

William Carter,)
)
Plaintiff,)
)
v.) Case No. 17 C 7241
)
City of Chicago, Ronald Watts, Darryl) Judge LaShonda A. Hunt
Edwards, Alvin Jones, Kallatt Mohammed,)
John Rodriguez, Calvin Ridgell, Jr., Elsworth J.)
Smith, Jr., Gerome Summers, Jr., and Kenneth)
Young, Jr.)
)
Defendants.)

DEFENDANTS' JOINT MOTION *IN LIMINE* TO BAR JEFFREY DANIK

TABLE OF CONTENTS

I. Danik Is Not Qualified and Proffers An Unreliable Opinion Without Methodology that the CPD Should Have Moved Administratively to Separate Watts and Mohammed from Their Employment Before the Conclusion of the Joint FBI/IAD Criminal Investigation.	4
A. Danik is Not Qualified.....	4
B. Danik’s Opinions Lack Methodology and Are Unreliable.....	7
II. In Addition to Lacking any Methodology and their Unreliability, Danik’s Opinions Will Confuse and Not Be Helpful to the Jury as He Merely Parrots Plaintiff’s Anticipated Closing Argument.....	10
III. Danik Should be Barred From Opining that Anyone Was Falsely Arrested, Innocent, or Wrongfully Convicted Because Those Are Improper Credibility Assessments.....	16
IV. Danik’s Speculative Opinions Should be Barred.	17
V. Opinions Against Non-Parties Should be Barred.....	19
VI. Opinions Based on Facts Not Found in the Record and Contradicted by the Record Should be Barred.	20
VII.Danik’s June 3, 2024, Supplemental Report Should be Barred.	24

TABLE OF AUTHORITIES

Cases:	Page(s):
<i>Am. Family Mut. Ins. Co. v. Electrolux Home Prods., Inc.</i> , 2014 WL 2893179 (W.D. Wis. 2014)	15
<i>Catlin v. DuPage Cty Major Crimes Task Force</i> , 2007 WL 1772175 (N.D.Ill.2007).....	7
<i>Chapman v Maytag Corp.</i> , 297 F.3d 683, 686-87 (7 th Cir. 2002)	17
<i>Daubert v. Merrell Dow Pharm., Inc.</i> , 509 U.S. 579 (1993)	7, 11
<i>Davis v. Duran</i> , 2011 WL 2277645 (N.D. Ill. 2011)	12, 16
<i>DePaepe v. General Motors Corp.</i> , 141 F.3d 715, 720 (7th Cir. 1998).....	17, 18
<i>Empress Casino Joliet Corp. v. Johnston</i> , 2014 WL 6735529 (N.D. Ill. 2014)	15
<i>Florek v. Vill. of Mundelein, Ill.</i> , 649 F.3d 594 (7th Cir. 2011)	15
<i>Goldberg v. 401 North Wabash Venture LLC</i> , 755 F.3d 456 (7th Cir. 2014)	12
<i>Good Shepherd Manor Found., Inc. v. City of Mokenca</i> , 323 F.3d 557 (7th Cir. 2003)	13, 14, 16
<i>Jordan v. City Chicago</i> , 2012 WL 254243 (N.D. Ill. Jan. 27, 2012)	4, 12, 16
<i>Kraft Foods Global, Inc. v. United Egg Producers, Inc.</i> , 2023 WL 6248473 (N.D. Ill. September 19, 2023)	3, 11, 24
<i>Krik v. Crane Co.</i> , 71 F. Supp. 3d 784 (N.D. Ill. 2014).....	13, 16
<i>LQD Business Finance, Inc. v. Rose</i> , 2023 WL 2306854 (N.D. Ill. 2023)	12
<i>Martinez v. Sakurai Graphic Sys.</i> , 2007 WL 2570362 (N.D. Ill. Aug. 30, 2007)	21

<i>Queen v. W.I.C., Inc.</i> , 2017 WL 3872180 (S.D. Ill. Sept. 5, 2017).....	20, 21
<i>Sanchez v. City of Chi.</i> , No. 18 C 8281, 2024 WL 4346381 (N.D. Ill. Sept. 20, 2024)	4
<i>Sanders v. City of Chi. Heights</i> , 2016 WL 1730608 (N.D. Ill. 2016)	15
<i>Thompson v. City of Chicago</i> , 472 F.3d 444 (7th Cir. 2006)	15
<i>United States v. Benson</i> , 941 F.2d 598 (7th Cir. 1991)	15
<i>United States v. Hall</i> , 165 F.3d 1095, 1107 (7th Cir. 1999)	12, 16
<i>U.S. v. Blount</i> , 502 F.3d 674 (7th Cir. 2007)	14
<i>U.S. v. Brown</i> , 973 F.3d 667 (7th Cir. 2020)	23
<i>U.S. v. Brownlee</i> , 744 F.3d 479 (7th Cir. 2014)	12
<i>U.S. Gypsum Co. v. Lafarge N. Am. Inc.</i> , 670 F. Supp. 2d 768 (N.D. Ill. 2009)	15
Statutes:	
Fed. R. Evid. 702	passim
Fed. R. Evid. 703	2, 7, 11

Defendants, Alvin Jones, Elsworth Smith Jr., Kenneth Young Jr., Darryl Edwards, Gerome Summers Jr., John Rodriguez, and Calvin Ridgell,¹ by their attorneys, for their motion *in limine* to bar plaintiff's expert Jeffrey Danik, state as follows:

This case arises from plaintiff's claim that he was falsely arrested for drug crimes by former Sgt. Ronald Watts and members of his tactical team in 2004 and 2006. According to plaintiff, even though he pled guilty to two of these three arrests and was found guilty for the third arrest, and even though he admits to being a daily drug user during this time period, on these three particular occasions he was not committing a drug crime. Ironically, in addition to the defendant officers, plaintiff also filed a *Monell* claim against the City of Chicago, even though it was the Chicago Police Department's ("CPD") Internal Affairs Division ("IAD") whose efforts paved the way for plaintiff's convictions to be overturned. Specifically, IAD brought the allegations of criminal misconduct against Watts to the attention of the FBI in September 2004, which led to the Joint FBI/IAD Investigation of Watts and other members of his team, which joint investigation ultimately caught Watts and Mohammed accepting bribes and/or stealing Government money from a drug courier resulting in their federal convictions, which convictions led to the Cook County State's Attorney's Office's ("CCSAO") decision to agree to plaintiff's request to vacate his convictions, which led to this lawsuit.

So what did the City do wrong when IAD participated with the FBI in its investigation of Watts and Mohammed's corruption? Plaintiff disclosed former FBI agent Jeffrey Danik to opine that the City should have breached the confidentiality of the federally led joint investigation before the United States Attorney's Office ("USAO") and FBI concluded the investigation to move administratively to fire Watts and Mohammed from the CPD. According to Danik, IAD should have taken this action even though it would have ruined the FBI's investigation and prevented the criminal

¹ Defendants Ronald Watts and Kallatt Mohammed join in the relief requested in this motion.

prosecution of Watts, and even though the USAO and FBI controlled the confidential informants, confidential overhears, and other secret information that would have been necessary to prove-up the administrative charges before the Police Board of the City.

To offer this bold opinion that a municipal police department should have interfered with a confidential FBI criminal investigation to take an employment action, one would expect Danik: (1) to have a plethora of experience working on these types of joint federal/local investigations into municipal corruption; (2) be able to identify examples where a local municipality successfully followed Danik's type of advice; (3) have extensive municipal internal affairs experience; and (4) be able to point to generally accepted law enforcement standards to support his opinion. Danik, however, has none of these things. He never worked on an investigation like this. He can't identify a single investigation where a local municipality broke the cover of a confidential FBI criminal investigation to move administratively against a corrupt officer/official. He never worked for a City's police department and has no applicable internal affairs experience. And he can't cite a single professional standard that supports his opinion. In fact, the only professional standard he cites supports the City's view, teaching that "[i]t is common practice to hold an administrative investigation in abeyance during the pendency of a criminal investigation based on the same facts." (Ex. 3 Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice, at section 2.4, commentary). The 2011 Memorandum of Understanding ("MOU") between the FBI and CPD also does not support Danik's assertions. To be sure, Danik has experience working for the FBI, but Rules 702, 703, and *Daubert* require more. He is not qualified and does not have a foundation to offer this opinion.

As we discuss below, there are many other reasons why Danik should be barred. His report (Ex. 1) and supplement (Ex. 2) violate every basic tenet of expert testimony admissibility. Danik resolves factual disputes in plaintiff's favor anchored by his own credibility assessments and speculation throughout his report. Rather than a legitimate effort at applying sound methodology to

a set of facts, Danik offers argument mirroring plaintiff's counsel's anticipated closing argument (were plaintiff even allowed to admit most of the information Danik cites in his report). His testimony is inadmissible, in total. Let plaintiff accuse defendants of exaggerating, the following excerpt is taken from the introduction of his report wherein Danik summarizes his "opinions":

I would be remiss if I did not begin by stating I was shocked and saddened by what I read in the record. The extreme recklessness of leaving demonstrably corrupt officers loose in a particularly vulnerable segment of the community is so far removed from anything I've ever experienced in my law enforcement career; its negative impact cannot be overstated. The worst possible allegations that can be made against police officers were being corroborated in part for several years. The CPD received accusations of selling drugs into the community and dealing in firearms by multiple separate people telling near identical stories and who do not appear to have known the others were cooperating. An officer was accused of shooting at persons as part of their bribe and extortion payment racket and suspicion even arose about one officer's involvement in a homicide of a drug dealer who might cooperate against him. The officers received cash bribes or stole funds and falsified police evidence records eight times over the course of years, much of it documented via audio or video recordings. Instead of removing them administratively, the CPD command staff claims to have instead outsourced the entire matter for several years to an often-bumbling group of officials outside their department. Inexplicably, CPD took no ownership of the matter and allowed the targets to remain as officers in the very community they were known to be victimizing. Perhaps the most egregious thing is CPD then did nothing to identify and attempt to correct possible false arrests of the people the target officers had victimized during those previous years. (Ex. 1, Report at 2-3).

As his introduction demonstrates, Danik's opinions suffer from numerous deficiencies and are beyond salvage. The courts routinely discourage experts from proffering similar reports, yet Danik failed to comply with the basic rules of expert testimony. *Kraft Foods Global, Inc. v. United Egg Producers, Inc.*, 2023 WL 6248473, *2 (N.D. Ill. September 19, 2023)(Seeger, J.)("An expert witness cannot turn into a mouthpiece for the lawyer, giving a closing argument in the middle of the case. An expert is not a narrator of the evidence, offering a running commentary on what the jury has already heard.")² It is

² Defendants have sought leave to file a nearly identical motion to bar Danik which is currently pending before Judge Seeger in *Gipson v. City, et al.*, 18 C 5120, Dkt.173 (The City's motion for leave to file brief in excess has not yet been ruled upon by Judge Seeger).

not a Court's job to blue-pencil an expert report; it is a Court's job to gatekeep. Danik should be barred for these reasons, and for several others as outlined below.

I. Danik Is Not Qualified and Proffers An Unreliable Opinion Without Methodology that the CPD Should Have Moved Administratively to Separate Watts and Mohammed from Their Employment Before the Conclusion of the Joint FBI/IAD Criminal Investigation.

In essence, and after one wades through Danik's argumentative report, his main opinion is that the CPD should have brought administrative charges against Watts and Mohammed before the conclusion of the federally led Joint FBI/IAD Investigation into their criminal misconduct. (Ex. 1, Report at 2-4). In this section I, we demonstrate that (A) Danik is not qualified to offer that opinion and (B) Danik's opinion is unreliable and lacks any methodology.

A. Danik is Not Qualified.

According to Danik's report (Ex. 1 at 4-5), he primarily bases his opinions on his experiences with the FBI from 2002 through 2015. An expert who bases his opinions on his experience "must nevertheless explain how the application of his prior experience to the facts of the case compels his conclusion." *Jordan v. City Chicago*, 2012 WL 254243, at *6 (N.D. Ill. Jan. 27, 2012) (excluding opinion entirely based on "30+ years of experience as a firearms expert"); Fed. R. Evid. 702 Advisory Committee's Note ("If the witness is relying solely or primarily on experience, then the witness must explain how that experience leads to the conclusion reached, why that experience is a sufficient basis for the opinion, and how that experience is reliably applied to the facts. The trial court's gatekeeping function requires more than simply 'taking the expert's word for it.'"); see also *Sanchez v. City of Chi.*, No. 18 C 8281, 2024 WL 4346381, at *7 (N.D. Ill. Sept. 20, 2024) (Hunt, J.) ("While Janota undisputably has extensive experience in law enforcement, that does not mean that he is qualified to opine on all law enforcement subjects.")

This analysis is particularly critical here as Danik failed to identify even one specific investigation in which he was involved that is comparable to the Joint FBI/IAD Investigation at issue,

let alone provide a “reliable basis” in his experiences that would suffice to support his criticisms. While Danik might be qualified to critique an FBI investigation, he lacks sufficient experience to offer criticisms of the specific type of joint investigation at issue in this case. This case does not simply involve an FBI investigation. Rather, this case involves a joint investigation conducted between the FBI and IAD concerning allegations of corruption against CPD officers Watts and Mohammed that was controlled by the USAO. There is a critical difference between the Joint FBI/IAD Investigation here and the types of investigations with which Danik had experience. The joint investigation at issue here involved the FBI and a law enforcement agency (CPD) jointly investigating allegations of criminal conduct by the agency’s own members. Danik points to no similar experience with such an investigation.

At deposition, Danik discussed two investigations in which he was involved which plaintiff’s counsel has previously asserted supports his opinions. A review of that cited testimony establishes it does not. The first is Operation Farmhouse Cantina (Ex. 4, Danik dep. at 65:8 – 72:11), an FBI investigation targeting human trafficking in Palm Beach County. However, that case did not involve a joint investigation between the FBI and a law enforcement agency that investigated alleged criminal conduct by the agency’s members. The only “involvement” by a law enforcement agency other than the FBI was that Danik “talked to the cops” and “injected police officers and undercover agents” in the investigation. (*Id.* at 66:1; 67:17-18). Operation Farmhouse Cantina involved an FBI investigation into human traffickers. It was not an FBI investigation conducted jointly with a local law enforcement agency to investigate members of that law enforcement agency. The second investigation posited by plaintiff to establish Danik’s experience fares no better. Operation Blind Justice (Ex. 4, Danik dep at 79:13 – 82:6) was an FBI investigation into allegations of drug smuggling by Florida Bureau of Prison (“BOP”) jail guards. According to Danik, the FBI worked with a Sheriff’s Office and police department in that investigation. However, and critically here, the FBI did *not* involve the Florida BOP

in that investigation. Not only was the Florida BOP not involved, it was not even notified of the investigation until the end in the interests of “operational security.” (*Id.* at 82:2 – 10). In contrast to the investigation at issue in this case, Operation Blind Justice clearly was not a joint FBI/Florida BOP investigation of the BOP’s prison guards, and nobody was saying the Florida BOP should have (or could have) broken the confidentiality of that investigation before it was concluded to fire the involved officers.

Neither FBI investigation involved the complexities, challenges, and confidentiality concerns presented by jointly conducting with a law enforcement agency a criminal investigation of that agency’s members. Like Operation Farmhouse Cantina, Operation Blind Justice underscores the critical absence of Danik’s relevant experience to support his specific opinions regarding the joint FBI/IAD investigation of Watts and Mohammed. In particular, neither case supports his opinion that the CPD should have taken an employment action against Watts and Mohammed that would have necessarily revealed the ongoing confidential joint criminal investigation and precluded criminal prosecution.

Danik further offers opinions concerning police department and internal affairs matters for which he is not qualified as Danik was never a police officer and does not have any applicable internal affairs experience. For instance, Danik opines that “the acts alleged to have been perpetrated were of such grave public safety concern, it is nearly incomprehensible any police department commander would not take immediate steps to intervene and protect the public but instead allow the activity to continue for several years.” (Ex. 1 at 5). As another example, Danik argumentatively asserts that, “Having delayed another incredible four-years and despite documenting an extraordinary number of specific corrupt acts (discussed below), CPD again failed to take action to protect the public, attempt to redress past arrests or attempt to mitigate the reasonable conclusion that innocent persons were either incarcerated or facing serious drug allegations which may have been fabricated.” (Ex 1 at 21).

Danik, a non-police officer who never worked in a police department's internal affairs section, lacks the requisite experience to offer criticisms directed to IAD's actions as part of the Joint FBI/IAD criminal investigation of Watts and Mohammed. As such, Danik fails to meet the Rule 702 criteria. *See Catlin v. DuPage Cty Major Crimes Task Force*, 2007 WL 1772175, at *1 (N.D.Ill.2007) (finding 18 years of experience working for the Cook County Department of Corrections to be "irrelevant" qualifications for determining proper amount of force during arrest). He does not sufficiently explain how his actual experience leads to the conclusion reached, why that experience is a sufficient basis for his opinions, and how his experience is reliably applied to the specific facts of this case as required by Rule 702. This Court should not simply "take the expert's word for it" and should bar Danik's testimony and opinions that the CPD should have moved to discipline Watts and Mohammed before the conclusion of the federally led investigation.

B. Danik's Opinions Lack Methodology and Are Unreliable.

The lack of any asserted bases for Danik's opinions renders them inadmissible under Rules 702 and 703 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). Other than referencing his own personal experience (which, as set forth above, does not include a single comparable investigation or any real experience in Internal Affairs), Danik fails to provide any explanation or application of actual professional standards to reach his argumentative "opinions" in this case. As a result, this Court should bar these opinions pursuant to the recently revised Fed. R. Evid. 702 (effective December 1, 2023) and *Daubert*. The December 2023 committee comments explain that Rule 702 was amended "to clarify and emphasize that expert testimony may not be admitted unless the proponent demonstrates to the court that it is more likely than not that the proffered testimony meets the admissibility requirements set forth in the rule." Rule 702, 2023 Amendments, December Committee Notes. Per the committee comments, "many courts have held that the critical questions of the sufficiency of an expert's basis, and the application of the expert's methodology, are questions of weight and not

admissibility. These rulings are an incorrect application of Rules 702 and 104(a).” *Id.* The committee comments further state that the amendments to the rule were “made necessary by the courts that have failed to apply correctly the reliability requirements of that rule.” *Id.* As clarified by the committee comments, “arguments about the sufficiency of an expert’s basis [do not] always go to weight and not admissibility.” *Id.* As explained directly below, Danik’s opinions run afoul of Rule 702 because there is no basis by which this Court can evaluate the reliability of his opinions.

Danik’s report references a single publication that discusses whether a parallel administrative proceeding can be conducted during a pending criminal investigation. (Ex. 3, DOJ Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice). Danik’s report refers to certain pages of the document concerning parallel criminal and administrative investigations but fails to meaningfully discuss or apply the referenced sections. He simply cites to page ranges. (Ex. 1 at 6). He does not explain how anything in the DOJ publication supports his criticisms and he does not quote anything substantive from the document. Without explanation, Danik simply offers the document as somehow supporting his opinion that the CPD should have moved administratively to discipline Watts and/or members of his team before the conclusion of the Joint FBI/IAD Criminal Investigation. But the DOJ publication says the opposite, finding that “[i]t is common practice to hold an administrative investigation in abeyance during the pendency of a criminal investigation based on the same facts.” (Ex. 3 at section 2.4, commentary). In terms relevant to Rule 702, Danik’s report does not set forth or identify specific standards or generally accepted standards concerning parallel investigations on which he is relying that actually support his opinion.

Similarly, the 2011 MOU between the FBI and CPD does not support Danik’s opinion. (Ex. 1 at 4). The MOU created a Chicago Public Corruption Task Force (PCTF) between the FBI and CPD and others. It provided that investigations designated to the PCTF would not be subject to non PCTF law enforcement efforts by any of the participating agencies and that there was to be no

unilateral action taken on the part of the FBI or participating agencies relating to PCTF investigation. (Ex. 5, MOU at 4). All information regarding PCTF investigations was considered sensitive, the reports and records were to be maintained by the FBI, FBI informants could not be disclosed, and “evidence and original tape recordings (audio and video) acquired by the FBI during the course of the CG City PCTF investigations will be maintained by the FBI.” (*Id.* at 4-6). Paragraph 15 of the MOU further stated that “The FBI SSA ... will be responsible for opening, monitoring, directing and closing CG City PCTF investigations.” (*Id.*). Thus, in the event a CPD officer was the target of a PCTF investigation, the MOU required in paragraph 23 that the PCTF “be consulted in advance of any administrative action taking place, whenever possible.” (*Id.*).

Again, while Danik may have worked with MOUs in his career in general, because he was never involved with an investigation like the Joint FBI/IAD Investigation here, he never worked with the specific provisions of the MOU at issue in this case. He is therefore not qualified to suggest these provisions of the 2011 MOU support his opinion, and indeed they do not as a plain reading of them demonstrate. Moreover, as set forth in the City’s motion for summary judgment, the FBI file produced in this case demonstrates that as late as July 2011 (long after Carter’s arrests at issue) the FBI and IAD continued to evaluate whether the investigation could be closed, but the USAO decided it could not. Specifically, FBI Special Agent Ponicki reported on July 13, 2011 that while the USAO supports an extortion charge against Mohammed, it had “elected to delay filing the complaint until further evidence could be obtained implicating Watts.” (Ex. 6 at 2). Any suggestion that the investigators were not trying to close the investigation is therefore inconsistent with the record. And obviously, the CPD could not publicly move to fire Watts and Mohammed at that time because the USAO required the investigators to continue to work secretly to develop evidence against Watts.

Moreover, as to whether the CPD should have moved administratively to discipline Watts and Mohammed before Carters 2006 arrest,³ Danik admitted at deposition that he does not know if the FBI had direct evidence of wrongdoing against Watts as of late 2007 and early 2008. (Ex. 4, Danik dep at 278). In late 2007 and into 2008, Mohammed accepted FBI-controlled payments from two cooperators, ostensibly to allow those individuals to continue to sell narcotics at IBW. (See CITY-BG-023858, attached as Ex. 7). Danik further admitted that he does not know if the FBI would have given the CPD access to and the ability to use the bribe payments for use at an administrative proceeding against Mohammed as late as June 2008. (Ex. 4, Danik dep at 281). Danik also acknowledged that revealing the confidential criminal investigation at an administrative proceeding would have undermined the ability to prove any case against Watts until the end of the investigation. (Ex.4, Danik dep at 30-31, 45, 181, 256-57).

In sum, Danik does not offer any professional standard supporting his opinion that IAD should have filed administrative charges against Watts and Mohammed before the Joint FBI/IAD Investigation concluded. He does not have FBI or IAD experience to offer that opinion, and neither the DOJ publication nor the MOU support his opinion. Danik's opinion is therefore inadmissible pursuant to amended Rule 702 because it is unsupported and lacks a reliable methodology.⁴

II. In Addition to Lacking any Methodology and their Unreliability, Danik's Opinions Will Confuse and Not Be Helpful to the Jury as He Merely Parrots Plaintiff's Anticipated Closing Argument.

³ Since the Joint FBI/IAD Investigation did not start until IAD brought the allegations against Watts to the FBI in September 2004, it is clear that CPD could not have moved administratively against Watts before Carter's March 3, 2004 and June 18, 2004 arrests at issue in this case.

