZAREK: Okay.</p> <p>25 MR. RAUSCHER: Oh, I'm sorry. It's 16. It</p>                                                                                                                                                                                                                                               |

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| <p>1 goes through 16. I said it wrong. There we go.</p> <p>2 I'm also going to show you -- I'm going to mark</p> <p>3 Exhibit 8, which is CITY-BG-62855, and that's "Form</p> <p>4 Preparation Instructions." They just copied them</p> <p>5 differently.</p> <p>6 (EXHIBIT 8 MARKED FOR IDENTIFICATION)</p> <p>7 BY MR. RAUSCHER:</p> <p>8 Q. Have you had a chance to look at those?</p> <p>9 A. I did.</p> <p>10 Q. So Exhibit 8 is "Form Preparation</p> <p>11 Instructions."</p> <p>12 A. Uh-huh.</p> <p>13 Q. Is that giving instructions on how to fill out</p> <p>14 an arrest report?</p> <p>15 A. Not this one.</p> <p>16 Q. It doesn't match up to this one, right?</p> <p>17 A. Right.</p> <p>18 Q. Yeah.</p> <p>19 A. So this is -- this would've been the form set</p> <p>20 for the paper reports.</p> <p>21 Q. If you look at 44 -- you see there's some more</p> <p>22 highlighting in here, which -- did you do that</p> <p>23 highlighting?</p> <p>24 A. That's me as well. Yes.</p> <p>25 Q. One of the boxes you highlighted is -- I</p>                                                                                                                                                                                                                                                                                                           | <p>1 believe it's 44?</p> <p>2 A. Uh-huh.</p> <p>3 Q. It says, "Arresting officer having court</p> <p>4 appearance responsibility will print his name first</p> <p>5 indicating beat, furlough, day off group, and</p> <p>6 misdemeanor/ordinance court key." Do you see that?</p> <p>7 A. Yes, sir.</p> <p>8 Q. It obviously doesn't exactly match up on this</p> <p>9 form, but is the substance still accurate that the</p> <p>10 arresting officer having court appearance responsibility</p> <p>11 will be the first arresting officer?</p> <p>12 A. That's still correct. Yes.</p> <p>13 Q. And so that's the person on this -- if you</p> <p>14 look at Page 3, arresting officers, that matches up to</p> <p>15 Jones; is that right?</p> <p>16 A. Yes, sir.</p> <p>17 Q. And then second -- the next box, 45, says,</p> <p>18 "Second arresting officer will print his name,</p> <p>19 indicating star number and unit of assignment." Do you</p> <p>20 see that?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And is that supposed to be Officer Mohammed in</p> <p>23 this arrest report, which is Exhibit 7?</p> <p>24 A. Yes.</p> <p>25 MR. MICHALIK: And I'm going to just object to</p>                                                                                                                                                                                               |
| Page 111                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Page 112                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1 the foundation. This is beyond the scope of the</p> <p>2 30(b)(6) notice.</p> <p>3 MR. RAUSCHER: I don't think it is because we</p> <p>4 talked about how I was only going to use reports, if</p> <p>5 I did, from test cases.</p> <p>6 MR. BAZAREK: I'm going to join.</p> <p>7 BY MR. RAUSCHER:</p> <p>8 Q. What does -- so back to Exhibit 8, "Arresting</p> <p>9 officer having court appearance responsibility will</p> <p>10 print his name first, "what does that mean?</p> <p>11 A. So on the paper form set, like, if you had the</p> <p>12 old arrest reports that we did, they would be considered</p> <p>13 -- this would be considered the box 1 arresting officer.</p> <p>14 So he is the one that's going to be going to court for</p> <p>15 the probable cause or the preliminary hearing.</p> <p>16 Q. And is there a policy on who that person</p> <p>17 should be?</p> <p>18 A. I -- I mean, in theory, it should be the</p> <p>19 individual who is going to be able to establish the most</p> <p>20 at the probable cause hearing without them having to</p> <p>21 either seek for a continuance or not have sufficient</p> <p>22 evidence or information to go forward with a preliminary</p> <p>23 hearing.</p> <p>24 Q. And if you look -- looking back at the vice</p> <p>25 case, box 45 -- so if I'm looking at Exhibit 5, which is</p> | <p>1 the vice case report form, and then it says, "Enter" --</p> <p>2 so 45, "Enter printed name of officer completing report,</p> <p>3 star number, and the signature in the box below," do you</p> <p>4 see that?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Is that supposed to correspond to the first</p> <p>7 arresting officer in the arrest report?</p> <p>8 A. I don't, necessarily, think it -- it has to.</p> <p>9 Q. Okay.</p> <p>10 A. There could be circumstances where it kind of</p> <p>11 -- like with everything, there's -- there's an exception</p> <p>12 to every rule, right? Can I give you one off the top of</p> <p>13 my head? No, probably not. But there probably could be</p> <p>14 an instance where maybe he's on furlough and can't go,</p> <p>15 right? So rather than put him in box 1, they might put</p> <p>16 another guy in box 1, so that they can go to the</p> <p>17 preliminary hearing and not have a continuance.</p> <p>18 Q. Oh, he -- if he knows he's going to be on</p> <p>19 furlough --</p> <p>20 A. Furlough, correct. Yes.</p> <p>21 Q. And then would that -- would the report</p> <p>22 indicate that that's why they wrote the report that way?</p> <p>23 A. It probably wouldn't. I mean, because the</p> <p>24 report itself wouldn't change in terms of who authored</p> <p>25 this report and who did what. Like, the circumstances</p> |

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| <p>1 of that wouldn't change. And then the officer going to<br/>2 testify would testify to what he saw and/or observed.<br/>3 But that person who would be taking his place would be<br/>4 the person that would still be able to testify and<br/>5 explain the roles of everyone that's involved.<br/>6 Q. It -- would -- if the reporting officer had<br/>7 not observed any of the things in the narrative, would<br/>8 they have to change the narrative to reflect that?<br/>9 MR. BAZAREK: Object to the form of the<br/>10 question and incomplete hypothetical.<br/>11 THE WITNESS: So are we talking about the<br/>12 arrest report or the case report?<br/>13 BY MR. RAUSCHER:<br/>14 Q. So we're -- on the vice case report.<br/>15 A. Okay.<br/>16 Q. In your example where an officer may be going<br/>17 on furlough and so that they don't want to be the<br/>18 reporting officer and cause a court case --<br/>19 A. Well, they would still be the reporting<br/>20 officer. They just wouldn't necessarily be box 1 for<br/>21 the arrest report. So that was the question I thought<br/>22 you asked is, is would there ever be a time where 45<br/>23 wouldn't be the same as the 1? So maybe I misunderstood<br/>24 what you were asking. So in that regard, the officer<br/>25 would still write his report. He just wouldn't go box 1</p>                                  | <p>1 because he might not be available for court.<br/>2 Q. So box 1 on the arrest report would change?<br/>3 A. Yes, because that --<br/>4 Q. Got it.<br/>5 A. -- person could still satisfy the probable<br/>6 cause hearing and still be there to testify for<br/>7 everything that transpired. So there -- there could be<br/>8 circumstances where that might arise, and that would<br/>9 probably be, you know, like one that I could come up<br/>10 with off the top of my head. That might be, you know, a<br/>11 time when that might occur.<br/>12 Q. As a general rule, though, box 45 on a vice<br/>13 case report would also be the same person who's expected<br/>14 to go to court and be the first arresting officer?<br/>15 A. I would say yes.<br/>16 Q. And then box 46, the explanation of box 46,<br/>17 back to the form, says, "Enter printed name, star<br/>18 number, and signature of a second officer, if<br/>19 applicable."<br/>20 A. Yes, sir.<br/>21 Q. What does that mean?<br/>22 A. So if it's applicable -- when we're recovering<br/>23 -- this is for narcotics in general. So any time --<br/>24 let's just say I'm working in a beat car by myself, and<br/>25 I respond to a call from a citizen who says I was doing</p>                                                                                                                                                                                                                                                                                                                        |
| Page 115                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 116                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>1 my gardening, and I came across a bundle of heroin, you<br/>2 know, that someone was concealing on my property. I, as<br/>3 an individual officer, would respond to that scene, and<br/>4 they would point out that bundle of heroin. I would<br/>5 recover it. I would write my report. For found<br/>6 narcotics, there wouldn't be a need for a second officer<br/>7 then. So in situations you may not always have a second<br/>8 officer that's on scene. Or in the same regard, if I'm<br/>9 working on a -- in a beat car and I'm by myself and I<br/>10 view a hand-to-hand narcotics transaction, or I pull<br/>11 someone over for a traffic violation that, subsequently,<br/>12 leads to the arrest of an individual for narcotics, and<br/>13 I'm the only one that's on scene and I'm the only one<br/>14 involved, then there's no need for a box 46.<br/>15 Q. Okay. And so would it be typically -- the<br/>16 policy would -- typically, following the policy, you<br/>17 would expect two people to be on there for tactical team<br/>18 arrests?<br/>19 A. That's correct. Yes.<br/>20 Q. And then staying on the form, we've got 48 and<br/>21 50 talk about supervisor work?<br/>22 A. Uh-huh.<br/>23 Q. And what is the supervisor doing to -- under<br/>24 the following policy, what is a supervisor expected to<br/>25 do before approving a vice case report?</p> | <p>1 A. So it would depend. If you were involved in<br/>2 the situation and you knew you had personal knowledge of<br/>3 it, then you would make sure that, obviously, the facts<br/>4 were exactly as, you know, you remember them. And if<br/>5 there were additional details that you need them to add<br/>6 into it, you would say you need to send this back. In<br/>7 addition to that, you know, they're -- they're reviewing<br/>8 it to make sure all the boxes are checked. You know, as<br/>9 they're going through the report, that, you know, IR<br/>10 numbers and CB numbers are -- are put in there,<br/>11 inventory numbers are there, because those are all<br/>12 things that were typically generated after. Because as<br/>13 you can see, the CB number or IR number is penned in<br/>14 because the report was completed before we actually had<br/>15 a CB number for that individual because he would've had<br/>16 to go down to lockup first. And then he would just go<br/>17 through and make sure, hey, if there was a car that was<br/>18 involved, do we have all the vehicle identifiers and all<br/>19 that information in there and then read the narrative.<br/>20 If they weren't personally involved in it, their --<br/>21 their purpose would, again, be to read this, make sure<br/>22 all the boxes are checked, and to make sure that it gave<br/>23 a concise statement of the facts of the case, you know,<br/>24 as they're reading it. You know, you're not grilling<br/>25 the officer and being like is this really what happened</p> |

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| <p>1 and asking them all, because more often than not,<br/>2 they're not there. So you're just going to read the<br/>3 report, verify that everything's there, and then if<br/>4 everything looks good, you're going to affix your<br/>5 signature on the front and if it goes to the back, on<br/>6 the back side.<br/>7 Q. So the supervisor is not expected and it would<br/>8 not be typical to -- if they were not at the scene to go<br/>9 talk to the officers involved and say, hey, I have some<br/>10 questions. Is this really what happened?<br/>11 A. It -- no. Not about is this really what<br/>12 happened? It would be more or less if there was<br/>13 something that they failed to include in a report, they<br/>14 would bring it back to them and say, hey, you know, I<br/>15 read your report. It seems like you're -- you're<br/>16 missing something in your narrative. Can you tell me a<br/>17 little more about this? And then have them kind of fill<br/>18 in the blanks for them to make -- okay, you need to<br/>19 either adjust your narrative or you need to add, you<br/>20 know, information about the vehicle in there. You<br/>21 forgot to put that in there. So there would be reasons<br/>22 why they would reject it for stuff like that.<br/>23 Q. But if it appears to facially complete and<br/>24 shows probable cause, the supervisor would not typically<br/>25 -- would not be expected to go talk to the officers</p> | <p>1 before approving it?<br/>2 A. That's correct.<br/>3 Q. And then -- so 47, date investigation<br/>4 completed and time --<br/>5 A. Uh-huh.<br/>6 Q. -- is that when the auth -- what does that<br/>7 mean?<br/>8 A. So by the -- by the time everything's all said<br/>9 and done, like, you're done with the street, you're done<br/>10 typing it, he's in lockup, you know, you're -- you're<br/>11 done -- your investigation is -- is complete, you would<br/>12 put that in there.<br/>13 Q. And does that have to come before the time in<br/>14 49? Like, does that have to be earlier than the time<br/>15 the supervisor<br/>16 A. Yes.<br/>17 Q. Okay.<br/>18 A. Because you wouldn't present the report to<br/>19 them until you were done.<br/>20 Q. If we look back at Exhibit 7, that's the<br/>21 arrest report. And look at the narrative, and let me<br/>22 know if the narrative complies with CPD policy on<br/>23 narratives.<br/>24 MR. MICHALIK: Again, I'm going to object to<br/>25 the foundation, and it's beyond the scope of the</p>                                                        |
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| <p>1 30(b)(6) notice.<br/>2 MR. BAZAREK: Join.<br/>3 THE WITNESS: I would say that, yes, the<br/>4 narrative supports the charges; and -- and<br/>5 therefore, if I were a watch commander reviewing<br/>6 this, based on the narrative that was supplied here,<br/>7 the charges that are in here are -- are supported.<br/>8 BY MR. RAUSCHER:<br/>9 Q. And so this -- the narrative refers to AOs. Do<br/>10 you see that?<br/>11 A. Yes, sir.<br/>12 Q. Do you know what that means in this context?<br/>13 A. So that would be the arresting officers.<br/>14 Q. And so does that -- as the -- if this report<br/>15 is following CPD policy, does that -- do the references<br/>16 to AOs refer to Jones and Mohammed?<br/>17 MR. MICHALIK: Same objection. Beyond the<br/>18 scope.<br/>19 MR. BAZAREK: That and it also calls for<br/>20 speculation.<br/>21 THE WITNESS: Yes. And, again, I think it<br/>22 would refer to the -- the same token what's in the -<br/>23 - the case report for the ROs that the AOs is -- is<br/>24 plural for, potentially, 264 David and 264 Charlie<br/>25 because they're all involved. The information would</p>                                                                                                                                                                                                                                                                                                              | <p>1 then be supplied by Jones and Mohammed, you know, if<br/>2 there was a clarification as to who specifically did<br/>3 what.<br/>4 BY MR. RAUSCHER:<br/>5 Q. But you'd expect, at least if it's following<br/>6 policy, Mohammed will certainly know the answer to<br/>7 these? He'll be one of the AOs?<br/>8 A. He should, yes.<br/>9 Q. And then what about Watts? He's listed on the<br/>10 vice case report, but not listed as one of the arresting<br/>11 officers.<br/>12 MR. GAINER: Just object to form of that<br/>13 question. This is Brian Gainer.<br/>14 MR. MICHALIK: And also, again, it's beyond the<br/>15 scope of the 30(b)(6) notice.<br/>16 MR. BAZAREK: Join.<br/>17 BY MR. RAUSCHER:<br/>18 Q. Should this report have listed Watts as one of<br/>19 the AOs?<br/>20 MR. MICHALIK: Same objection.<br/>21 THE WITNESS: Again, without knowing what his<br/>22 official role was in this, I don't know. I mean,<br/>23 they might have listed him on there because on some<br/>24 level, he participated in -- in helping process.<br/>25 When they brought him into the station, that might</p> |



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| <p>1 have been the reason why they listed him on there.</p> <p>2 I wouldn't know if he was physically present or not</p> <p>3 and then if he was or was not, you know, what his</p> <p>4 role would've been in that.</p> <p>5 BY MR. RAUSCHER:</p> <p>6 Q. Well, right. I understand you don't</p> <p>7 personally know what he may have done or may not have</p> <p>8 done, but to comply with CPD policy, should the reports</p> <p>9 have indicated what he did if he was involved?</p> <p>10 A. If he was involved, he would've been listed as</p> <p>11 -- on some level, he would've been listed, I would</p> <p>12 imagine, as an assisting arresting officer. And in that</p> <p>13 regard, they would've been able to ask him, well, what</p> <p>14 was your role in assisting? You know, that -- that</p> <p>15 assistance could come in the form of I processed him in</p> <p>16 the back and -- and, you know, took his shoelaces out</p> <p>17 and put them in the bag. I got his name. You know, I --</p> <p>18 I helped prepare the complaint or -- or something to --</p> <p>19 to that level.</p> <p>20 Q. Is there any issue or any violation of policy</p> <p>21 by listing him as one of the reporting officers on the</p> <p>22 vice case report, but not one of the involved officers</p> <p>23 on the arrest report?</p> <p>24 MR. MICHALIK: Same objection.</p> <p>25 THE WITNESS: Again, I would refer back to not</p>                                                      | <p>1 knowing the totality of the circumstances that I</p> <p>2 can't say with certainty, you know, why he was</p> <p>3 listed on -- on either report or omitted from</p> <p>4 another report.</p> <p>5 BY MR. RAUSCHER:</p> <p>6 Q. And you can't say yes or no as to whether</p> <p>7 doing that violates CPD policy in preparation of</p> <p>8 reports?</p> <p>9 MR. MICHALIK: Objection. Foundation. Beyond</p> <p>10 the scope.</p> <p>11 MR. BAZAREK: Join.</p> <p>12 THE WITNESS: Without knowing what his official</p> <p>13 role or what he -- what capacity he acted in, no, I</p> <p>14 can't.</p> <p>15 MR. RAUSCHER: All right. We're going to mark</p> <p>16 I think we're on Exhibit 9, CITY-BG-62842 to 62850.</p> <p>17 (EXHIBIT 9 MARKED FOR IDENTIFICATION)</p> <p>18 MR. MICHALIK: Do you have an extra one?</p> <p>19 MR. RAUSCHER: I'm looking for it.</p> <p>20 MR. MICHALIK: Which one is it?</p> <p>21 MR. RAUSCHER: It's the -- 62842.</p> <p>22 MR. MICHALIK: Yeah. I've got it.</p> <p>23 MR. RAUSCHER: You've got it? Okay. All</p> <p>24 Thanks.</p> <p>25 BY MR. RAUSCHER:</p>                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Page 123                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 124                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>1 Q. Have you had a chance to look at this?</p> <p>2 A. I did, sir, yes.</p> <p>3 Q. Was this one of the documents you reviewed to</p> <p>4 prepare for today's deposition?</p> <p>5 A. Yes. And, again, I produced this one.</p> <p>6 Q. Okay. Can you tell me, generally, what this</p> <p>7 document is?</p> <p>8 A. It was an instruction manual for just -- like,</p> <p>9 as it states, field reporting in general. It's dated</p> <p>10 back to -- last revised in December of 1985. Kind of</p> <p>11 gives -- like, when we were going through the academy,</p> <p>12 just, like, a way of explaining how you were supposed to</p> <p>13 document reports, importance of UCR classifications. If</p> <p>14 you look at the -- the second page where it has the</p> <p>15 multiple I-UCR -- it would've been, like, Section 3,</p> <p>16 letter B, multiple I-UCRs for Part 1 offenses, more than</p> <p>17 one occurring at the same time. Back then, we only had</p> <p>18 the ability to document something under one UCR code.</p> <p>19 So if you had multiple crimes that happened, you would</p> <p>20 go with the incident that had the -- the highest UCR</p> <p>21 code. And so this was just explaining to officers,</p> <p>22 like, there's -- there's a hierarchy rule for reporting.</p> <p>23 And there were also examples of -- like, if you go to</p> <p>24 the next page where it has up at the top, the</p> <p>25 hotel/motel rule, the multiple thefts rule, just</p> | <p>1 explaining, like, how many times -- like, if you have to</p> <p>2 produce multiple reports if something happened at this</p> <p>3 location versus something that happened with this. And</p> <p>4 kind of just sort of a general guide for some of those</p> <p>5 nuances that come up where you're like, I don't know how</p> <p>6 I'm supposed to report this, how many reports are</p> <p>7 supposed to come out. This also kind of gives you a</p> <p>8 general idea of -- I think in some point in here it</p> <p>9 tells you what your narrative is supposed to contain,</p> <p>10 you know. And every narrative is supposed to answer,</p> <p>11 like, the basic questions of who, what, when, why, when,</p> <p>12 where, and how, so</p> <p>13 Q. Are -- the substantive things you just</p> <p>14 discussed, are they still valid, still policies?</p> <p>15 A. In terms of for reporting, yeah --</p> <p>16 Q. Yeah.</p> <p>17 A. -- your report should be able to answer those</p> <p>18 questions so that when someone who reads the report,</p> <p>19 they understand what happened. Your job is to -- to</p> <p>20 respond to the scene and to, you know, document the</p> <p>21 information in -- in -- accurately as you can. Will</p> <p>22 mistakes happen? Will there be typos? Will sometimes</p> <p>23 you get someone's phone number or birth date or spelling</p> <p>24 on a name wrong, things like that? Yeah. Those things</p> <p>25 always happen. But, you know, for the most part, yes,</p> |