⁴ Through no fault of his own, Judge Valderrama mistakenly denied this aspect of defendants' motion to bar Danik in *Baker/Glenn v. City*, 16 C 8940, Dkt. 385 (N.D. Ill. August 22, 2024), attached as Exhibit 8. The City did not appropriately flesh this argument out in its original motion, and Judge Valderrama found Danik's lack of experience and foundation went to the weight, not the admissibility, of Danik's opinion. Respectfully, Judge Valderrama is incorrect for the reasons set forth above. Id. at 10-11.

The lack of any asserted bases for Danik’s opinions renders them inadmissible under Rules 702 and 703 and *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993). The overwhelming majority of Danik’s report consists of an argumentative parroting of the factual evidence plaintiff seeks to admit followed by bald conclusions that the Joint FBI/IAD Investigation did not live up to his personal beliefs about the way an investigation should be conducted or how quickly. (Ex. 1). As explained above, other than referencing his own personal experience (which does not include a single comparable investigation or any real experience in internal affairs), Danik fails to provide any explanation or application of the actual professional standards he is applying to reach his argumentative “opinions” in this case.

This Court should bar these opinions pursuant to the recently revised Fed. R. Evid. 702 and *Daubert*. Effective December 1, 2023, Rule 702 now states that “A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise **if the proponent demonstrates to the court that it is more likely than not that:** (a) the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (b) the testimony is based on sufficient facts or data; (c) the testimony is the product of reliable principles and methods; and (d) the **expert’s opinion reflects a reliable application of** the principles and methods to the facts of the case.” Fed. R. Evid. 702 (Emphasis added as to the new language of the rule).

As we pointed out in *Gipson*, Judge Seeger has recently addressed an expert’s report that crossed the boundaries of Rule 702 and *Daubert* in *Kraft Foods Global, Inc. v. United Egg Producers, Inc.*, 2023 WL 6248473, *2 (N.D. Ill. September 19, 2023). As Judge Seeger explained:

But an expert witness cannot merely read the evidence, and offer his own gloss on the facts of the case. An expert is not a color commentator on the evidence. An expert cannot merely argue the facts, or say what he would do if he sat on the jury. It is the lawyer's job, not an expert's job, to make arguments about the meaning of the exhibits. And it is the jury's job, not an expert's job, to weigh the evidence and draw reasonable inferences.

An expert witness must offer “specialized knowledge” that will “help the trier of fact to understand the evidence or to determine a fact in issue.” *See* Fed. R. 702. If it isn't “specialized knowledge,” it isn't helpful. And if it isn't helpful, it isn't admissible.

An expert must offer a value-add, meaning some “specialized knowledge” that would help the jury. *Id.* If an expert merely reads the evidence, and offers his spin on the facts, that expert isn't telling the jury more than it already knows. The expert must bring something to the table that the jury doesn't already have.

An expert must testify to something more than what is ‘obvious to the layperson’ in order to be of any particular assistance to the jury.” (Citations omitted).

* * *

An expert witness cannot turn into a mouthpiece for the lawyer, giving a closing argument in the middle of the case. An expert is not a narrator of the evidence, offering a running commentary on what the jury has already heard. *See LQD Business Finance, Inc. v. Rose*, 2023 WL 2306854, at *2 (N.D. Ill. 2023) (“An expert cannot be presented to the jury solely for the purpose of constructing a factual narrative based upon record evidence.”) (citations omitted). An expert is not a lawyer's sock puppet. *Id.* at *1-2.

As another court has colorfully said, “[a]n expert who parrots [] out-of-court statement[s] is not giving expert testimony; he is a ventriloquist’s dummy.” *U.S. v. Brownlee*, 744 F.3d 479, 482 (7th Cir. 2014); *Goldberg v. 401 North Wabash Venture LLC*, 755 F.3d 456, 461 (7th Cir. 2014) (“An expert witness is not permitted to parrot what some lay person has told him.”)

Moreover, “[I]t is well-settled that determining the weight and credibility of witness testimony is the exclusive province of the jury and that experts are not permitted to offer opinions as to the believability or truthfulness of that testimony.” *Jordan v. City Chicago*, 2012 WL 254243, at *4 (N.D. Ill. Jan. 27, 2012) (barring expert who came to conclusions about facts of case and based his opinions on such conclusions). “An expert witness may not usurp the jury’s function to weigh evidence and make credibility determinations...[E]xpert witnesses are not allowed to sort out possible conflicting testimony or to argue the implication of those consistencies. That is the role of the lawyer, and it [is] for the jury to draw its own conclusions from the testimony it hears.” *Davis v. Duran*, 2011 WL 2277645, at *7 (N.D. Ill. 2011). “[T]he credibility of eyewitness testimony is generally not an appropriate subject matter for expert testimony because it influences a critical function of the jury—determining the credibility of witnesses.” *United States v. Hall*, 165 F.3d 1095, 1107 (7th Cir. 1999).

“[T]he prejudicial effect of [testimony about the defendant’s state of mind] would far outweigh its probative value, given its highly speculative nature.” *Krik v. Crane Co.*, 71 F. Supp. 3d 784, 788 (N.D. Ill. 2014). “Expert testimony as to legal conclusions that will determine the outcome of the case is inadmissible.” *Good Shepherd Manor Found., Inc. v. City of Mokenca*, 323 F.3d 557, 564 (7th Cir. 2003).

In violation of these principles and the amended Rule 702, Danik repeatedly parrots plaintiff’s anticipated closing argument under the guise of “opinion” testimony. Danik’s “opinions” necessarily rely on his conclusions about disputed underlying facts (including whether there was evidence of falsely arresting innocent people), the mental state of the defendants, the credibility of witnesses, and ultimate legal matters. As such, they are not based on any reliable principles or appropriate methodology that can be objectively measured. The following are representative samples of Danik’s inadmissible opinions from his report:

- [T]he acts alleged to have been perpetrated were of such grave public safety concern, it is nearly incomprehensible any police department commander would not take immediate steps to intervene and protect the public but instead allow the activity to continue for several years. (Ex. 1 at 5).
- Clear evidence of corruption by Watts and Mohammed was collected and known to agents/officers and command staff of CPD beginning in 2003. (Ex. 1 at 10).
- Stunning statement detailing long-term corruption and violent acts by Watts. (Ex. 1 at 15).
- It is extraordinary that the CPD did not locate the girlfriend or document numerous subsequent efforts to do so when taken against the high probability she could have very relevant information related to identifying the source of the cash. (Ex. 1 at 19).
- This leaves CPD IAD as the only law enforcement agency remaining between Watts, Mohammed, and citizens they were entrusted to protect but instead were victimizing. (Ex. 1 at 20).
- Yet, despite this overwhelming evidence of corruption, they failed to track any of Watts cases for possible civil rights violations (false arrests). (Ex. 1 at 20).
- Having delayed another incredible four-years and despite documenting an extraordinary number of specific corrupt acts (discussed below), CPD again failed to take action to protect the public, attempt to redress past by arrests or attempt to mitigate the reasonable conclusion that innocent persons were either incarcerated or facing serious drug allegations which may have been fabricated. (Ex. 1 at 21).

- This incident adds to an alarming and growing number of complete investigative missteps that should have sparked any responsible command staff officer to intervene and take action to improve quality or to use the evidence in an administrative proceeding instead because the extreme seriousness of the crimes being perpetrated by Watts and Mohammed. (Ex. 1 at 22).
- A spectacularly failed operation-CPD appears unconcerned. The investigation goes dark and CPD does nothing to protect the public. (Ex. 1 at 23).
- CPD command staff seems to have no reaction to this incredible operational failure... (Ex. 1 at 24).
- CPD did nothing to protest the lack of operational action, that no lead FBI agent was assigned nor move to mitigate the clear immediate public safety threat Watts posed to the public. (Ex. 1 at 25).
- ... but included all innocent citizens potentially victimized and incarcerated by Watts and Mohammed during the pendency of the 2004-2011, long bungled investigation. The citizens of Chicago deserved nothing less. (Ex. 1 at 27-28).

These so-called opinions are inadmissible under the amended Rule 702 and *Daubert* because they are unreliable, unsupported, and/or lack a basis in acceptable methodology or standards. They were barred by Judge Valderrama in *Baker/Glenn* for the reasons outlined above and Defendants submit they should be barred here too. (Ex. 8 *Baker/Glenn* at 16-24).

Moreover, as explained above, Danik fails to define the standards by which he judges defendants' actions, offering no "concrete information against which to measure abstract legal concepts." *U.S. v. Blount*, 502 F.3d 674, 680 (7th Cir. 2007). Without a sound framework, his opinions are tantamount to bald legal conclusions, which are unhelpful and inadmissible. *Good Shepherd Manor Found., Inc. v. City of Mommence*, 323 F.3d 557, 564 (7th Cir. 2003).

The absence of identifiable, reliable standards also creates the very real possibility of confusion of the issues for the jury. This case involves alleged violations of the Constitution and state law for which the jury will be instructed by this Court. By argumentatively labeling defendants' alleged actions as "stunning," a "spectacular[] failure," "long bungled," and that he was "shocked and saddened by the investigation," Danik impermissibly "induce[s] the jurors to substitute their own independent

conclusions for that of the experts.” See *Thompson v. City of Chicago*, 472 F.3d 444, 458 (7th Cir. 2006). But whether defendants acted in the manner argued by Danik “is rather vague and is at variance from what the finder of fact is called upon to decide” and would thus completely confuse the issues to be determined at trial. *Empress Casino Joliet Corp. v. Johnston*, 2014 WL 6735529, at *11 (N.D. Ill. 2014). These opinions “would confuse the jury and unfairly prejudice [Defendants] by implying scienter or at least allowing the jury to infer it.” *Am. Family Mut. Ins. Co. v. Electrolux Home Prods., Inc.*, 2014 WL 2893179, at *8 (W.D. Wis. 2014) (refusing to admit proffered expert opinion that Defendant behaved “unethically”); *Sanders v. City of Chi. Heights*, 2016 WL 1730608, at *8 (N.D. Ill. 2016) (“Because [the expert’s] definition of deliberate indifference is not necessarily the same as the Court’s instruction on the legal definition of deliberate indifference, his testimony on this issue will only confuse the jury.”).

Danik’s regurgitation of plaintiff’s views on the evidence is also not helpful to the jury for another reason. “An expert’s opinion is helpful only to the extent the expert draws on some special skill, knowledge, or experience to formulate that opinion; the opinion must be an expert opinion (that is, an opinion informed by the witness’ expertise) rather than simply an opinion broached by a purported expert.” *United States v. Benson*, 941 F.2d 598, 604 (7th Cir. 1991). Danik does not draw on any specialized knowledge or opine about anything “peculiar about law enforcement[.]” *Florek v. Vill. of Mundelein, Ill.*, 649 F.3d 594, 602-03 (7th Cir. 2011). To the contrary, Danik ““does little more than tell the jury what result to reach[.]”” which is categorically unhelpful. *U.S. Gypsum Co. v. Lafarge N. Am. Inc.*, 670 F. Supp. 2d 768, 775 (N.D. Ill. 2009). For these reasons, the basis of these opinions is not “beyond the ken of the average layperson[.]” and the opinions should be barred. *Florek*, 649 F.3d at 602-03 (barring opinion primarily based on “[the expert’s] belief, that, given the late hour, it would have been unreasonable to expect voluntary compliance with a knock at the door in 15 seconds”).

The bullet points listed above are only representative of some of the more obvious improprieties and unreliable “opinions” in Danik’s report. A close review of Danik’s report reveals a

near constant stream of conclusions about what the evidence is and biased and exaggerated opinions often involving the resolution of factual disputes. (Ex. 1). It is nearly impossible to sort out Danik's "opinions" from his improper views on the facts of this case. Neither this Court nor defendants' counsel should be forced to perform the invasive surgery needed to extract a proper opinion out of a completely flawed report. The deficiencies of the report and the purported opinions are so numerous and so permeate this witness' opinions that it is impossible to glean any admissible testimony from this witness. He should be barred in total.

III. Danik Should be Barred From Opining that Anyone Was Falsely Arrested, Innocent, or Wrongfully Convicted Because Those Are Improper Credibility Assessments.

"[I]t is well-settled that determining the weight and credibility of witness testimony is the exclusive province of the jury and that experts are not permitted to offer opinions as to the believability or truthfulness of that testimony." *Jordan v. City Chicago*, 2012 WL 254243, at *4 (N.D. Ill. Jan. 27, 2012) (barring expert who came to conclusions about facts of case and based his opinions on such conclusions). "An expert witness may not usurp the jury's function to weigh evidence and make credibility determinations...[E]xpert witnesses are not allowed to sort out possible conflicting testimony or to argue the implication of those inconsistencies. That is the role of the lawyer, and it [is] for the jury to draw its own conclusions from the testimony it hears." *Davis v. Duran*, 2011 WL 2277645, at *7 (N.D. Ill. 2011). "[T]he credibility of eyewitness testimony is generally not an appropriate subject matter for expert testimony because it influences a critical function of the jury-determining the credibility of witnesses." *United States v. Hall*, 165 F.3d 1095, 1107 (7th Cir. 1999). "[T]he prejudicial effect of [testimony about the defendant's state of mind] would far outweigh its probative value, given its highly speculative nature." *Krik v. Crane Co.*, 71 F. Supp. 3d 784, 788 (N.D. Ill. 2014). "Expert testimony as to legal conclusions that will determine the outcome of the case is inadmissible." *Good Shepherd Manor Found., Inc. v. City of Mokenca*, 323 F.3d 557, 564 (7th Cir. 2003).

Danik's report is replete with assertions that the Watts team was falsely arresting innocent people. (Ex. 1, Report at 1: "Inexplicably, CPD took no ownership of the matter and allowed the targets to remain as officers in the very community they were known to be victimizing."; Report at 12: "Special mention must be made of the failure by IAD to recognize or acknowledge ... planting narcotics on citizens then falsely arresting them." Report at 15: "CPD should have planned for similar interventions during the next six years where the falsely arrested victims could be citizens." Report at 20: "This leaves CPD IAD as the only law enforcement agency remaining between Watts, Mohammed, and citizens they were entrusted to protect but instead were victimizing.") The above case law instructs that these types of opinions are improper and inadmissible. Far from reliable opinions, they are argumentative conclusions parroting plaintiff's allegations, which is prohibited by Rule 702 and the case law.

IV. Danik's Speculative Opinions Should be Barred.

It is well settled that speculation by an expert is improper. *DePaepe v. General Motors Corp.*, 141 F.3d 715, 720 (7th Cir. 1998) ("the whole point of *Daubert* is that experts can't 'speculate.' They need analytically sound bases for their opinions. District courts must be careful to keep experts within their proper scope, lest apparently scientific testimony carry more weight with the jury than it deserves."); see also *Chapman v. Maytag Corp.*, 297 F.3d 682, 686-87 (7th Cir. 2002). Danik speculates throughout his report, as the following representative examples (some of which are duplicative of the bullet points in section II and include our emphasis added) demonstrate:

- **A federal cooperator has almost no motivation to lie** during the investigative phase because they know law enforcement is usually actively following up on their information and confronting them with the results. (Ex. 1 at 14).
- No FBI presence is documented during the lengthy meeting during which Moore provides a sweeping, detailed account of the massive illicit drug market operated unfettered in the IBW's housing complex **mostly because Watts is paid with cash and guns by dealers like him to allow it to thrive.** (Ex. 1 at 15-16).

- Gaddy was interviewed without notice to or participation by the FBI public corruption squad. Gaddy's interview held **great potential** to be a critical break in the Watts case and is concerning a dangerous incident that **might have immediate impact** on CPD, such as Gaddy knowing of physical evidence corroborating his allegations or have an incriminating recording. (Ex. 1 at 16).
- Incredibly, CPD IAD does not pursue using Gaddy further because he was cooperating with another investigation and **Holliday apparently never escalates this important issue** to the FBI. (Ex. 1 at 17).
- Instead, CPD IAD and Holliday **appeared to unilaterally allow the potential significant benefit Gaddy represented** to the Watts investigation to slip away without asking the FBI (who they claimed was in charge) to assist. (Ex. 1 at 17).
- It is extraordinary that the CPD did not locate the girlfriend or document numerous subsequent efforts to do so when taken against **the high probability she could have very relevant information** related to identifying the source of the cash. (Ex. 1 at 19).
- April 18, 2008 CPD and FBI botch an attempt to record conversations with drug dealers after **a CPD informant apparently absconds and either sells or discards the recording devices** (FBI000460). (Ex. 1 at 22).
- **CPD command staff seems to have no reaction to this incredible operational failure**, and it is inescapable that CPD now, on top of all the previous documented payments to Mohammed, have direct evidence via audio and possibly video, which could easily be utilized in an administrative proceeding take no action. (Ex. 1 at 24).
- **CPD appears to take no action** during this time either to protect the public from Watts and Mohammed's predatory behavior throughout the summer of 2011. (Ex. 1 at 25).

All of these statements are not valid opinions but are inadmissible conjectures. A review of Danik's report reveals many other examples, including his various assertions about what would be "expected" in this kind of investigation without reference to any standard or specific experience. (Ex. 1 at 11-14, 17-20). All of these statements should be barred because they are improper speculation. *DePaeppe*, 141 F.3d at 720.

Judge Valderrama largely denied this aspect of defendants' motion to bar Danik in his ruling in *Baker/Glenn*. (Ex. 8 at 26). One of the reasons is that he agreed with plaintiffs' attorneys that *DePaeppe* was distinguishable because defendants had not pointed to opinions about a person's state of mind in Danik's report. *Id.* But a review of the bullet points above show they include speculation about a

person's state of mind, such as that "A federal cooperator has almost no motivation to lie" (Report at 14), the drug trade thrived at the Ida B. Wells "mostly because Watts is paid with cash and guns by dealers like [Moore] to allow it to thrive" (Report at 15-16), and the "CPD command staff seems to have no reaction to this incredible operational failure." (Report at 24).

As for the remaining speculative opinions bullet pointed above, plaintiffs argued, and Judge Valderrama denied our motion, because "Defendants cite nothing requiring exclusion of opinions simply because the expert is less than certain about some facts." (Ex. 8 at 26). While it is true defendants did not cite a case specifically stating the law in that exact way, it is black letter law that speculation is inadmissible. Respectfully, this is not an issue of cross-examination, this is an issue of gatekeeping and precluding unreliable opinions based on nothing more than conjecture.

V. Opinions Against Non-Parties Should be Barred.

Danik opines on topics directed to parties against whom there are no pending claims. For instance, Danik included opinions that an FBI agent engaged in improper conduct in his report:

Shannon Spalding ... appears to obtain stunning information from the informant that the lead FBI agent has been overtly disclosing his official position to people in the housing projects while attempting to locate the informant. The FBI agent has also been using the informant to illegally purchase prescription drugs from drug dealers in the projects reportedly for use by a family member. Spalding reports this to both the FBI and the CPD command staff. On November 19, 2010, the FBI agent is removed from the investigation (FBI000883). If accurate, this might partially explain why the investigation had not been concluded by the FBI by that point. Regardless, it provides no reason and no excuse for CPD not taking administrative action against the officers. (Ex. 1 at 24).

Neither the FBI nor this agent are parties to this case. The fact that an expert may not testify to opinions that relate to claims that are not at issue or relate to non-parties is axiomatic. *See* Fed. R. Evid. 702 (expert testimony is admissible if it "will help the trier of fact to understand the evidence or to determine a fact *in issue*."') (emphasis added). Thus, Danik's opinions relating to the FBI's alleged misconduct should be excluded under Rule 702(a). This should include Danik's opinion that

operations were “bungled” (Ex. 1 at 28), because Danik admitted that was “mainly the bureau’s bungling.” (Ex. 4, Danik dep at 281).

Judge Valderrama denied defendants’ motion on this point in *Baker/Glenn*, finding that Danik could opine on the topic of FBI misconduct. (Ex. 8 at 28-29). However, shortly after his ruling, Magistrate Judge Finnegan denied Certain Defendants’ Motion to Depose FBI Agents regarding Allegations of Agent Misconduct Proffered by Plaintiffs’ Disclosed Witnesses (Dkt. 688/689), wherein defendants had requested to depose the accused FBI agents about whether they committed the misconduct plaintiffs alleged. (*In re Watts Coordinated Pretrial Proceedings*, 19 C 1717, Dkt. 805, attached as Ex. 9 along with the tr. of pro. attached as Ex. 10). Thus, defendants have been barred from obtaining discovery from the accused FBI agents themselves if they committed the misconduct Danik relies upon. Obviously, plaintiff cannot have it both ways. Defendants planned to re-raise the issue with Judge Valderrama by filing a motion *in limine* in *Baker/Glenn*, but the case settled prior to the deadline for filing such pretrial motions. Defendants submit that this Court should grant defendants’ motion to exclude opinions against non-party FBI as their motion is well-taken, and because it would be fundamentally unfair to allow Danik to opine on these issues while at the same time preclude defendants from obtaining discovery from the FBI about whether it committed the misconduct Danik relies upon.

VI. Opinions Based on Facts Not Found in the Record and Contradicted by the Record Should be Barred.

As outlined above, expert testimony must be based on sufficient facts or data and be the product of reliable principles and methods. Fed. R. Evid. 702. As the Advisory Committee Notes to the amended Rule 702 recently emphasize, the gatekeeping function of the court requires an evaluation “about the sufficiency of an expert’s basis.” Moreover, experts may not offer opinions that are not supported or are contradicted by un rebutted evidence in the record. *Queen v. W.I.C., Inc.*, No. 2017 WL 3872180, at *5 (S.D. Ill. Sept. 5, 2017) (excluding expert report and testimony of otherwise

qualified Doctor and life care planner because his opinions on plaintiff's future medical treatment had "no foundation in the record" and his cost valuation based on those recommendations likewise "lack[ed] a proper foundation"); *Martinez v. Sakurai Graphic Sys.*, 2007 WL 2570362, at *5 (N.D. Ill. Aug. 30, 2007) (where "no facts in the record support[ed] [expert's] theory" that Plaintiff's accident was "possibly" caused by something in Plaintiff's pocket, the court stated "Because this testimony lacks evidentiary support, [expert's] opinion is speculative and it must be barred.") Danik runs afoul of these proscriptions on multiple occasions.

First, Danik states "Clear evidence of corruption by Watts and Mohammed was collected and known to agents/officers and command staff of CPD beginning in 2003." (Ex. 1 at 10). However, Danik does not cite anything in the record to support this naked assertion or explain what evidence he is referring to. *Id.* Rule 26(a)(2)(B) requires experts to identify the factual basis of their opinions. This statement should be barred because Danik did not comply with the rule by providing the factual basis for it. Of note, Judge Valderrama barred this opinion because he found it to be an inadmissible mere summary of the facts. (Ex. 8 at 19, 29).

Second, in an attempt to contradict clearly established facts, Danik also attempts to rewrite important documents from the investigation. Former IAD Agent Calvin Holliday wrote a memorandum dated September 21, 2004 summarizing the initial meeting between IAD and the USAO (and other federal agencies) regarding the Joint FBI/IAD Investigation. Holliday's memo states in part as follows: "The Cooperating Individual is to be prosecuted in federal court and the United States Attorneys office believe they should be in **control of everything that results from his cooperation.**" (See Holliday's 9/21/04 memo attached as Ex. 11) (Emphasis added). By its plain language, this memo references USAO's directive to CPD that the USAO should be in "control of everything" in the investigation that results from this source. But contrary to the written record, Danik opines, without any support whatsoever, that "it was more likely that the USAO would need to agree to be in control

of any sentencing credit resulting from the cooperation.” (Ex. 1 at 14). This opinion should be barred; it is unreliable because it is improperly speculative and necessarily based on Danik’s rewriting of the plain language of a memorandum from the investigation.

Judge Valderrama denied this aspect of defendants’ motion in *Baker/Glenn*, finding that “Danik has experience with investigations where the USAO is involved, so the Court finds that he may offer his opinion as to his interpretation of the 2004 Memorandum based on that experience.” (Ex. 8 at 31). Defendants respectfully disagree for the reasons set forth above. Indeed, defendants are not aware of any law (and neither plaintiffs nor Judge Valderrama cited any) that allows an expert to offer an interpretation of a document that is inconsistent with the actual content of the document.

Third, Danik ignores aspects of the record when inconsistent with his conclusions. For instance, as to a potential informant named Willie Gaddy, Danik states that: “Incredibly, CPD IAD does not pursue using Gaddy further because he was cooperating with another investigation and Holliday apparently never escalates this important issue to the FBI.” (Ex. 1 at 17). However, the record shows that the FBI was fully aware of Gaddy; indeed, Gaddy was the subject of IAD’s initial meeting with the FBI on this investigation outlined in Holliday’s September 21, 2004 memo discussed above. (Group Ex. 12, PL JOINT 018627, 010947-48). There is also FBI documentation, ignored by Danik, reflecting that the FBI found that an informant (likely Gaddy though the name is redacted) could not be utilized because he provided inconsistent statements. (FBI000451, attached as Ex. 13). Danik’s opinion/observation that IAD “never escalates this important issue to the FBI” is factually incorrect. As such, it is not based on sufficient data and should be excluded. Judge Valderrama granted this portion of defendants’ motion in *Baker/Glenn* based on waiver. (Ex. 8 at 31).

Fourth, in his report, Danik also tries to interject a sensational allegation into the case that Watts is a murderer. Specifically, Danik opines that “Perhaps the most astounding allegation that was known by CPD, FBI and ATF about Watts was that he may have been involved in the targeted killing

of an ATF informant to stop the informant from cooperating against Watts and other drug dealers.” (Ex. 1 at 17). While headline grabbing, Danik’s opinion is unsupported by evidence, which Danik admitted at his deposition. (Ex. 4, Danik depo at 272-73). The murder victim he referred to – Wilbert “Big Shorty” Moore – was murdered by the Hobos street gang, as established by a racketeering jury trial in this building that was affirmed by the Seventh Circuit. *U.S. v. Brown, et al.*, 973 F.3d 667 (7th Cir. 2020). The Seventh Circuit explained as follows:

Moore dealt drugs in the Ida B. Wells housing projects. In 2004, he started cooperating with the Chicago Police Department (CPD). Information he provided led to the search of an apartment from which Council supplied crack cocaine. During the search, CPD officers seized cocaine, crack cocaine, heroin, cannabis, and firearms from the apartment. Council figured out that Moore was the informant.

In January 2006 Council and Poe, with Bush’s assistance, killed Moore. Bush spotted Moore’s car parked outside of a barbershop and made a phone call. Council and Poe quickly arrived on the scene. As Moore left the barbershop, Poe fired at him from Council’s car. Moore attempted to flee, but he tripped in a nearby vacant 680 lot, allowing Council and Poe to catch up to him. Poe immediately shot him in the face. *Id.* at 679.

There is no actual evidence that Watts had anything to do with Moore’s murder, Danik cites none, and Danik admits there is none. Refuting his own report, Danik admitted at deposition that he is not contending Watts had anything to do with Moore’s murder. (Ex. 4 at 272-73). Danik should not be permitted to inject pure conjecture into this case with this unsupported allegation, especially in light of his admission at deposition. Moreover, any attempt to raise Moore’s murder before the jury would be unduly prejudicial to defendants. The danger of unfair prejudice of admitting this allegation far outweighs any potential relevance it could have, especially because the allegation is not based on actual evidence and is contradicted by the federal prosecution of the Hobos street gang for Moore’s murder. *Id.* Any suggestion by Danik or anyone else that Watts (or any member of his tactical team) had anything to do with Moore’s murder should also be barred under Rule 403.

In his ruling, Judge Valderrama deferred ruling on this issue until the motion *in limine* stage on the prejudice issue, but agreed “with Plaintiffs that there is evidentiary support for Danik’s opinion.”

(Ex. 8 at 32). Defendants maintain their position that there is no evidentiary support for this opinion as it is factually incorrect, and also that Rule 403 strongly supports barring it as well.

VII. Danik's June 3, 2024, Supplemental Report Should be Barred.

Danik submitted a supplemental report dated June 3, 2024 (attached as Ex. 2), which should be barred for multiple reasons. The first section of the short report is entitled "Reaction to Craig Henderson's Declaration" (Ex. 2 at 1). Henderson is the FBI agent who was instrumental in closing the criminal case against Watts and Mohammed. In connection with a discovery matter during this litigation, the Government filed a Declaration from Henderson dated March 15, 2023 wherein he stated that "During my review of the items of electronic material collected by the FBI in its investigation of Mr. Watts and Mr. Mohammed, I did not perceive anything that indicated that the subjects of the investigation were engaged in falsification of criminal charges against any individual." (Ex. 14, Henderson declaration at para. 14).

In his supplemental report, Danik asserts that "Henderson's declaration is wrong" and "it is not useful to evaluating the evidence." (Ex. 2 at 2). Based on the case law set forth above, these opinions are inadmissible as credibility assessments and parroting plaintiff's counsel's argument. As Judge Seeger stated, "An expert is not a color commentator on the evidence. An expert cannot merely argue the facts, or say what he would do if he sat on the jury." *Kraft Foods*, 2023 WL 6248473, *2.

Danik also asserts that contrary to Henderson's declaration, FBI recording 1D-30 indicates that an informant named Hopkins told the investigators that he witnessed Watts plant drugs on innocent people "forty-to-fifty times with his own eyes." (Ex. 2 at 2). However, a transcript of that recording shows Danik's report does not accurately record what was said. Hopkins does not say that he witnessed Watts plant drugs on innocent persons forty-to-fifty times with his own eyes. Rather, Hopkins says that on approximately 40-50 times he witnessed Watts give drugs to people in exchange

for information. (Ex. 15, Tr. of 1D-30 at 13-15). Based on the case law set forth in section VI above, Danik's opinions should be barred because it is contradicted by the factual record.

And finally, Danik asserts at pages 1-2 of his supplement that "the written FBI file and other documents is replete with evidence and allegations regarding the planting of drugs on innocent citizens and then arresting them by Watts and Mohammed." (Ex. 2 at 1-2). This section of his report should be barred for various reasons, including because it does not comply with Rule 26(a)(2)(B) by disclosing "the basis and reasons for" his opinion. Danik does not say what in any of the cited items of evidence supports his opinion, he does not say how or why any of the items support his opinion, and he does not explain whether the cited item is actual "evidence" or a mere "allegation," as he combines the two words together. *Id.* This is not a mere technicality, as it is defendants' contention that none of the items listed by Danik contain actual evidence of "planting of drugs on innocent citizens and then arresting them." Finally, this opinion should be barred to the extent it constitutes a credibility assessment and is a mere commentary on the evidence summarizing plaintiff's attorney's view of the evidence.

WHEREFORE, Defendants request that this Court enter an order *in limine* barring Jeffrey Danik as a witness, and for whatever other relief this Court deems fit.

Respectfully submitted,

/s/ William E. Bazarek
Special Assistant Corporation Counsel

Andrew M. Hale
William E. Bazarek
Anthony Zecchin
Kelly M. Olivier
Jason Marx
Hannah Beswick-Hale
Hale & Monico LLC
53 W. Jackson Blvd.
Suite 334
Chicago, IL 60604
312-494-1000

*Attorneys for Defendants Alvin Jones, Elsworth
Smith Jr., Kenneth Young, Darryl Edwards,
Gerome Summers Jr., and John Rodriguez*

/s/ Timothy P. Scabill
Special Assistant Corporation Counsel

Steven B. Borkan
Timothy P. Scabill
Drew Wycoff
Borkan & Scabill, Ltd.
20 South Clark Street
Suite 1700
Chicago, Illinois 60603
(312) 580-1030

Attorneys for Defendant Calvin Ridgell

/s/ Daniel M. Noland
Special Assistant Corporation Counsel

Terrence M. Burns
Daniel M. Noland
Paul A. Michalik
Elizabeth A. Ekl
Katherine C. Morrison
Dhaviella N. Harris
Burns Noland LLP
311 S. Wacker Dr., Suite 5200
Chicago, IL 60606
312-982-0090

Attorneys for Defendant City of Chicago

EXHIBIT 1

Expert Opinions of Jeffrey Danik

Lionel White, Plaintiff,

v.

City Of Chicago, Ronald Watts, Phillip Cline, Debra Kirby, Alvin Jones, Elsworth Smith, Jr., Kallatt Mohammed, Manuel Leano, Brian Bolton, Robert Gonzalez, And Douglas Nichols, Defendants

Case No. 1:17-Cv-02877

Leonard Gipson, Plaintiff,

v.

City Of Chicago, Former Chicago Police Sergeant Ronald Watts, Former Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Elsworth Smith Jr., Officer Douglas Nichols Jr., Officer Brian Bolton, Officer Manuel Leano, Officer Kenneth Young, Officer Darrel Edwards, Officer Matthew Cadman, Michael Spaargaren, Officer George Summers, Officer Calvin Ridgell, Officer Robert Gonzalez, Officer Lamonica Lewis, Philip Cline, Debra Kirby, Karen Rowan, And Any Other Yet-Unidentified Officers Of The Chicago Police Department, Defendants

Case No. 1:18-Cv-05120

Ben Baker and Clarissa Glenn

v.

City Of Chicago, Former Chicago Police Sergeant Ronald Watts, Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Robert Gonzalez, Officer Cabrales, Officer Douglas Nichols, Jr., Officer Manuel S. Leano, Officer Brian Bolton, Officer Kenneth Young, Jr.,

Officer Elsworth J. Smith, Jr., Philip J. Cline, Karen Rowan, Debra Kirby, and Other as Yet-Unidentified Officers of The Chicago Police Department, Defendants

Case No: 1:16-Cv-08940

Introduction

I was asked to review a record of materials and provide an opinion on two issues related to a 2011 Memorandum of Understanding (MOU) between the Chicago Division of the FBI and the Chicago Police Department (CPD). The opinion was to be based on my training and experience and my observations regarding details from the provided record which might support my opinions.

After a brief statement of research prompts and findings, I will present perspective and information I believe is crucial to understanding and orienting oneself to the broad issues at controversy (the purpose of MOUs, public corruption investigations in general, how the FBI public corruption program operates and followed by a lengthy analysis of how the facts in the record impact my opinion.

I would be remiss if I did not begin by stating I was shocked and saddened by what I read in the record. The extreme recklessness of leaving demonstrably corrupt officers loose in a particularly vulnerable segment of the community is so far removed from anything I've ever experienced in my law enforcement career; its negative impact cannot be overstated. The worst possible allegations that can be made against police officers

were being corroborated in part for several years. The CPD received accusations of selling drugs into the community and dealing in firearms by multiple separate people telling near identical stories and who do not appear to have known the others were cooperating. An officer was accused of shooting at persons as part of their bribe and extortion payment racket and suspicion even arose about one officer's involvement in a homicide of a drug dealer who might cooperate against him. The officers received cash bribes or stole funds and falsified police evidence records eight times over the course of years, much of it documented via audio or video recordings. Instead of removing them administratively, the CPD command staff claims to have instead outsourced the entire matter for several years to an often-bungling group of officials outside their department. Inexplicably, CPD took no ownership of the matter and allowed the targets to remain as officers in the very community they were known to be victimizing. Perhaps the most egregious thing is CPD then did nothing to identify and attempt to correct possible false arrests of the people the target officers had victimized during those previous years.

My qualifications

I was a Special Agent (SA) and Supervisory Special Agent (SSA) at the Federal Bureau of Investigation for twenty-eight years, retiring in 2015. I was the lead investigator (case agent) in numerous successful public corruption investigations resulting in convictions by plea or jury trial. As a case agent I used the FBI Group II undercover technique in multiple successful public corruption matters and was the affiant and administrator for seven intercepted telephone lines (Title III applications) as well as operated confidential human sources targeting public corruption. I was promoted and served as a public corruption task force Supervisory Special Agent where I identified numerous police, judicial and public official matters for investigative priority and instituted sophisticated techniques in those cases as well. In one law enforcement corruption matter, Operation Blind Justice, I successfully planned and executed a large-scale FBI undercover investigation resulting in the indictment, arrest, and conviction of nineteen defendants. As an FBI public corruption Supervisor, I oversaw a federal task force that also obtained numerous convictions for public corruption, and which won numerous awards from the DOJ, FBI and state and local agencies. I had an extensive assignment in the FBI's Counterterrorism Division as a Supervisor and in the FBI's Legal Attache program with two-year assignments at Saudi Arabia and Kuwait and a temporary assignment at U.S. Embassy, Addis Abba, Ethiopia. One of my career-long specialties was vetting, evaluating, investigating, and assisting the FBI, the Department of Justice (DOJ) and state and local agencies in the investigation of multiple dozens of public corruption allegations in

the areas of police corruption, judicial corruption and misconduct by public officials. Additionally, I served terms as an FBI acting public corruption program coordinator and election crimes liaison for the Southern District of Florida with a counterpart from the DOJ. I was certified as an FBI General Police Instructor chosen to design and deliver training internationally, including courses about public corruption, on behalf of the FBI at overseas law enforcement training facilities such as the International Law Enforcement Academy (ILEA)- Gaborone, Botswana, in Moscow and Chelyabinsk, Russia and Skopje, Macedonia. I utilized Memorandum of Understanding (MOUs) many times throughout my career operating under them, assisting in drafting them and executing supervision over them. I was also an FBI violent crime program squad supervisor and at several points over a two-year period was Acting Assistant Special Agent in Charge of the violent crime branch of the Miami Division overseeing seven violent crime squads and related task force operations (approximately 150 sworn federal, state and local officers, all of which made extensive use of MOUs). In retirement I provide expert assistance in sophisticated white-collar crime matters and terrorism matters. My complete C.V. is attached as Appendix A.

Research questions

1. Did the Memorandum of Understanding between the City of Chicago and the FBI, or anything else, prevent the City of Chicago from taking administrative action against the officers under investigation or from reassigning them to other assignments?
2. Would it be expected in a joint FBI investigation involving activity over a seven-year period—from September 2004 to November 2011—that the FBI would require a cooperating municipality to allow police officers accused of “taxing” drug dealers and planting drugs on suspects to remain in narcotics investigation roles where they would continue to have opportunities to continue to commit such misconduct?

In answering these questions I based my opinion on my experience investigating public corruption matters since at least 2002 through 2015 as an FBI Special Agent lead investigator, public corruption supervisor, FBI task force Supervisor, being a police instructor and preparing curriculum and delivering training internationally for the FBI and department of Justice regarding investigating public corruption on behalf of the FBI, participation as an adjunct investigator at the field division for the FBI's Office of Professional Responsibility (OPR), my experience drafting and compliantly executing MOUs with numerous law enforcement agencies and other United States government agencies, my experience vetting

hundreds of public corruption and police misconduct complaints as a public corruption coordinator for the FBI, extensive investigative activity regarding federal public corruption matters including being the affiant on numerous Title III intercepts and either case agent or FBI supervisor of multiple FBI public corruption undercover operations. A more detailed listing of my public corruption experience is attached at Appendix A. Additionally, a list of materials I have reviewed is attached as Appendix B.

Research question response-overview

The Memorandum of Understanding ("MOU") was not effective until January 20, 2011. It did not exist prior to that date, therefore, it cannot possibly be the basis to support CPD's abandonment of critical administrative control over CPD officers before that date.

Even if the Chicago City PCTF MOU had existed between 2004 and January 2011, the plain language of the MOU does not prohibit the CPD from acting administratively against its employees. Rather, the MOU provides simple mechanisms empowering CPD to act administratively against any CPD employee who is a target of the investigation (see paragraph 23 below). Juan Rivera, the head of the CPD's internal affairs unit during much of the relevant time period, confirmed during his testimony in the *Watts Coordinated Proceedings*, that the MOU merely confirmed the existing state of affairs. Assuming he was testifying accurately, then CPD knew that it always maintained the right to take administrative action. That is consistent with my many years of service with the FBI. Additionally, the acts alleged to have been perpetrated were of such grave public safety concern, it is nearly incomprehensible any police department commander would not take immediate steps to intervene and protect the public but instead allow the activity to continue for several years.

MOU Paragraph 23 states:

The FBI recognizes that the CPD will often need or desire to take concurrent administrative action against a CPD employee engaging in misconduct or criminal behavior. In the event a particular CPD employee is the focus of an active or ongoing CG City PCTF investigation, the CG City PCTF should be consulted in advance of any administrative action taking place, whenever possible. (emphasis added).

In my experience, the FBI places a high value on writing with clarity and using plain, concise language. The MOU's language is in line with that experience, plainly explaining that CPD maintained the right to discipline its own officers while they were under investigation by the FBI. This is consistent with standards of which I am aware. For example, using funding from the Department of Justice, the LAPD and 11 other major law enforcement organizations, including the Chicago Police Department,

worked together to "to share and develop standards, recommendations, and best practices in Internal Affairs work, discuss differences and similarities in practice, and look at various approaches to improving individual and collective agencies' Internal Affairs practices." Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice at 6, 80 (<https://portal.cops.usdoj.gov/resourcecenter/ric/Publications/cops-pl64-pub.pdf>). They issued a report as a result of their work. *Id.* Pages 21-27 and 30-34 discuss various scenarios and opinions regarding conducting parallel or consecutive criminal and administrative inquiries. I note that the MOU is consistent with the report. Neither the MOU nor the report from those large law enforcement agencies displaces the important concept that police departments should make their own determinations based on a serious consideration of each of the allegations, their gravity and impact on public safety, while balancing the potential prejudice of delaying those investigations.

I am aware that CPD leaders have testified that they believed the Department could have or would have been charged with obstruction of justice if they initiated administrative action against Watts, Mohammed, or the members of their team. Based on the plain language of the MOU and my experience, there was no reasonable basis for that belief. I note that the City hired an expert witness to testify on FBI-related issues in a related case, *Waddy v. City of Chicago*, where their expert stated that he did not believe the FBI would have brought obstruction of justice charges if CPD took administrative action against Watts or Mohammed. Deposition of Michael Brown at pages 99-101. In this case, the City's representative who testified on confidential investigations by CPD likewise testified that he had no basis to state that obstruction of justice charges would result if CPD moved administratively against an officer who was the subject of a joint FBI-CPD investigation. Deposition of Timothy Moore at 223:21-224:11.

The FBI Public Corruption Program:

Public corruption is the FBI's top criminal priority.¹ It is outranked as the highest overall FBI priority only by programs dealing with threats to U.S. National Security. The Public Corruption Program is managed within the FBI's broader White Collar Crime efforts however, combatting public corruption is of such a high priority, that year-after-year, the program is delineated separately in reports to Congress, prioritized above not only all other White Collar Crime enforcement efforts (stock frauds, Medicare fraud, Theft from Defense funds, COVID fraud etc.) but

¹ James B. Comey, Director FBI, testimony before U.S. Senate Judiciary Committee, December 09, 2015 <https://www.fbi.gov/news/testimony/oversight-of-the-federal-bureau-of-investigation-8>

ranking public corruption above other major FBI Programs such as the Violent Crime Program which includes violations such as kidnappings, bank robbery and narcotics trafficking.

The FBI's Public Corruption (PC) Program breaks down into three sub-categories²:

1. corruption by Elected/appointed officials,
2. corruption by judicial officers and
3. corruption by law enforcement personnel.

An FBI field office has a compressed management structure. At the top of the field office is a singular agent responsible for all FBI operations within a designated geographical area. In 53 of the 56 FBI field divisions in the United States, this singular position is referred to as, "Special Agent in Charge" (SAC). Each SAC is chosen by the FBI Director and reports directly to the Deputy Director of the FBI (the 2nd highest position within the FBI, just below the FBI Director). The Chicago Division is overseen by an SAC.

Below an SAC in a field division is a position termed, "Assistant Special Agent in Charge" (ASAC). Larger field divisions are allocated more ASACs but the allocation per field division is usually between two and six and this would include the Chicago field division.

ASACs are tasked with managing large general program matters at a supervisory level, executing the approved strategic goals of the SAC and FBIHQ, and not being directly involved in operations (arrests, investigations, conducting surveillance etc.). ASACs report directly to the SAC. Usually, one ASAC is responsible for White-Collar Crime, one for Counterterrorism, one for Violent Crime, etc. From the documents I reviewed in the record, Chicago field division had an ASAC over the White-Collar Crime Program which included management of the Public Corruption Program. An ASAC typically has several squads of agents below them with each squad led by a Supervisory Special Agent (SSA).

Directly managing oversight of investigations by groups (called "Squads") of FBI agents and task force officers, is a position termed, "Supervisory Special Agent" (SSA). SSAs report directly to ASACs. An SSA doesn't usually conduct investigations, make arrests etc., although they might participate occasionally as an adjunct in those tasks. An SSA primarily aligns the squads' investigative efforts with the ASACs program-wide goals and within the national threat matrix of FBIHQ. An SSA is responsible for approving the day-to-day operational activities of agents and task force officers often engaging in investigative planning and close monitoring of compliance matters, especially in sensitive operations such as high-risk arrests etc. The Public Corruption task force in Chicago was headed by an SSA and had the

numerical designation, "WC-3". The "WC" would stand for "White Collar". And the "3" would mean that there are at least 3 (most likely more) white collar crime squads in the Chicago field division, with each squad headed by an SSA and each SSA reporting to the White-Collar Crime Program ASAC. An SSA position functions similar to that of the more common "Sergeant" designation in a police department or military unit.

Comprising squads are "Special Agents" (SA). The SA is the critical lynchpin of FBI success. It is only an SA that is authorized to conduct investigations. An SA is entrusted with considerable latitude and freedom to choose an investigative plan for a case, recruit and operate informants, conduct surveillance, plan undercover operations and generally are the singular point of success or failure for any investigative matter. An SA reports directly to the SSA of their squad. Although the Watts case had several case agents, one in particular was responsible for the case for the majority of the years the case languished. Once that long term SA was replaced, the investigation then proceeded at a greatly enhanced tempo and was resolved within approximately five months.