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| <p>1 your report should be -- should be concise, and it</p> <p>2 should also explain and be able to answer those</p> <p>3 questions and -- and be accurate.</p> <p>4 MR. MICHALIK: Just to be clear, you're talking</p> <p>5 about the narrative?</p> <p>6 THE WITNESS: Correct.</p> <p>7 MR. MICHALIK: Okay. I think your question was</p> <p>8 a little broader than that.</p> <p>9 MR. RAUSCHER: It was broader than that.</p> <p>10 BY MR. RAUSCHER:</p> <p>11 Q. But -- so you've talked about, I think, a few</p> <p>12 things when you were going -- you gave me a few</p> <p>13 examples, and I'm -- I just want to know, are all the</p> <p>14 things you talked about still policies of CPD --</p> <p>15 A. Just now --</p> <p>16 Q. Yeah.</p> <p>17 A. -- or -- yeah. I -- in terms --</p> <p>18 Q. In this field manual.</p> <p>19 A. So -- yes. I mean, in the sense that</p> <p>20 everything that is in here, it's still attached to -- I</p> <p>21 forget what -- we -- one -- it's one of the other</p> <p>22 exhibits. It's still embedded in a current exhibit</p> <p>23 today.</p> <p>24 Q. Something we've looked at already?</p> <p>25 A. Yeah. It's -- if you look at -- I think it's</p>                                                                                                                                                                                                                                                  | <p>1 the data and -- what -- can I get this one? The</p> <p>2 department letters -- "Department Reports and Letters</p> <p>3 for [sic] Clearance," which I believe is still an active</p> <p>4 order within the department. If you look at Section II</p> <p>5 where it says "Reporting Standards" --</p> <p>6 Q. Which -- you're looking at Exhibit 4?</p> <p>7 A. Exhibit 4.</p> <p>8 Q. Okay.</p> <p>9 A. I'm sorry. So if you look at Exhibit 4,</p> <p>10 Page 1, Section II -- or Roman numeral II under</p> <p>11 "Reporting Standards," next to letter A, you're going to</p> <p>12 find "Field Reporting Manual," which is CPD-63.450,</p> <p>13 which is the name of the form set, which is what we have</p> <p>14 here.</p> <p>15 Q. Okay.</p> <p>16 A. So it's still embedded in -- in an active</p> <p>17 order.</p> <p>18 Q. Okay.</p> <p>19 THE WITNESS: Thank you.</p> <p>20 BY MR. RAUSCHER:</p> <p>21 Q. And so if you look at Page -- in under the</p> <p>22 "Report Completion" section on CITY-BG-62845 and then</p> <p>23 specifically in the "Language" thing, it talks about</p> <p>24 foul language of an offender and when you're supposed to</p> <p>25 use it. And you're supposed to "indicate that the</p>                                                                                                                                                                                                                                                                                                              |
| Page 127                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 128                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>1 language reported is not a verbatim quotation of the</p> <p>2 entire conversation of the offender"?</p> <p>3 A. Yes.</p> <p>4 Q. What's the purpose of that policy?</p> <p>5 A. I think more or less, it's -- it's to</p> <p>6 establish the fact that what's being taken is in essence</p> <p>7 but not verbatim. And I think part of that is at the</p> <p>8 time, obviously, we weren't wearing recording devices</p> <p>9 like we are today. So to go back in time and get an</p> <p>10 accurate account of what was said, to know verbatim that</p> <p>11 this is what the person said, you would do that to say,</p> <p>12 you know, in essence but not verbatim, it's individual</p> <p>13 related this. That way, if it wasn't exactly accurate,</p> <p>14 you weren't perjuring yourself or submitting a false</p> <p>15 report.</p> <p>16 Q. And that doesn't -- that applies not just to</p> <p>17 foul language, but to anything in the narrative, right?</p> <p>18 A. Well, I think part of this, like, the --</p> <p>19 again, you have to remember the -- the time frame under</p> <p>20 which this was written. This goes back all the way to</p> <p>21 1985. You know, I think there was a different level of</p> <p>22 civility in society than there is today, you know. And</p> <p>23 so I think that the whole purpose of this, that they</p> <p>24 didn't want a -- a police report that had a bunch of F</p> <p>25 bombs in it --</p> | <p>1 Q. Yeah.</p> <p>2 A. -- because it wasn't necessary, right? So if</p> <p>3 there's foul language that he's using, it's got to be</p> <p>4 pertinent to what happened. You know, so, like, if it</p> <p>5 was an instance where you were the victim of an</p> <p>6 aggravated battery and he was screaming explicatives at</p> <p>7 you, you were going to put that in there because it was</p> <p>8 like, hey, this is what he said. But, like, you know,</p> <p>9 if it was you asked him a question and just -- that's</p> <p>10 just how that person normally talked by dropping an F</p> <p>11 bomb every other word, you weren't going to put that in</p> <p>12 your report.</p> <p>13 Q. And you alluded, I think, to a broader point,</p> <p>14 which I believe is reflected in Line Item 3 right above</p> <p>15 that, and tell me if I'm wrong, which is you want to --</p> <p>16 if you're writing down what a witness said verbatim,</p> <p>17 you're going to put quotes around it. And if you're not</p> <p>18 trying to say that this was a verbatim quotation, you're</p> <p>19 going to add that in as well; is that fair?</p> <p>20 A. Yes, but it also it -- it -- it lends to there</p> <p>21 are times where quotation marks would be used in certain</p> <p>22 instances where you wouldn't -- you wouldn't necessarily</p> <p>23 say in essence or -- or whatnot. One, an example that</p> <p>24 would be, you know, someone asking for sexual favors of</p> <p>25 some sort. They might use, you know, what we would</p> |

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| <p>1 consider a street terminology for, you know, some sort<br/>2 of sexual act for someone to perform, and they would be<br/>3 like, hey, he -- he asked me to do this," and you would<br/>4 just put it in, you know, in parentheses [sic].<br/>5 Typically, you would follow that with which is commonly<br/>6 known as oral sex or, like, whatever it was that he was<br/>7 asking for. Similarly, we might do that same thing in,<br/>8 you know, a vice case report when it was in reference to<br/>9 a narcotic where, you know, like I said, if they were<br/>10 yelling blows, blows, blows, you might have that in --<br/>11 in quotation marks and then put next to that, like,<br/>12 street terminology for the controlled substance heroin.<br/>13 Q. Sure. So -- and just for -- back for one<br/>14 second. You said -- when you were describing the first<br/>15 example, you said you would put in parentheses, but did<br/>16 you mean quotes?<br/>17 A. Quotes. I'm sorry. Yes.<br/>18 Q. And you -- so you might explain what the<br/>19 quotes mean --<br/>20 A. Yes.<br/>21 Q. -- right? But you wouldn't use quotes unless<br/>22 it was a quote without saying in essence or something<br/>23 like that?<br/>24 A. Not always. I mean, again, like, using the --<br/>25 the first example. If, you know, you were having a</p> | <p>1 conversation with, you know, a victim who had been<br/>2 criminally sexually assaulted and she's like he forced<br/>3 me to perform, pardon me, you know, a blow job on him,<br/>4 right, and then you would put in there so that everyone<br/>5 knew so that there wasn't a doubt, like you then<br/>6 verified with her that this is what she meant, that she<br/>7 may -- he forced her to perform oral sex, right? So<br/>8 which through interview of the victim, you learned was<br/>9 oral sex.<br/>10 Q. But the part that you put in the quotes, you<br/>11 wouldn't be adding the quotes to a word that the victim<br/>12 didn't say?<br/>13 A. Did not say. Correct.<br/>14 Q. That's all I'm trying to clarify.<br/>15 A. Yes. Yes. Correct. Yes.<br/>16 Q. Okay. And that's consistent with CPD policy?<br/>17 A. Yes, sir.<br/>18 Q. All right. So the second to last page talks<br/>19 about signatures again. And then, specifically, I just<br/>20 want to confirm that signing by the reporting officer<br/>21 and the supervisor approving the report indicates that<br/>22 this report is complete and accurate and attests that<br/>23 the completed report has been proofread; is that right?<br/>24 A. According to this, yes.<br/>25 Q. Well, is that the CPD policy?</p>                                                                                                                                                                                           |
| Page 131                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Page 132                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 A. Yes.<br/>2 Q. Are there any policy -- any written policies,<br/>3 or training modules, or training manuals you're aware of<br/>4 that discuss what AO or RO means that we haven't looked<br/>5 at yet?<br/>6 A. Not that I'm aware of. No.<br/>7 Q. One of the policies we looked at earlier, I<br/>8 think, touches on another topic. So we've talked a lot<br/>9 about preparation of reports, which is the first topic.<br/>10 And then one of the policies, I think, also talks about<br/>11 the -- one of the topics is -- Topic C is completion of<br/>12 complaint for preliminary examination.<br/>13 A. Uh-huh.<br/>14 Q. Do you know what that is?<br/>15 A. Yes.<br/>16 Q. Which policy talks about that topic?<br/>17 A. In terms -- the ones that we<br/>18 Q. So we've looked at -- didn't we look at an<br/>19 exhibit<br/>20 A. Yeah. So that's a -- I think that's 4 again,<br/>21 Exhibit 4. And it should be, I think, one of the last<br/>22 pages in 4. "Report Signatures" -- it's on Page 4. So,<br/>23 yeah, it's going to be Exhibit 4, Page 4, letter G.<br/>24 Q. All right. So can you walk me through the --<br/>25 that policy?</p>                                                                                                                                                                               | <p>1 A. Sure. Just -- I mean, in terms of preparing a<br/>2 complaint, whenever we're placing charges against<br/>3 someone, there's -- there's a court complaint that's<br/>4 filled out, whether it's for a class A misdemeanor<br/>5 through, you know, a -- a felony complaint. Essentially<br/>6 what it is, is just making sure that prior to signing<br/>7 that complaint, that they know that the defendant's name<br/>8 that's affixed to that complaint is correct and that<br/>9 their name is on there, that the related charge and the<br/>10 offense date and everything are also accurate and<br/>11 correct, so that you're not applying a charge that is<br/>12 incorrect on an individual. And then in terms of the<br/>13 elements of the offense, there's -- there's a box that's<br/>14 underneath that sort of explains. Like, if an individual<br/>15 was being charged with PCS, that he was discovered being<br/>16 in possession of, you know, a controlled substance in<br/>17 violation of the policy of the state. And then in terms<br/>18 of Section 2, there's a member who is -- who is then<br/>19 deputized by the department to serve as a deputy clerk<br/>20 to witness the complaint, and they're just signing the<br/>21 complaint enacting -- in essence, clerking the document<br/>22 is what it amounts to.<br/>23 Q. Yeah. What is that? So I know there are<br/>24 policies about assigning people -- or deputizing people<br/>25 to be clerks.</p> |

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| <p>1 A. Right.</p> <p>2 Q. And I don't know that we need to through all</p> <p>3 them, but what are you doing when you're deputizing the</p> <p>4 document?</p> <p>5 A. You're serving as -- as the clerk for the</p> <p>6 court, right, so that you're not presenting that</p> <p>7 document or having to present the document to the -- the</p> <p>8 courts. You're verifying that, yes, you're signing this</p> <p>9 complaint and then they -- we're going to move forward</p> <p>10 and -- and send it through the courts.</p> <p>11 Q. And does that have to be a different person</p> <p>12 than the complainant?</p> <p>13 A. Yes.</p> <p>14 Q. What is the complainant's role in preparing</p> <p>15 the complaint for a preliminary examination?</p> <p>16 A. So in preparing it, they could be the one</p> <p>17 that's actually typing it all out and -- and filling it</p> <p>18 out themselves, depending on if they're working by</p> <p>19 themselves or if they're working with a team. Like, one</p> <p>20 of their teammates might be filling out the top portion</p> <p>21 of it for them and then filling in the charge to make</p> <p>22 sure that it's matching up of what this is what we're</p> <p>23 charging the guy with. And then when he goes back to</p> <p>24 it, it's going to be up to him to review it and verify</p> <p>25 that everything is accurate. That, yeah, that's the</p>                                              | <p>1 right defendant's name. This is the date. These are</p> <p>2 the charges. This is what the narrative is. That's what</p> <p>3 I want to go with. And then signing the complaint.</p> <p>4 Q. Is the complainant expected to go back to the</p> <p>5 underlying reports to verify that information you just</p> <p>6 discussed?</p> <p>7 A. They -- like I mean, it depends. There might</p> <p>8 be certain things that you have to go back to verify on.</p> <p>9 Like, if you're arresting somebody for a firearm, right,</p> <p>10 you want to make sure the description of the firearm</p> <p>11 that's supplied in the case report matches what's in the</p> <p>12 complaint. So, yeah, I mean, there would be times where</p> <p>13 we would have to go back to the report just to verify</p> <p>14 that everything was correct.</p> <p>15 Q. How was it decided who was going to serve as</p> <p>16 the complainant?</p> <p>17 A. Again, that would be the -- the box 1 officer</p> <p>18 should be the one that's in -- serving as the</p> <p>19 complainant because he's the one going to court.</p> <p>20 Q. And what's the reason behind that policy?</p> <p>21 A. The reasoning behind it? That, I don't know.</p> <p>22 I'm going to surmise and say it's the same reason for</p> <p>23 your -- you're the one that's going to court. You're</p> <p>24 going to be the one that's going to testify in -- in a</p> <p>25 preliminary hearing. So in essence, you're the box 1</p> |
| Page 135                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Page 136                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>1 officer representing the State of Illinois in this</p> <p>2 instance, and you're -- you're the one that's going to</p> <p>3 be the complaining witness against him.</p> <p>4 Q. And so you may not have to go back for the</p> <p>5 narrative, for example, if you know it to be true; is</p> <p>6 that right? Because you were there?</p> <p>7 A. Well, correct. Yes. I mean, the -- the</p> <p>8 charge itself, if it's -- you know, like I said, there</p> <p>9 might be certain things that you might just want to</p> <p>10 verify to make sure that the way the firearm is</p> <p>11 described. If you had the serial number in it,</p> <p>12 sometimes you would go, hey, is the serial number</p> <p>13 correct?" You know, because for what it's worth, if you</p> <p>14 don't fill out your court complaint correctly, it could</p> <p>15 be grounds to have the case dismissed. So you want to</p> <p>16 make sure that everything's accurate.</p> <p>17 Q. And would you -- would it comply with CPD</p> <p>18 policy for someone to sign as a complainant who didn't</p> <p>19 have personal knowledge?</p> <p>20 A. I would say that they wouldn't, no.</p> <p>21 Q. And why is that?</p> <p>22 A. Because you're the one that -- this -- again,</p> <p>23 it's -- it's almost like the whole box 1 thing. If you</p> <p>24 -- if you don't have personal knowledge of what</p> <p>25 happened, you wouldn't be going to court. You wouldn't</p> | <p>1 be bringing that complaint against someone.</p> <p>2 Q. Okay. All right. We're going to switch</p> <p>3 gears, at least for now, and go onto a different topic,</p> <p>4 which would be Topic E, qualifications to become a</p> <p>5 tactical team member operating in or around Ida B. Wells</p> <p>6 housing development. And I understand the city's</p> <p>7 earlier statement about the scope of that topic. Did</p> <p>8 you review any policies that are relevant for this</p> <p>9 topic?</p> <p>10 A. Yes. We reviewed, I think, the current</p> <p>11 department policy for tactical teams.</p> <p>12 MR. RAUSCHER: So we're going to mark</p> <p>13 Exhibit 10. This is PL JOINT 087418 through 87422.</p> <p>14 (EXHIBIT 10 MARKED FOR IDENTIFICATION)</p> <p>15 BY MR. RAUSCHER:</p> <p>16 Q. If you can let me know if this is the policy</p> <p>17 you reviewed or if it's something different.</p> <p>18 MR. FLAXMAN: This is 10?</p> <p>19 MR. RAUSCHER: This is 10.</p> <p>20 BY MR. RAUSCHER:</p> <p>21 Q. Is this the policy you reviewed?</p> <p>22 A. I saw this this morning --</p> <p>23 Q. Okay.</p> <p>24 A. -- prior to coming. It is not. I -- there's</p> <p>25 a general or special order that we reviewed that pretty</p>                                                                                                                                                                                                                                      |