The FBI PC program is unique from all other FBI criminal investigations in several ways. First, to initiate most FBI investigations, a squad supervisor is empowered to unilaterally approve the investigation to commence based solely on their own evaluation of those allegations. However, investigation of allegations related to public corruption cannot be initiated by a line-level supervisor. Nor can the matter be initiated by the next higher ranking FBI field office executive (usually an Assistant Special Agent in Charge who is the Public Corruption Program Manager). Public corruption allegations usually (except for very minor police misconduct) must be approved personally by the Special Agent in Charge. Second, predication (the strength of the allegation) is almost always higher for a public corruption case than other FBI criminal cases. Public corruption allegations must be specific and actionable. In other words, cases are rarely approved for investigation unless there are allegations clear enough that articulable steps can be reasonably taken in as timely a manner as possible to corroborate or refute the allegations. Third, timing can greatly affect the initiation of a corruption matter even when clear predication exists. For example, for decades the DOJ has maintained an election interference policy cautioning against initiating or undertaking "...overt investigative steps near the time of a primary or general election." Other FBI investigations are almost never subjected to this "timing" issue prior to their initiation.

Taken together, the high-ranking priority the public corruption program has in the FBI's National Threat Matrix³, the enhanced administrative approvals needed to undertake investigations, the specificity of allegations and the environmental sensitivities unique to corruption

³ US DOJ OIG Audit report 05-37 Sept 2005 Page 94, Para. 1 (Chapter 10)

matters⁴ should serve to orient those outside the FBI and DOJ that public corruption investigations are far from routine matters.

Orienting to the uniqueness of police corruption investigations:

Police corruption investigations have unique attributes compared to elected official or judicial corruption. They must be studied and managed by experienced personnel who fundamentally are excellent investigators but also trained and experienced in the unique legal and operational challenges inherent in investigating corrupt law enforcement officers. Other forms of corruption have a much longer arc and less of an immediate impact on the public.

The key hallmark of any police corruption case is the timely, high-tempo resolution of allegations. The reason necessitating this crucial imperative is that no other public official in our society can exercise such an immediate, outsized, and unpredictable victimization of members of the public as a police officer.

Additionally, many elected, appointed, and judicial corruption targets are not street wise, whereas police officers are highly aware of suspicious activity occurring around them, trained at spotting surveillances, knowledgeable about technical devices such as video and audio recorders and adept at protecting themselves from exploitation by persons such as informants. Lastly, legal factors that are unique to police corruption investigations must be navigated by experienced personnel. These include criminal investigators avoiding exposure to evidence obtained under immunity agreements (Garrity statements) and navigating an investigation while there are parallel criminal and administrative inquires. These factors make police officers extremely challenging to investigate but it is critical to balance these concerns with quick resolution and the removal of corrupt police officers from the street and mitigate their impact on the public.

FBI/DOJ MOUs-General

The FBI/CPD PCTF MOU at issue in this matter is not a unique agreement. MOUs similar or identical to this one have been a staple operationally for the FBI and DOJ for decades. An MOU's format, identified issues, approval processes, and language have been mostly uniform throughout decades of use. At any one time, an FBI field division such as Chicago is typically operating under a half-dozen different MOUs with various

⁴ <https://www.justice.gov/jm/jm-9-85000-protection-government-integrity#9-85.110> Section 110 and 500

federal and state agencies, demonstrating their routine adoption and use. Finally, and importantly, MOUs usually address a broad crime problem, such as "public corruption," rather than a specific singular case, such as the singular Watts police corruption investigation. And this is the case with the FBI/CPD Chicago City PCTF; it addresses public corruption broadly, beginning in January 2011, as opposed to being singular to Watts or officers on his team.

Operating under an MOU has significant benefits in an investigation but MOUs function primarily to address purely administrative and legal issues. For example, without an MOU, personnel who are not FBI employees (CPD task force officers) are not permitted to have unescorted access on FBI property, they cannot drive FBI vehicles and they cannot have access to FBI computer systems to write investigative reports, review investigative files or have access to internal FBI email systems. Additionally, law enforcement agencies often have differing regulations regarding administrative documentation for informant use, report writing, time keeping, deadly force policies, liability for accidents with government vehicles, overtime payments and how forfeitures are handled. With an MOU, the separate agencies can streamline and agree on how their differing procedures will interface. Federal deputization and security clearance process agreements for non-FBI employee Task Force members are another key administrative function fulfilled through an MOU. To illustrate this point, the Chicago PCTF MOU contains eighty-five paragraphs across twelve pages, however only four of those paragraphs address operational matters (paragraphs 21-24) under the Title, "Operations". The remaining eighty-one paragraphs regard administrative issues.

The Chicago City PCTF MOU

The MOU was not effective until January 20, 2011. It did not exist prior to that date, therefore, cannot possibly be the basis to support CPD's abandonment of critical administrative control over CPD officers before that date.

The Watts investigation spanned almost eight years, from 2004 into 2012. The MOU was not effective until January 20, 2011. Setting aside that the MOU does not prohibit concurrent administrative action regarding targets of the investigation, its effective date of January 20, 2011, eliminates it as having any bearing on the relationship between CPD Internal Affairs and the FBI prior to that date. Clear evidence of corruption by Watts and Mohammed was collected and known to agents/officers and command staff of CPD beginning in 2003 but CPD became aware of independent proof from the FBI that corruption existed at the latest between December 2007 and June 2008 by being provided with details regarding bribes paid to Watt's partner, officer Kallet Mohammed, by an informant working at the direction of the FBI. These payments were

documented by audiovisual means, and CPD was provided with confirmation that the payments had been made. The CPD provided no documentation evidencing that they confronted the FBI to resolve the case during those critical years and instead, when the FBI failed to act, CPD allowed the target officers to have full police powers until 2012.

The Chicago City Public Corruption Task Force ("PCTF"), which is the subject of the MOU, was responsible for the entire public corruption program, not just police corruption and clearly not just one police corruption matter (Watts). Paragraph 3 details that the PCTF mission was, "to identify and target... federal, state, and local elected officials and appointed public officials, law enforcement officers (and) government employees...". Fraud against the government was also part of the new task force's mandate (paragraph 4).

Even if the Chicago City PCTF MOU had existed between 2004 and January 2011, the plain language of the MOU provides simple mechanisms empowering CPD to act administratively against any CPD employee who is a target of the investigation.

MOU Paragraph 23 states:

The FBI recognizes that the CPD will often need or desire to take concurrent administrative action against a CPD employee engaging in misconduct or criminal behavior. In the event a particular CPD employee is the focus of an active or ongoing CG City PCTF investigation, the CG City PCTF should be consulted in advance of any administrative action taking place, whenever possible. (emphasis added).

MOU paragraph 23 precisely addresses the situation between CPD and the Watts investigation. Even if the MOU had been in existence, the MOU clearly only requests a consultation with the FBI to take place prior to CPD taking administrative action and only if possible (presumably only justifying any consultation requirement if it did not affect or interfere with public safety). If any such consultation between CPD and the FBI during the seven years of the investigation had taken place, I would have expected significant documentation from CPD in the record regarding that consultation detailing the FBI asking that Watts and Mohammed be left on the street all those years. The memo would include dates, meeting participants and CPD's concerns and the FBI's directive and who provided it. None of that documentation was in the record I reviewed. Instead, numerous CPD officials could not testify during their respective depositions that such a request had ever occurred.

**"Official cut date, whatever it is we're going to do,
...one way or the other, get it done."**

Former CPD Superintendent Garry McCarthy deposition, June 14, 2023; p.34/L. 25.

Executive management at CPD were fully briefed and advised of developments in the FBI investigation between 2004 and February 2012. The record I reviewed contained abundant documentation that CPD personnel were participating in the operational aspects and then routinely and fully briefing CPD Command staff. There were numerous CPD "To/From" memos and reports from the FBI case file which documented the progress, and often the lack of progress in the investigation. Additionally, deposition testimony by current and former CPD officials corroborated CPD's robust knowledge of and participation in the investigation.

The MOU signed in January 2011 contemplated a collaborative and inclusive environment where CPD is being fully advised of task force case developments regarding CPD targets and are considered a partner in task force investigations. The MOU goes as far as to require CPD's Internal Affairs Division (IAD) to ensure they are "fully apprised of all investigative developments by...subordinates." (MOU paragraph 40). Although the MOU was not in effect between 2004 and January 2011, its wording is instructive and corroborates the substantial written record I reviewed that clearly indicates that between 2004 and February 2012, CPD was fully aware of specifics regarding the Watts and Mohammed allegations, the substantial evidence being compiled corroborating the allegations, the stunning brazenness of the targets over several years, and the numerous administrative issues and investigative gaffes befalling the case.

Special mention must be made of the failure by IAD to recognize or acknowledge three extreme alleged acts being perpetrated by Watts and Mohammed: a) stealing and then selling narcotics; b) planting narcotics on citizens then falsely arresting them, and c) Watts' use of firearms to commit violent acts (shooting at citizens, evidence that he may have been involved in one or more murders and statements that drug dealers would drop gun deliveries to him as part of their business arrangement). Any one of these three circumstances should have triggered an immediate "all-hands on deck" response reflex from CPD to ensure the safety of the public. Instead, evidence of these extreme acts surfaced time and again over several years without eliciting any sense that the public was potentially in imminent danger from Watts and Mohammed.

From the review of the record

Below are significant incidents from the record noting critical junctures where CPD command staff intervention in my opinion would have been expected, as a minimum standard of care for the safety of a community. As former CPD Superintendent McCarthy is quoted above, CPD could have demanded the FBI set an "Official cut date, whatever it is we're going to do, let's get it -- one way or the other, get it done." The extreme

seriousness and alleged violence regarding Watts and Mohammed's predatory acts combined with the corroborating evidence collected over several years demanded nothing less.

As background to the below phases, IAD had received allegations regarding the taxing of drug dealers and the planting of evidence in public housing units during 2003 and 2004. At that early stage, the allegations, although specific, originated from a singular source and lacked corroboration. Starting in Phase One, below, multiple independent sources corroborated allegations of corruption and misconduct by Sergeant Watts and the officers he supervised.

Phase One

July 2004 through January 2007

(July 21, 2004 Ron Henley letter). Stunning information about Watts was received by CPD in mid-2004. A private citizen presented a written statement and multiple photographs documenting damage caused by a police chase culminating by police crashing into his parked vehicle at IBW. According to Henley, the female responding officer falsified the report to remove mention of the police involvement. Henley complained and Watts intervened by responding rudely and dismissively to the IBW area resident. When Henley attempted to escalate his claim of a false police report, Watts intervened again. Watts admitted he knew the owner of the (undamaged) van that CPD was chasing when CPD crashed into Henley's vehicle. Watts brought the person to meet Henley, Patrick Nooner, a heroin dealer in the IBW area. Watts mediated that Nooner would pay for Henley's repair and if he did not, Watts would intervene with Nooner. Henley claimed Watts encouraged him to not pursue the official process through CPD and instead, more quickly, have Nooner pay for the damages. ***This incident contains two serious red-flags of corruption: 1) filing of false police reports and 2) that Watts had such a close familiarization with a known heroin dealer (Nooner). The record contains no indication any follow-up occurred on these serious red-flags of corruption because there is no follow-up investigation detailed in a 2006 (at least 18 months later) draft Application for Order Authorizing Pen Registers related to Watts and Mohammed. No action was taken despite the allegations being easily distinguishable for investigation from the allegations of taxing and robbing drug dealers because the Henley vehicle accident and resultant false report were a singular and discreet occurrence and could be investigated by CPD IAD as standalone matters without raising suspicion by Watts and Mohammed, who would have expected any private citizen complaint about a vehicle accident to be followed up on. (CITY-BG-023845).***

(Holliday To/From dated 09/17/2004). On September 16, 2004, an apparent federal cooperator tells IAD Lieutenant Juan Rivera and two other IAD officers that he personally was shaken down for a tax to allow continued drug dealing and that many of the larger drug dealers pay the officers on an ongoing basis. Significantly, the cooperator states he was shot at by one of the officers the prior year. **A federal cooperator is a person who has entered into an agreement to plead guilty and is discreetly cooperating with federal authorities. The most serious admonishment they are given by DOJ via written agreement is that their cooperation agreement will become null and void if they are caught lying. A federal cooperator has almost no motivation to lie during the investigative phase because they know law enforcement is usually actively following up on their information and confronting them with the results. Additionally, this cooperator was working for a federal task force officer assigned to the High Intensity Drug Trafficking Area (HIDTA). The TFO appears to be a CPD Sergeant which could enhance the information's credibility in that TFO thinks enough of the cooperator and the information that he expeditiously passed to CPD IAD command staff.**

(Holliday To/From 09/21/2004). Four days later, on September 20, 2004 CPD meets with the FBI, United States Attorney's Office, DEA and the ATF to institute a joint investigation. Apparently CPD IAD is significantly alarmed by the cooperator's information because within four days CPD IAD is meeting with these multiple federal partners to establish a partnership and investigative plan using the assistance of the federal cooperator. **This is the operational tempo expected when such serious allegations are received that an officer was shooting at a citizen (the cooperator) and taxing drug dealers.**

(Holliday To/From 09/21/2004).

During depositions some twenty-years after this Holliday To/From, some CPD personnel highlighted one sentence as evidence CPD had no control over any aspect of the Watts corruption investigation from 2004 through 2012. Their assertion is refuted via the plain language of the MOU and what I have experienced as common practice on hundreds of other federal matters. The sentence in question is, "The Cooperating Individual is to be prosecuted in federal court and the United States Attorneys office believe they should be in control of everything that results from his cooperation". Federal prosecutors routinely exercise their discretion over certain individual defendants. Presumably the "cooperator" mentioned in the sentence is the same cooperator from the HIDTA matter who had meet with IAD on September 16, 2004. My experience is that it was more likely that the USAO would need to agree to be in control of any sentencing credit resulting from the cooperation. My experience is

that U.S. Attorneys and Assistant U.S. Attorneys explicitly in written agreements (limited Use Immunity letters) with cooperators caution them that the particular office in fact does not have authority to control the use of the source's information by other offices.

(03/09/2005 Holliday To-From memo; Baker-Glenn 018629).

In March 2005 CPD unilaterally authors a plan (which contains no participation by the FBI of DOJ) to conduct their own CPD "Integrity Check" against Watts. The plan is approved by CPD IAD command staff. The plan is substantial, appears to be planned to take place over weeks not days, and includes sophisticated investigative methods such as use of an undercover officer, a large contingent of covert surveillance officers, extensive support equipment and a significant amount of U.S. currency with pre-recorded serial numbers. Tellingly, the Integrity Check specifically addresses the circumstance of a potential unintended false arrest being affected by Watts or his team, stating, "If an attempt is made to transport him (the undercover) any place other than the 2nd District, a tactical unit from Internal Affairs Division will make the stop on the transporting unit." ***By March 2005, the FBI case has been open and active for almost a full year (PL Joint 002142-FBI email 11/21/2011) yet in March 2005, CPD appears to have no concerns about planning a major CPD enforcement effort against Watts without mentioning the FBI in their operational plan. Most significantly, CPD IAD clearly and precisely identifies a critical aspect of the plan by addressing potential false arrests being made, planning to not only intervene but to do so in an overt, obvious manner which would "burn" the operation and the undercover officers cover with Watts and his team. In my opinion, this clearly indicates CPD was knowledgeable and on notice activity involving theft and taxing of drug dealers by Watts (exactly what was articulated in the integrity check plan) could clearly trigger the dangerous consequence of a false arrest occurring. CPD should have planned for similar interventions during the next six years where the falsely arrested victims could be citizens.***

(Interview report of Wilbert Moore 04/07/2005).

Stunning statement detailing long-term corruption and violent acts by Watts.

Wilbert Moore a.k.a. "Big Shorty", admitted to 15-20 years of heroin and cocaine dealing on a daily basis at IBW and to being a member of the drug gang, Gangster Disciples. Moore was interviewed by ATF and DEA. Present at the meeting were two CPD Sergeants and a gang specialist. No FBI presence is documented during the lengthy meeting during which Moore provides a sweeping, detailed account of

the massive illicit drug market operated unfettered in the IBW's housing complex mostly because Watts is paid with cash and guns by dealers like him to allow it to thrive. At the time, the FBI investigation had been open for almost one year, but CPD apparently didn't ensure the FBI attended the Moore interview and again appears to have acted unilaterally in the Watts corruption case which is wholly inconsistent with numerous statements by CPD IAD in deposition in this matter that no action could be taken or decisions made without the FBI being fully informed and making those decisions.

Moore offered CPD a stunning, detailed witness statement regarding Watts and Mohammed's corruption, much of it from firsthand perspective. Moore had credibility because he implicated himself in several serious crimes not involving Watts directly including a shooting Moore implicated himself in. Moore was a crucial interview for the FBI to attend if CPD considered the FBI the lead agency and decision maker in the Watts corruption probe.

Moore relayed that Watts took money from drug dealers at IBW to allow dealers to remain in business. Patrick Nooner (who CPD IAD knew as a close acquaintance of Watts) requested Moore demonstrate how to mix heroin and operate heroin distribution operations and details about Nooner's significant drug operations and importantly, Moore corroborated through firsthand observation that Nooner and Watts were friends; Moore said Watts shot at a drug dealer, Willie Gaddy, for not paying protection money, and made allegations that some of the officers working under Watt's supervision also took money from the drug dealers. Additionally, Moore once paid Watts \$7,000.00 for protection and Roy Bennet a.k.a. "Shock" had also paid Watts and police officers that worked for him. Watts met Moore and Shock and Moore provided Watts (2) rifles and Shock paid him \$10,000.00. Also, Watts took (40) bags of marijuana from a drug dealer nicknamed "Chingey" and sold the marijuana to Shock. Moore also stated that Sgt. Watts is known to have a gambling problem. It should also be noted that on 20 APR 99, Sgt. Watts purchased \$10,100.00 gambling chips from the Empress Casino.

(June 28, 2005 To/From Holliday-Baker Glenn 010947-010948)

CPD IAD Sgt. Holliday interviewed drug dealer Willie Gaddy, who Moore had said was the victim of a shooting by Watts. Gaddy was interviewed without notice to or participation by the FBI public corruption squad. Gaddy's interview held great potential to be a critical break in the Watts case and is concerning a dangerous incident that might have immediate impact on CPD, such as Gaddy knowing of physical evidence corroborating his allegations or have an incriminating recording. There is no indication the FBI public corruption squad is notified or invited to participate, even by telephone. The fact the FBI public

corruption squad wasn't notified, consulted, invited to participate, or invited to help set strategy for the interview greatly undercuts a narrative that the FBI was the sole decision maker and final authority regarding the Watts investigation. Gaddy corroborates that he was the victim of Watts shooting at him for Gaddy refusing to pay protection money to sell drugs at IBW housing projects and Gaddy spoke of other drug dealers paying Watts. Incredibly, CPD IAD does not pursue using Gaddy further because he was cooperating with another investigation and Holliday apparently never escalates this important issue to the FBI, requesting they intervene to obtain access to Gaddy as Holliday writes, "Gaddy was never able to assist the undersigned as he was being worked by the Narcotics and Gang Investigation Section"⁵. Also, Ben Baker and his attorney met with Holliday and provided detailed information about Watts demanding payments from Baker, planting drugs and falsely arresting Baker and his wife/girlfriend. Holliday notes in his memo, "Baker's allegations against...Watts are essentially the same as those told by two other known drug dealers...These three men had no knowledge the other was talking to Law Enforcement Agents". Holliday's memo is approved by CPD IAD Command Staff. ***CPD IAD claims the FBI had the operational control and all decision-making authority regarding Watts throughout the 2004-2011 period however, there is no documentation that they escalated to FBI or DOJ the significant, critical issue that Gaddy, who was already a documented informant, was apparently not available or not permitted to assist in the Watts investigation. Normal law enforcement processes would have been to make a written request for use of the source and then agree on a cooperation plan related to both cases. Possibly, cooperation would not be permitted however, I would have expected substantial documentation of who made that decision and the reasons. Instead, CPD IAD and Holliday appeared to unilaterally allow the potential significant benefit Gaddy represented to the Watts investigation to slip away without asking the FBI (who they claimed was in charge) to assist.***

Perhaps the most astounding allegation that was known by CPD, FBI and ATF about Watts was that he may have been involved in the targeted killing of an ATF informant to stop the informant from cooperating against Watts and other drug dealers. As documented in the Holliday Memo dated June 28, 2005 (Baker Glenn 010948) CPD knew by June 2005 that an officer working for Watts told Watts that Moore was cooperating against Watts. I have not seen any evidence that CPD conducted any investigation whatsoever into this issue. The fact that Watts possibly knew that there was an investigation into his behavior should have made CPD aware that administrative actions might be more necessary than otherwise because Watts would likely be careful to conceal his criminal behavior given his

⁵ Baker Glenn 010948 top of page-Holliday To-From 28 June 2005.

knowledge of the investigation. Along the same lines, generally accepted standards for conducting investigations would have required CPD to determine who leaked Moore's cooperation to Watts, as well as to assess how the leak was likely to affect the investigation moving forward and most importantly, how it might implicate a serious personal safety concern for Moore.

When Moore was killed, the FBI documented its knowledge and familiarity with the incident in a Memorandum officially recorded to their case file (as Serial 39)-(FBI000405), writing:

"Wilbur Moore was killed on January 19, 2006. Moore had been arrested in a joint DEA/ATF sting targeting drug dealers in the Ida B. Wells housing complex. During his debriefing, Moore implicated Sergeant Ronald Watts in an extortion scheme in Ida B. Wells. Moore was released back into the Wells under a cooperation agreement with ATF. After Moore 's murder, ATF began investigating a possible leak in their task force officers. Interviews of witnesses at the Ida B. Wells housing complex place Ronald Watts at the scene of the murder shortly after Moore 's body was discovered. A review of the CPD documents does not reveal Watts as a responding or reporting officer on the scene".

In February 2008, at least one person was arrested for killing Moore, Arnold Council, who, according to FBI 000405, is a member of gang specializing in providing contract killings. I would have expected the record to detail how this allegation regarding Watts was resolved and that an intense investigation into Watts' alleged role had been completed. Instead, I was appalled to find not only no conclusive resolution information, but the record was empty as to any investigation at all being conducted.

I would have expected that at an absolute minimum to see in the record that CPD IAD or ATF, or the FBI, would have obtained recorded statements from the homicide investigation of those witnesses finding Moore's body or obtained their own witness statements if Watts was at the scene, whether an untraceable firearm had been used in the murder, that they would have used cell tower data which most likely existed at the time that might place Watts at the scene and that a thorough investigation of the links from Moore's interview at the ATF office, tracing through the dissemination of his debriefing to ATF's CPD TFOs had been examined for evidence to either prove or disprove Watts involvement. Disturbingly, after Watts and Mohammed are arrested, Mohammed enters a proffer session with DOJ and the FBI where Mohammed is never asked about the Moore murder nor is he confronted about any of the allegations that he and Watts were obtaining presumably untraceable firearms from drug dealers.

(CPD Chigaros Supp. Report 08/09/2005 CITY-BG-023980)

Watts filed a CPD theft report as a private citizen alleging his girlfriend stole \$12,400 in U.S. currency from his residence. The information that Watts had such a large amount of cash at his home causes concern because the report is provided to CPD IAD. CPD Agent Holliday documents he and IAD Sgt. Bigg check one address in an attempt to interview the girlfriend, writing in a report she would be a witness regarding any corruption activities by Watts, but then CPD IAD appears to have abandoned attempting to locate her except for requesting her photo from a state agency. ***It is extraordinary that the CPD did not locate the girlfriend or document numerous subsequent efforts to do so when taken against the high probability she could have very relevant information related to identifying the source of the cash. This source of information could be crucial to incriminating Watts or exculpating him as well as being a potentially rich indicator of new leads and possibly even having the girlfriend cooperate with making recordings with Watts. The record contains no indication of any follow up by CPD or that the significant importance of the information is passed to the FBI (the girlfriend's name is not in any of the more than 1,300 FBI documents I reviewed). A police department with the experience and resources the size of CPD in my view is a highly suspicious circumstance weighing heavily against CPD engaging in a reasonable and expected investigation related to Watts.***

(FBI000405) .

A major IBW's drug dealer (Moore) cooperates with ATF and DEA and agrees to also cooperate against Watts, naming him specifically as a police officer who he has been paying cash to for years for protection from arrest. Soon after, on January 19, 2006, Moore is murdered. Witnesses at IBW's claim Watts was at the scene of the murder shortly after Moore's body is discovered. The FBI documents CPD advised them Watts was not a responding officer on the scene indicating he was unexpectedly present off-duty at the exact time of the murder. Disturbingly, evidence is provided by ATF that an ATF CPD task force officer might have possibly advised other CPD officers about Moore's cooperation against Watts. ***This singular allegation is of extreme magnitude and my experience is that most police agencies would have removed the subject officer from duty pending an administrative inquiry. Shockingly, it appears that this circumstance is never followed up upon as the record I reviewed has no other mention of it. The failure to investigate such an incendiary lead about a homicide where a federal law enforcement agency (ATF) is providing significant lead information alone demonstrates, without the future discovery of mitigating investigation by CPD, serious concerns about the entire federal inquiry into Watts and its oversight and commitment to a professional, timely resolution. Notably, those responsible for shooting Moore are convicted but no documentation exists in either***

the CPD IAD or the FBI record that they are interviewed or declined an interview for information related to if Watts was possibly involved. Furthermore, no other inquiry is disclosed as being undertaken by CPD regarding their ATF task force officers being questioned.

(FBI000394) .

The FBI closes their investigation in January 2006 taking no action against Watts, including never attempting to disrupt his potentially corrupt activities such as interviewing him or his team. Their case is reopened in January 2007. This leaves CPD IAD as the only law enforcement agency remaining between Watts, Mohammed, and citizens they were entrusted to protect but instead were victimizing. CPD drafted an application in state court for a Pen Register, but the Application does appear to have been activated. Pen Registers can be effective, however, generally they are a very weak stand-alone investigative tool. Additionally, court-authorized Pen Registers are very easy to obtain and the fact the draft wasn't acted on is troubling. Perhaps the draft was used by DEA in a parallel case or by the FBI (FBI000396), but nothing in the record I reviewed establishes that was the case. Little appears to have been done by CPD IAD to prove, disprove, or disrupt Watts while the FBI investigation was closed between January 2006 and January 2007 (one-year).

This one-year period was a critical time when CPD would have been expected to conduct an aggressive administrative inquiry into Watts' corruption and to mitigate and protect the public from his activities. By January 2006 when the FBI case was closed, the amount of information CPD IAD was in possession of was truly extraordinary. Numerous witnesses had provided detailed, specific instances of Watts taking protection money from them so that they could continue their narcotics trafficking without police enforcement being taken against them, , that he had received guns from drug dealers, that he maintained a close association with a known heroin dealer and had instructed the heroin dealer to pay for an accident involving police vehicles, that he had a penchant to gamble large amounts of money, that he admitted to storing large quantities of cash at his residence, that he had discharged firearms at persons who refused to pay him protection money. Yet, despite this overwhelming evidence of corruption, they failed to track any of Watts cases for possible civil rights violations (false arrests), failed to interview the persons he arrested (to determine if unsolicited, they would offer that they had been paying Watts protection money or that they were framed), failed to conduct the integrity check to corroborate or refute his corruption allegations or conduct any informant activities directed at Watts to document or disprove the allegations.

Phase two-Watts investigation January 18, 2007 through November 2011

The second phase of the investigation began January 18, 2007 (FBI000394). Watts and Mohammed had apparently continued their corrupt activities unabated in the interim eleven-month period (from the close of FBI case to the reopening of the FBI case). The corrupt acts resulted in sufficient enough new allegations that CPD and the FBI began cooperating and the FBI reopened its investigation. Phase two lasted between January 2007 through approximately November 2010. In that four-year period, the record I reviewed indicated CPD failed to document any attempt to protect or insulate the public from Watts or to confront the FBI to resolve the case so that Watts' criminal enterprise could be dismantled administratively. Phase two produced an extraordinary amount of direct evidence that Watts and others were robbing drug dealers or taking bribe money, and circumstantial evidence he was possibly involved in a homicide of an individual when word of the individual's cooperation was thought by ATF to have been leaked and possibly discovered by Watts. A cooperator in phase two became critical but then was inexplicably not used against Watts. CPD officers testified in their depositions that they were told by an identified CPD employee that the cooperator was not used because if the cooperator was successful, it risked they would testify, and it could come out that the cooperator was firm in their belief Watts was involved in the ambush murder of the cooperator. Having delayed another incredible four-years and despite documenting an extraordinary number of specific corrupt acts (discussed below), CPD again failed to take action to protect the public, attempt to redress past by arrests or attempt to mitigate the reasonable conclusion that innocent persons were either incarcerated or facing serious drug allegations which may have been fabricated.

(FBI000357-September 10, 2007). An IAD Sergeant, despite knowing the FBI had reopened its case, unilaterally took specific actions establishing an operation targeting Watts and did not inform the FBI about anything. Two cooperators told CPD IAD Watts was extorting them for protection money of \$3,000. CPD planned the bribe payment and scheduled it for September 04, 2007. They did not inform the lead FBI agent on the Watts case until the following day (and only after the planned operation failed to materialize). ***A major operational incident was planned and intended by CPD without any input or knowledge of the FBI which refutes CPD command staff testimony that they could take no action without the approval of the FBI, even asserting they***

would be arrested for obstruction of justice if they had. Clearly, four years into CPD's efforts regarding Watts, that was not the case.

December 2007 through June 2008: The FBI makes controlled cash bribes to Mohammed of \$1,000 on December 11, 2007; of \$700 on December 18, 2007; \$1,000 on January 04, 2008, \$1,000 on January 21, 2008; \$500 on May 22, 2008 and \$500 on June 05, 2008. There is a notation that "potential administrative issues" exist regarding these bribe payments (CITY-BG-023858). *Notwithstanding the high bar that must be met to use evidence collected in a criminal trial, nothing precludes the use of that evidence to be used in a proceeding against Watts or Mohammed with a lower, or no bar for its use, such as in an IAD administrative action against the officers. This incident adds to an alarming and growing number of complete investigative missteps that should have sparked any responsible command staff officer to intervene and take action to improve quality or to use the evidence in an administrative proceeding instead because the extreme seriousness of the crimes being perpetrated by Watts and Mohammed.*

April 12, 2008, CPD receives a complaint Watts entered a specific apartment without a warrant and beat *up a minor aged male including striking him with a gun (FBI000210).* I find no evidence that CPD ever incorporated this allegation into its joint investigation with the FBI or confidential investigation of corruption by Watts, Mohammed, or the officers they worked with.

April 18, 2008 CPD and FBI botch an attempt to record conversations with drug dealers after a CPD informant apparently absconds and either sells or discards the recording devices (FBI000460). *Based on my training and experience and the way the recording devices are described I believe this equipment loss cost would have amounted to several thousand dollars.*

July 13, 2008, the FBI loads \$31,000 in currency in a covert FBI controlled residence and records Watts and his team executing a search warrant of the premises. Watts had coordinated preparing the warrant himself. FBI installed video recorders to document the search and the discovery of the \$31,000 in currency by Watts and his team. All the currency is found during the search, however, only \$26,000 is inventoried by Watts and his team. No information exists in the record as to any further action regarding this substantial theft of funds and the related creation of false reports and false evidence receipts other than the recovery of the \$26,000 from CPD's depository bank. A cryptic notation in the record that the video of the currency recovery suddenly terminated brings into question if this another failed operation. Incredibly, the theft of this \$5,000 is never explained or addressed in the record I reviewed.

The record contains little investigative activity between July 2008 and August 2009 (over one-year). Watts is apparently on medical leave during at least part of this time and CPD IAD takes no action to discreetly mitigate or review any of Watt's arrests for evidence of false arrest, planting evidence or other civil rights violations.

August 07, 2009, the FBI and IAD interview and obtain stunning information from a prolific drug dealer who was active for a long period in IBW area. The individual knows Watts as a former gang member who now robs and extorts drug dealers to protect their drug trade as well as engaging in drug distribution himself. The witness claimed knowledge that Watts operated his own drug line prior to becoming an officer and employed coconspirators who now not only pay him to protect their drug trade but incredibly that Watts operated his own drug distribution organization and that he and coconspirators accepted firearms as bribe payments. The allegations obtained from this witness by CPD are another instance where an immediate escalation of the command staff and prosecutorial attention should have reached a fever pitch. The record should be chock-full of documentation that CPD unleashed a frenzy of at a minimum discreet background checking to corroborate these allegations. The witness statement contained many actionable items, none of which are documented to have even been considered. Instead, the investigative team finally begins planning to exploit the source they have known about for at least five-months. However, the record indicates even this plan dragged on without a sense of urgency for at least another seven months, despite alarm bells being sounded by two CPD police officers handling the informant regarding the benefit of this informant, another informant they had and that wasn't being used, and the extreme morass of leadership and slow pace of the matter.

A spectacularly failed operation-CPD appears unconcerned. The investigation goes dark and CPD does nothing to protect the public.

March 31, 2010. More than one-year after an extensive interview with an informant (DH), the informant is finally utilized in a direct operation targeting Watts and Mohammed. It appears clear that Watts ended up successfully stealing \$11,050 in marked U.S currency from the informant, which had been provided to them by the FBI. However, more incredible bungling of the operation results in no direct observation by law enforcement of Watts taking the money from the informant despite it occurring in what was designed to be the direct line of sight of two FBI agents observing separately from two

different angles. Through an inexplicable combination of amateurism, one agent is believed to have unilaterally decided to leave the surveillance during the most critical moments and while they were assigned to have the critical view of the exchange while the other agent, at the exact same time, decided to leave his observation post to attend to a personal matter. The result is an audio recording of the theft (and possibly a video) but the federal prosecutor declines to charge presumably because the exchange failed to be observed by an independent FBI agent. ***CPD command staff seems to have no reaction to this incredible operational failure, and it is inescapable that CPD now, on top of all the previous documented payments to Mohammed, have direct evidence via audio and possibly video, which could easily be utilized in an administrative proceeding take no action. CPD command staff documents no meetings or communications voicing any concerns to the FBI or, more incredibly, any consideration being documented as to procedures to insulate the public from the activity or initiate any review of the continuing, clear impact the documented corruption has on the civil rights and due process of persons previously arrested by Watts and Mohammed. Ominously, the investigation not only fails to increase in urgency but instead apparently goes dormant. The deposition of Shannon Spalding contains disturbing details as to possibly why (discussed below).***

November 2010: possible corruption discovered by the lead FBI agent

After the botched March 31, 2010 operation resulting in Watts becoming \$11,050 richer and no criminally prosecutable federal case, CPD and FBI resume their slow walk, leisurely investigative pace doing little more than administrative work assembling a formalized task force. I see no record that CPD is pushing for resolution to protect the public from these two corrupt officers. On November 03, 2010 the informant from the botched March 31, 2010 operation, leaves a voicemail near midnight for a CPD officer. Although the timing isn't clear from the deposition of Shannon Spalding, she appears to obtain stunning information from the informant that the lead FBI agent has been overtly disclosing his official position to people in the housing projects while attempting to locate the informant. The FBI agent has also been using the informant to illegally purchase prescription drugs from drug dealers in the projects reportedly for use by a family member. Spalding reports this to both the FBI and the CPD command staff. On November 19, 2010, the FBI agent is removed from the investigation (**FBI000883**). If accurate, this might partially explain why the investigation had not been concluded by the FBI by that point. Regardless, it provides no reason and no excuse for CPD not taking administrative action against the officers.

February 18, 2011, the new FBI lead investigator regroups with CPD

to form an investigative plan led by him and CPD Sgt. AB. The written FBI document states that the FBI has been conducting "a full field investigation since 1/18/2007", that the main target is Watts and that allegations among other things specifically include, "planting" drugs on subjects and paying informants with drugs". (FBI000887-8).

March 2011, another cooperator comes forward and offers to cooperate against Watts (Monk). Monk has first-hand experience with Watts regarding extortion/protection payments to deal narcotics in the IBW projects. The information is passed to CPD Sgt. AB and the new FBI lead agent, as well as documented in a CPD To/From memo to CPD IAD Chief Juan Rivera. **Although interest is shown in the information, no follow-up action is taken by any FBI or CPD personnel.**

Incredible further delay from March until October 2011: despite two separate informants offering to make recordings with Watts, one of which, (DH), reports constant harassment by Watts to allow himself to be robbed by Watts of drug courier money. Unbelievably the FBI has no investigator assigned between July 14, 2011 and October 01, 2011 during what should be a critical period (see further below). CPD appears to take no action during this time either to protect the public from Watts and Mohammed's predatory behavior throughout the summer of 2011. Instead, despite ample operational opportunities, CPD allows a slow-paced liaison based approach, meeting occasionally with other government agencies (DEA) and the USAO about the case.

July 13, 2011, FBI Electronic Communication (FBI000909).

Separate mention is made of what exemplifies CPD's lack of investigative interest in and laissez-faire approach to the Watts case. Although CPD has command staff assigned full-time to the FBI's public corruption effort and is a full-fledged member of the FBI, they do nothing when the case has no lead FBI agent. On July 13, 2011, the lead FBI agent has the Watts case removed from his assignment list due to his receipt of transfer orders to Washington, D.C. Tellingly, the FBI Supervisor, in removing the lead agent from the Watts case, makes the following notation on the request, "Please remove SA (MP) as case agent. This matter will be assigned to another WCC-2 agent in the future" (emphasis added). According to FBI000001, that reassignment did not occur until October 01, 2011. **In the intervening months, CPD did nothing to protest the lack of operational action, that no lead FBI agent was assigned nor move to mitigate the clear immediate public safety threat Watts posed to the public.**

Final phase
November 2011 - February 2012

November 2011 operational tempo suddenly takes on a fever pitch, resources are surged, and the investigation executes three substantial operational plans against Watts and Mohammed. They contemplate application of Title III coverage,⁶ which would delay the date the case could be resolved, reject the Title III plan and instead arrest Watts and Mohammed in early February 2012. A total of less than 90 days elapses.

Early November 2011.

Just after the new FBI case agent is assigned, the CPD recontacts their informant (DH) who had proven reliable in the past having made multiple recorded conversations with Watts and Mohammed and who had been robbed of FBI provided marked money by them. This time, DH becomes actively engaged by the CPD and FBI team and CPD officers and their informant become intimately involved in planning and executing three back-to-back complex operations targeting Watts and Mohammed (12/01/2011 To/From Memo-Echeverria).

November 21, 2011

A successfully documented money rip by Mohammed and Watts was recorded through several means. It is clear the operation is carefully planned. Watts and Mohammed are properly documented as having stolen \$5,200 of marked government funds that Watts and Mohammed believed were the proceeds of a drug trafficking operation. The incident is provable through multiple visual observations, an enhanced specialized surveillance team is employed that is professionally trained and equipped to conduct such surveillances, the use of two undercover law enforcement officers, recorded audio, recorded video, Pen Register devices, tracking devices and informant usage. The approach is markedly different than the multiple prior failed attempts to document eight other bribe payments or thefts between ***December 2007 and March 2010 which were plagued with investigative bungling and missteps by CPD and FBI.***

Late November 2011

The FBI evaluates drafting Title III intercept coverage in the case but appears to reject that investigative technique. My experience is that the application period for a Title III can be very lengthy between the stringent requirements, the exhaustion phase of the affidavit, the approval process and the installation of the technical equipment once approved. This usually greatly slows an investigative pace for a number of months. Except for an emergency situation of

⁶ Title III coverage is the federal court authorized listening and recording of telephone conversations (or other "oral" conversations). This plan is noted in a 11/29/2011 FBI email (Baker Glenn 002141).

life and death, a Title III often isn't an option when there is a strategy needed to address where significant evidence has already been obtained without the use of Title III and especially where there is such a significant concern, as with the Watts case, that the targets pose perhaps not an immediate threat to the public but certainly a proximate and very significant threat. Apparently, the slower tempo, Title III option is abandoned for the higher tempo, technique of direct, hand-to-hand corrupt acts being executed in operational scenarios. This investigation, after almost a full eight years of misfires and bungling while Watts and Mohammed were permitted to continue their corrupt acts in the community, was finally making professional progress in those final three-months. (Baker-Glenn 002141).

January and February 2012.

A second undercover drug currency rip operation is planned by CPD and FBI for January 18, 2012. The outcome of that planned operation is not detailed in the record I reviewed but it does not become part of the charges faced the next month by Watts and Mohammed.

Mohammed is arrested and charged in early February 2012. He requests legal counsel and does not "flip" on Watts at that initial approach. Watts is arrested just after that.

**Important observation about the final FBI/CPD
undercover drug rips:**

The written approved plan for these operations contains an extensive "Contingency" section addressing a foreseeable unintended, "false" arrest of the informant or the UCEs by Watts and Mohammed. Tellingly, the plan is apparently so sensitive to the extreme circumstance that placing an innocent individual (the informant or UCEs) into the criminal justice system, even for a very brief of time, is wholly unacceptable. The Contingency is so sensitive to this possibility that the Department of Justice authorizes probable cause arrests to be made by CPD task force officers upon their discovery that the circumstance has arisen and that false arrests were made.

In my firm opinion, such "false arrest" sensitivities finally exhibited by CPD and FBI in the very late stage operations plans in December 2011 and January 2012, should have been the cornerstone and hallmark in every aspect of this police corruption investigation since its inception long-ago in 2004, and applied not only to police officers, but included all innocent citizens potentially victimized and incarcerated by Watts and Mohammed during the pendency of the

2004-2011, long, bungled investigation. **The citizens of Chicago deserved nothing less.**

My rate for reviewing materials, preparing this report and testimony for deposition and trial is \$150 per hour.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: April 1, 2024



Jeffrey Danik

APPENDIX A: CV

APPENDIX B: MATERIALS REVIEWED

DOCUMENTS	TYPE
1. White Sr., Complaint	White Sr. Complaint
61. Amended Complaint	Gipson Complaint
238. 2nd Amended Complaint (Baker Glenn)	Baker-Glenn Complaint
Keith Calloway 27 Calloway 23	Dep Exhibits
Keith Calloway 26 Calloway 22	Dep Exhibits
Keith Calloway 25 Calloway 21	Dep Exhibits
Keith Calloway 24 Calloway 20	Dep Exhibits
Keith Calloway 23 Calloway 19	Dep Exhibits
Keith Calloway 22 Calloway 18	Dep Exhibits
Keith Calloway 21 Calloway 17	Dep Exhibits
Keith Calloway 20 Calloway 16	Dep Exhibits
Keith Calloway 19 Calloway 15	Dep Exhibits
Keith Calloway 18 Calloway 14	Dep Exhibits
Keith Calloway 17 Calloway 13	Dep Exhibits
Keith Calloway 16 Calloway 12	Dep Exhibits
Keith Calloway 15 Calloway 11	Dep Exhibits
Keith Calloway 14 Calloway 10	Dep Exhibits
Keith Calloway 13 Calloway 09	Dep Exhibits
Keith Calloway 12 Calloway 08	Dep Exhibits
Keith Calloway 11 Calloway 07	Dep Exhibits
Keith Calloway 10 Calloway 06	Dep Exhibits
Keith Calloway 09 Calloway 05	Dep Exhibits
Keith Calloway 08 Calloway 04	Dep Exhibits
Keith Calloway 07 Calloway 03	Dep Exhibits
Keith Calloway 06 Calloway 02	Dep Exhibits
Keith Calloway 05 Calloway 01	Dep Exhibits
Keith Calloway 01 Calloway, Keith 050619 Full Size (Full)	Deposition
Barbara West 10 West 07	Dep Exhibits

Barbara West 09 West 06	Dep Exhibits
Barbara West 08 West 05	Dep Exhibits
Barbara West 07 West 04	Dep Exhibits
Barbara West 06 West 03	Dep Exhibits
Barbara West 05 West 02	Dep Exhibits
Barbara West 04 West 01	Dep Exhibits
Barbara West 03 West, Barbara 091719 Non-Timestamped ASCII.txt	Deposition
Barbara West 02 West, Barbara 091719 Condensed	Deposition
Barbara West 01 West, Barbara 091719 Full Size	Deposition
Philip Cline PHILIP CLINE 12-8-2023_full_ex	Deposition
Philip Cline Exhibit 8_Cline	Dep Exhibits
Philip Cline Exhibit 7_Cline	Dep Exhibits
Philip Cline Exhibit 6_Cline	Dep Exhibits
Philip Cline Exhibit 5_Cline	Dep Exhibits
Philip Cline Exhibit 4_Cline	Dep Exhibits
Philip Cline Exhibit 3_Cline	Dep Exhibits
Michael Spaargaren MICHAEL SPAARGAREN 3-7-2022_full_ex	Deposition
Eddie Johnson Exhibit 9_Johnson	Dep Exhibits
Eddie Johnson Exhibit 8_Johnson	Dep Exhibits
Eddie Johnson Exhibit 3_Johnson	Dep Exhibits
Eddie Johnson Exhibit 2_Johnson	Dep Exhibits
Eddie Johnson Exhibit 17_Johnson	Dep Exhibits
Eddie Johnson EDDIE JOHNSON 8-31-2022_full_ex	Deposition
Juan Rivera JUAN RIVERA 9-6-2023_full_ex	Deposition
Juan Rivera JUAN RIVERA 9-6-2023 CONFIDENTIAL PORTIONS_full_ex	Deposition
Juan Rivera Exhibits Exhibit 9_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 8_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 7_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 6_Rivera	Dep Exhibits
Juan Rivera Exhibits Exhibit 5_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 4_Rivera	Dep Exhibits
Juan Rivera Exhibits Exhibit 3_Rivera	Dep Exhibits

Juan Rivera Exhibits Exhibit 2_Rivera	Dep Exhibits
Juan Rivera Exhibits Exhibit 25_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 24_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 23_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 22_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 21_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 20_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 1_Rivera	Dep Exhibits
Juan Rivera Exhibits Exhibit 19_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 18_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 17_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 16_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 15_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 14_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 13_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 12_Rivera CONFIDENTIAL	Dep Exhibits
Juan Rivera Exhibits Exhibit 11_Rivera	Dep Exhibits
Juan Rivera Exhibits Exhibit 10_Rivera CONFIDENTIAL	Deposition
Tina Skahill TINA SKAHILL 7-19-2023_full_ex	Deposition
Tina Skahill Exhibits Exhibit 9_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 8_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 7_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 6_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 5_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 4_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 3_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 2_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 20_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 1_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 19_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 18_SKAHILL	Dep Exhibits
Tina Skahill Exhibits Exhibit 17_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 16_SKAHILL	Dep Exhibits