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| <p>1 much is a summary of this, but it's the current version<br/>2 of. And the other issue with this is that this is --<br/>3 this is a BOP.<br/>4 Q. Uh-huh.<br/>5 A. So it's a Bureau Patrol special order, which<br/>6 is one of our -- our general or special orders.<br/>7 Q. That's like the broader one basically?<br/>8 A. So -- right. So that's our general<br/>9 directives. This is more specific towards -- you know,<br/>10 the Bureau Patrol pushed this one out.<br/>11 Q. Do you know what the general or special order<br/>12 number is that you reviewed?<br/>13 A. No, I don't.<br/>14 Q. Do you know the title of it?<br/>15 A. I think it's just tactical teams or references<br/>16 tactical teams.<br/>17 Q. Is that something you found and provided to<br/>18 the lawyers?<br/>19 A. Yes, I believe it was one of the documents I<br/>20 provided.<br/>21 Q. Did you see a Bates -- do you know what a<br/>22 Bates stamp is?<br/>23 A. No.<br/>24 Q. So if you look at the bottom right, there's<br/>25 two on this one. That PL JOINT is a Bates stamp --</p>                                   | <p>1 A. Okay.<br/>2 Q. -- and then CITY_AG is one. Did you see a<br/>3 version with Bates stamps on it?<br/>4 A. No, I did not.<br/>5 Q. Is there anything in this order that is<br/>6 different that you noticed than the one that you<br/>7 reviewed?<br/>8 A. In terms of overall, I don't think so. The<br/>9 only thing that might be different is I think there's<br/>10 now, like, an open, like, bid procedure to go on to the<br/>11 tact team. Like, there's -- there's a policy where you<br/>12 can apply for the tact team. I don't see -- I don't<br/>13 know if that's listed in the new order or not because<br/>14 what I was just looking for was to answer the question<br/>15 about, like, what the roles and responsibilities were,<br/>16 just so I could --<br/>17 Q. Right.<br/>18 A. -- kind of give them a broad-base jumping-off<br/>19 point for where my information was coming from.<br/>20 Q. So --<br/>21 MR. MICHALIK: Scott, give me a second.<br/>22 MR. RAUSCHER: Yeah. Okay. Sure.<br/>23 MR. MICHALIK: We might be able to short<br/>24 circuit this.<br/>25 MR. RAUSCHER: Okay.</p>                                                                                                                                                                                   |
| Page 139                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Page 140                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>1 MR. MICHALIK: Is this what you wanted?<br/>2 THE WITNESS: Oh, maybe it was. Oh, yeah. No,<br/>3 these are the Bureau -- these are BOPs, though?<br/>4 Yeah. Yeah. And these are more recent ones.<br/>5 That's what it is. This is the '24 version of it.<br/>6 MR. MICHALIK: All right. Yeah. So I don't<br/>7 know if you want to mark this as an exhibit.<br/>8 There's no reason not to produce it. The reason why<br/>9 we didn't is because it's the current BOP special<br/>10 order.<br/>11 MR. RAUSCHER: Okay.<br/>12 MR. MICHALIK: But if you want to take a look<br/>13 at this and mark it --<br/>14 MR. RAUSCHER: Okay. Thanks.<br/>15 MR. MICHALIK: -- that's fine with us.<br/>16 MR. RAUSCHER: Yeah. Why don't we just mark<br/>17 this as 11? I'll probably make copies next time we<br/>18 take a break. So this is BOP Special Order 24-06,<br/>19 issued date, December 11th, 2023, effective<br/>20 January 4, 2024.<br/>21 (EXHIBIT 11 MARKED FOR IDENTIFICATION)<br/>22 BY MR. RAUSCHER:<br/>23 Q. It rescinds an order, but not the order that<br/>24 we're looking at?<br/>25 A. Correct.</p> | <p>1 Q. Do you know which order it rescinds?<br/>2 A. 23, I believe, 06. So I think they reissued<br/>3 this in '23 and then reissued it again in '24. So I<br/>4 don't know if it's -- I want to say when I was going<br/>5 back and looking, I couldn't find one for the time frame<br/>6 we were looking for that was posted on our -- our Bureau<br/>7 Patrol website.<br/>8 Q. Okay. At first glance, it looks similar with<br/>9 maybe some changes based on, like, the number of teams<br/>10 or the -- when they're working. Is that basically<br/>11 right?<br/>12 A. Possibly, yes. And -- and, again, like, I<br/>13 don't know when they installed the matrix for the tact<br/>14 teams to put them all on the -- you know, on the same<br/>15 watch -- or the same group numbers with the same<br/>16 watches. But for the most part, the roles and<br/>17 responsibilities remain the same, you know. I mean,<br/>18 like, the -- the function of what the tact team is<br/>19 hasn't changed since -- you know, since when I served on<br/>20 the tact team.<br/>21 Q. All right. So it -- is it -- so starting in<br/>22 1999, even if this policy -- the written policies in 10<br/>23 and 11 didn't exist, the responsibilities were still the<br/>24 same?<br/>25 A. I would say yes.</p> |

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| <p>1 Q. And about the qualifications to be on a<br/>2 tactical team?</p> <p>3 A. So I don't know when it originally changed. I<br/>4 think they were a little less stringent before I got on<br/>5 the team about the number of years you had. That was<br/>6 pre-Michael Ceriale. After Officer Ceriale was killed,<br/>7 I know that they -- they started to sort of restrict or<br/>8 become a little bit more attentive to the amount of time<br/>9 that you had on the job. And it became an issue of,<br/>10 like, if you didn't have enough time, that you would<br/>11 have to go through the commander, and then the commander<br/>12 would have to be the one to sign off on the fact that,<br/>13 you know, you were going to be allowed to do that.</p> <p>14 Q. It -- was it less than three years at some<br/>15 point?</p> <p>16 A. It might have been when Officer Ceriale was<br/>17 killed, but I don't know for certain. I think that's<br/>18 what they wound up moving it up to --</p> <p>19 Q. Do you --</p> <p>20 A. -- after his death.</p> <p>21 Q. I'm sorry. I apologize.</p> <p>22 A. That's okay.</p> <p>23 Q. Do you know when Officer Ceriale was killed?</p> <p>24 A. Was it '90 -- '98, I believe.</p> <p>25 Q. Okay.</p>                                                                                                                                                                                                    | <p>1 A. Somewhere in there.</p> <p>2 Q. This -- both of these documents, 10 and 11,<br/>3 talk about tactical team members are sworn members<br/>4 assigned to the fourth watch?</p> <p>5 A. Yes.</p> <p>6 Q. What does that mean?</p> <p>7 A. So it -- there are different watches for every<br/>8 -- you know, for all of us. So, like, midnight officers<br/>9 are assigned to what's considered the first watch. An<br/>10 officer that works second watch are on days, and third<br/>11 watch is afternoons. Fourth watch is sort of -- it's a<br/>12 -- the ability for the department to kind of move you<br/>13 around if they need to. You don't have a dedicated<br/>14 start and end time. Even though there is typically one<br/>15 for the tact teams, there's a -- there's a general start<br/>16 time for them. If they need to adjust those hours,<br/>17 they've given up the -- the contractual right to the<br/>18 two-hour change in start time that everyone else is<br/>19 afforded.</p> <p>20 Q. Are there any more specific policies that<br/>21 you're aware of saying what tactical teams are<br/>22 responsible for doing?</p> <p>23 A. So, I mean, essentially, we have the -- the --<br/>24 the special orders and the general orders that are --<br/>25 they essentially mirror what's contained in this. You</p>                                                                                                                                                      |
| Page 143                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Page 144                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>1 know, the -- the -- the function of the tact team is to<br/>2 be a tool that's available for the commander to address<br/>3 whatever crime conditions they're experiencing in their<br/>4 district. And, again, every district is different. You<br/>5 have some districts that are, you know, high property<br/>6 crimes, right? They'll have burglaries to autos.<br/>7 They'll have, you know, store burglaries and things like<br/>8 that. So those teams might be more geared towards<br/>9 addressing those things. You have other places that<br/>10 were -- like, where I worked in the 15th District where<br/>11 it was an open-air drug market that had a tremendous<br/>12 amount of violence that was going on in there. And so<br/>13 the investigations were slightly different. But the --<br/>14 the main purpose of them was to be, you know, at the<br/>15 disposal of the commander to address those crime<br/>16 conditions in a manner in which he felt was -- would --<br/>17 would best suit the needs of the citizens and the -- the<br/>18 district.</p> <p>19 Q. Do you have any understanding of the<br/>20 responsibilities of the 2nd District tactical team or<br/>21 the Public Housing Tactical team by Ronald Watts?</p> <p>22 A. No. Not specifically, no.</p> <p>23 Q. Do you have any general understanding of what<br/>24 their responsibilities were?</p> <p>25 A. I would assume they would've been the same</p> | <p>1 responsibilities as every other tact team. You know,<br/>2 that whatever crime conditions were going on -- so if it<br/>3 was the housing projects that were their priority<br/>4 problem, that the commander at the direction of the<br/>5 tactical lieutenant would have sent them to go to this<br/>6 particular location. If it was somewhere else, like --<br/>7 I'm trying to think what the boundaries of the district<br/>8 are, but, like, maybe, like, 35th and Princeton, like,<br/>9 hey, we've got a problem over here. They would be<br/>10 directed to go over there.</p> <p>11 Q. Are -- how are tact teams different than beat<br/>12 officers?</p> <p>13 A. So beat officers work independently. You<br/>14 know, some of them, they can work 99 or they work with a<br/>15 partner. They're confined to a particular area. So if<br/>16 I'm working, you know, beat 1512, the calls that I'm<br/>17 going to receive are going to be predominantly on that<br/>18 beat, and there has to be a reason why you're pulling me<br/>19 off of that beat and away from -- from the area of -- of<br/>20 my coverage. And the point and purpose behind that is<br/>21 so that you develop a familiarity with the criminal<br/>22 activity on your beat and the citizens on that beat, so<br/>23 that you're aware of what's going on so you can better<br/>24 serve the community. With the tact teams, you're a<br/>25 little bit wider scoped, right? You're supposed to have</p> |



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| <p>1 a little bit more knowledge about what's going on in the<br/>2 district overall. Some guys were a little more<br/>3 knowledgeable of particular beats because maybe they<br/>4 came up working that beat car, and so they had a<br/>5 particular knowledge of what went on in this -- this<br/>6 area. I'll give you an example. Like, we had guys that<br/>7 were more aware of what went on on 1531, right? I'll<br/>8 use that as another example. It's where Lamon and Iowa<br/>9 was, and they knew the hierarchy of all the guys that<br/>10 were involved over there. And so when something was<br/>11 going on over there, the commander might come to that<br/>12 particular team and say, hey, you know, what's going on<br/>13 over here? And because they had a knowledge of the<br/>14 structure of the hierarchy, they could say, hey, these<br/>15 guys are at war with these guys over here and, like,<br/>16 okay, let's develop a strategy. How are we going to<br/>17 damp this down and make it go away?</p> <p>18 Q. Are there any qualifications to be on a tact<br/>19 team, and were there from '99 to 2011 that are not<br/>20 reflected in this policy?</p> <p>21 A. I don't know necessarily that it's -- it's a<br/>22 qualification where it's, like, there's anything in<br/>23 writing where you needed a certain number of statistics,<br/>24 you know, in terms of arrests or anything else like<br/>25 that. You know, you just had to have the knowledge and</p> | <p>1 -- and the desire to, you know, want to be proactive.<br/>2 There are some guys who are perfectly content just<br/>3 receiving jobs from OEMC. When you're getting -- when<br/>4 you're on a tact team, a lot of times it's your own<br/>5 personal observations or it's things that you decide to<br/>6 take a proactive measure about. Like, hey, on the way<br/>7 into work today, it looked like this guy was selling<br/>8 drugs. Let's go find a place to go sit and watch them,<br/>9 as opposed to, well, I'm going to go respond to my<br/>10 domestic disturbance. And not that there's anything<br/>11 wrong with that. It's just, you know, there's different<br/>12 things for different people.</p> <p>13 Q. You need to be more proactive to be on a tact<br/>14 team than to be a beat officer?</p> <p>15 A. You know, I wouldn't say that. I mean, I<br/>16 would say that, like, because there are super proactive<br/>17 guys that work on the beat, they just don't want to work<br/>18 on the tact team. And part of that is -- is because of<br/>19 the -- you know, I think the -- the changes in your<br/>20 personal life that it impacts you with. Because now all<br/>21 of a sudden, you're giving up -- if I'm working days,<br/>22 right, I'm going to give that up to work a rotating<br/>23 schedule that may not work so well at home for me. So<br/>24 I'm still going to be proactive. I'm still going to do<br/>25 my job, you know, but at the same time, like, you know,</p>                                                               |
| Page 147                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Page 148                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <p>1 it's different because you're -- you're isolated in a --<br/>2 in a lot of regards. With a team, you guys are that<br/>3 cohesive group, and you're, you know, if you need to<br/>4 work together, you have that ready -- that<br/>5 readily-assembled group of ten guys. And, like, hey, we<br/>6 need to go set up a surveillance, and this is -- this is<br/>7 our team, and this is how we're going to go do it.</p> <p>8 Q. So I don't mean to -- I don't mean the<br/>9 question to sound like --</p> <p>10 A. Yeah.</p> <p>11 Q. -- I'm saying you can't be proactive.</p> <p>12 A. No. Correct. I understand.</p> <p>13 Q. But you do need to -- you need to be proactive<br/>14 to be a tact team officer; is that right?</p> <p>15 A. Absolutely. Yes.</p> <p>16 Q. What are the -- what are the general<br/>17 responsibilities for a tact team sergeant?</p> <p>18 A. Again, it -- to be -- obviously, you're<br/>19 assigned ten specific officers, and it's your job to<br/>20 monitor their daily activities. And that could be by<br/>21 giving them a direct admission and saying, hey, there<br/>22 was a shooting that happened last night. We need to go<br/>23 over to this particular area and just show a high police<br/>24 visibility to kind of make sure things don't continue to<br/>25 jump off, or to go out there and see if we've got</p>                                                                                                                           | <p>1 informants or if we have citizens that want to come out<br/>2 and talk to us, or how that -- however that's going to<br/>3 go. Or maybe we make an arrest in this particular area.<br/>4 Just because we're there, we happen to see somebody go<br/>5 through a stop sign. We pull them over, and we find out<br/>6 they've got a gun. Now we bring someone into the<br/>7 station. We're going to debrief them, and maybe this<br/>8 individual gives us some information or shines some<br/>9 light onto some things for us. At times you might also<br/>10 reach out to the Bureau of Detectives and find out what<br/>11 detectives were working on the investigation and, you<br/>12 know, what they were hearing and, okay, comparing your<br/>13 notes against theirs. Like, hey, we're hearing that<br/>14 these guys are at war with those guys, and, like, well,<br/>15 it's really not what's going on. Or maybe then guys<br/>16 would then go back and be like, "hey, they're hearing<br/>17 that this is what's going on. Is that what's going on?<br/>18 And then we would take that information and kind of farm<br/>19 out and try and figure out how we were either going to<br/>20 curtail the violence or solve the crime that -- that was<br/>21 at hand. Aside from that, I mean, like, if they were<br/>22 just working on a daily basis where it was like there<br/>23 wasn't anything in particular going on, you would just<br/>24 tell them, all right, here are your keys. Go on out<br/>25 there. You know, see what you can find and -- and go</p> |



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| <p style="text-align: right;">Page 149</p> <p>1 from there. And -- and, again, each supervisor I think</p> <p>2 is different, just like any other job. Like, you have</p> <p>3 some people like me. I rode with my people. There are</p> <p>4 other people that -- that quarterbacked from -- you</p> <p>5 know, from a distance and said this is what you're going</p> <p>6 to do, and they rode by themselves, so</p> <p>7 Q. And either way, you had to fill out the daily</p> <p>8 supervisor log?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know what Watts -- where Watts fell</p> <p>11 on that continuum of riding with people versus</p> <p>12 quarterbacking from far away?</p> <p>13 A. I have never met him, so I don't know.</p> <p>14 Q. Have you met any of the Watts team members?</p> <p>15 A. I might've.</p> <p>16 Q. Okay.</p> <p>17 A. I mean, I've been on the job for almost 25</p> <p>18 years. In passing. I saw a couple of the names that</p> <p>19 were listed on the report. I might've come into contact</p> <p>20 with them, but, like, to know them and say, you know,</p> <p>21 I've had interactions with them -- I might have even</p> <p>22 worked with some. I don't know.</p> <p>23 Q. You don't know that you don't know any; is</p> <p>24 that fair? I mean, I'm not -- this isn't a trick. I</p> <p>25 mean, I'm not --</p>                                    | <p style="text-align: right;">Page 150</p> <p>1 A. Right. No, no. Right.</p> <p>2 Q. -- trying -- get established whether you have</p> <p>3 passed -- crossed paths once with someone. Do you know</p> <p>4 any of the Watts team members?</p> <p>5 A. To the best of my knowledge, no.</p> <p>6 Q. What was the process for getting on a tactical</p> <p>7 team?</p> <p>8 A. So how I got on the tact team was I</p> <p>9 interviewed with our tactical lieutenant, and then he --</p> <p>10 he decided to -- to take me onto the team because there</p> <p>11 were openings. Presently, like, officers will submit a</p> <p>12 resume to the commander, and -- and that's how it goes.</p> <p>13 When I had my team, what I used to do is, as -- as the</p> <p>14 team would grow and develop, guys would sometimes go off</p> <p>15 to specialized units. They would transfer out. They</p> <p>16 would get promoted. So I would also monitor the</p> <p>17 activity of what was going on on the watch to see, you</p> <p>18 know, what officers were knowledgeable, what officers</p> <p>19 were hardworking, what officers were -- were good, and</p> <p>20 see how they would fit within the chemistry of my team.</p> <p>21 I would also, you know, talk to my team as things were</p> <p>22 coming up. If we knew someone was getting promoted, if</p> <p>23 they did well on an exam, like, hey, who is it that you</p> <p>24 guys would like to -- to have come to the team, and then</p> <p>25 I would take their opinion into consideration and</p> |
| <p style="text-align: right;">Page 151</p> <p>1 evaluate like, eh, we really don't want that guy because</p> <p>2 maybe he doesn't fit my standard for what I'm looking</p> <p>3 for, you know. And then we would put that list together,</p> <p>4 and we would forward it through the chain. Our</p> <p>5 lieutenant would review it, and then it would go up to</p> <p>6 the commander. Sometimes you would get who you wanted,</p> <p>7 and sometimes you wouldn't, you know. And, again, it -</p> <p>8 - it's one of those things where because it's a group of</p> <p>9 ten, like, you're always trying to find that balance</p> <p>10 with that chemistry amongst the people. So it's, like,</p> <p>11 you may have somebody who's really, really good, but you</p> <p>12 just know that they're going to rub everybody on the</p> <p>13 team the wrong way. So you're like, we're going to have</p> <p>14 to find a different home for that person.</p> <p>15 MR. RAUSCHER: We're going to mark the next</p> <p>16 exhibit CITY-BG-059166 through 168.</p> <p>17 MR. MICHALIK: Are we up to 12 now?</p> <p>18 MR. RAUSCHER: Yeah, this is 12.</p> <p>19 (EXHIBIT 12 MARKED FOR IDENTIFICATION)</p> <p>20 BY MR. RAUSCHER:</p> <p>21 Q. I'm just going to hand you this, so you can</p> <p>22 just keep --</p> <p>23 A. Sure.</p> <p>24 Q. -- it with the other ones.</p> <p>25 A. Yes, sir.</p> | <p style="text-align: right;">Page 152</p> <p>1 Q. Have you had a chance to look at this?</p> <p>2 A. I did, sir.</p> <p>3 Q. Did you look at this document to prepare for</p> <p>4 today?</p> <p>5 A. I did not.</p> <p>6 Q. Have you seen it before?</p> <p>7 A. Yes, I have.</p> <p>8 Q. Does this apply to tactical team sergeants?</p> <p>9 A. It -- it does. It -- I think the way it's</p> <p>10 written or, like, the guise of supervision in general,</p> <p>11 right? Because there's a responsibility of sergeants</p> <p>12 assigned to field activities, but then there's also,</p> <p>13 when you're a tact sergeant, you have slightly</p> <p>14 additional responsibilities or different</p> <p>15 responsibilities.</p> <p>16 Q. Okay.</p> <p>17 A. Like, as a field sergeant, you know, I would</p> <p>18 come to work, and I would be given the cars that I was</p> <p>19 supposed to supervise for a given day. And that could</p> <p>20 change from day to day, right? Whereas with the tact</p> <p>21 team, you have the same team unless those promotions or</p> <p>22 -- or other things happen, but the basic function of</p> <p>23 what you're supposed to do overall is the same, right,</p> <p>24 with the added responsibilities of also being aware of</p> <p>25 other, you know, crime activities and then, you know,</p>                                                                                                                                                                                                        |