Tina Skahill Exhibits Exhibit 15_SKAHILL	Dep Exhibits
Tina Skahill Exhibits Exhibit 14_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 13_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 12_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 11_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Tina Skahill Exhibits Exhibit 10_SKAHILL (CONFIDENTIAL)	Dep Exhibits
Garry McCarthy GARRY MCCARTHY 6-14-2023_full_ex	Deposition
Garry McCarthy Exhibit 1_McCarthy	Dep Exhibits
Garry McCarthy Exhibit 2_McCarthy CONFIDENTIAL	Dep Exhibits
Garry McCarthy Exhibit 3_McCarthy	Dep Exhibits
Garry McCarthy Exhibit 4_McCarthy CONFIDENTIAL	Dep Exhibits
Garry McCarthy Exhibit 5_McCarthy	Dep Exhibits
Garry McCarthy GARRY MCCARTHY 6-14-2023 CONFIDENTIAL PORTION_full_ex	Deposition
Shannon Spalding 06-06-23WattsPretrial_Nonconfidential_full_ex	Deposition
Shannon Spalding Ex. 50 - Att. 350 -- Spalding retaliation documents	Dep Exhibits
Shannon Spalding Exhibit 55 - FBI 1272-1274	Dep Exhibits
Shannon Spalding Exhibit 54 - FBI 909-911	Dep Exhibits
Shannon Spalding Exhibit 53 - FBI 357-358	Dep Exhibits
Shannon Spalding Ex. 9	Dep Exhibits
Shannon Spalding 06-06-23WattsPretrial_Confidential_full_ex	Deposition
Shannon Spalding Ex. 52 - Second City Article	Dep Exhibits
Shannon Spalding Ex. 51 - FBI 001000-1009 - Spalding highlight	Dep Exhibits
Shannon Spalding Ex. 30 - Allen, Crystal - DO-JOINT 047535	Dep Exhibits
Shannon Spalding Ex. 29 - DO-JOINT 031387-031388 -- Terrence Moye Mugshots (CB 017307727)	Dep Exhibits
Shannon Spalding Ex. 12 - DO-JOINT 047970-047999_Criminal History (2023, 05-23) Hopkins, Daniel IR 526765	Dep Exhibits
Shannon Spalding Ex. 13 - DO-JOINT 005287-005288_06.21.2008 VCR HP408169 Daniel Hopkins	Dep Exhibits
Shannon Spalding Ex. 11 - DO-JOINT 005282-005286_06.21.2008 Arrest Report Hopkins, Danny CB 17280245 HP408169	Dep Exhibits
Daniel Echeverria Exhibit 5_Echeverria	Dep Exhibits
Daniel Echeverria Exhibit 4_Echeverria	Dep Exhibits
Daniel Echeverria Exhibit 3_Echeverria	Dep Exhibits

Daniel Echeverria Exhibit 2_Echeverria	Dep Exhibits
Daniel Echeverria Exhibit 1_Echeverria	Dep Exhibits
Daniel Echeverria DANIEL ECHEVARRIA 5-30-2023_full_ex	Deposition
Daniel Echeverria DANIEL ECHEVARRIA 5-30-2023 - CONFIDENTIAL PORTION_full_ex	Deposition
Calvin Holliday Exhibit 1_Holliday	Dep Exhibits
Calvin Holliday Exhibit 12_Holliday	Dep Exhibits
Calvin Holliday Exhibit 10_Holliday	Dep Exhibits
Calvin Holliday Exhibit 11_Holliday	Dep Exhibits
Calvin Holliday Exhibit 13_Holliday	Dep Exhibits
Calvin Holliday Exhibit 14_Holliday	Dep Exhibits
Calvin Holliday Exhibit 15_Holliday	Dep Exhibits
Calvin Holliday Exhibit 16_Holliday	Dep Exhibits
Calvin Holliday Exhibit 17_Holliday	Dep Exhibits
Calvin Holliday Exhibit 18_Holliday	Dep Exhibits
Calvin Holliday Exhibit 19_Holliday	Dep Exhibits
Calvin Holliday Exhibit 2_Holliday	Dep Exhibits
Calvin Holliday Exhibit 20_Holliday	Dep Exhibits
Calvin Holliday Exhibit 3_Holliday	Dep Exhibits
Calvin Holliday Exhibit 4_Holliday	Dep Exhibits
Calvin Holliday Exhibit 5_Holliday	Dep Exhibits
Calvin Holliday Exhibit 6_Holliday	Dep Exhibits
Calvin Holliday Exhibit 7_Holliday	Dep Exhibits
Calvin Holliday Exhibit 8_Holliday	Dep Exhibits
Calvin Holliday Exhibit 9_Holliday	Dep Exhibits
Calvin Holliday CALVIN HOLLIDAY 11-14-2022_full_ex	Deposition
BAKER GLENN 001092-001106	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002080	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

BAKER GLENN 002081	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002082	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002084-88	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002086-002092	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002093-94	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002095	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002102	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002103-002104	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002106-002107	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
BAKER GLENN 002108	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002109-002111	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002112-14	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002115-16	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002120-21	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002132-34	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002135	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002139 (1)	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002139	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002141-42	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002152	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002153	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002154	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002155	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002156	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002157	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002159	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

BAKER GLENN 002160	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002161	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002162	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002164	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002165	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002166	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002167	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002170	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002171	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
BAKER GLENN 002172	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002173	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002175	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002176	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002177	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002179	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002180	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002181	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002182	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002183	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002185	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002187	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002192(1)	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002192	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002196	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002198	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002221	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

BAKER GLENN 002222	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002223	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002224	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002225	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002226	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002245	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002246	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002247	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002248	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
BAKER GLENN 002249	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002250	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002251	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002252	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002253	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002254	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002259	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002260	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002261	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002267	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002439	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002451	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002589-92	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002595	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002595-97	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002596	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002597	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

BAKER GLENN 002615-17	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002618-20	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002622-24	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002675	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002680	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002690-92	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002693-97	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002701	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002702-04	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
BAKER GLENN 002708	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002713	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002716	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002717	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002718	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002720	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002721	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002722	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002724-25	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002728	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002728-30	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002729	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002730	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002731-33	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002737	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002738	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002740-41	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

BAKER GLENN 002753-62	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002763	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002767	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002768	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002769	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002770	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002771	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002772	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002773	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
BAKER GLENN 002773-80	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002774	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002775	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002776	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002777	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002778	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002779	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002780	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002781-83	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002786-92	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002796	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002800	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002810-11	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002812	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002817-18	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002819-20	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002822	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

BAKER GLENN 002824	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002839	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002841-002842	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002843	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002844	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002848	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002853	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002856	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002857	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
BAKER GLENN 002858	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002859	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002860	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002862	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002863	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002864	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002865	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002866	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002867	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002868	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002869	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002874-78	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002880	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002881	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002885-86	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002890-92	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002895	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

BAKER GLENN 002898	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002899	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002900	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002901	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002902	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002911	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002917-19	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002920	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002922	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
BAKER GLENN 002924-26	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002927	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002929	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002932-33	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002933	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002935-38	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002939	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002940	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002940-41	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002941	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002942	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002942-43	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002943	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002944	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002944-45	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002945	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 002946	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

BAKER GLENN 002946-47	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002947	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002948	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002950	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002951	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002956	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 002959-61	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 004151-004159	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 009959	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
BAKER GLENN 010074	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010672	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010833	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010844	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010850	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010856-010859	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010860-010911	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010861	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010863	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 010877	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 010912-010935	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 010923	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 010925	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 010935	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 010941	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 010942-010943	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
BAKER GLENN 010945-010946	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

BAKER GLENN 010946	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010947-010948	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010958-010964	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 010973-010978	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 023959-023963	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
BAKER GLENN 023974-023981	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000196-261	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000200	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000213	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
CITY-BG-000216-20	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000216-000220	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000249-51	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-00249-00251	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000257-58	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000262-301	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000273	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000276-80	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-000276-000280	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
CITY-BG-000281-91	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
CITY-BG-000281-000291	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
CITY-BG-000295-96	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
CITY-BG-000299	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
CITY-BG-011614-15	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
CITY-BG-011616	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
CITY-BG-011620	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
CITY-BG-012912-13	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

CITY-BG-012925	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-017609-752	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023833-023836	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023839-023840	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023841-023848	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023849-023851	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023850	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023852	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023858	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
CITY-BG-023902-023904	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023905-023906	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023909-023919	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023936-023939	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-023992-024000	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-024099	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-024103	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-028596-028598	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
CITY-BG-028602	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
FBI 5-9	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 14-16	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 19	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 19-22	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 20	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 21-22	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 31-32	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 36	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)

FBI 42	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 44-49	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 51-63	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 63	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 77-88	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 129-131	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 139	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 150-171	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 176-185	Pulled from Baker & Glenn_2017.06.0

	7_ATI From City (Amended)
FBI 189-199	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 201-216	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 218-237	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 240-265	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 267-276	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 267-285	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 277-280	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 281-283	Pulled from Baker & Glenn_2017.06.0 7_ATI From City (Amended)
FBI 284-285	Pulled from Baker &

	Glenn_2017.06.07_ATI From City (Amended)
FBI 290-291	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 290-322	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 292-294	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 299-304	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 314-316	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 317-318	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
FBI 319-322	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
SPALDING 000008-000022	Pulled from Baker & Glenn_2017.06.07_ATI From City (Amended)
03.09.2005 Holliday integrity check	Other IAD Docs

04.07.2005 Bray Memo on Moore	Other IAD Docs
05.24.05 Holliday photo requests	Other IAD Docs
05.24.06 Epplen to Starks RE attempted Shock to Watts bribe	Other IAD Docs
07.19.2005 - Holliday doc request to ISP	Other IAD Docs
08.11.05 Holliday to-from on Jackson Watts theft	Other IAD Docs
09.17.04 Holliday to-from	Other IAD Docs
09.21.04 Holliday to-from	Other IAD Docs
09.22.04 Henley Letter	Other IAD Docs
09.27.04 Holliday RE Quince Campbell	Other IAD Docs
10.17.2005 OPS CR	Other IAD Docs
10.21.2005 and 10.31.2005 - Holliday investigation steps	Other IAD Docs
11.16.06 FBI and IAD interviews	Other IAD Docs
2023.09.11 City Def Michael Brown Expert Disclosure Under Rule 213(f)(3)-Waddy	Other
Baker & Glenn_2017.06.07_ATI From City (Amended)	Other
CITY-BG-062266-062278 FBI and CPD Memorandum of Understanding	Other
Cline Ex 2 - CITY-BG-059013-059075_CPDP General Order_Complaint and Disciplinary_01.13.1993_93-3	Other
FBI-OCR (Entire FBI Production)	Other
hawk Ex n-29\03-12-08 Video_002.mp4 ⁷	FBI/DEA Recordings
hawk Ex n-29\03-12-08 Video_001.mp4	FBI/DEA Recordings
hawk Ex n-27\03-12-2008_001.wav	FBI/DEA Recordings
hawk Ex n-26\DW_A0134.wav	FBI/DEA Recordings
hawk Ex n-23\DW_A0132.wav	FBI/DEA Recordings
hawk Ex n-18\N-6_002.mp4	FBI/DEA Recordings
hawk Ex n-18\N-6_001.mp4	FBI/DEA Recordings
hawk Ex n-17\N-_001.wav	FBI/DEA Recordings

⁷ These recordings were made available to me, but at the time of this report, I have relied on written summaries of the recordings contained in the documents and not a review of the recordings themselves.

hawk - Ex n-5\05-22-2007_001.wav	FBI/DEA Recordings
hawk - Ex n-28\20080312145004.mpg	FBI/DEA Recordings
hawk - EX n-20\12-12-07 Video_002.mp4	FBI/DEA Recordings
hawk - EX n-20\12-12-07 Video_001.mp4	FBI/DEA Recordings
194D-CG-122761-1D -3\194_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID -26\194d_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID - 5\194d.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID - 4\194_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID - 3\194_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID - 23\194d.006.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID - 23\194d.005.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID - 23\194d.004.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID - 23\194d.003.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID - 23\194d.002_Redacted.wav	FBI/DEA Recordings
194D-CG-122761-1D - ID - 23\194d.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 9\194d_002.mp4	FBI/DEA Recordings
194D-CG-122761-1D - 9\194d_001.mp4	FBI/DEA Recordings
194D-CG-122761-1D - 8\194d.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 7\194d_003.mp4	FBI/DEA Recordings
194D-CG-122761-1D - 7\194d_002.mp4	FBI/DEA Recordings

194D-CG-122761-1D - 7\194d_001.mp4	FBI/DEA Recordings
194D-CG-122761-1D - 5\194d.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 49\194d_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 4\194_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 30\194d_002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 30\194d_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 27\194d_003.mp4	FBI/DEA Recordings
194D-CG-122761-1D - 27\194d_002.mp4	FBI/DEA Recordings
194D-CG-122761-1D - 26\194d_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 25\194D_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 24\194d_004.wav	FBI/DEA Recordings
194D-CG-122761-1D - 24\194d_003.wav	FBI/DEA Recordings
194D-CG-122761-1D - 24\194d_002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 24\194d_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 206\Out_chewy3129653989_10-27-2011_013642PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 206\Out_chewy3129653989_10-27-2011_013642PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 206\Out_chewy3129653989_01-16-2012_124105PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 206\Out_chewy3129653989_01-16-2012_124105PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 205\194d.007_part1.wav	FBI/DEA Recordings
194D-CG-122761-1D - 205\194d.006.wav	FBI/DEA Recordings

194D-CG-122761-1D - 205\194d.005.wav	FBI/DEA Recordings
194D-CG-122761-1D - 205\194d.004.wav	FBI/DEA Recordings
194D-CG-122761-1D - 205\194d.003.wav	FBI/DEA Recordings
194D-CG-122761-1D - 205\194d.002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 205\194d.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-08 11-02-48 00064-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-07 15-37-24 00063-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-06 19-33-07 00062-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-05 18-29-25 00061-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-05 14-23-12 00060-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-04 20-08-03 00059-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-04 18-33-21 00058-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-04 16-27-01 00057-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-04 14-36-34 00056-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-04 11-46-41 00055-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-03 13-12-47 00054-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-02-01 18-22-29 00053-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-31 20-49-11 00052-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-30 20-48-37 00051-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-30 17-46-22 00050-001.wav	FBI/DEA Recordings

194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-30 15-07-51 00049-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-30 14-40-46 00048-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-30 12-39-22 00047-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-29 18-50-04 00046-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-29 17-14-08 00045-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-29 10-26-40 00044-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-28 16-24-03 00043-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-28 16-23-29 00042-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-27 11-36-58 00041-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-25 17-12-07 00040-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-24 16-25-28 00039-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-23 13-04-58 00038-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-21 17-09-54 00037-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-21 17-04-49 00036-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-17 07-59-40 00035-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-15 14-45-07 00034-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-14 13-34-45 00033-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-14 11-44-35 00032-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-13 10-45-49 00031-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-11 18-15-58 00030-001.wav	FBI/DEA Recordings

194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-11 16-41-55 00029-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-11 12-33-21 00028-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-10 11-35-24 00027-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-10 10-15-11 00026-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-09 20-36-07 00025-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-09 17-47-57 00024-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 19-02-39 00023-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 16-31-41 00022-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 16-31-40 00021-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 16-27-47 00020-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 16-15-52 00019-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 16-15-11 00018-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 16-15-11 00017-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 16-11-49 00016-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 16-11-44 00015-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 15-57-43 00014-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 15-57-43 00013-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 15-54-11 00012-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 15-53-28 00011-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 15-52-36 00010-001.wav	FBI/DEA Recordings

194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 10-31-26 00009-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-08 10-30-57 00008-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-06 16-36-30 00007-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-05 16-37-58 00006-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-05 14-06-33 00005-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-04 17-03-37 00004-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-03 19-57-55 00003-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-03 19-05-00 00002-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 201\773-540-5708 T3 2008-01-03 10-09-57 00001-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-30 12-14-49 00062-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-30 12-13-42 00061-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-30 12-11-48 00059-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-30 07-32-21 00055-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 17-20-08 00048-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 17-12-32 00047-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 17-00-54 00046-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-56-31 00045-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-55-05 00042-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-52-36 00040-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-37-50 00039-001.wav	FBI/DEA Recordings

194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-35-54 00036-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-35-18 00034-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-22-56 00033-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-21-44 00031-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-21-11 00029-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-20-45 00027-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-19-49 00026-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-17-41 00024-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-17-20 00023-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-08-41 00022-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 16-07-39 00021-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 15-31-31 00019-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 14-20-31 00017-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 14-19-44 00016-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 14-18-56 00015-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 14-10-37 00012-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_3\312-720-6010 T3 2012-01-18 14-09-44 00009-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-30 12-13-42 00061-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-30 12-11-48 00059-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-30 07-32-21 00055-001.mp3	FBI/DEA Recordings

194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 17-20-08 00048-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 17-12-32 00047-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 17-00-54 00046-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-56-31 00045-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-55-05 00042-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-52-36 00040-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-37-50 00039-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-35-54 00036-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-35-18 00034-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-22-56 00033-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-21-44 00031-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-21-11 00029-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-20-45 00027-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-19-49 00026-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-17-41 00024-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-17-20 00023-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-08-41 00022-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 16-07-39 00021-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 15-31-31 00019-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 14-20-31 00017-001.mp3	FBI/DEA Recordings

194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 14-19-44 00016-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 14-18-56 00015-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 14-10-37 00012-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_2\312-720-6010 T3 2012-01-18 14-09-44 00009-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-30 12-13-42 00061-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-30 12-11-48 00059-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-30 07-32-21 00055-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 17-20-08 00048-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 17-12-32 00047-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 17-00-54 00046-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-56-31 00045-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-55-05 00042-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-52-36 00040-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-37-50 00039-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-35-54 00036-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-35-18 00034-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-22-56 00033-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-21-44 00031-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-21-11 00029-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-20-45 00027-001.mp3	FBI/DEA Recordings

194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-19-49 00026-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-17-41 00024-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-17-20 00023-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-08-41 00022-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 16-07-39 00021-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 15-31-31 00019-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 14-20-31 00017-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 14-19-44 00016-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 14-18-56 00015-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 14-10-37 00012-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\mp3\Project_1\312-720-6010 T3 2012-01-18 14-09-44 00009-001.mp3	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 17-38-26 00117-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 17-33-16 00114-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 17-15-59 00112-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 16-45-18 00110-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 15-06-29 00108-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 15-05-30 00106-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 15-03-36 00104-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 15-03-06 00103-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 14-45-02 00100-001.wav	FBI/DEA Recordings

194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 14-27-43 00097-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 14-22-33 00095-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-02 14-16-59 00092-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-01 13-28-06 00090-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-01 13-27-07 00087-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-01 13-23-38 00082-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-01 13-23-30 00078-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-01 13-18-45 00074-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-02-01 12-03-57 00072-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-30 12-38-49 00070-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-30 12-19-17 00068-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-30 12-17-21 00066-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-30 12-15-57 00064-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-30 12-14-49 00062-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-30 12-13-42 00061-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-30 12-11-48 00059-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-30 07-32-21 00055-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 17-20-08 00048-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 17-12-32 00047-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 17-00-54 00046-001.wav	FBI/DEA Recordings

194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-56-31 00045-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-55-05 00042-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-52-36 00040-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-37-50 00039-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-35-54 00036-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-35-18 00034-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-22-56 00033-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-21-44 00031-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-21-11 00029-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-20-45 00027-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-19-49 00026-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-17-41 00024-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-17-20 00023-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-08-41 00022-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 16-07-39 00021-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 15-31-31 00019-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 14-20-31 00017-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 14-19-44 00016-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 14-18-56 00015-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 14-10-37 00012-001.wav	FBI/DEA Recordings

194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-18 14-09-44 00009-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-17 14-25-25 00007-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-17 13-41-08 00006-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-17 13-38-07 00005-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-17 13-36-46 00003-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-16 11-26-18 00002-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 200\194D-CG-122761\Mr. Ohms\312-720-6010 T3 2012-01-13 17-18-22 00001-001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 198\2-2-12 device2_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 197\chs 2-2-12_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 190\194D-CG-122761_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 186\Watts.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 179\11-21-11_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 178\Ronald Watts_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 177\Out_chewy3129653989_11-21- 2011_015657PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 177\Out_chewy3129653989_11-21- 2011_015657PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 177\Out_chewy3129653989_11-21- 2011_014716PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 177\Out_chewy3129653989_11-21- 2011_014716PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 176\Out_chewy3129653989_11-18- 2011_022643PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 176\Out_chewy3129653989_11-18- 2011_022643PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 175\194_007.wav	FBI/DEA Recordings

194D-CG-122761-1D - 175\194_006.wav	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_032041PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_032041PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_020625PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_020625PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_014723PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_014723PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_013659PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_013659PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_012925PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_012925PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_012652PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 174\Out_stanktwo7733147739_05-14-2010_012652PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_114710AM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_114710AM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_112539AM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_112539AM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_075219PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_075219PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_074755PM.wav	FBI/DEA Recordings

194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_074755PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_072621PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_072621PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_072328PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_072328PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_024236PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_024236PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_015347PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 173\Out_stanktwo7733147739_05-13-2010_015347PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 172\05172010_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 171\Out_stanktwo7733147739_04-14-2010_125256PM.wav	FBI/DEA Recordings
194D-CG-122761-1D - 171\Out_stanktwo7733147739_04-14-2010_125256PM.txt	FBI/DEA Recordings
194D-CG-122761-1D - 170\194d-cg-122761.002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 170\194d-cg-122761.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 169\194d-cg-122761.004.wav	FBI/DEA Recordings
194D-CG-122761-1D - 169\194d-cg-122761.003.wav	FBI/DEA Recordings
194D-CG-122761-1D - 169\194d-cg-122761.002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 169\194d-cg-122761.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 168\194D_004.wav	FBI/DEA Recordings
194D-CG-122761-1D - 168\194D_003.wav	FBI/DEA Recordings

194D-CG-122761-1D - 168\194D_002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 168\194D_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\194d-cg-122761\194d-cg-122761.rcd	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\194d-cg-122761\194d-cg-122761.ids	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\194d-cg-122761\194d-cg-122761.002	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\194d-cg-122761\194d-cg-122761.001	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\vscomp70.bpl	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\vclx70.bpl	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\vcl70.bpl	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\usbplay.dll	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\rtl70.bpl	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\player.tbl	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\player.ico	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\player.exe	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\gdiplus.dll	FBI/DEA Recordings
194D-CG-122761-1D - 166\HAWK\cpptools.dll	FBI/DEA Recordings
194D-CG-122761-1D - 166\194d-cg-122761.002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 166\194d-cg-122761.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 155\194d_006.wav	FBI/DEA Recordings
194D-CG-122761-1D - 155\194d_005.wav	FBI/DEA Recordings

194D-CG-122761-1D - 155\194d_004.wav	FBI/DEA Recordings
194D-CG-122761-1D - 155\194d_003.wav	FBI/DEA Recordings
194D-CG-122761-1D - 155\194d_002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 155\194d_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 146\194d.004.wav	FBI/DEA Recordings
194D-CG-122761-1D - 146\194d.003.wav	FBI/DEA Recordings
194D-CG-122761-1D - 146\194d.002_part1.wav	FBI/DEA Recordings
194D-CG-122761-1D - 146\194d.001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 13\194D_002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 13\194D_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 11\194D_004.wav	FBI/DEA Recordings
194D-CG-122761-1D - 11\194D_003.wav	FBI/DEA Recordings
194D-CG-122761-1D - 11\194D_002.wav	FBI/DEA Recordings
194D-CG-122761-1D - 11\194D_001.wav	FBI/DEA Recordings
194D-CG-122761-1D - 10\194_001.wav	FBI/DEA Recordings
Domestic Investigations Operations Guideline FBI publication December 2011 - https://vault.fbi.gov/FBI%20Domestic%20Investigations%20and%20Operations%20Guide%20%28DIOG%29	Additional Materials
Federal Criminal Complaint in USA v Watts; Mohammed; USDC, NDIL-ED, 12-cr-00087, dkt# 1	Additional Materials
Federal Sentencing Memorandum by Watts; USDC, NDIL-ED, 12-cr-00087.	Additional Materials
Government's Response to Defendant Watts' Sentencing Memorandum.	Additional Materials

Federal Criminal Docket, USA v Watts et al; NDIL-ED 12-cr-00087.	Additional Materials
FBI Manual of Investigative Operations and Guidelines Part II; Section 18 (Archived) https://vault.fbi.gov/miog/manual-of-investigative-operations-and-guidelines-miog-part-02-05-of-06/view	Additional Materials
Testimony Before the Subcommittee on Housing and Community Opportunity, Committee on Banking and Financial Services, House of Representatives HUD's Takeover of the Chicago Housing Authority Statement of Judy A. England-Joseph, Director, Housing and Community Development Issues, Resources, Community, and Economic Development Division, June 1995.	Additional Materials

EXHIBIT 2

Supplement to Expert Opinions of Jeffrey Danik

Lionel White, Plaintiff,

v.