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| <p>1 directing your team in certain ways. Patrol is more<br/>2 geared towards are you responding to your jobs? Are you<br/>3 acting professionally? Are you filling out your reports<br/>4 properly? It's just -- it's similar, but a little bit<br/>5 different.<br/>6 Q. So these apply, but then there's also the<br/>7 additional things that you've talked about already?<br/>8 A. I would say yes. I would say that this is<br/>9 more -- more so like with a -- with a broad-based brush<br/>10 of, like, in general, like, these are the things that<br/>11 the supervisor -- regardless of who you are, this is<br/>12 what you should be doing. Like, for example, you know,<br/>13 ensuring that your subordinates respond immediately to<br/>14 all assignments, right? They handle them as<br/>15 expeditiously as possible and return to in-service<br/>16 without delay. That's more so a -- a -- a directed --<br/>17 directed towards the guys in patrol because they're --<br/>18 they're the ones that are getting the calls, right? So<br/>19 you don't want a guy that's sitting down on a call for -<br/>20 - for two hours while some other guy's running all over<br/>21 the district. But at the same time, like, it could<br/>22 apply to a tact team. Like, you're not going to take<br/>23 this job and then hold it for -- forever, and then<br/>24 that's what going to consider your tour. So it's<br/>25 similar but different.</p> | <p>1 Q. Are there -- is there another directive or<br/>2 special order or general order that talks about sergeant<br/>3 of tactical teams' responsibilities?<br/>4 A. Again, I believe there's the -- the general<br/>5 special order that refers to -- to tactical teams. It<br/>6 pretty much is what this is -- what the -- Exhibits 10<br/>7 and 11 that we looked at is pulled from.<br/>8 Q. So that's what we looked at?<br/>9 A. Yeah.<br/>10 Q. There's nothing else that you're aware of that<br/>11 we haven't looked at today?<br/>12 A. Correct.<br/>13 Q. Okay. Do tactical team sergeants have to rate<br/>14 their subordinates' performance semi-annually?<br/>15 A. So we do performance evaluations now. I'm<br/>16 trying to remember. I know we used to have hard card<br/>17 evaluations when I first got on the job. I don't know<br/>18 what they evolved into by the time I was on the tact<br/>19 team, but today there's performance evaluations that are<br/>20 maintained within the CLEAR system.<br/>21 Q. This says -- this policy that we're looking at<br/>22 now, Exhibit 12, was effective in January 1983, and<br/>23 Section IIIB on the first page says -- I believe it says<br/>24 sergeants have to "rate their subordinates' performance<br/>25 semi-annually".</p> |
| Page 155                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Page 156                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <p>1 A. Yes.<br/>2 Q. Is that right?<br/>3 A. So when you say -- like I said, when I -- when<br/>4 I first got on the job, there was a -- a hard card<br/>5 version that was filled out, presented to you, and it<br/>6 was, like -- I think it was a numerical system. If I<br/>7 remember correctly, it was, like, zero to 100, and you<br/>8 were given, like, a numerical score based on your<br/>9 performance.<br/>10 Q. Okay. Do you know where those were stored?<br/>11 A. Again, I would imagine, once they were signed<br/>12 off on, that they went up to the admin level, but to<br/>13 know for certain, no.<br/>14 Q. When you were the sergeant, did you fill out<br/>15 -- did you ever fill out those hard cards?<br/>16 A. By the time I was a supervisor, we had<br/>17 evolved, I believe, into the -- the performance<br/>18 evaluation system, so we were doing those. I don't<br/>19 believe I ever did hard cards.<br/>20 Q. Did you do those semi-annually?<br/>21 A. Those -- they're now -- they're now<br/>22 functioning where it's not semi-annually. It's -- I<br/>23 believe we do it off -- based off of the -- their period<br/>24 of hire. So it -- you do it once a year, so it's<br/>25 annually.</p>                                                                                                                                                                                                                         | <p>1 Q. Okay. Are those electronic?<br/>2 A. Yes.<br/>3 Q. When did you start filling out electronic<br/>4 reviews for people?<br/>5 A. I want to say it was right around the time I<br/>6 made sergeant, so around maybe 2008. Because like I<br/>7 said, I don't ever recall having to do the paper form<br/>8 sets.<br/>9 Q. Do you recall -- I'm sorry. Go ahead.<br/>10 A. No, it's okay.<br/>11 Q. Do you recall being reviewed when you were a<br/>12 member of the tactical team?<br/>13 A. No, but I do remember being reviewed when I<br/>14 was on -- when I was in patrol. When I first came to<br/>15 the 15th District, I do remember getting reviewed.<br/>16 Q. Hard card?<br/>17 A. Yes.<br/>18 Q. Do you recall ever getting electronic reviews?<br/>19 A. No.<br/>20 Q. When you do -- when you were doing reviews as<br/>21 the sergeant in the tactical team, did the reviews go to<br/>22 the -- your subordinates?<br/>23 A. For -- oh, for the tact team, yeah. So what<br/>24 ultimately happens is, is that in the current system<br/>25 that we have now, there's a process by which everything</p>                                                                                                                                                                                |

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| <p>1 is done electronically, and there's -- there's a menu<br/>2 that it moves through. So that initially comes down for<br/>3 assignment. It goes to an assigned supervisor. That<br/>4 assigned supervisor then completes the evaluation. The<br/>5 evaluation will then go through the channel. Then it'll<br/>6 eventually, at some point in time, come back through for<br/>7 a review with -- with the officer where they have the<br/>8 opportunity to review, you know, what was said about<br/>9 them. And then after that, it -- it goes to a final<br/>10 status. For some individuals who require, like -- it's<br/>11 almost like an IEP, you know, you need -- you need some<br/>12 sort of additional help because you're just not<br/>13 performing up to standard, then there's -- there's a<br/>14 program that you get placed into that will then help you<br/>15 perform to the level that you're expected.</p> <p>16 Q. Did the hard cards have any information beyond<br/>17 the number?</p> <p>18 A. To be honest with you, I don't know. I mean,<br/>19 we're going back -- like, I honestly remember getting<br/>20 evaluated in, I think it was, like, 2001, while I was<br/>21 still on third watch in 15. And -- but that's -- that's<br/>22 about it. That's what I remember vividly, that one.</p> <p>23 Q. What is it that you remember?</p> <p>24 A. The fact that I had just started and that I<br/>25 was given a supremely low performance evaluation and</p> | <p>1 didn't understand why and having the conversation with<br/>2 my -- my supervisor, and he didn't even know what it<br/>3 was. And so it was one of those things where it was<br/>4 like okay. And it -- the way it was explained to me is<br/>5 that, like, obviously, being a new officer, you're not<br/>6 going to come out of the gates with 100, right? You've<br/>7 got to work your way up. And so I was like okay. You<br/>8 know, it's like, they're -- they're not just going to --<br/>9 nothing's going to be given to you no matter how hard<br/>10 you work. You have to establish consistency and -- and<br/>11 things like that.</p> <p>12 Q. The card didn't explain to you why you got a<br/>13 low rating, though?</p> <p>14 A. I think everything just had numbers that were<br/>15 associated -- like, you gave them, like, a rating. I<br/>16 don't even -- to be honest with you, I don't even know<br/>17 if it was a 1 to 10, but I believe it was, like, an<br/>18 overall rating for everything, and then you got a<br/>19 numerical score. I don't know if they added everything<br/>20 up and then that's how you got it or -- or what it was.</p> <p>21 Q. Do you remember any of the categories you were<br/>22 rated on?</p> <p>23 A. No, I don't.</p> <p>24 Q. Do you remember the categories that you've had<br/>25 to rate people on when you were a tactical team</p>                                                        |
| Page 159                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 160                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>1 sergeant?</p> <p>2 A. Yeah. Their accountability. There's<br/>3 questions about their ethics. There's -- I'm trying to<br/>4 think of how many different performance anchors there<br/>5 are. I think there's six performance anchors, but they<br/>6 all predominantly -- they -- they function around just,<br/>7 you know, different facets of your job. Like, you know,<br/>8 can you do your job effectively? Can you -- are you<br/>9 trustworthy? You know, can you handle multiple<br/>10 assignments at the same time? Can you multitask? Are<br/>11 you able to, you know, withstand working for extended<br/>12 periods of time and still maintain some sort of level of<br/>13 efficiency and things like that.</p> <p>14 Q. Is one of your responsibilities as sergeant of<br/>15 a tactical team to make sure that the team members meet<br/>16 CPD standards in those categories?</p> <p>17 A. I think that's every supervisor, as in, you<br/>18 have to meet those standards, right? I mean, so the<br/>19 thing is, is that you don't want -- obviously, as a team<br/>20 supervisor, your team is a reflection of you, right? So<br/>21 you don't want a bunch of guys that look horrible or<br/>22 don't act responsibly, you know, associated with you,<br/>23 right? So you want to make sure that everybody's in<br/>24 line. You want to make sure that they know what the<br/>25 standard is and that what they're expected to do and</p>                          | <p>1 that, you know -- and, again, in -- in terms of, like,<br/>2 activity, no. Like, I knew that my guys were out there<br/>3 and that they were trying every day and that whatever<br/>4 came our way is what came our way. So if today we went<br/>5 out and we made no arrests today, it wasn't out of lack<br/>6 of effort or trying, you know. It was we went out, we<br/>7 looked, we saw, we legitimately didn't find anything.<br/>8 And on days when we made more arrests, it was just<br/>9 because that's just what happened.</p> <p>10 Q. Is your job as supervisor -- is it the<br/>11 supervisor sergeant -- I'm going to strike that. Is it<br/>12 the sergeant's job to set the tone for the team?</p> <p>13 MR. MICHALIK: Objection. It's very vague.</p> <p>14 THE WITNESS: I mean, I think that with -- with<br/>15 any team, like, there's -- there's expectations,<br/>16 regardless of if you're -- all the way on down from<br/>17 the commander to the lieutenant to the sergeant.<br/>18 You know, there's certain people that, you know,<br/>19 hey, I can get away with doing this with this<br/>20 person, or I can't get away with doing it with this<br/>21 person. But I think that, you know, if you're<br/>22 engaged with your team, they -- they know what's<br/>23 expected of them, and they understand, you know,<br/>24 where you want them to perform and what you're going<br/>25 to be willing to tolerate, you know.</p> |

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| <p>1 BY MR. RAUSCHER:</p> <p>2 Q. Did you think it -- did you ever think it was</p> <p>3 your job as the sergeant of a tactical team to tell your</p> <p>4 team members not to frame people?</p> <p>5 A. I think everyone on this department knows,</p> <p>6 like, the liability that rests with that. You know what</p> <p>7 I mean? When we were in the academy, I mean, we -- we</p> <p>8 were instructed, you know, like, hey, this is what this</p> <p>9 is. And one of the things that they told us was you</p> <p>10 guys are never any closer to the penitentiary than you</p> <p>11 are today, you know, because at the end of the day, you</p> <p>12 know, as a law enforcement officer, if I break the law,</p> <p>13 I'm the most valuable commodity that any state's</p> <p>14 attorney or, you know, United States Attorney's ever</p> <p>15 going to come across because, you know, you're -- you're</p> <p>16 gold to them, right? You know, we sat through training</p> <p>17 seminars where they brought up the Austin -- you know,</p> <p>18 Austin Seven, right? And so, you know, where they</p> <p>19 showed us, hey, this is what these guys did, and this is</p> <p>20 the amount of time they all got. So if you want to go</p> <p>21 do dumb stuff, be prepared, you know, to ride the pine</p> <p>22 with them. The department also put out e-learning</p> <p>23 videos with Xavier Castro. And Xavier Castro was an</p> <p>24 officer who falsified an arrest report. I think he said</p> <p>25 he arrested a guy who was on an ankle monitor, right?</p> | <p>1 And the ankle monitor proved that he wasn't where he</p> <p>2 said he was, and ultimately he went to prison. And so</p> <p>3 everyone's aware of the risks if they're going to lie</p> <p>4 and they're going to do nefarious things. You know what</p> <p>5 I mean? That there's -- there's an inherent risk and</p> <p>6 more than likely, you're going to get found out, and</p> <p>7 you're probably going to go to prison, you know, and no</p> <p>8 one's going to have, you know, any -- any hard feelings</p> <p>9 about sending you there.</p> <p>10 Q. It was not -- it wasn't, like, part of roll</p> <p>11 call where you'd say to your team don't go on and frame</p> <p>12 anyone today?</p> <p>13 A. No, but there were times when things happened</p> <p>14 within the department where members either got</p> <p>15 disciplined for things, or either they got stripped of</p> <p>16 their police powers or, you know, they -- they did</p> <p>17 something that got them arrested where you would have to</p> <p>18 sit down with everyone and say as a reminder, you know</p> <p>19 what I mean? Like, they're not playing, you know, and</p> <p>20 this is what can happen to you if you do this, so think</p> <p>21 about the things you do before you do them.</p> <p>22 Q. It's like a -- if something major and public</p> <p>23 happened, you'd talk about it; is that --</p> <p>24 A. Sometimes, yeah. I mean -- so it's, like, you</p> <p>25 know, when we had the issue with the officers, I believe</p> |
| Page 163                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Page 164                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>1 they were in the 23rd District, that were picking up</p> <p>2 young ladies who were overserved, you know, and then,</p> <p>3 you know, having sexual relations with them while they</p> <p>4 were on duty, you know, in the squad car or whatever --</p> <p>5 whatever came out of it, and they all got arrested, you</p> <p>6 know. And it's like, anyone who thinks that this is a</p> <p>7 good idea, here are the poster children for why it's</p> <p>8 not, you know. So when things did come up, yeah, we</p> <p>9 would talk to our people and remind them. And, again,</p> <p>10 like, as a supervisor, you may be older than some of the</p> <p>11 people that you're supervising, but on some levels,</p> <p>12 like, you're still -- you're still acting as almost like</p> <p>13 parent, you know, for some of them, you know, and you're</p> <p>14 -- you're guiding them and you're instructing them, and</p> <p>15 you know, you're supposed to be there to, essentially,</p> <p>16 on that level, like, protect them from -- from making</p> <p>17 dumb mistakes, you know.</p> <p>18 Q. Is it one of your jobs to try to make sure</p> <p>19 that they are not in fact framing people?</p> <p>20 A. Yes.</p> <p>21 MR. RAUSCHER: All right. We're going to move</p> <p>22 on to another topic. J is the collection,</p> <p>23 inventory, and testing of suspected narcotics. And</p> <p>24 I'm going to mark Exhibit 13 as CITY-BG-62177 to</p> <p>25 62192. And you know what, I'm going to also mark</p>                                                      | <p>1 Exhibit 14 at the same time, which I think is a</p> <p>2 policy that replaced this one. So 14 is</p> <p>3 CITY-BG-62130 to 62147.</p> <p>4 (EXHIBIT 13 MARKED FOR IDENTIFICATION)</p> <p>5 (EXHIBIT 14 MARKED FOR IDENTIFICATION)</p> <p>6 BY MR. RAUSCHER:</p> <p>7 Q. Have you -- did you review these policies</p> <p>8 before?</p> <p>9 A. Before coming, no.</p> <p>10 Q. All right. Did you review other policies on</p> <p>11 the collection, inventory, and testing of suspected</p> <p>12 narcotics?</p> <p>13 A. No. Not for this, no.</p> <p>14 Q. Have you reviewed other policies on the</p> <p>15 collection, inventory, and testing of suspected</p> <p>16 narcotics in general?</p> <p>17 A. Just in general because I'm assigned to the</p> <p>18 Evidence and Recovered Property Section. There's times</p> <p>19 where I've got to review orders just to make sure that</p> <p>20 we're doing things in accordance to the orders.</p> <p>21 Q. But do these policy -- do these documents that</p> <p>22 I have given you describe the policies for collecting</p> <p>23 and inventorying narcotics?</p> <p>24 A. Yes.</p> <p>25 Q. And then are there other policies about</p>                                                                                                                                                                                                                                                                                                                                    |