City Of Chicago, Ronald Watts, Phillip Cline, Debra Kirby, Alvin Jones, Elsworth Smith, Jr., Kallatt Mohammed, Manuel Leano, Brian Bolton, Robert Gonzalez, And Douglas Nichols, Defendants

Case No. 1:17-Cv-02877

Leonard Gipson, Plaintiff,

v.

City Of Chicago, Former Chicago Police Sergeant Ronald Watts, Former Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Elsworth Smith Jr., Officer Douglas Nichols Jr., Officer Brian Bolton, Officer Manuel Leano, Officer Kenneth Young, Officer Darrel Edwards, Officer Matthew Cadman, Michael Spaargaren, Officer George Summers, Officer Calvin Ridgell, Officer Robert Gonzalez, Officer Lamonica Lewis, Philip Cline, Debra Kirby, Karen Rowan, And Any Other Yet-Unidentified Officers Of The Chicago Police Department, Defendants

Case No. 1:18-Cv-05120

Ben Baker and Clarissa Glenn

v.

City Of Chicago, Former Chicago Police Sergeant Ronald Watts, Officer Kallatt Mohammed, Sergeant Alvin Jones, Officer Robert Gonzalez, Officer Cabrales, Officer Douglas Nichols, Jr., Officer Manuel S. Leano, Officer Brian Bolton, Officer Kenneth Young, Jr.,

Officer Elsworth J. Smith, Jr., Philip J. Cline, Karen Rowan, Debra Kirby, and Other as Yet-Unidentified Officers of The Chicago Police Department, Defendants

Case No: 1:16-Cv-08940

Introduction

I was asked to review additional materials related to my initial opinion in the *Baker, White, and Gipson* cases. That opinion, dated April 1, 2024, is incorporated here along with all of its attachments, including my compensation, a list of cases in which I have testified as an expert at trial or by deposition in the past 4 years, and my publications.

1. Reaction to Craig Henderson's Declaration

I have reviewed Craig Henderson's declaration stating that he reviewed the electronic recordings from the Joint Investigation and perceived no reference to fabricating criminal charges (e.g., planting evidence. As I noted in my initial report, the allegations that Watts was fabricating evidence and planting drugs added to the urgency to speedily resolve the allegations against Watts.

As a first note, the written FBI file and other documents is replete with evidence and allegations regarding the planting of drugs on innocent citizens and then arresting them by Watts and Mohammed:

- October 2, 2013 Sentencing Memorandum by AUSAs Margaret J. Schneider and Megan Cunniff Church

- AUSA Schneider's presentation during Watts's sentencing hearing

- “DEA001_Redacted 11-21-22” p 2 of 106

- “DEA001_Redactedn11-21-22” p 8 of 106

- Numerous statements by Daniel Hopkins, including FBI 44 and following

- FBI 150 and following - statement from cooperator and attorney regarding planting drugs and falsified rape case against Lucky

- FBI 182 and following: planting drugs on Lynette Ewing's son Mario and demanding money (also electronic call)

- FBI 257 and following - Tolliver says that Watts threatened to plant drugs on him.

- FBI 263 - statement from Clarissa Glenn RE Watts planting evidence

- FBI 276 and following - Henderson receives information from Robert Lindsey about Watts planting drugs

-FBI 881 and following: Patrick Smith explains Watts accused of planting drugs on subjects.

-FBI 909 and following: lead case agent, transferring case to Henderson, includes statement about Watts planting drugs.

I further note Henderson's declaration, sworn under penalty of perjury on March 15, 2023, greatly self-restricts the certification to a small subset of the large FBI file available to be reviewed. And he does not certify that the small subset contains no reference to planted evidence but instead, only that he doesn't "perceive" it to contain any reference to planted evidence. With these limitations, it is not useful to evaluating the evidence.

And Henderson's declaration is wrong. I found at least three examples where information about planting of drugs by Watts is recorded in the electronic record, two of which are plainly identified as FBI records:

1.1D-30: Chewbacca / Daniel Hopkins tells a male and female law enforcement officer on multiple occasions during the electronic recording that Watts plants drugs on innocent persons. Hopkins indicates that he has seen these violations by Watts forty-to-fifty times with his own eyes.

2.1D-170: This electronic evidence records what appears to be a direct interaction between Watts and an FBI informant who appears to be robbed of FBI money by Watts. Watts robs the informant, which is captured on the recording, and (falsely) arrests him, placing handcuffs on him, removing him from the (false) arrest scene, placing the informant in his car and transporting him from the scene toward the police station. The informant protests loudly to Watts about the false arrest and Watts tells him to be cool and tells the informant that the source can use the arrest as an excuse to the drugs dealers whose money Watts took by stating words, "you gotta show the motherfuckers something". The informant proceeds to talk Watts out of the false arrest. The informant convinces Watts he can cover the robbery with a story to the drug dealers. Watts gives in and releases the informant. The informant then calls one of the law enforcement officers who appears to be his CPD contact and leave a message that Watts did rob him and that he hopes they got it on camera. In the non-electronic portion of the record it is documented that an independent witness to the false arrest was located and interviewed by the FBI. That witness

stated they saw Black Male 2 (believed to be Watts) armed with a weapon approach black male 1 (believed to be the informant), place the informant in handcuffs and then place the informant in his unmarked police vehicle and leave the scene.

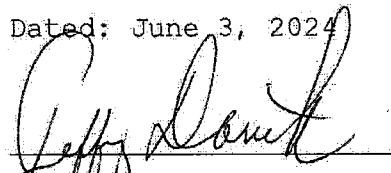
3. **DW_A0132 Hawk:** In an electronic recording overseen by Agent Todd Smith, the source asks Alan Jackson, a person identified in the record that I reviewed as a large-scale drug dealer at IBW, to mediate the dropping of charges related to 80 some blows being planted on "Mario". Details consistent with this recording are discussed at FBI 182-183. This recording was overseen by a DEA agent.

2. Reaction to ATF/DEA files and issues regarding Wilbert Moore.

Although the ATF files provided to me indicate in passing that there was a contact between Moore and the FBI occurred on May 03, 2005, I find no indication that such a meeting occurred and the usual indicia of such a meeting are absent from the remainder of the materials provided. It is contradicted by SA Kern's statement that he couldn't debrief (interview) Moore before Moore's death and there is no reference to any such meeting in the FBI file. The City's interrogatory response representing its knowledge of all investigative steps does not reflect the meeting, either. I find no report from Calvin Holliday about the meeting.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: June 3, 2024



Jeffrey Danik

Additional Materials Reviewed

Depositions of Clarissa Glenn, Ben Baker, and Leonard Gipson

Declaration of Craig Henderson

PL JOINT 027140-027318 - FOIA to CPD re Wilbert Moore Homicide
(1)

PL JOINT 012172-012317 USA V Watts Docs

ATF Reports Numbered ATF-Baker000001- ATF-Baker000055.2

DEA 001-106

2023.07.20 DEA Exhibits Inventory List

Audio recording: hawk Ex n-23 - DW_A0132

Audio recording: 194D-CG-122761-1D-30

Audio recording: 194D-CG-122761-1D-170

United States v. Brown, 973 F.3d 667 (2020)

Report and CV of Michael Brown from In Re: Ben Baker and
Clarissa Glenn v Ronald Watts, et al

EXHIBIT 3



STANDARDS AND GUIDELINES FOR INTERNAL AFFAIRS:

Recommendations from a Community of Practice



This project was supported by Cooperative Agreement Number 2003-HS-WX-K040 awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. Opinions contained in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice. References to specific agencies, companies, products, or services should not be considered an endorsement by the authors or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.

This document is the result of collaboration among several large law enforcement agencies. References to the Internal Affairs methods or approaches of specific agencies are included in the document as illustrative examples only and should not be considered an endorsement, recommendation, or favoring by the U.S. Department of Justice.

For further information concerning this report, contact:
Los Angeles Police Department
Commanding Officer, Professional Standards Bureau
304 South Broadway, Suite 200
Los Angeles, CA 90013
213.473.6672

	1.0 Intake 13
	1.1 What a complaint is and who may file one 14
	1.2 How a complaint can be transmitted and what forms it can take 14
	1.3 Receiving complaints at agency facilities 15
	1.4 Availability of complaint forms or other means of filing complaints 16
	1.5 Dissuading complainants 17
	1.6 Tracking complaints 17
	1.7 Complaint acknowledgments 18
	1.8 Auditing complaint intake 18
	1.9 Complaints and lawsuits 19
	2.0 Classification of Complaints 21
	2.1 Criminal complaints 22
	2.2 When criminal prosecution is declined 23
	2.3 Internal administrative complaints 23
	2.4 Holding administrative complaints in abeyance during criminal proceedings 24
	3.0 Investigation 27
	3.1 “Complete investigation” defined 29
	3.2 Frequent or chronic complainants 30
	3.3 Special needs of criminal investigations 30
	3.4 Cases Internal Affairs should investigate 31
	3.5 Cases Internal affairs should relegate 32
	3.6 Recommendations for time limits 33
	3.7 The use of administrative leave 34
	3.8 Electronic recordings of interviews 34
	3.9 Standards of investigative report quality 36
	3.10 The use of a chronology 37
	3.11 Agencies should consider using Compliance Audits 38
	3.12 Response to, and review of, lethal-force investigations 40
	3.13 Lethal-force investigations: interviews and evidence 42
	3.14 Investigations during lawsuits 45
	3.15 Post-resignation investigations 46
Contents	
Letter from the Director 6	
Acknowledgments 7	
Introduction 11	

4.0 Mediation, Adjudication, and Disposition 49

- 4.1 The four basic resolution categories 50
- 4.2 The value of considering commanding officers' options 51
- 4.3 Proposed reporting relationship of the head of Internal Affairs 51
- 4.4 Standards for adjudication 52
- 4.5 Penalty assessment and the use of a penalty matrix 53
- 4.6 The advantages of mediation and the conditions of its use 54
- 4.7 Settlement agreements and their value 55
- 4.8 Exploring alternatives to traditional discipline 56
- 4.9 Keeping investigations confidential 59
- 4.10 Guidelines for selecting and retaining Internal Affairs investigators 59

Appendix: A Sampling of Major City Police Force Discipline Policies 61

- Atlanta Police Department 62
- Boston Police Department 63
- Chicago Police Department 64
- Dallas Police Department 65
- Detroit Police Department 66
- Houston Police Department 67
- Los Angeles Police Department 68
- Los Angeles County Sheriff's Department 71
- Metropolitan Police Department (Washington, D.C.) 72
- Miami-Dade Police Department 73
- Philadelphia Police Department 75
- Phoenix Police Department 76

Letter from the Director

Since 1996, and as part of our mission, the Office of Community Oriented Policing Services (the COPS Office) has been supporting law enforcement agencies in a variety of initiatives and programs to create or strengthen local programs that help agencies build trust with the communities they are sworn to serve and protect. The COPS Office seeks to create the community policing environments that develop or improve that trust and mutual respect and ensure equal treatment for all citizens.

Mutual trust and respect are at the heart of effective policing and the overwhelming majority of our nation's law enforcement officers are principled men and women who provide professional services to the communities they serve with honor and distinction. The responsibilities they shoulder are great, and agency and public expectations are high.

Unfortunately, on the rare occasion when an officer is accused of misconduct or criminal activity, he or she may be subject to an investigation. Implementing an honest and fair fact-finding process that uncovers the truth is the important role of the internal affairs function of a law enforcement agency, and it is essential to maintain a process that protects the rights of all involved, including the accused officer.

This report, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, was developed by the National Internal Affairs Community of Practice group, a collaborative partnership of the Los Angeles (California) Police Department and 11 other major city and county law enforcement agencies. The agencies shared and developed standards and best practices in internal affairs work, discussed differences and similarities in practice, and looked at various approaches to improving their individual and collective agencies' internal affairs practices.

The COPS Office understands the importance of learning from the experience of others. It is in this spirit that we are pleased to provide this report to you. We hope you will find this publication helpful in your local efforts, and we encourage you to share this publication, as well as your successes, with other law enforcement practitioners.

Sincerely,

Carl Peed
Former Director
The COPS Office

Acknowledgments

This final report was produced by the following project team, whose members are solely responsible for its contents:

Project Team Leader:

Deputy Chief Mark R. Perez, Los Angeles Police Department

Project Team:

Major Cerelyn Davis, Atlanta Police Department

Lieutenant Detective Robert Harrington, Boston Police Department

Assistant Deputy Superintendent Debra Kirby, Chicago Police
Department

Deputy Chief Thomas Ward, Dallas Police Department

Commander Brian Stair, Detroit Police Department

Assistant Chief Michael Dirden, Houston Police Department

Captain Karyn Mannis, Los Angeles County Sheriff's Department

Major Donald Rifkin, Miami-Dade Police Department

Deputy Chief Bruce Adams, New Orleans Police Department

Inspector Robert Small, Philadelphia Police Department

Commander George Richards, Phoenix Police Department

Inspector Matthew Klein, Metropolitan Police Department
(Washington, D.C.)

Special thanks to:

Chief Michael Berkow, Savannah-Chatham Metropolitan Police
Department, who originated the project while working for the Los
Angeles Police Department as Deputy Chief.

Senior Policy Analyst Albert A. Pearsall III, U.S. Department of Justice
Office of Community Oriented Policing Services, who continually offered
guidance and assistance at every stage.

Judith E. Beres, a contractor with the U.S. Department of Justice Office
of Community Oriented Policing Services, for her final editing of this
document.

Senior Policy Advisor Steven Edwards, U.S. Department of Justice
Bureau of Justice Assistance, who likewise was vital to the project.

Nationally recognized expert advisors provided valuable insights from the realms of civilian oversight, academic research, and consultancy:

Merrick Bobb, President, Police Assessment Resource Center

Michael Gennaco, Chief Attorney, Los Angeles County Office of
Independent Review

Andre Birotte, Inspector General, City of Los Angeles Board of Police
Commissioners

Sam Pailca, Seattle Police Department Office of Professional
Accountability

Joshua Ederheimer, Police Executive Research Forum

Dennis Nowicki, Police Consultant

Dr. Geoffrey Alpert, University of South Carolina

Robert H. Aaronson, Aaronson Law Offices

Particularly in the early and middle stages of the project, many contributed to the discourse and ideas:

Commander Jeffrey Noble, Irvine Police Department

Commander James F. Voge, Los Angeles Police Department

Chief William McSweeney, Los Angeles County Sheriff's Department

Deputy Chief Michael Ault, Las Vegas Metropolitan Police Department

Major Welcome Harris, Atlanta Police Department

Lieutenant Melvin Hendricks, Atlanta Police Department

Superintendent Albert Goslin, Boston Police Department

Lieutenant Frank Mancini, Boston Police Department

Cameron Selvey, Charlotte-Mecklenberg Police Department

Lieutenant Susan Clark, Chicago Police Department

Deputy Chief Calvin Cunigan, Dallas Police Department

Lieutenant Regina Smith, Dallas Police Department

Gary Tittle, Dallas Police Department

Sergeant James Weiss, Detroit Police Department

Kimberly Armstrong, Edmonton (Canada) Police Service

Captain David Gott, Houston Police Department

Commander Eric Smith, Los Angeles County Sheriff's Department

Lieutenant Michael Parker, Los Angeles County Sheriff's Department

Lieutenant Temple Carpenter, Miami-Dade Police Department

Lieutenant Carrie Mazelin, Monterey Park Police Department

Deputy Chief Marlon Defillo, New Orleans Police Department

Deputy Commissioner Richard Ross, Philadelphia Police Department

Captain Carol Scott-Abrams, Philadelphia Police Department

Lieutenant John Echols, Philadelphia Police Department

Assistant Chief Andy Anderson, Phoenix Police Department

Captain Steve Campbell, Phoenix Police Department
Captain Kim Humphries, Phoenix Police Department
Lieutenant Linda Johnson, Phoenix Police Department
Jerry Tidwell, San Francisco Police Department
Kieran Walshe, Victoria (Australia) Police Department
Maureen O'Connell, Metropolitan Police Department (Washington, D.C.)
Allison Hart, moderator of the first two large assemblies

Thanks to the staff who did all the behind-the-scenes work:

Senior Management Analyst Teri Dixon, Los Angeles Police Department,
who from the inception of the grant coordinated resources and carried
a huge portion of the administrative workload.
Matthew Barge, Police Assessment Resource Center
Lieutenant Paul Torrence, Los Angeles Police Department
Police Service Representative Larita Henderson, Los Angeles Police
Department
Captain William Eaton, Los Angeles Police Department
Regana Sellars, Dallas Police Department

Introduction

On May 5, 2005, the Los Angeles Police Department was awarded a grant by the U.S. Department of Justice Office of Community Oriented Policing Services to convene and coordinate the National Internal Affairs Community of Practice group. The initial purpose of the National Internal Affairs group was to create an opportunity for major city police departments to come together in real time on an ongoing basis to share and develop standards and best practices in Internal Affairs work and share these products with the wider field of policing. In the end, the group learned considerably more. The group consisted of 12 major city and county police agencies in the United States. Many other agency¹ representatives and advisors contributed ideas and the dialog that ultimately shaped this document.

The group learned that even where we expected commonality in practice there was much more disparity than expected. We learned that the definitions of terms shared were not always universal. Where we assumed there would be shared definitions, the group found that the assumption was wrong. A large part of the time on this project was spent trying to agree on the terms common to each agency.

We also discovered that profound differences among state and local laws, collective bargaining agreements, and organizational and political cultures are factors in the struggle to reach commonality. There were also striking differences among the investigative models, processes, and structures among the participating agencies.

We learned that ensuring ethical conduct is an organizational responsibility, not just of Internal Affairs because Internal Affairs is not an isolated agency function. It is integral to a more complex interrelationship among entities within the agency that had not been seen as interrelated before. These include recruit and in-service training, risk managers, lawyers representing the agency in litigation, and agency members who interact with labor organizations.

The project reaffirmed that Internal Affairs serves two communities—law enforcement and the general public—and Internal Affairs is essential in building and maintaining mutual trust and respect between agencies and the public.

¹Although the term “Agency” in this report intends to denote the local law enforcement entity responsible for the general policing of a city, county, township, or other politically autonomous local body, the principles of the procedures and findings herein will likely be applicable to law enforcement entities of other kinds.

We did find that we faced many common issues, including a lack of resources, lack of understanding of the Internal Affairs function by many members of the agencies and by the public, and the need to be able to continue the community of practice discourse begun in this project.

Despite the sometimes striking disparity among the methods, models, and other features of the various agencies' Internal Affairs processes (see the Appendix at the end of this document), the group was still able to find ways of effectively accomplishing the Internal Affairs mission in different ways.

Inevitably the question should be asked: why didn't the Internal Affairs community of practice come up with best practices the same way investigators of homicides and narcotics come up with best practices? What we found was that because Internal Affairs investigates police officers, a unique set of challenges is created that do not exist in typical criminal investigations. These challenges are not solved with technical solutions because the challenges are not merely technical. The challenges include the dynamics of state and local laws, employment rights, collective bargaining agreements, community relationships and expectations, and organizational and political cultures.

It was not a goal of the group to fashion rigid and confining rules or standards binding all American law enforcement agencies. Neither was it the goal to impose best practices that would create a single measuring stick with which to judge each agency. Rather, the effort focused on drafting a set of general principles and guidelines, around which consensus had taken shape, that articulate the fundamental presumptions and values underlying the role of Internal Affairs in contemporary American policing.

We remain confident that police departments, managed properly, have the capacity to police themselves in a manner that enhances public trust. We believe that agencies that objectively and thoroughly police themselves, yet are accountable to the public and civilian authority, are stronger than agencies policed from the outside where internal accountability is not a priority.

1.0 Intake

“Intake” denotes the process of receiving a complaint. There is a wide range of accepted intake practices. The range of practices flows from the political, legal, labor-relational, and other factors incidentally affecting agencies using them.

The widest possible net should be thrown open at intake to receive all complaints from all possible sources of complaint. While the procedures for investigation and resolution of these complaints may differ depending upon their nature, it is a recommended practice to take in all complaints. Moreover, complaints as a whole provide the agency with insight as to how it is perceived by the public. Law enforcement is not doing its job if the public as a whole or in part believes the police are not effective, ethical, or respectful.

Section Topics:

- 1.1 What a complaint is and who may file one.
- 1.2 How a complaint can be transmitted and what forms it can take.
- 1.3 Receiving complaints at agency facilities.
- 1.4 Availability of complaint forms or other means of filing complaints.
- 1.5 Dissuading complainants.
- 1.6 Tracking complaints.
- 1.7 Complaint acknowledgments.
- 1.8 Auditing complaint intake.
- 1.9 Complaints and lawsuits.

1.1 What a complaint is and who may file one. Each event of alleged inappropriate behavior is an allegation, whether reported verbally or by other depiction. A complaint is one or more allegations by any person that an employee of an agency, or the agency itself, has behaved inappropriately as defined by the person making the allegation. The person making the allegation is a complainant.

Commentary

Each agency should require that every complaint from the public be received and evaluated to determine the nature of the agency's response to the complaint. Because complaints can literally be anything from irrational statements to clear reports of criminal corruption, intelligent evaluation of each complaint at intake is crucial.

The complaint process from intake to final disposition should be clear to all involved, and should include at least a general description of the categories the agency uses to group complaints and the procedures for handling each category. The descriptions and procedures should be in writing and easily accessible to the public.

Employee complaints best resolvable beyond the realm of Internal Affairs² should be redirected to other areas of the agency as the nature of the complaint dictates (e.g., supervisory issues, personal grievances, employee disputes, etc.).