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| Page 165                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Page 166                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <p>1 testing narcotics, or are those included in here as</p> <p>2 well?</p> <p>3 A. So that's -- again, there's -- I know they're</p> <p>4 outlined in here. In terms of where they go, they go --</p> <p>5 they'll go to our Illinois Police Crime Lab for testing</p> <p>6 and analysis.</p> <p>7 Q. CPD doesn't do the -- doesn't have an in-house</p> <p>8 lab. It sends out for testing, right?</p> <p>9 A. That's correct, yes.</p> <p>10 Q. So there will be policies about when to send</p> <p>11 it out and where to send it?</p> <p>12 A. So I believe it's contained inside this order</p> <p>13 here.</p> <p>14 MR. MICHALIK: You're looking at Exhibit 14?</p> <p>15 THE WITNESS: Yes. I think it's this one.</p> <p>16 BY MR. RAUSCHER:</p> <p>17 Q. And so 14 is the newer version of 13; is that</p> <p>18 right?</p> <p>19 A. Yes. Yes. I think it's -- I'm at -- was it -</p> <p>20 - I don't know -- the addendum -- it's the first</p> <p>21 addendum that's in here, so CITY-BG-062134. So it's,</p> <p>22 "The Forensic Services Section will automatically submit</p> <p>23 all narcotics evidence the ISP Lab for analysis when</p> <p>24 there's an associated arrest. In cases where no</p> <p>25 arrestee is listed or the invent -- on the inventory but</p> | <p>1 analysis of the substances is desired, the inventorying</p> <p>2 officer must submit a To-From-Subject report, approved</p> <p>3 by the officer's commanding officer, to the Forensic</p> <p>4 Services Section in order to have the evidence sent for</p> <p>5 testing," so</p> <p>6 Q. And which subsection -- can you just -- for</p> <p>7 the record, which subsection were you reading from?</p> <p>8 A. So this is -- again, it's off of Exhibit 14.</p> <p>9 The page on the bottom is marked CITY-BG-062134. It's</p> <p>10 under Roman numeral II, "general information," letter B.</p> <p>11 Q. Okay. If you can look back at 13 --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- although I think, substantively, they'll be</p> <p>14 the same in both of them. There is a -- if you turn to</p> <p>15 CITY-BG-62119, Section V, Subsection C about the scales.</p> <p>16 A. I'm sorry, what page was it? 621 --</p> <p>17 Q. 62119.</p> <p>18 A. Oh.</p> <p>19 Q. It's in Exhibit 13.</p> <p>20 A. Why am I not seeing 62119?</p> <p>21 Q. It's the third page in.</p> <p>22 MR. MICHALIK: Let me see.</p> <p>23 THE WITNESS: Because I -- mine starts</p> <p>24 with 62177.</p> <p>25 BY MR. RAUSCHER:</p>                                                    |
| Page 167                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Page 168                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>1 Q. 177?</p> <p>2 A. Yeah.</p> <p>3 Q. Are you -- maybe it got stapled the wrong way.</p> <p>4 MR. MICHALIK: Maybe you got the wrong one.</p> <p>5 BY MR. RAUSCHER:</p> <p>6 Q. Or I gave you the wrong thing.</p> <p>7 MR. MICHALIK: Yeah, this is the wrong one,</p> <p>8 this Exhibit 13.</p> <p>9 MR. RAUSCHER: Oh, all right. Yeah, that's the</p> <p>10 wrong document.</p> <p>11 BY MR. RAUSCHER:</p> <p>12 Q. Does your 14 start with --</p> <p>13 A. It's 62130.</p> <p>14 Q. All right. So you have the correct 14 and the</p> <p>15 wrong 13.</p> <p>16 MR. MICHALIK: I can share mine, Scott.</p> <p>17 MR. RAUSCHER: Okay. If you don't mind, that</p> <p>18 would be great.</p> <p>19 MR. MICHALIK: Yeah.</p> <p>20 MR. RAUSCHER: Thanks.</p> <p>21 MR. MICHALIK: It's right there.</p> <p>22 BY MR. RAUSCHER:</p> <p>23 Q. So on the third page of that, which is 6211 --</p> <p>24 A. Uh-huh.</p> <p>25 Q. -- Section V, "Narcotic Safes and Scales"?</p>                                                                                                                                                                                                                                                                                                            | <p>1 A. Yes, sir.</p> <p>2 Q. It talks about how the scales will provide a</p> <p>3 reasonable weight estimation.</p> <p>4 A. Uh-huh.</p> <p>5 Q. What does that mean?</p> <p>6 A. So, again, in order to fill out the arrest and</p> <p>7 case reports, you would need to have, like, an estimated</p> <p>8 weight of what the narcotics were, so that you could get</p> <p>9 an estimated street value so you can also charge</p> <p>10 accordingly. Because, again, with some of the</p> <p>11 controlled substances laws, depending on how much you're</p> <p>12 in possession of would dictate if there's a higher</p> <p>13 charge or not. So, essentially, the tactical units</p> <p>14 would have scales in their -- in their offices, like,</p> <p>15 little digital scales, some of them. Some of them have,</p> <p>16 like, the old school balances, depending on how much you</p> <p>17 actually recovered, and you would use -- or try and use</p> <p>18 those scales as a basis for, you know, your -- your</p> <p>19 values --</p> <p>20 Q. And you see --</p> <p>21 A. -- in your reports.</p> <p>22 Q. Sorry. And the policy says that you weigh it</p> <p>23 with the packaging?</p> <p>24 A. Yes.</p> <p>25 Q. And you keep it in the packaging?</p> |



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| <p>1 A. That's correct.</p> <p>2 Q. So we -- you know, we looked at an arrest</p> <p>3 report earlier for Ben Baker. It has an approximate</p> <p>4 weight. Was that weight based on -- I know you weren't</p> <p>5 there, but under the policy, should that weight be based</p> <p>6 on weighing it at the station?</p> <p>7 A. Well, if the scales were available, yes.</p> <p>8 Sometimes scales were broken or whatever. But I mean,</p> <p>9 typically, just based on experience, they were selling</p> <p>10 0.1 gram bags for everything. So it's just, like,</p> <p>11 typically that would be the weight that would go and be</p> <p>12 associated with that. So if the scale wasn't available,</p> <p>13 that was typically the rough estimate that someone would</p> <p>14 have to go with. I mean, unless it was, like, softball</p> <p>15 sized or something, then you would seek out the scales.</p> <p>16 But for the most part, I mean, guys would weigh it, but</p> <p>17 if the scales weren't available, that was the general</p> <p>18 principle that they went with. And then, ultimately,</p> <p>19 ours was just an estimated weight. The weight would be</p> <p>20 established by ISP.</p> <p>21 Q. So the -- at the station you would -- first</p> <p>22 option is, if there's a scale that is working, you use</p> <p>23 the scale?</p> <p>24 A. Yes.</p> <p>25 Q. Second option is, if not, you'd use 0.1 grams</p> | <p>1 per bag and you just count the bags?</p> <p>2 A. If it -- if it was -- yes, if it was like a</p> <p>3 crack cocaine or heroin and we had nothing else</p> <p>4 available, that was typically the size that we went with</p> <p>5 because that was a roundabout estimate of what it was.</p> <p>6 If it was something larger, like I said, like, if it was</p> <p>7 a -- you know, a softball-size recovery, then you would</p> <p>8 have to seek out something and figure it out.</p> <p>9 Q. Would you -- would the policy require you to</p> <p>10 note on the report whether you used a scale or not?</p> <p>11 A. No, because it's all estimated.</p> <p>12 Q. And then is the -- does CPD have a policy as</p> <p>13 to whether ISP should test -- weigh the entire amount of</p> <p>14 drugs as opposed to just a portion of them?</p> <p>15 A. That, I don't know, but I -- my understanding</p> <p>16 is, is that they weigh the entirety of what is there,</p> <p>17 and then from that sample, they then measure out, like,</p> <p>18 which -- of which, you know, one sample tested positive</p> <p>19 for -- for this, like, a portion of it.</p> <p>20 Q. And when you said "they" in that context, you</p> <p>21 meant ISP?</p> <p>22 A. ISP, yes, sir.</p> <p>23 Q. And that understanding is based on your 25</p> <p>24 years of experience with the Chicago Police Department?</p> <p>25 A. Yes. And the lab reports that they would</p> |
| Page 171                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Page 172                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>1 produce for court.</p> <p>2 Q. Okay. Continuing on on that policy, it talks</p> <p>3 about responsibility for arresting and recovering</p> <p>4 officer.</p> <p>5 A. Uh-huh.</p> <p>6 MR. MICHALIK: Are we still on 13?</p> <p>7 MR. RAUSCHER: Yeah, we're still on 13, but I'm</p> <p>8 going to ask the question about 14 also.</p> <p>9 BY MR. RAUSCHER:</p> <p>10 Q. But 13's just continuing on on the same page.</p> <p>11 A. Uh-huh.</p> <p>12 Q. What is arresting/recovering officer?</p> <p>13 A. So it would depend. You know, like, I mean,</p> <p>14 it's -- it could be -- if -- even though I arrested you,</p> <p>15 I may not have been the one that recovered from you.</p> <p>16 So, again, using it as an example, I might have arrested</p> <p>17 somebody for retail theft and when we took him in for</p> <p>18 processing, my partner searched him, right? Or somebody</p> <p>19 else searched him because I maybe was working 99 and</p> <p>20 they searched him and they recovered, you know, whatever</p> <p>21 it was that -- you know, whatever controlled substance</p> <p>22 he had. Then that person would be the recovering</p> <p>23 officer for it. So of that combination, somebody should</p> <p>24 be filling out the report.</p> <p>25 Q. Should it be the recovering officer?</p>                                                                                                                 | <p>1 A. So in terms of, like, filling out the bags and</p> <p>2 presenting everything, the bag itself is -- anyone can</p> <p>3 pen on it. Typically, it was the officer who did the</p> <p>4 recovering. There were times, though, when, you know,</p> <p>5 the recovering officer would take it, immediately secure</p> <p>6 it in one of the evidence envelopes, and somebody else</p> <p>7 on the team would just pen the bag.</p> <p>8 Q. My question maybe jumped ahead a little bit.</p> <p>9 So this -- Section VI is "Responsibility," and then it</p> <p>10 lists things that are supposed to happen.</p> <p>11 A. Uh-huh.</p> <p>12 Q. Are those things supposed to be done by the</p> <p>13 person who seizes the evidence?</p> <p>14 A. It's -- according to this, it can be</p> <p>15 either/or. So, you know, where it says</p> <p>16 "Arresting/Recovering," I think it's -- it's broad-based</p> <p>17 in the sense that it doesn't identify it. It says</p> <p>18 either the arresting officer can do it or the recovering</p> <p>19 officer can do it, but somebody's got to do it.</p> <p>20 Q. Well, Paragraph 1 does say something, though,</p> <p>21 right?</p> <p>22 A. Well, right. Correct. This is when an</p> <p>23 officer seizes evidence, what he's supposed to do with</p> <p>24 it. He's supposed to secure it, right? So --</p> <p>25 Q. So -- but that doesn't mean to you that the</p>                                     |



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| <p>1 officer who seizes the evidence is supposed to do the</p> <p>2 things that --</p> <p>3 A. He may not be the arresting officer. So --</p> <p>4 and I -- and I think that's -- that's where it's kind of</p> <p>5 a gray area, because, like, just because I recovered, it</p> <p>6 doesn't mean that I'm his arresting officer. So the</p> <p>7 person who's in control of it, yes, you know, who</p> <p>8 ultimately recovered it, then that's when it's going</p> <p>9 down from there.</p> <p>10 Q. So if you can, you can compare it to the next</p> <p>11 Exhibit 14 and Section IV, which is CITY-BG-062135, and</p> <p>12 it's "General Inventory Procedures for Narcotics</p> <p>13 Evidence."</p> <p>14 A. Uh-huh.</p> <p>15 Q. And essentially, the substantive parts are the</p> <p>16 same, but the titles have changed somewhat. Do you see</p> <p>17 that?</p> <p>18 A. Right, where it becomes "General Inventory</p> <p>19 Procedures for Narcotics Evidence," correct?</p> <p>20 Q. Right, instead of "Responsibility."</p> <p>21 A. Yeah.</p> <p>22 Q. And then A says "Inventorying Member's</p> <p>23 Responsibilities" instead of "Arresting/Recovering</p> <p>24 Officer."</p> <p>25 A. Yes.</p>                                                                                                                                                                                                                                                                               | <p>1 Q. And then I goes -- says "when a member seizes</p> <p>2 evidence" as opposed to "an officer seizes evidence,"</p> <p>3 but it removes the arresting officer title, so --</p> <p>4 A. Right. Right. And I think that sort of -- I</p> <p>5 think it's because maybe the ambiguity of the</p> <p>6 arresting/recovering that existed in this. Maybe they</p> <p>7 needed to clarify it. I don't know why they would've</p> <p>8 changed it.</p> <p>9 Q. Starting in 2005, at least with this new</p> <p>10 order, the person who's supposed to do the things</p> <p>11 described in what is Section IV(A) of Exhibit 14, that's</p> <p>12 supposed to be the person who seizes the evidence?</p> <p>13 A. Yes.</p> <p>14 Q. All right. So then looking at -- go back to</p> <p>15 13 now --</p> <p>16 A. Okay.</p> <p>17 Q. -- same section, though. B and C talk about</p> <p>18 recording information in a property inventory book and</p> <p>19 describing and specifying the suspected narcotics. So</p> <p>20 the -- what is the property inventory book?</p> <p>21 A. So that predated our current eTrack system --</p> <p>22 Q. Okay.</p> <p>23 A. -- which is all electronic. Within every</p> <p>24 station, there was a property inventory book that had</p> <p>25 unique inventory numbers that you would then assign to</p>                                                                                     |
| Page 175                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Page 176                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 whatever it was that you recovered, whether it was</p> <p>2 narcotics or firearms, somebody's personal property, and</p> <p>3 you would have to wait your turn for the book. And then</p> <p>4 you would go in -- once it was your turn to get the</p> <p>5 book, then you would -- the numbers that you wrote on be</p> <p>6 the ones that were assigned to you.</p> <p>7 Q. And that was replaced by the electronic</p> <p>8 system?</p> <p>9 A. Correct, which automatically populates an</p> <p>10 inventory number for you.</p> <p>11 Q. Skipping down a little bit to d, it says you</p> <p>12 should "not place the weight or the estimated street</p> <p>13 value on the Property Inventory form." Why is that?</p> <p>14 A. I think -- to be honest with you, I don't know</p> <p>15 the answer to this because I -- I think what they're</p> <p>16 referring to is the actual inventory bag. Oh, no, the</p> <p>17 property inventory form. No, because the property</p> <p>18 inventory form is just supposed to articulate what it is</p> <p>19 that you recovered. So in other words, like, you're</p> <p>20 going to describe the fact that I recovered six Ziploc</p> <p>21 bags each containing a white powdery substance, crack</p> <p>22 cocaine. So it's just specifically to be for the</p> <p>23 description of what it is that you recovered.</p> <p>24 Q. Do you know -- do you know any -- if there is</p> <p>25 a reason why it is like that as opposed to saying, you</p> | <p>1 know, six bags suspected narcotics weighing?</p> <p>2 A. I could theorize, but I don't know for sure.</p> <p>3 Q. While we're here --</p> <p>4 MR. MICHALIK: Don't speculate.</p> <p>5 BY MR. RAUSCHER:</p> <p>6 Q. Why don't you theorize, though?</p> <p>7 A. I would say because you don't want something</p> <p>8 to get thrown out of court because two documents don't</p> <p>9 match, you know, but that would -- the department</p> <p>10 wouldn't want you to put something in a report that's</p> <p>11 getting processed and/or tested later by ISP that's</p> <p>12 going to have a value and then a defense attorney can</p> <p>13 say that's not the same thing that you've inventoried</p> <p>14 and now your case gets thrown out on a technicality.</p> <p>15 That would be my thought.</p> <p>16 Q. Section i talks about placing "the evidence in</p> <p>17 the Evidence Bag in the presence of a [sic] desk</p> <p>18 sergeant." Who is a desk sergeant?</p> <p>19 A. So the desk sergeant is -- he works up with</p> <p>20 the -- they're now considered a district station</p> <p>21 supervisor. So, essentially, the desk sergeant was in</p> <p>22 charge of receiving the narcotics. They would -- and</p> <p>23 the inventories. So he would typically approve the</p> <p>24 inventories along with the arrest reports that were</p> <p>25 brought to him. And then at that point in time, he</p> |

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| <p>1 would review the contents of the bag to make sure that</p> <p>2 the bag -- what was penned on the bag and what was on</p> <p>3 the inventory matched what was in front of him, right?</p> <p>4 And then after that, the bag would get sealed. It would</p> <p>5 get signed by both the district -- the desk sergeant and</p> <p>6 by the officer who inventoried it. There was a</p> <p>7 narcotics log that was filled out to document the fact</p> <p>8 that on today's date, I deposited these narcotics, and</p> <p>9 then they would turn around and put it in the dope safe</p> <p>10 in -- in the district.</p> <p>11 Q. Is there a -- is there a part of the process</p> <p>12 where the tactical team sergeant reviews the inventory?</p> <p>13 A. There could be, yes.</p> <p>14 Q. What do you mean "there could be"?</p> <p>15 A. So it depends. Like, in current</p> <p>16 circumstances, like, if DSS isn't available and they</p> <p>17 need to -- they're not going to sit around for hours on</p> <p>18 end with narcotics just sitting on a table. In some of</p> <p>19 these other units, like, if you were working -- I know</p> <p>20 Public Housing, for example, they had their own office</p> <p>21 that was there, so there wasn't really -- I don't</p> <p>22 believe they had a -- a desk sergeant there. So that</p> <p>23 would mean, like, whoever was there would be the</p> <p>24 supervisor that was going to approve it. He would be</p> <p>25 the one to review it and approve it and then put it into</p> | <p>1 -- into their safe.</p> <p>2 Q. And then -- so Public Housing is maybe one</p> <p>3 example. What about after Public Housing? Well, when</p> <p>4 you were a tactical team sergeant --</p> <p>5 A. Yeah.</p> <p>6 Q. -- did you sit down with -- for each arrest</p> <p>7 where you with the approving supervisor and --</p> <p>8 A. For each arrest, no. I mean, there might've</p> <p>9 been times when I approved their narcotics because</p> <p>10 someone wasn't available. That's possible, yes.</p> <p>11 Q. But you were not typically looking at each bag</p> <p>12 of narcotics, saying does this match up with what they</p> <p>13 said that recovered?</p> <p>14 A. I mean, typically, I was there anyways for</p> <p>15 most of the arrests. So, like, I was watching them as</p> <p>16 they were putting everything together, you know. So I</p> <p>17 mean, in that regard, not the one physically approving</p> <p>18 it, but knowing what was there, yes.</p> <p>19 Q. And when you weren't there?</p> <p>20 A. They would take it to the district station</p> <p>21 supervisor or the desk sergeant for approval.</p> <p>22 Q. And -- but for the rest where you were there,</p> <p>23 they would still go to the desk sergeant for approval,</p> <p>24 right?</p> <p>25 A. Unless there were extenuating circumstances,</p> |
| Page 179                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Page 180                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>1 yeah.</p> <p>2 MR. PALLES: Excuse me. May I ask, are we</p> <p>3 going to go much longer? Because if so, I wouldn't</p> <p>4 mind, like, grabbing a snack for about ten minutes.</p> <p>5 MR. RAUSCHER: What kind of snack? I'm just</p> <p>6 kidding.</p> <p>7 MR. PALLES: Well, I -- we have like a</p> <p>8 Pret-a-Manger downstairs. I'd probably pick up a</p> <p>9 half sandwich or something.</p> <p>10 MR. RAUSCHER: That sounds nice.</p> <p>11 MR. PALLES: I wish I could get you some, but</p> <p>12 MR. RAUSCHER: No, but in all seriousness, I</p> <p>13 don't think I'm going super long. I mean, I'm on</p> <p>14 the second to last topic. The last one is not going</p> <p>15 to take long, but I'm also happy to take 15 or 20</p> <p>16 minutes if people want. Or whatever everyone wants</p> <p>17 to do.</p> <p>18 MR. BAZAREK: Quite frankly, I'd rather --</p> <p>19 there's -- another dep at 3:00. If we do, like, a</p> <p>20 short break, it sounds like Scott's not too far away</p> <p>21 from finishing, so that's my only --</p> <p>22 MR. RAUSCHER: Why don't I finish this topic</p> <p>23 with the -- I don't have other policies to show him</p> <p>24 for this topic. Why don't I finish that and let's</p> <p>25 take whatever time people need and then finish up?</p>                                                                                                                                                                                                                                 | <p>1 MR. MICHALIK: Yeah, it's up to you. I mean,</p> <p>2 we're ready to, you know, plow through. I know</p> <p>3 there is another dep, but if people need five or ten</p> <p>4 minutes.</p> <p>5 MR. PALLES: I'll plow -- I'll plow through,</p> <p>6 too, as necessary.</p> <p>7 MR. MICHALIK: Appreciate it, Eric.</p> <p>8 MR. RAUSCHER: All right.</p> <p>9 MR. PALLES: Paul, I've got to talk to you when</p> <p>10 we're done here just momentarily before you depart.</p> <p>11 MR. MICHALIK: All right.</p> <p>12 BY MR. RAUSCHER:</p> <p>13 Q. All right. Turn to Page 6 of Exhibit 13,</p> <p>14 CITY-BG-62122. And then if you look at 4f, it talks</p> <p>15 about "cases for which evidence will no longer be</p> <p>16 needed, submit one of the following to the court</p> <p>17 sergeant".</p> <p>18 A. Uh-huh.</p> <p>19 Q. Who determines whether the evidence will no</p> <p>20 longer be needed?</p> <p>21 A. I would say that that's determined by the</p> <p>22 courts. So our policies are now that when a court case</p> <p>23 is terminated, that the officer is supposed to present,</p> <p>24 through the State's Attorney's Office, through the</p> <p>25 judge, a request for confiscation and destruction order.</p>                                                                                                 |

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| <p>1 I would imagine this was our policy that was in place at<br/>2 the time that would address the ability for the Evidence<br/>3 and Recovered Property Section to dispose of the<br/>4 evidence. So not every -- not every piece of narcotics<br/>5 went to trial. So in other words, if an officer went to<br/>6 court and the defense or the state didn't ask them to<br/>7 bring the narcotics to court, those narcotics remained<br/>8 in the Evidence and Recovered Property Section in the<br/>9 our drug vault. So the purpose of this would be, hey,<br/>10 we no longer need this. The case is done. We can<br/>11 dispose of it. That information would then be cycled<br/>12 back to the Evidence and Recovered Property Section who<br/>13 would then have a verified document to support why they<br/>14 destroyed evidence, so they wouldn't, in turn, be<br/>15 accused of -- disposing of evidence before its time.<br/>16 Q. Okay. And then if you could skip ahead to<br/>17 62124, Section B on that page. It talks about desk<br/>18 sergeant responsibilities. I think we've already talked<br/>19 about that.<br/>20 A. Uh-huh.<br/>21 Q. Are these accurate? These reflect what the<br/>22 desk sergeant is supposed to do?<br/>23 A. Yes. The officer's supposed to present to the<br/>24 desk sergeant or the approving sergeant of the<br/>25 inventory. They will then -- they're saying, hey,</p> | <p>1 there's, you know, 50 bags of heroin in here. You're<br/>2 supposed to verify that there's 50 bags of heroin in<br/>3 here. And then onward, it gets forwarded.<br/>4 Q. Does the desk sergeant weigh the narcotics<br/>5 again?<br/>6 A. No.<br/>7 Q. They just -- they go by the reports and make<br/>8 sure --<br/>9 A. Right. Well, they're -- and, again, like, the<br/>10 -- what they're approving is the inventory. So if the<br/>11 inventory is saying there's supposed to be 50 here, then<br/>12 there's 50 here and -- and that's it.<br/>13 Q. But -- and they are -- they're approving the<br/>14 inventory, and they are also -- they are supposed to<br/>15 actually look at the evidence; is that right?<br/>16 A. Correct.<br/>17 Q. Yeah.<br/>18 A. Right. So in this instance, if an officer's<br/>19 bringing 50 grams of heroin to the desk sergeant, he's<br/>20 presenting him the open bag, and the desk sergeant is<br/>21 going to physically count out the -- if he's doing his<br/>22 job, he's going to count out the 50. So the issue with<br/>23 that is that obviously when it goes down to ISP, ISP is<br/>24 also going to confirm the contents of that, and they're<br/>25 going to review it off of what's on the bag. And let's</p>                                                                                                                                  |
| Page 183                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 184                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 just say I said there's 50 in there and it gets down<br/>2 there and there's 30, they're going to send a notifier<br/>3 back to the Chicago Police Department saying you're<br/>4 missing 20 --<br/>5 Q. Yeah.<br/>6 A. -- and then people are going to have to start<br/>7 answering questions.<br/>8 Q. What is the Police Document Services Section<br/>9 officer?<br/>10 A. So those are essentially our couriers, and<br/>11 they work out of the document section. So what they do<br/>12 is they go around to each one of the districts and they<br/>13 collect property that's been inventoried. Specifically<br/>14 -- they don't bring firearms anymore except for certain<br/>15 units, but our -- our couriers today, what they do is<br/>16 they'll go -- sworn officers serve as couriers for --<br/>17 for guns, money, and jewelry, and they'll bring those in<br/>18 a secured container to us. And then we receive the<br/>19 manifest from them moving it from district to district.<br/>20 In terms of general property, civilians go and collect<br/>21 those items. So it's, like, you know, telephones, DVDs,<br/>22 things like that. And then, again, they'll create a<br/>23 manifest, which is approved by that desk sergeant, which<br/>24 then moves the property from the district where we<br/>25 recovered and puts it into an in- transit status until</p>                                 | <p>1 it comes to us. Or in this instance, if it's narcotics,<br/>2 until it goes to forensics, where, again, it's scanned<br/>3 and received. So it's creating that chain of custody to<br/>4 show who had it, who touched it, where it went, and<br/>5 when.<br/>6 Q. Is there anybody in CPD who is responsible for<br/>7 weighing the narcotics, other than the inventory<br/>8 officer?<br/>9 A. To my knowledge, no.<br/>10 Q. What is the narcotics recovery log? I'm<br/>11 sorry, narcotic evidence log in transmittal form?<br/>12 A. So there's -- there's a log that's completed<br/>13 at the desk to indicate what you put in the safe. So,<br/>14 again, it's another check and balance, like, hey,<br/>15 Officer A inventoried this. He signed off on the log.<br/>16 That should be in there. So as it goes, that log should<br/>17 be empty. And now, the transmittal for us today is a<br/>18 little bit different because what it'll do is, there's a<br/>19 log that -- there's a paper log at the desk for what<br/>20 everything is that goes in the safe, and then there's<br/>21 another log, a transmittal, which is an electronic<br/>22 record, that when the couriers come to get the<br/>23 narcotics, they scan each inventory. There's a barcode<br/>24 that's on every single one of the inventories that gets<br/>25 scanned, and then it creates a list that says whoever</p> |

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| <p>1 the courier is is taking possession of all of these<br/>2 items. And then they present that list electronically<br/>3 to the desk sergeant who verifies that these are the<br/>4 inventories you have, I'm hitting the approval button,<br/>5 they're now in your custody, and they're in transit in<br/>6 your name until they come back around to the Forensic<br/>7 Section for narcotics. When they arrive in the Forensic<br/>8 Section, an officer there will receive that manifest<br/>9 from them. They'll electronically enter the eTrack<br/>10 system. And then, again, they'll -- they'll type in the<br/>11 manifest number, and then they will scan each inventory.<br/>12 And it'll check it off on the list to show that, yes, we<br/>13 indeed transferred custody of everything that Officer A<br/>14 said that he took out of whatever district it was.<br/>15 Q. Who's allowed to check out narcotics evidence?<br/>16 A. So it'll be the officers that are involved in<br/>17 the case. Or if a state's attorney says, you know -- it<br/>18 doesn't necessarily have to be the guy who inventoried<br/>19 it. Let's use the -- the furlough example again. Hey,<br/>20 it's coming up on trial. We need it. They can sign out<br/>21 a subpoena and say we need this officer to come get this<br/>22 evidence because he's associated with the case. In<br/>23 those regards, the same thing. There's an electronic<br/>24 history and a record that's kept of, you know, us giving<br/>25 that narcotic to that officer or that inventory, right?</p> | <p>1 So we'll pull it from our vault. We'll do,<br/>2 electronically, what's considered a checkout. They'll<br/>3 sign for it electronically, indicating that they have<br/>4 it. There's a form set that's supposed to be filled out<br/>5 that they present to the State's Attorney's Office that<br/>6 will show which state's attorney accepted this<br/>7 inventory. And then it'll come back to us, and then<br/>8 electronically, we turn it over to the system.<br/>9 Q. Does the off -- if an officer who was involved<br/>10 in the case wants to check out the narcotics, do they<br/>11 need to provide a reason?<br/>12 A. Yes. Like, you can't just come down and be<br/>13 like I want to get all the drugs out of here. You know,<br/>14 we -- we've had instances where -- you know, even<br/>15 recently, outside agencies have come in and asked for<br/>16 things. Like, I had the FBI come in and say that they<br/>17 wanted an item that we had recovered, and I denied them<br/>18 access to it because they couldn't explain why they<br/>19 wanted it. You know, if it wasn't tied to an ongoing<br/>20 investigation, then you can't have it. And, like, for<br/>21 this, the narcotics, it would be if you're not taking it<br/>22 to court and you don't have a court, you know,<br/>23 notification saying come get this, you're not getting<br/>24 it.<br/>25 Q. Okay. The last topic is "collection and</p> |
| Page 187                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Page 188                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>1 inventory of money from individuals who are arrested or<br/>2 detained." Did you review any policies relating to that<br/>3 topic?<br/>4 A. No.<br/>5 Q. Okay.<br/>6 MR. RAUSCHER: I'm going to mark Exhibit 15<br/>7 CITY-BG-06225 to 2257.<br/>8 (EXHIBIT 15 MARKED FOR IDENTIFICATION)<br/>9 BY MR. RAUSCHER:<br/>10 Q. But before I do that, can you tell me what the<br/>11 policies of CPD are for collection and inventory of<br/>12 money from individuals who are arrested or detained?<br/>13 A. So it all depends on what you're arrested and<br/>14 detained for.<br/>15 Q. Let's say narcotics.<br/>16 A. For narcotics, that policy has changed over<br/>17 time. It used to be you could pretty much seize<br/>18 anything. If the guy had \$2 on him, you could -- you<br/>19 could seize it. That policy then changed, and there's a<br/>20 \$500 threshold that's associated with it now.<br/>21 Q. When did that policy change?<br/>22 A. I don't know for sure.<br/>23 Q. What's your best estimate as to when that \$500<br/>24 threshold came into place?<br/>25 A. I think it might have been around 2009, 2010,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>1 somewhere in there.<br/>2 Q. And how was that communicated?<br/>3 A. Again, it was a department policy that came<br/>4 out. There were changes that came out. You're notified<br/>5 that, hey, there's a change in the order and this is --<br/>6 this is what the procedure of the department is now.<br/>7 Q. And was that limited to search warrants, or is<br/>8 that for anything?<br/>9 A. So search warrants are slightly different. So,<br/>10 like, search warrants, the -- the dollar threshold can<br/>11 be anything --<br/>12 Q. Okay.<br/>13 A. -- because it's related to a search warrant.<br/>14 When you're physically recovering United States currency<br/>15 from an individual who's been placed into custody, that<br/>16 dollar amount has now changed to \$500.<br/>17 Q. And then let me show you -- so why don't I<br/>18 give you Exhibit 15, and this is titled "Consent to<br/>19 Search Incidents."<br/>20 A. Okay.<br/>21 Q. Have you reviewed this before?<br/>22 A. I -- I -- not for this, but I've seen this<br/>23 document before, yes.<br/>24 Q. All right. You're familiar with it?<br/>25 A. Yes.</p>                                                                                                                                                                                                                                                                                         |

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| <p>1 Q. Does this speak to inventorying money, or is</p> <p>2 it --</p> <p>3 A. This -- so a consent to search incident is --</p> <p>4 is different in the sense that where this would come</p> <p>5 from is if we show up at someone's house and we want to</p> <p>6 search their house absent a search warrant --</p> <p>7 Q. Right.</p> <p>8 A. -- and we ask them, hey, can I search your</p> <p>9 house, or can I search your car on the street? And</p> <p>10 like, yeah, sure, no problem. We fill out a consent to</p> <p>11 search form, but that's what this is -- this is geared</p> <p>12 towards specifically.</p> <p>13 Q. And this tells you how to then log the</p> <p>14 recovery of either less than or more than \$5,000 -- I'm</p> <p>15 sorry, \$1,000?</p> <p>16 A. 1,000, yes.</p> <p>17 Q. Okay. Do you know what general or special</p> <p>18 order contains the \$500 amount you were talking about?</p> <p>19 A. So I believe there's an order for -- I think</p> <p>20 it's both in the narcotics order and in our money order.</p> <p>21 Q. Do you think it's in the narcotics one we just</p> <p>22 looked at or a separate one?</p> <p>23 A. No, they're going to be in -- they're going to</p> <p>24 be in our -- in our newer orders.</p> <p>25 Q. So not an order from 2011 or earlier?</p>                                                                                                                                                                                                                | <p>1 A. I would -- I -- I'm trying to think of when we</p> <p>2 changed our policy for -- for the money, but it -- it</p> <p>3 would be an inactive policy now because it -- it's</p> <p>4 definitely in -- in policy now.</p> <p>5 Q. So what happens when someone is arrested for</p> <p>6 narcotics and they have \$450 in cash?</p> <p>7 A. They're supposed to be able to take it into</p> <p>8 lockup with them. The lockup procedures allow them to</p> <p>9 take up to \$500 in United States currency into -- into</p> <p>10 lockup with them.</p> <p>11 Q. Okay. So tell me, from -- in 1999, there</p> <p>12 wasn't -- you could seize \$2, right? What was the</p> <p>13 process for inventorying -- collecting and inventorying</p> <p>14 money during that time period?</p> <p>15 A. So it would be recovered from whoever the</p> <p>16 individual was. So if I was arrested and I had \$1,000</p> <p>17 on me, the officers would come in, they would remove my</p> <p>18 United States currency from my person, and they would</p> <p>19 count it. Whatever the count was -- typically we used</p> <p>20 to do it in front of the individual who was there.</p> <p>21 Sometimes we'd ask them, do you know how much money do</p> <p>22 you have on you, you know, and then we would count it</p> <p>23 out. And then from there, it would get put into an</p> <p>24 inventory bag. We would count it again before we</p> <p>25 inventoried it just to make sure that we counted it</p> |
| Page 191                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Page 192                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>1 right. At that point in time, depending on the</p> <p>2 circumstances, if it was going to be held for</p> <p>3 investigation, if we were looking for the seizure, or if</p> <p>4 we're just going to return it to them, there were boxes</p> <p>5 that were checked on the inventory to document, you</p> <p>6 know, what the intent was for the money. At that point</p> <p>7 in time, it would then have been taken, similar to the</p> <p>8 narcotics, to the desk sergeant or the approving</p> <p>9 sergeant. And same thing. They were supposed to review</p> <p>10 the contents of the bag to make sure that, hey, I said</p> <p>11 there was \$1,000 in here and there's \$1,000 in United</p> <p>12 States currency inside this bag. If it was short,</p> <p>13 they'd be like, hey, you're short, you know, and they</p> <p>14 would then have to figure out, like, where did the</p> <p>15 shortage come from. Was it two bills stuck together, or</p> <p>16 you just can't count, or -- or whatever it is, and they</p> <p>17 would figure it out.</p> <p>18 Q. But that's the desk sergeant's responsibility?</p> <p>19 A. It -- one of his -- his -- one of his</p> <p>20 responsibilities is to -- if he's approving the</p> <p>21 inventory or whoever's approving that inventory, it's</p> <p>22 their responsibility to verify that what's on that</p> <p>23 inventory is reflected in what's in front of them.</p> <p>24 Q. So in a narcotics case, that is the desk</p> <p>25 sergeant's responsibility, right?</p> | <p>1 A. And -- and, again, like, unless there were</p> <p>2 those extenuating circumstances where he wasn't</p> <p>3 available or...</p> <p>4 Q. Sure. But as a general matter, the policy is</p> <p>5 the desk sergeant does that?</p> <p>6 A. Correct.</p> <p>7 Q. And is the money counted at the scene?</p> <p>8 A. Usually not. I mean, like, if we're</p> <p>9 recovering it from a person, you don't want to take all</p> <p>10 their money out and then all of a sudden you've got to -</p> <p>11 - you've got to secure it, and, you know, Lord only</p> <p>12 knows sometimes what might happen on the way into the</p> <p>13 station, you know. You don't want to jump out of the</p> <p>14 car because you -- you on-view something else, and now</p> <p>15 all of a sudden, you've got half of his property in your</p> <p>16 pocket and things get commingled. You used to wait to</p> <p>17 take the money from people unless there was a reason why</p> <p>18 you needed to immediately secure it on scene. And then</p> <p>19 even then, you used to, like -- we would have evidence</p> <p>20 bags and things like that with us to secure things in,</p> <p>21 so we didn't lose stuff, but usually the -- the counts</p> <p>22 were done inside the station.</p> <p>23 Q. So the money would stay with the person until</p> <p>24 you got to the station?</p> <p>25 A. Yes.</p>                                                                                                      |



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| <p>1 Q. What about narcotics that you recovered?</p> <p>2 A. The narcotics, it would all depend. Like, I</p> <p>3 mean, some guys would secure it somewhere on their</p> <p>4 person, like, in -- inside their vest. Because a lot of</p> <p>5 times, it was coming inside, you know, a larger plastic</p> <p>6 bag. It wasn't just, like, one individual thing.</p> <p>7 Q. Yeah.</p> <p>8 A. Other guys would carry, like, our green</p> <p>9 evidence envelopes with them and put it in there and</p> <p>10 then fold it up and then, you know, put it inside their</p> <p>11 vest and zip it up so it wouldn't -- you know, it</p> <p>12 wouldn't fly away.</p> <p>13 Q. But narcotics were not left with the</p> <p>14 individual until you got back to the station?</p> <p>15 A. Unless he had them secreted somewhere that</p> <p>16 required an additional search. Like, let's just say we</p> <p>17 took him in, and he had them in the sole of his shoe.</p> <p>18 You know what I mean? Like -- so would there be times</p> <p>19 where someone might have narcotics on their person</p> <p>20 subsequent to the search? Yes. But no, we wouldn't, in</p> <p>21 theory, leave something on someone knowing that they had</p> <p>22 it.</p> <p>23 Q. Right. If they -- if you didn't know,</p> <p>24 though --</p> <p>25 A. Right. Yeah.</p> | <p>1 Q. -- you didn't know?</p> <p>2 A. Yeah. I mean, and the -- and the reason for</p> <p>3 that is, obviously, it would represent a hazard to them</p> <p>4 because they know that they're going to prison now. Some</p> <p>5 people may be desperate and decide I'm going to swallow</p> <p>6 narcotics, and now I have someone who's dying in my</p> <p>7 backseat because I didn't secure my evidence.</p> <p>8 MR. RAUSCHER: Let's take a quick break. I'll</p> <p>9 be wrapping on my questions pretty soon.</p> <p>10 MR. MICHALIK: Okay.</p> <p>11 THE VIDEOGRAPHER: All right. We're off the</p> <p>12 record. The time is 2:05.</p> <p>13 (OFF THE RECORD)</p> <p>14 THE VIDEOGRAPHER: We're back on the record.</p> <p>15 The time is 2:10.</p> <p>16 BY MR. RAUSCHER:</p> <p>17 Q. Earlier at the start of the deposition, I</p> <p>18 asked you to let me know if there are any policies you</p> <p>19 reviewed that we -- or any documents you reviewed that</p> <p>20 we didn't talk about today. So I'll ask you again now</p> <p>21 that we've looked at a bunch. Are there any policies</p> <p>22 you reviewed to prepare for this deposition that we</p> <p>23 didn't look at today together?</p> <p>24 A. We -- so I believe we looked at general --</p> <p>25 like, a general or special order for the tact teams that</p> |
| Page 195                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 196                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 wasn't included in this.</p> <p>2 Q. That's the newer version that you said is</p> <p>3 substantively the same --</p> <p>4 A. But it's not the BOP version of it. It</p> <p>5 would've been, like, the general or -- I want to say</p> <p>6 that we looked at that, but I don't know for sure.</p> <p>7 Q. Yeah. Not this one that we marked today.</p> <p>8 Something else?</p> <p>9 A. It would've been -- it would've been, like,</p> <p>10 just a regular -- that's a BOP, so that's a Bureau of</p> <p>11 Patrol order.</p> <p>12 Q. Okay.</p> <p>13 A. I want to say I also looked at -- like,</p> <p>14 there's a more general -- it's either a general or a</p> <p>15 special order, but I -- I'd have to double check and</p> <p>16 look to see for sure. And then I also looked at</p> <p>17 instruction manuals for -- off the -- the CLEAR system</p> <p>18 for eTrack and for arrest reports that weren't included</p> <p>19 in these documents.</p> <p>20 Q. Okay. Anything substantively in those reports</p> <p>21 that differs from what -- or sorry. Anything</p> <p>22 substantively in the instructions for filling out</p> <p>23 reports that differs from things we've talked about</p> <p>24 today?</p> <p>25 A. No. No. I mean, essentially, they're just</p>                                                             | <p>1 user guides that walk the user through how to manipulate</p> <p>2 the systems.</p> <p>3 MR. RAUSCHER: Okay. I don't have any other</p> <p>4 questions.</p> <p>5 MR. BAZAREK: I've got a couple of questions --</p> <p>6 MR. MICHALIK: Hold on, Bill. Joel's going</p> <p>7 to go.</p> <p>8 MR. BAZAREK: Yeah.</p> <p>9 MR. FLAXMAN: Yeah. Bill, is it okay if I go</p> <p>10 first? I'll be pretty quick.</p> <p>11 MR. BAZAREK: Yeah, go ahead. I jumped the</p> <p>12 gun.</p> <p>13 MR. FLAXMAN: No problem.</p> <p>14 EXAMINATION</p> <p>15 BY MR. FLAXMAN:</p> <p>16 Q. You mentioned the CLEAR system.</p> <p>17 A. Yes, sir.</p> <p>18 Q. What is that?</p> <p>19 A. So the CLEAR system is our -- our reporting</p> <p>20 application. So it houses, currently, our eTrack</p> <p>21 system, our arrest system, our performance evaluation</p> <p>22 system. It's just -- it's -- it's an application suite</p> <p>23 that has a different number of functions that we have</p> <p>24 for the department to electronically send documents and</p> <p>25 -- and things of that nature. So, like, all our arrest</p>                                                                                                                                                                                                                  |



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| <p>1 reports that we reviewed today, that came out of the</p> <p>2 CLEAR system.</p> <p>3 Q. So a police officer preparing an arrest report</p> <p>4 would use the CLEAR system?</p> <p>5 A. Today, yes, unless the system went down, and</p> <p>6 then we would revert back to the paper system.</p> <p>7 Q. Okay. And one thing that I think you</p> <p>8 mentioned about a police officer creating an arrest</p> <p>9 report in the CLEAR system was that a box pops up when</p> <p>10 they're submitting the report?</p> <p>11 A. Correct.</p> <p>12 Q. And is -- that box is for the officer to</p> <p>13 formally attest to the information in the report?</p> <p>14 A. That's correct, yes.</p> <p>15 Q. And did you say that at that point, the</p> <p>16 officer has to reenter his password to do that?</p> <p>17 A. Yes.</p> <p>18 Q. Another thing you talked about was doing</p> <p>19 inventories of narcotics, and the example, I think, you</p> <p>20 gave was counting the number of pills in a bag. Do you</p> <p>21 remember that?</p> <p>22 A. Yes.</p> <p>23 Q. Would an officer also be expected to examine</p> <p>24 powder in a bag of narcotics?</p> <p>25 A. You mean open it physically?</p>                                                                                                                                                                                                                                                                                              | <p>1 Q. Well, yes or no, would they be expected to</p> <p>2 open it?</p> <p>3 A. More -- more often than not, no. I mean,</p> <p>4 you're not going to expose yourself to it.</p> <p>5 Q. Okay. You mentioned something called a</p> <p>6 miscell ex card?</p> <p>7 A. Yes.</p> <p>8 Q. How do you spell that?</p> <p>9 A. So, like, miscellaneous.</p> <p>10 Q. Okay.</p> <p>11 A. So gosh, M-I-C-E-L-L-A-N-O-U-S [sic].</p> <p>12 Q. So miscellaneous?</p> <p>13 A. Miscellaneous. And it's a -- it's -- so it's</p> <p>14 a miscellaneous exception report is what it is. We used</p> <p>15 to call them a miscell ex card, so...</p> <p>16 Q. Okay. And what is that?</p> <p>17 A. So it's just -- it's a -- it's a card that we</p> <p>18 would fill out for when there wasn't a -- and this was</p> <p>19 dating back years when -- it was a report that we would</p> <p>20 fill out when there wasn't really a report to fill out,</p> <p>21 but you had, like, a miscellaneous exception.</p> <p>22 Q. Okay.</p> <p>23 A. It would be within our incident reporting</p> <p>24 guide. It would say there's no UCR code for this. It's</p> <p>25 a miscellaneous exception report. I'm trying to think</p> |
| Page 199                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Page 200                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>1 offhand, it's been so long since I've done one, what</p> <p>2 would be an example of one. It might actually be in the</p> <p>3 field reporting guide, which would explain when you</p> <p>4 would -- when you would fill one out.</p> <p>5 Q. Okay. But the full name is miscellaneous --</p> <p>6 A. Miscellaneous exception report -- incident</p> <p>7 report.</p> <p>8 Q. Okay. And just -- and I think I understand</p> <p>9 this, but so that would be a formal report. It wouldn't</p> <p>10 be some kind of, like, note-taking?</p> <p>11 A. It -- well, correct. But I mean, the reason</p> <p>12 why we would use them is because they were -- they were</p> <p>13 cardboard stock, right? And because they weren't -- you</p> <p>14 know, I think it had, like, a -- it wasn't, like, a -- a</p> <p>15 case report or anything like that, and they were blank</p> <p>16 on the back side. We could use that to write down</p> <p>17 information, and it was sturdy enough that it wasn't,</p> <p>18 like, a piece of paper loosely from one of our notebooks</p> <p>19 that was going to blow away. So when we were processing</p> <p>20 people in the field, it would be -- we would use a --</p> <p>21 that to write down the information sometimes to put in</p> <p>22 there and then send in their property bag when they were</p> <p>23 going in so that they would say, okay, this is number 1.</p> <p>24 Number 1 is this person.</p> <p>25 Q. Okay. And so -- just so I'm clear in that,</p> | <p>1 you're talking about using the back of this report as --</p> <p>2 A. Correct.</p> <p>3 Q. Let me just finish the question, so we can</p> <p>4 make the record clear.</p> <p>5 A. Sure.</p> <p>6 Q. You're talking about using the back of this</p> <p>7 form to take notes essentially, right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And then once you're creating the formal</p> <p>10 arrest reports, you would rely on those notes?</p> <p>11 A. The -- it -- essentially, it would be the</p> <p>12 individual's personal information is what would be on</p> <p>13 that card, right? So when we're -- and it's specific to</p> <p>14 when we were doing these reverse stings or -- or the --</p> <p>15 the controlled arrests, right? Is that this way we knew</p> <p>16 who each individual was.</p> <p>17 Q. And you wanted to know who they were to put</p> <p>18 that information into the formal reports?</p> <p>19 A. Correct.</p> <p>20 Q. But the miscell ex card is something you would</p> <p>21 use as before completing the formal reports?</p> <p>22 A. Yes.</p> <p>23 Q. And would you keep the miscell ex card after</p> <p>24 you did the formal reports?</p> <p>25 A. No.</p>             |

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| <p>1 Q. Okay. We talked about officers preparing<br/>2 reports based on personal knowledge, right?<br/>3 A. Uh-huh.<br/>4 Q. Is that a yes?<br/>5 A. Yes.<br/>6 Q. And in some instances, it would be appropriate<br/>7 for an officer to rely on another officer's observation<br/>8 when preparing a report, right?<br/>9 A. That's correct, yes.<br/>10 Q. In that instance, should the officer preparing<br/>11 the report state in the report that whatever observation<br/>12 he's talking about was made by another officer?<br/>13 A. They could, yes.<br/>14 Q. Well, should they?<br/>15 A. For clarity purposes -- like, again, if we're<br/>16 looking at a report, right -- and we'll use an example<br/>17 of I pull someone over and I'm engaging the driver, and<br/>18 the rear passenger is reaching for a firearm. I can't<br/>19 see that because my partner can, right? So you would<br/>20 indicate in there -- you could. You could indicate that<br/>21 ROs did this while we were engaging the driver. The rear<br/>22 passenger was observed making further movements, right?<br/>23 Again, I think it lays in the hands of the author.<br/>24 Would it make more sense for the individual to say<br/>25 Officer A saw this? Yes. You know, because then it</p>                                                                                                                              | <p>1 provides that -- that level of clarity. Is it required?<br/>2 I would say, again, it's not as long as when it goes to<br/>3 court, everyone can answer up to what they did.<br/>4 Q. Oh, the final thing I wanted to ask you about<br/>5 was on Exhibit number 8. That's a one-page document,<br/>6 "Form Preparation Instructions"?<br/>7 A. Yes, sir.<br/>8 Q. Okay. Paragraph number 44 on the bottom left<br/>9 begins, "The arresting officer." Do you see that?<br/>10 A. Yes, sir.<br/>11 Q. And it says things that the arresting officer<br/>12 must enter. It says, "Name first." Do you see that?<br/>13 A. Yes, sir.<br/>14 Q. The next one -- and the next thing is,<br/>15 "Indicating beat." And then it says, "Furlough, day off<br/>16 group." Is furlough, day off group one thing, or is<br/>17 that --<br/>18 A. It's two separate things.<br/>19 Q. Okay. What does furlough mean?<br/>20 A. So your furlough is when your vacation is for<br/>21 the year. So we have the 13-period police calendar<br/>22 that's broken down into, you know, two segments, 14-day<br/>23 segments. So it's another -- it's a -- it's a notifier<br/>24 for -- probably for court scheduling purposes. In the<br/>25 sense that, like, if it's going to felony court, right,</p>                                                                                                                                                                                        |
| Page 203                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Page 204                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p>1 and it's going to 26 and California, the state's<br/>2 attorney can look and say I don't want to set a date at<br/>3 this time because I know the officer's not going to be<br/>4 available. As far as the day off group, that's the --<br/>5 your day off that you're assigned. So we have a --<br/>6 rotate -- we used to work six and twos. So every six<br/>7 days, you would be off for two. Everyone would be in a<br/>8 different day off group. Again, for balance of<br/>9 manpower. And so you would just put what day off group<br/>10 you were in for that as well.<br/>11 Q. And, again, that would be so the court<br/>12 wouldn't be scheduled and the officer was not working?<br/>13 A. In theory, sure. Yeah.<br/>14 Q. And the last thing, it says,<br/>15 "Misdemeanor/ordinance court key." Can you tell me what<br/>16 that means?<br/>17 A. So everyone's assigned a misdemeanor or<br/>18 ordinance key. So when you would arrest someone for a<br/>19 misdemeanor offense, so that we weren't -- we weren't,<br/>20 like, I guess, clogging the court system and sending<br/>21 every misdemeanor arrest to court on this day, they<br/>22 would break us all down and give us a court key based<br/>23 off of letter, right? So I believe my court key was O,<br/>24 if I'm not mistaken. And if I'm not mistaken, it was<br/>25 also based off of the last two digits of your star</p> | <p>1 number, and they -- they -- they parcel it out that way.<br/>2 So you would schedule people for your court date based<br/>3 off what your court key was. So if I arrested you for a<br/>4 misdemeanor, I would go to my court key, which was<br/>5 established on department calendars and say all right,<br/>6 my next court key is going to be this day here, and I<br/>7 would set it for that day and then that way the arrestee<br/>8 would also know when he was also due in court.<br/>9 Q. So the court key is like a table --<br/>10 A. Uh-huh.<br/>11 Q. -- or is the court key is the letter?<br/>12 A. So the key itself is what letter you were, and<br/>13 then there's a table that has the dates for -- so for<br/>14 every -- every period, you know, it was 21 days out, you<br/>15 were -- you were going for your court key. And so you<br/>16 would go off the calendar, and you would be like, all<br/>17 right, we're in -- we're in March. When's my next court<br/>18 key date up? Oh, my next court key date for -- for<br/>19 March is tomorrow. Well, I can't give him that court<br/>20 date. I've got to set it out. So now I'm going to go<br/>21 to my next court key date, you know. So we would be<br/>22 going for -- you know, April is then when my court date<br/>23 would be for that. That's what I would set it for.<br/>24 Q. And is it just called a misdemeanor/ordinance<br/>25 court key, or are there different ones for a</p> |

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| <p>1 misdemeanors and ordinances?</p> <p>2 A. No, it's just a -- it's the same thing. So</p> <p>3 it's, like, our --</p> <p>4 Q. Okay.</p> <p>5 A. -- traffic key was the same thing, and they</p> <p>6 would just -- they would stage them off each other.</p> <p>7 Q. Is there a name for the table that had the</p> <p>8 date in it?</p> <p>9 A. It was just a court key.</p> <p>10 Q. Because I -- and what I'm confused about is</p> <p>11 that the court key is the letter, but it --</p> <p>12 A. Right.</p> <p>13 Q. -- also refers to the table.</p> <p>14 A. Yeah. I mean, it -- so it's -- it's, like,</p> <p>15 almost like the same thing as, like, a matrix. You</p> <p>16 know, where it's you've got -- you know, up at the top,</p> <p>17 you have all the letters going across and on the side,</p> <p>18 you have all the months going down, and then you just</p> <p>19 line it up as you go. And then in the middle, there's</p> <p>20 all the dates for the month.</p> <p>21 MR. FLAXMAN: Okay. All right. I don't think</p> <p>22 I have anything else.</p> <p>23 MR. RAUSCHER: I think somebody on the computer</p> <p>24 had questions for you.</p> <p>25 MR. MICHALIK: Bill, did you want to ask</p>                                                                                                                                                                                   | <p>1 something?</p> <p>2 MR. BAZAREK: Yeah. I've got just a few follow</p> <p>3 ups.</p> <p>4 CROSS-EXAMINATION</p> <p>5 BY MR. BAZAREK:</p> <p>6 Q. Good afternoon, Lieutenant Fitzgerald. You've</p> <p>7 worked as both a tactical officer and a tactical</p> <p>8 supervisor in district law enforcement, correct?</p> <p>9 A. That's correct, sir. Yes.</p> <p>10 Q. Okay. And you just -- not you. Mr. Flaxman</p> <p>11 just -- strike that. As a tactical officer working with</p> <p>12 a tactical team throughout your tour of duty on any</p> <p>13 given shift, you routinely shared information with your</p> <p>14 fellow tact team members; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. And there would be occasions where even, say,</p> <p>17 you made observations of criminal activity, but your</p> <p>18 partner was not present at that moment where you</p> <p>19 observed the criminal observations, correct?</p> <p>20 A. That could happen, yes.</p> <p>21 Q. And then you -- with that information, though,</p> <p>22 you would share the observations that you made with your</p> <p>23 partner and other fellow officers on the tactical team,</p> <p>24 correct?</p> <p>25 A. That could happen, yes.</p>                                                                                                                               |
| Page 207                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page 208                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>1 Q. Okay. And I'll give an example. Say you're</p> <p>2 looking for a man with a gun and say an individual, you</p> <p>3 know, just takes off. You're with your partner. Maybe</p> <p>4 your partner jumps out of the car, starts chasing the</p> <p>5 guy, and you're going another way, and let's say you and</p> <p>6 your partner are not together for some period of time,</p> <p>7 but your partner recovers the gun. Have you had a --</p> <p>8 have you had situations like that happen?</p> <p>9 A. Similarly, yes --</p> <p>10 MR. MICHALIK: Yeah. Bill, I'm just going to</p> <p>11 object to the extent that I think this probably</p> <p>12 exceeds the scope of the 30(b)(6) deposition.</p> <p>13 MR. BAZAREK: Well, I'm going to tie it back to</p> <p>14 just report writing. Okay.</p> <p>15 BY MR. BAZAREK:</p> <p>16 Q. So later on, let's say that example I gave</p> <p>17 where someone -- your partner recovers a gun, but you're</p> <p>18 not present when he recovers it. Later on, though, you</p> <p>19 do see the gun because your partner has recovered it.</p> <p>20 Are you following me?</p> <p>21 A. I am.</p> <p>22 Q. Okay. So then you go back and you -- it's</p> <p>23 time to prepare the police report on it. And whether --</p> <p>24 it's a, like, general offense case report and you have</p> <p>25 the boxes for the reporting officer, and then you have</p> | <p>1 the box for the second reporting officer, right, on the</p> <p>2 case report?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. And so the hypothetical I gave where</p> <p>5 you actually weren't present when your partner recovered</p> <p>6 the gun, it would be entirely appropriate under</p> <p>7 department procedure for your partner to list you as the</p> <p>8 second reporting officer, correct?</p> <p>9 MR. MICHALIK: Same objection, Bill.</p> <p>10 THE WITNESS: I would say that's -- that's</p> <p>11 okay. You could -- you could do that.</p> <p>12 BY MR. BAZAREK:</p> <p>13 Q. Right. And then let's look at Exhibit 5.</p> <p>14 That's the "Vice Case Report General Instruction," and</p> <p>15 what I want to go to is numbers 45 and 46. And I know</p> <p>16 you've already -- you gave an example actually earlier</p> <p>17 in the deposition where you talked about someone working</p> <p>18 in a car by themselves. It wouldn't be applicable for</p> <p>19 them to put a second officer because he wasn't with a</p> <p>20 second officer. Do you recall that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So now my example is going to be a</p> <p>23 narcotics recovery where you do have officers that are</p> <p>24 not together at the time where one of the officers</p> <p>25 recovers the narcotics but then later he comes back into</p> |

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| <p>1 contact with his partner, and he shows them the dope</p> <p>2 that he recovers. Are you following me?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Okay. And you would agree that it would be</p> <p>5 entirely appropriate, under department procedure when</p> <p>6 preparing the vice case report for box 46, to put your</p> <p>7 partner's name in that box, even though he wasn't there</p> <p>8 initially when you made the narcotics recovery; is that</p> <p>9 correct?</p> <p>10 MR. MICHALIK: Bill, I'm going to have to</p> <p>11 object to this line of questioning. It's beyond the</p> <p>12 scope of the 30(b)(6) deposition and the topics</p> <p>13 listed here. You're asking him hypothetical</p> <p>14 questions, applications of your hypothetical to</p> <p>15 policies. He's here to talk about policies.</p> <p>16 MR. BAZAREK: Right.</p> <p>17 BY MR. BAZAREK:</p> <p>18 Q. Well, okay. Is that within policy to put a</p> <p>19 second officer in box 46 if it was your partner and he</p> <p>20 wasn't present --</p> <p>21 MR. MICHALIK: Same object --</p> <p>22 BY MR. BAZAREK:</p> <p>23 Q. -- at the time recovery of the dope?</p> <p>24 MR. MICHALIK: Same objection.</p> <p>25 THE WITNESS: Again, I would say it would be</p>                                                                                                               | <p>1 based on, like, the totality of the circumstances</p> <p>2 that you would have to take that into consideration.</p> <p>3 The example that I gave, I think was, more or less,</p> <p>4 like, an individual officer responded to a -- a call</p> <p>5 from a citizen who had found narcotics in their</p> <p>6 flower bed, and there wasn't anyone else there with</p> <p>7 them. So in that regard, there would never be --</p> <p>8 sorry. There wouldn't be a -- a second officer that</p> <p>9 would've been on that report because no one would've</p> <p>10 been there other than him when he made the recovery.</p> <p>11 So in that instance, it was an isolated incident</p> <p>12 where it was a 99 unit that responded to a call for</p> <p>13 service and made a recovery. If I was working with</p> <p>14 my partner and for some reason we got separated and</p> <p>15 it turned into an arrest situation where it resulted</p> <p>16 in me recovering narcotics and then them being</p> <p>17 there, I would say yes, in theory, because we were</p> <p>18 still working together, that -- that would be</p> <p>19 applicable to put him on the report if there was --</p> <p>20 in some way he was involved in the investigation we</p> <p>21 were conducting.</p> <p>22 BY MR. BAZAREK:</p> <p>23 Q. Right. It would be entirely appropriate to</p> <p>24 put your partner on the vice case report in box 46,</p> <p>25 right?</p> |
| Page 211                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Page 212                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>1 MR. MICHALIK: Same objection.</p> <p>2 THE WITNESS: Again, like I would say, it would</p> <p>3 depend on the totality of the circumstances, but</p> <p>4 yes, there -- there could be instances where an</p> <p>5 officer's partner was not present when a recovery of</p> <p>6 anything was made, and you would either put them on</p> <p>7 the general offense case report or the vice case</p> <p>8 report.</p> <p>9 BY MR. BAZAREK:</p> <p>10 Q. Right. And then you -- and that's what police</p> <p>11 officers do. They share information with each other,</p> <p>12 even if one member is not there to observe firsthand the</p> <p>13 criminal activity, right?</p> <p>14 MR. RAUSCHER: Object to form.</p> <p>15 MR. MICHALIK: Yeah. Same objection on behalf</p> <p>16 of the witness.</p> <p>17 THE WITNESS: Yeah. I mean, again, I think</p> <p>18 what -- what it goes back to is almost, like, the --</p> <p>19 the traffic stop that I discussed where I'm engaging</p> <p>20 the driver. I don't see what's going on in the back</p> <p>21 seat but my partner does, and he relates to me after</p> <p>22 he recovers a gun. Maybe he didn't have time to</p> <p>23 articulate to me that he saw it. He just opens the</p> <p>24 door and puts the guy in cuffs. And I'm like, well,</p> <p>25 what just happened? He explains it to me. And yes,</p> | <p>1 it's our report because we're working together.</p> <p>2 When we go to court, we're going to explain what</p> <p>3 each one of us was doing, and that would be the</p> <p>4 reason why they would both be included in the</p> <p>5 report.</p> <p>6 BY MR. BAZAREK:</p> <p>7 Q. But it would be entirely appropriate for you</p> <p>8 to be listed as the second reporting officer, right?</p> <p>9 A. It could be, yes.</p> <p>10 Q. Okay. And then the other thing I want you to</p> <p>11 look at -- and I'm almost done. Let's take a look at</p> <p>12 Exhibit 6. That's the "Vice Case Report." And really</p> <p>13 just a couple questions on this. And I'm just</p> <p>14 specifically looking at -- do you see box 12? And</p> <p>15 there's box 18, and you see a bunch of --</p> <p>16 A. Yes.</p> <p>17 Q. -- police officer names are included in there;</p> <p>18 is that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Okay. And would you agree that when you're</p> <p>21 working on a tactical team, tactical team members would</p> <p>22 include all the names of the tactical team members in</p> <p>23 those boxes on a vice case report?</p> <p>24 MR. MICHALIK: Objection. It's beyond the</p> <p>25 scope of the 30(b)(6) deposition. Are you asking</p>                                                                                                                                                           |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1 what -- that's the policy of the police department?</p> <p>2 MR. BAZAREK: Yes. Yeah. The policy. Yes.</p> <p>3 THE WITNESS: I would say that the individuals</p> <p>4 that appear in those boxes on some level had a role.</p> <p>5 Whether it was being on scene or participating as an</p> <p>6 assisting officer on some level would be the only</p> <p>7 reasons why they would appear in the report. If</p> <p>8 they weren't present, then I would say that they</p> <p>9 would not -- and by present, I mean for any part of</p> <p>10 the arrest -- there would be no reason for them to</p> <p>11 appear on that report.</p> <p>12 BY MR. BAZAREK:</p> <p>13 Q. Right. So -- but it would be within</p> <p>14 department policy if you had some involvement, say, in</p> <p>15 the narcotics investigation, you're part of a tactical</p> <p>16 team or even a beat car that could put a stop on a</p> <p>17 suspect, that you would include the names of the</p> <p>18 department members in the vice case report?</p> <p>19 MR. MICHALIK: Same objection.</p> <p>20 THE WITNESS: Again, in theory, you could, but</p> <p>21 then you would also have to be able to articulate</p> <p>22 what their role was in terms of their assistance in</p> <p>23 it. You know, so, again, like, if you get called</p> <p>24 down and the state's attorney wanted to know -- in -</p> <p>25 - in this particular example, they would be like --</p>                 | <p>1 they -- they would maybe subpoena the whole team,</p> <p>2 and they would ask Officer Jones, Officer Mohammed,</p> <p>3 Officer Smith, Officer Soltis, Sergeant Watts,</p> <p>4 Officer Gonzalez, and Officer Leano, tell me what</p> <p>5 everybody did, you know. And then they would make</p> <p>6 determinations, and Leano may be like I processed</p> <p>7 the guy. Just -- I searched him when he came in.</p> <p>8 And, you know, I helped prepare the complaint. They</p> <p>9 might cross them off the list and say, okay, I don't</p> <p>10 need you for court because, really, you're not</p> <p>11 necessary for it. So, I mean, as long as everyone</p> <p>12 that was on here could explain that they had a role</p> <p>13 of some level in what -- what transpired, whether it</p> <p>14 was from processing to arresting to being on scene,</p> <p>15 that would all have to be justified by, you know,</p> <p>16 what -- why their name was put on there. It was</p> <p>17 because they had some role in this somewhere.</p> <p>18 MR. BAZAREK: That's all I have. Thank you,</p> <p>19 Lieutenant.</p> <p>20 THE WITNESS: Sure.</p> <p>21 MR. MICHALIK: Anyone else?</p> <p>22 MR. GAINER: I don't have any questions. Thank</p> <p>23 you, Lieutenant.</p> <p>24 REDIRECT EXAMINATION</p> <p>25 BY MR. RAUSCHER:</p>                                                                                          |
| Page 215                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Page 216                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>1 Q. I've got just a small number of follow-up</p> <p>2 questions. So sticking with 15 -- I'm sorry, Exhibit 5.</p> <p>3 Box 18 is described -- it says, "Enter name(s) of</p> <p>4 person who discovered, witnessed --</p> <p>5 MR. BORKAN: Can't hear you, Scott.</p> <p>6 BY MR. RAUSCHER:</p> <p>7 Q. The box -- the description for box 18 on</p> <p>8 Exhibit 5 says -- starts with, "Enter name(s) of persons</p> <p>9 who discovered, witnessed, or reported the offense and</p> <p>10 check the appropriate square." Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. That's what you're supposed to do on that vice</p> <p>13 case report. It's supposed to list people who either</p> <p>14 discovered, reported, or witnessed the offense, right?</p> <p>15 A. Correct, but I think where the ambiguity</p> <p>16 somewhat comes in with that, and even with some of our</p> <p>17 officers, is when it -- when it comes down to the -- the</p> <p>18 portion of witnessed the offense. In the sense that,</p> <p>19 did they witness a portion of the incident? In the</p> <p>20 sense, did I search this guy? Was I there serving as an</p> <p>21 assist and therefore, in some level, I did witness</p> <p>22 something? And I think that's -- that's an ambiguity,</p> <p>23 and that leads to things like this. And that's why it</p> <p>24 comes down to people being called to court and being</p> <p>25 asked to explain what their role was.</p> | <p>1 Q. What's ambiguous about it? If you search</p> <p>2 someone and you found drugs, you witnessed something,</p> <p>3 right?</p> <p>4 A. Well, no. What I'm saying is, in terms of if</p> <p>5 you -- if you searched that individual not on scene but</p> <p>6 in the station, they might list you on here because you</p> <p>7 witnessed that portion of the process, right? So in</p> <p>8 that regard, you didn't witness the recovery, you didn't</p> <p>9 witness the arrest, but you participated in the process.</p> <p>10 So because you, in that regard, acted as an assist,</p> <p>11 that's why you're showing up on there because you're</p> <p>12 documenting your assistance in it.</p> <p>13 Q. So if you search someone at the station after</p> <p>14 they were already searched on the scene, you would still</p> <p>15 be listed as a witness under the CPD policy?</p> <p>16 A. You could be. You could be listed as an</p> <p>17 assisting officer. In the sense that, like, just</p> <p>18 because you didn't recover the narcotics, if you</p> <p>19 recovered his wallet that was later inventoried or</p> <p>20 whatever you prepared that inventory for I, now you've</p> <p>21 assisted in that manner.</p> <p>22 Q. But that -- so that is not what the written</p> <p>23 policy says that box is supposed to mean, correct?</p> <p>24 MR. MICHALIK: Object to the form of the</p> <p>25 question.</p> |



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| <p>1 THE WITNESS: I would say what -- what I</p> <p>2 explained before. I think there's a little bit of</p> <p>3 ambiguity in there, which is the reason why there's</p> <p>4 these questions about people showing up on reports</p> <p>5 and what their exact roles were, right? Because</p> <p>6 someone may read this and be like, well, he</p> <p>7 witnessed the offense, and I might read that to me,</p> <p>8 like, I physically observed you in possession of</p> <p>9 that. Now I'm an eyewitness to that. Other people</p> <p>10 might say, well, he witnessed it because we arrested</p> <p>11 him. We brought him in the station, and he served</p> <p>12 as a witness because he also participated in</p> <p>13 searching.</p> <p>14 BY MR. RAUSCHER:</p> <p>15 Q. Which part of the offense would you witness if</p> <p>16 you searched someone and just took their wallet?</p> <p>17 A. Because you participated in the totality of</p> <p>18 the offense. Like, the -- the -- the totality of the</p> <p>19 investigation.</p> <p>20 Q. How -- what does the word "offense" mean to</p> <p>21 you?</p> <p>22 A. Offense would mean the actual event, meaning</p> <p>23 the crime that was committed. However, in this regard,</p> <p>24 because they're still participating in an assist manner,</p> <p>25 people might say, well, if you didn't put him on there</p>                                                                    | <p>1 and he searched him, now you're concealing who</p> <p>2 participated.</p> <p>3 Q. So there is a space for assisting officer on</p> <p>4 the arrest report, right?</p> <p>5 A. There wasn't back then.</p> <p>6 Q. There was not back then?</p> <p>7 A. No.</p> <p>8 Q. You couldn't list assisting officers?</p> <p>9 A. I mean, the arrest report -- the old arrest</p> <p>10 report only had two boxes. There was one on the bottom</p> <p>11 for the arresting officer, and then one on the -- the</p> <p>12 bottom for the -- the secondary officer. Sometimes you</p> <p>13 would put -- if you were riding a three-man car, you</p> <p>14 would put all three of them in there, but there wasn't a</p> <p>15 -- a specific box, as there is today, where you can</p> <p>16 identify in the printed version that we have, you could</p> <p>17 list 100 officers as assisting.</p> <p>18 Q. And then -- so basically what you're saying</p> <p>19 is, in practice, officers would list people as witnesses</p> <p>20 even if they didn't witness the offense as required by</p> <p>21 the written policy?</p> <p>22 MR. MICHALIK: Object to the form of the</p> <p>23 question.</p> <p>24 THE WITNESS: I don't know that -- again, I</p> <p>25 think where it comes in is that witnessing the</p>                                                                                                                                                                                                      |
| Page 219                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Page 220                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>1 offense is how the author would describe witnessing</p> <p>2 the offense, right, and who actually participated in</p> <p>3 the totality of it, right? Because, again, the</p> <p>4 offense involves an arrest, right? It -- it</p> <p>5 involves the arrest of someone being in possession</p> <p>6 of something, but that offense starts and ends</p> <p>7 throughout the course of processing. So for the</p> <p>8 officers, they may interpret it that way, but you</p> <p>9 would have to ask the author of the report and the</p> <p>10 individuals who are involved, like, why they</p> <p>11 specifically identified these individuals in the</p> <p>12 manner that they did.</p> <p>13 BY MR. RAUSCHER:</p> <p>14 Q. How do you, as someone who's been in the</p> <p>15 department for 25 years, was a member of tact team, and</p> <p>16 sergeant, interpret and witness the offense?</p> <p>17 A. Witness the offense? Again, as I explained to</p> <p>18 you, my interpretation of it is those that were involved</p> <p>19 in it, right? So, again, the way that this is written,</p> <p>20 the only way to know who did what is to specifically ask</p> <p>21 those that were involved. Because --</p> <p>22 Q. Well -- sorry. Go ahead.</p> <p>23 A. Oh, no, that's okay. And -- and the -- and</p> <p>24 the thing is -- is that, again, Mohammed, Smith, Soltis,</p> <p>25 Watts, Gonzalez, Leano, they all could have been on-</p> | <p>1 scene. I don't know. I wasn't there, you know, but who</p> <p>2 does know is Jones and Mohammed, right? And they would</p> <p>3 be able to -- to articulate to you who was there. And -</p> <p>4 - and then everyone should be able to tell you, you</p> <p>5 know, to the best of their recollection, what -- what</p> <p>6 their role was in this. And it could be anything that</p> <p>7 extended from, you know, I searched him. I -- I was</p> <p>8 there as, you know, one of the supporting surveillance</p> <p>9 officers. You know, that's -- that's questions for them</p> <p>10 to answer.</p> <p>11 Q. You interpret it, though, to mean someone who</p> <p>12 was on-scene, right?</p> <p>13 A. That's how I interpret it, yes.</p> <p>14 Q. Not someone who went later and searched and</p> <p>15 found their wallet at the station?</p> <p>16 A. Correct. But some -- again, I think some</p> <p>17 officers take that to mean that -- because I have --</p> <p>18 we've had these conversations with other officers</p> <p>19 before. We -- you know, I've been in conversations with</p> <p>20 officers where, as an example, we had a disagreement</p> <p>21 amongst officers where there was a car that was pulled</p> <p>22 over for -- for being stolen, and an individual bailed</p> <p>23 out of the car, took off running, right? They called it</p> <p>24 out. That individual was subsequently apprehended a</p> <p>25 block away by two other officers that are assigned to</p> |



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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 221</p> <p>1 that team. They placed him into custody. When they</p> <p>2 bring him back, there's an argument over who's going in</p> <p>3 box 1 for the guy who had the gun, and my stance was</p> <p>4 it's -- it's the guy who saw him get out of the car is</p> <p>5 where it starts because you're the one that's going to</p> <p>6 be able to say, yes, I put him in that vehicle when he</p> <p>7 bailed out, and then my report's going to indicate that</p> <p>8 you recovered a firearm from him. So, yes, you're --</p> <p>9 you're involved in this, but, like, I'm not box 1 on the</p> <p>10 driver and the passenger in the front seat and you're</p> <p>11 box 1 on the guy because it's all one offense.</p> <p>12 Q. Box 1 is not going to be the guy who showed up</p> <p>13 three hours later and you were -- when you said, hey,</p> <p>14 there was an arrest for a gun?</p> <p>15 A. Correct.</p> <p>16 Q. And it's not going to be the guy who searched</p> <p>17 for the wallet at the station?</p> <p>18 A. Correct.</p> <p>19 Q. And you would not list those people as</p> <p>20 witnesses?</p> <p>21 A. Again, to the arrest, no, but they could be</p> <p>22 assisting arresting officers in the sense that they</p> <p>23 participated in some form of the process.</p> <p>24 Q. And you might list that as someone who's</p> <p>25 assisting officer?</p> | <p style="text-align: right;">Page 222</p> <p>1 A. Yes. People might, yes.</p> <p>2 Q. Which is different than a witness to the</p> <p>3 offense?</p> <p>4 A. Again, in my estimation, yes, but you would</p> <p>5 also have to understand what the perspective of the</p> <p>6 officers who wrote this report was and find out from</p> <p>7 them how they interpreted that.</p> <p>8 Q. One thing you said during that testimony was</p> <p>9 that, you know, who knows is Al Jones and Kallatt</p> <p>10 Mohammed -- or you said Jones and Mohammed. Why are you</p> <p>11 making the assumption that they know what everyone did?</p> <p>12 they looked at?</p> <p>13 A. Well, I would assume because they're the</p> <p>14 authors of the report.</p> <p>15 Q. And you would not be the author of the report</p> <p>16 without knowing what happens yourself?</p> <p>17 A. Correct.</p> <p>18 MR. RAUSCHER: Okay. I don't have any other</p> <p>19 questions.</p> <p>20 MR. MICHALIK: Anybody else?</p> <p>21 MR. BAZAREK: Nope. Thanks, Paul.</p> <p>22 MR. BORKAN: All good.</p> <p>23 MR. GAINER: Not from me.</p> <p>24 MR. MICHALIK: We will reserve signature.</p> <p>25 MR. PALLES: Not for me.</p> |
| <p style="text-align: right;">Page 223</p> <p>1 THE REPORTER: Okay. Any orders of the</p> <p>2 transcript or the video?</p> <p>3 MR. RAUSCHER: Transcript, yes.</p> <p>4 THE REPORTER: Just, like, an e-tran?</p> <p>5 MR. RAUSCHER: Yeah.</p> <p>6 THE REPORTER: Okay.</p> <p>7 MR. RAUSCHER: We might want it a little faster</p> <p>8 than normal delivery, though.</p> <p>9 (DEPOSITION CONCLUDED AT 2:42 P.M. CT)</p> <p>10</p> <p>11</p> <p>12</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 style="text-align: right;">Page 224</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 TALIA JACKSON,</p> <p>23 DIGITAL REPORTER / NOTARY</p> <p>24 COMMISSION EXPIRES ON: 11/28/2027</p> <p>25 SUBMITTED ON: 04/09/2024</p>                                                                                                                          |

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