1.2 How a complaint can be transmitted and what forms it can take. To the extent permitted by law, a complaint should be received whether presented orally, in writing, or in some other reasonably intelligible form. The point is to make it as simple as reasonably possible for anyone, including an arrestee, to present a complaint without unnecessary burden. The public has a reasonable expectation that an agency presented with a complaint will act in good faith to accept it.

Public proceedings or filings in which declarations under oath reveal allegations of misconduct against an agency's employee should be considered sources of complaints when the allegations are brought to the attention of a member of the agency responsible for the intake of complaints.

²"Internal Affairs," denotes the entity or persons within an agency whose primary function is to investigate the conduct of agency personnel.

Nonsupervisory employees to whom a complaint is made should be required to summon a supervisory employee to receive the complaint. If a supervisor is not reasonably or practically available, the employee should explain to the complainant how to promptly meet with a supervisor and/or the process of filing a complaint. A supervisor receiving a complaint against another supervisor of similar rank should, when practical, summon a superior officer to receive the complaint.

Commentary

Nonsupervisory employees are ordinarily not trained to investigate complaints, not invested with the authority to do so, and may have conflicts of interest in accepting complaints against their peers. Likewise, a supervisor who receives a complaint against a peer or superior officer should as promptly as possible involve a superior officer in the complaint receipt process to avoid a conflict of interest. The most pressing conflict of interest to avoid is that of one employee investigating a complaint against a co-worker with whom the employee may have or benefit from a personal relationship.

1.3 Receiving complaints at agency facilities. An agency should receive complaints at any of its facilities ordinarily accessible to the public regardless of the assignment of the employee complained against. Where an agency can arrange to have complaints received and properly processed by local government officials at locations other than police facilities, the agency should do so.

Commentary

A complainant should have a wide choice of locations to file a complaint. Permitting nonpolice officials of an agency's local government (such as the city clerk, ombudsman, etc.) to accept complaints gives complainants neutral locations to present their complaints without fear. Such arrangements should include at least an understanding among the local officials that they need to promptly present the complainant information to the agency's Internal Affairs.

1.4 Availability of complaint forms or other means of filing complaints.

A public complaint form, or other means to file a complaint, should be available upon request at all units and patrol stations ordinarily accessible to the public. Information about how to file a complaint should be available at municipal offices and other appropriate identified locations. If an agency has a web site, an electronic version of the complaint form should be on the site, capable of being filled out and transmitted electronically. The means of collecting complaint information, whether via written forms or another specific mechanism, should capture all information necessary to initiate the intake of the complaint. Whenever practicable, a complainant should be provided with a copy of the initial intake complaint so that the complainant can verify that the facts as initially reported were accurately and completely received. If the information on such a complaint form is transferred to a different numbered and tracked document, such as an official internal form for registering complaints, the original complaint form should be retained and filed with the official form.

The complaint process should accommodate all languages spoken by a substantial proportion of residents of the region. Similarly, brochures explaining the procedure for the filing and investigation of complaints should be available in those languages wherever a complaint can be made. There should be signage in English and those other languages at each patrol station or other unit informing persons of their right to make a complaint and the availability of personnel to assist in the process.

Commentary

These practices are recommended to facilitate the making of a complaint and establish methods so that each complaint can be accounted for. While many agencies use dedicated forms for public use in making complaints, others accept letters of complaint or take verbal complaints via a dedicated process and thus have no such public complaint forms. Where agencies do not use dedicated forms, there must still be a specific, dedicated process for tracking complaints once received.

Because American cities and towns are increasingly multicultural and multilingual, agencies should consider acquiring resources to accommodate receiving and investigating complaints made in languages common in their jurisdictions.

1.5 Dissuading complainants. The public complaint process should not discourage, dishearten, or intimidate complainants or give them cause for fear. Unless required by law, a complaint need not be under oath or penalty of perjury. Unless required by law, no threats or warnings of prosecution or potential prosecution for filing a false complaint should be made orally or in writing to a complainant or potential complainant. Practices such as running warrant or immigration checks on complainants at intake solely because they are complainants should not be tolerated.

Commentary

Employees who in bad faith attempt to dissuade complainants from filing a complaint or who attempt to convince a complainant to withdraw his or her complaint should be subject to discipline. However, where an agency has an officially sanctioned and regulated mediation process available as an alternative to the complaint process, a good-faith offer to a complainant to enter the alternative process is encouraged.

State law may require a complaint to be signed and made under oath or penalty of perjury. State law also may require warnings of potential prosecution for filing false complaints.

1.6 Tracking complaints. Every complaint should be tracked through final disposition. The tracking system should be automated, where feasible, and capable of capturing in separate data fields information regarding the complaint important for case tracking. The tracking system should alert investigators and those responsible for management of the complaint process when deadlines are about to expire or have expired.

Commentary

A reliable complaint tracking system is a means not only of managing cases but of providing public accountability for the follow-through on intake complaints. Absent a tracking system, an agency has no way of efficiently verifying that its cases are properly assigned, that investigators are providing due diligence, or that cases have been completed. For jurisdictions where statutes of limitation apply to complaints, system-generated alerts warning of impending benchmark or statute deadlines can help prevent cases from falling outside statutory time limits and avoid the appearance of deliberate indifference.

An example of one efficient means of ensuring that complaints are tracked from inception through disposition is the use of one official, agency-authorized complaint form. Such forms should contain a unique identifier, such as a number, that allows them to be audited and tracked. All original, official complaint information forms, as well as the finalized investigation, should be housed according to clear written procedures including at least the location(s) of the files, security measures to protect them, and the authorizations required to access them.

1.7 Complaint acknowledgments. A written acknowledgment of a complaint or a receipt should be provided to the complainant in person or by mail or e-mail promptly and should be documented in a retrievable manner. It should include a reference number, complete synopsis of the complaint, and the identity of the investigator or other responsible person and his or her contact information.

In some agencies, a complainant orally states the subject matter of the complaint to law enforcement personnel who then put the complaint in writing. In such instances, there is a potential for inaccuracy or omission. The complainant should be permitted to review for accuracy any oral complaint reduced to writing by any agency personnel. The complainant should receive a copy of any such complaint. If a complainant appears in person, he or she should be provided the opportunity to review and correct what has been written. If the complainant calls in, the complaint should be read back to the complainant for review and correction.

Commentary

A complainant should be certain that the complaint has been taken down completely and accurately. The complainant should have written notice that a complaint has been received and how it will be handled. When practical, the name and contact phone number of the investigator responsible for the complainant's case should be provided to the complainant. This saves time for the complainant and the agency when the complainant has a need to speak with the investigator.

1.8 Auditing complaint intake. As a routine matter, an agency should conduct regular audits to verify that complaints are being taken properly and to ensure that all employees are adhering to agency rules and standards.

Commentary

Some agencies use video cameras or undercover officers posing as complainants to test the integrity of its processes for the intake of complaints. It is not uncommon for organizations concerned with civil rights to send individuals posing as complainants to conduct similar tests. Some complaint forms ask directly whether any attempt to intimidate the complainant has been made. However achieved, agencies should devise means to test whether the reporting systems function as designed and whether the employees trusted to operate the systems know what to do and are following the procedures in good faith.

1.9 Complaints and lawsuits. Complaints that are legal claims against the agency or any of its personnel for on- or off-duty conduct under color of authority should be coordinated with the agency's or city's risk management unit and the attorneys representing and defending the city in civil matters.

Any civil lawsuit or civil claim filed against a municipality, agency, or law enforcement personnel for misconduct on duty or off duty under color of authority should be handled as a complaint.

Agencies should consider creating rules requiring employees who are the subject of lawsuits alleging off-duty misconduct under color of authority to report the lawsuit without delay to their Internal Affairs unit or their commanding officer.

Commentary

Any lawsuit or claim that alleges misconduct, including those filed with another governmental or administrative agency, should be immediately brought to the attention of the agency's Internal Affairs unit or its equivalent. Unless the claim is investigated elsewhere within the agency's government, it should be processed as a complaint at intake.

A lawsuit alleging on-duty activities would ordinarily be served on the officer and employer, putting both on notice of the alleged facts. This is dealt with in an earlier section of this report. However, lawsuits regarding off-duty actions under color of authority may not only implicate employer liability, but may reveal that an officer has violated agency rules regarding off-duty behavior.

2.0 Classification of Complaints

Promptly upon intake, it is the responsibility of the Internal Affairs unit to classify the complaint for purposes of determining where, when, and how the complaint will be investigated and resolved. It is helpful to classify complaints into either of two categories: criminal or administrative. A complaint that is criminal is investigated quite differently from a complaint that is administrative. Criminal misconduct may lead to prosecution and jail or prison. An administrative complaint may lead only to internal discipline or other corrective action.

Some agencies break administrative complaints into subclassifications of personnel complaints and service complaints. Personnel complaints address alleged misconduct by an employee. Service complaints address problems in the provision of service not linked in any way to an employee's possible misconduct, such as a complaint that the agency's response times are routinely too long.

Section Topics:

- 2.1 Criminal complaints.
- 2.2 When criminal prosecution is declined.
- 2.3 Internal administrative complaints.
- 2.4 Holding administrative complaints in abeyance during criminal proceedings.

2.1 Criminal complaints. As soon as is practicable, complaints alleging possible criminal misconduct of an agency member should be separated, classified as a criminal complaint, and handled accordingly.

Criminal misconduct is when there is reasonable suspicion to believe that the agency member committed a crime. A decision not to classify a possibly criminal complaint as such should be approved by the unit commander of Internal Affairs or its equivalent or the agency head or designee according to protocols agreed upon with the District Attorney. If that concurrence is verbal, Internal Affairs should reduce it to writing and place it in the file. Declination of prosecution should not be the sole basis for closing the agency's administrative investigation associated with the criminal case.

Because agencies typically have rules making it an act of misconduct to commit a crime, agencies should consider creating rules requiring officers arrested or named as a principal to a crime to report that to their agency's Internal Affairs or to their commanding officer. Consideration should also be given to requiring employees who know that their fellow employee has been arrested or named as a criminal principal to report that fact to Internal Affairs or to their commanding officer.

Commentary

Questions arise whether complaints of excessive or unnecessary force must always be dealt with as a criminal complaint. A suggestion for a resolution of the question is that a complaint that alleges or suggests that an officer's use of force was willfully, intentionally, recklessly, or knowingly excessive or unreasonable should be classified and investigated as a criminal complaint. Some agencies have negotiated agreements over what complaints need to be prosecuted or presented to prosecutors for a decision on prosecution. It is recommended that each agency establish an explicitly codified protocol for the presentation of cases for potential prosecution. Any doubt or uncertainty with respect to a criminal classification should be resolved in consultation with the District Attorney or other local prosecutor.

2.2 When criminal prosecution is declined. An Internal Affairs administrative investigation should be opened to gather facts and determine whether there is sufficient evidence to take disciplinary employment action against an employee who is under investigation for a criminal matter. The declination by a prosecutor to proceed criminally or a dismissal of charges or a not guilty judgment or verdict should not lead to a termination of an administrative investigation given the nature of prosecutorial discretion and the differing standard of proof (beyond a reasonable doubt) and admissibility of evidence in criminal matters in contrast to civil liability or administrative proceedings (preponderance of the evidence). Evidence of an employee's plea of criminal guilt in court should be among the items collected and considered by an agency when conducting an administrative investigation associated with the employee's criminal case.

Commentary

A criminal investigation focuses on whether a crime has been committed and concentrates on the specific actions and mental state of the accused. An administrative investigation of a police officer, on the other hand, should look more broadly at the tactical, strategic, and training implications of a particular incident in conjunction with an examination of whether agency policy was violated. There should be an active administrative investigation of any matter that is also being pursued as a criminal investigation. The degree to which the two investigations should proceed in parallel or not is discussed at section 2.4.

2.3 Internal administrative complaints. A complaint made by an agency employee alleging criminal conduct of another agency employee should be promptly received and processed as a complaint by Internal Affairs. However, an employee's report of another's violation of administrative policies should be handled according to the policies of the agency, which could in many cases reasonably involve a process other than a complaint.

Commentary

That Internal Affairs should handle criminal allegations made by one employee against another is a generally agreed upon procedure. However, the policies and customs of agencies throughout the country concerning the way agency-specific administrative rule violations are handled vary greatly. Philosophies of internal discipline, leadership styles of agency heads, the discretion given to supervisors and commanding officers to determine how employee behavior is dealt with, and factors related to tracking potentially at-risk behaviors affect whether a complaint will ensue.

When determining whether to create a complaint based solely on an administrative agency rule violation, some important considerations which would tend to suggest a complaint include at least the following:

1. The employee has a history of behavior of a kind similar to the instant case.
2. The behavior appears to be invidious discrimination.
3. The act is a breach of ethics.
4. The agency rules require discharge if the allegation is true.
5. No less formal intervention is deemed likely to change the employee's behavior.

Conversely, where the conditions above do not exist and counseling, training, an employee development plan, remedial agreement, or other alternative to traditional discipline seem a reasonably worthwhile option, consideration should be given to dealing with internal matters creatively and without a complaint.

2.4 Holding administrative complaints in abeyance during criminal proceedings. Each agency should create a protocol for determining how to proceed with an administrative complaint while a criminal case based on the same facts is pending.

Commentary

It is common practice to hold an administrative investigation in abeyance during the pendency of a criminal investigation based on the same facts. It is often the desire of the prosecutor that the investigations be consecutive out of concern that compelled statements in the administrative investigation, if not handled carefully, may taint the criminal investigation. On the other hand, consecutive investigations can prejudice the administrative investigation. The time delay has a negative impact on the memory and availability of witnesses. It means that a cloud lingers over the employee for a long time. The longer eventual administrative discipline, retraining, or corrective action is postponed, the less effective and meaningful it will be. Moreover, a lengthy delay undermines public trust and confidence that the agency is efficient and is taking speedy action to remedy police misconduct, thereby increasing public cynicism about law enforcement taking care of its own. If an agency does conduct consecutive rather than concurrent investigations, the agency should keep the complainant informed as to the progress of the investigations on a regular basis.

Some agencies conduct contemporaneous criminal and administrative investigations. To do so eliminates the negative features of consecutive investigations described above. Contemporaneous investigations are more difficult to perform because of the strict necessity of keeping the two investigations separate. Additionally, contemporaneous investigations may involve double interviews of witnesses and a potential for conflicts in the record. Unless otherwise prohibited by law, the facts gathered in the criminal investigation can be shared with those conducting the administrative investigation; the reverse is not necessarily true.

Great caution must be exercised to avoid a compelled statement or the fruits of a compelled statement from leaking into the criminal investigation. To do otherwise risks losing the potential criminal prosecution because of constitutional violations of the privilege against self-incrimination. For example: Compelled statements should not be disclosed during the course of an administrative investigation. Just as in any investigation, it is bad investigative practice to permit witnesses to learn what other witnesses have said. Accordingly, no witness, including other agency officer witnesses, or other subjects, should be allowed to see a subject's compelled statement. And, Internal Affairs investigators should take care when interviewing witnesses, including agency officer witnesses, not to reveal the content of a compelled statement.

Prosecutors have discretion as to how much time it will take to decide whether to proceed criminally. In some particularly sensitive cases, prosecutors have been known to take a year or more to make this decision. In the interim, the internal administrative investigation is neglected. Memories grow stale. Discipline, if any, is long-delayed. Accordingly, some agencies proceed with the administrative investigation, including taking a compelled statement from the subject officer, before the prosecutor has made a decision. The prosecutor's views should be solicited in this regard and a collective decision should be made to best protect the interests of both the criminal and internal investigation.

3.0 Investigation

The guiding principle informing this section of the report is that all complaints made by members of the public and all internal complaints of a serious nature, as determined by the agency, must be investigated. The extensiveness of the investigation may vary from complaint to complaint commensurate with the seriousness and complexity of the case. Some small number may be capable of resolution after a cursory or truncated investigation.

No complaint investigation should be closed or otherwise terminated without the concurrence of the commander of Internal Affairs at minimum.

Internal Affairs should be the guarantor that every investigation undertaken by its agency of its own personnel fulfills its investigative mission. All reasonable steps should be taken to assure that every investigation is free from conflict of interest, bias, prejudice, or self-interest. Accordingly, investigations should, where reasonable and feasible, be conducted by an Internal Affairs unit that reports directly to the agency head or designated immediate subordinate deputy or assistant agency head. Agencies should have a policy to address any instance where Internal Affairs confronts a conflict of interest or believes that it cannot conduct an objective and unbiased investigation, such as when the agency head or Internal Affairs commander is the subject of the complaint.

Whenever it is necessary to delegate certain investigations to the field, Internal Affairs should monitor such investigations for quality and due diligence, and take appropriate action if either is lacking. Internal Affairs should be empowered to remand investigations to the field for further work until Internal Affairs has determined that the investigative quality meets its standards.

The rules and procedures for an investigation must be framed to ensure its integrity, thoroughness, and fairness. To the extent possible under state or local law or existing union contracts, investigations should be prompt and present no opportunities for the fabrication or distortion of testimony or evidence. The rights of officers under law or pursuant to union contracts should be carefully observed. Internal Affairs is responsible for upholding these rights while at the same time ensuring a timely and proper investigation.

In some Internal Affairs units, it is common practice for Internal Affairs to propose a finding to the ultimate decision-maker. Sometimes, Internal Affairs also proposes discipline to the ultimate decision-maker. In those agencies, the investigators are seen as closest to the facts and as professionals best positioned to weigh evidence and testimony. In those agencies, Internal Affairs plays a role in assuring the consistency, accuracy, and appropriateness of the disciplinary process.

In other Internal Affairs units, the role of the investigator is narrowly defined to producing a neutral, objective, and accurate factual summary. In such agencies, the ability of the chain of command or senior executives to act as judge and jury to find facts and impose discipline is highly valued. In such systems, great importance is placed on allowing unit commanders wide discretion over those they supervise directly or indirectly. Furthermore, in those agencies, there is a perceived risk that investigators may lose neutrality and objectivity if they are permitted to recommend findings or discipline.

Both systems have advantages and disadvantages. Either can be effective as long as Internal Affairs is required to produce a report containing all relevant and unbiased information needed to fulfill the agency's mission for the case.

Section Topics:

- 3.1 "Complete investigation" defined.
- 3.2 Frequent or chronic complainants.
- 3.3 Special needs of criminal investigations.
- 3.4 Cases Internal Affairs should investigate.
- 3.5 Cases Internal Affairs should relegate.
- 3.6 Recommendations for time limits.
- 3.7 The use of administrative leave.
- 3.8 Electronic recordings of interviews.
- 3.9 Standards of investigative report quality.
- 3.10 The use of a chronology.
- 3.11 Agencies should consider using compliance audits.
- 3.12 Response to, and review of, lethal-force investigations.
- 3.13 Lethal-force investigations: interviews and evidence.
- 3.14 Investigations during lawsuits.
- 3.15 Post-resignation investigations.

3.1 “Complete investigation” defined. A preliminary investigation should encompass an effort to gather key statements or evidence if reasonably attainable. The goal of a preliminary investigation is to determine if the complaint should be further investigated and, if so, by whom.

A “complete investigation” is one which includes all relevant information required to achieve the purpose of the inquiry. A complete investigation is not necessarily exhaustive. There are many inquiries where a good faith professional judgment determines that sufficient relevant evidence of all points of view has been acquired, and where collecting more information merely would be cumulative.

One should expect of a complete investigation that a competent adjudicator will be able to make a finding without resorting to surmise, prejudice, or assumption of facts at issue. A complete investigation should take place where the allegations, if true, would likely result in formal discipline. Likewise, a complete investigation should be considered if it appears from a preliminary review that an agency’s policy, standard, or training may be a factor in unintended consequences apparent in the complaint.

Any decision not to proceed to a complete investigation should be made by the commander of Internal Affairs with a written explanation included in the file. Nonetheless, a small number of complaints will allege facts that defy science and reason and accordingly do not merit more than cursory investigation and should be closed with a finding that the complainant’s claim was impossible to investigate because the allegations were physically, logically, or technically impossible under any reasonable construal. An example of such a claim would be that an agency’s space satellite is continuously piercing the complainant’s brain with laser beams, or that the agency’s employees are stealing her internal organs from her every time she goes to the market. Complaints closed in this manner should be reviewed by the commander of Internal Affairs as a check against improper closure.

Commentary

Rules for complaint processing vary dramatically and for many reasons. Arriving at exactly one process applicable to all agencies in all cases appears to be impracticable. In general, agencies have to consider how much decision authority they are willing to repose in each part of the process, how much oversight they want to create to monitor the results of the exercise of that authority, and what counts as a complete investigation given at least the factors described above.

3.2 Frequent or chronic complainants. Some complaints are lodged by frequent complainants whose previous complaints have uniformly been found to lack a basis in fact. These complaints should not be summarily closed. A preliminary investigation, however, may be satisfactory to establish that the current complaint lacks a basis in fact or is a duplicate of facts alleged in another complaint. The complaint should be closed with a finding that there was no basis of fact or that it was a duplicate, after review by the Internal Affairs commander.

Commentary

So-called chronic complainants should not be dismissed out-of-hand. Persons who make unfounded reports on some occasions may accurately report misconduct on another. The predicament this creates can worsen as the number of unfounded complaints increases or the allegations become more dangerous if true. The following is a reasonable strategy to consider.

Where the number of unfounded complaints has gone beyond what is reasonable (20 or so within a year, for example), determine whether a pattern exists of reporting events that are one-on-one. If such a pattern exists, consider doing recorded covert audits of the complainant or of officers against whom the complainant has made allegations. If well-planned covert audits show that either the complainant lies or that the officers behave properly, these results should be considered when receiving future complaints from the same person. This is obviously very resource-intensive and, in fact, may be beyond the resources of some agencies. But it can be a resource saver if the complainant has become an extraordinary burden.

Other creative strategies should be sought. The point in creating a strategy to deal with a chronic complainant is to be reasonable about the strategy and its expectations, recognizing that whether every complaint is investigated exhaustively or each is handled as a merely patterned report, the agency assumes a risk of either wasting important resources or missing a true report among the noise of the false.

3.3 Special needs of criminal investigations. A criminal investigation of an agency employee, particularly one involving a felony or crime of moral turpitude, is so serious that an agency should consider extraordinary measures to ensure that the investigation is as thorough and independent of conflicts of interest as possible. Ideally, an Internal Affairs team trained in criminal investigations would handle such cases and answer only to the agency head or designee. If Internal Affairs does

not have a criminal investigation team, another team of investigators should be selected for its objectivity, integrity, and skill to handle the case, and the team should answer only to the agency head or designee for the progress and findings of the case and determination of filing charges. Having investigators from the supervisory ranks would be desirable to avoid conflicts of interest, as would having investigators from a chain of command outside that of the accused employee if the accused is a supervisor or manager.

Commentary

Internal Affairs units typically report to the agency head or designee and thus have certain independence. In some agencies, there is a specialized unit within Internal Affairs dedicated to criminal investigations. In other agencies, certain criminal investigations are handled outside of Internal Affairs by a detective or homicide unit, particularly in cases of officer-involved shootings. In yet other agencies, the District Attorney may have investigators who conduct some or all criminal investigations and may present a matter to a grand jury. In some instances, an agency might ask another agency, such as the FBI, or an independent prosecutor, or a blue ribbon commission to conduct an independent, outside investigation or to monitor an internal investigation. From time to time, it has been proposed that certain sensitive investigations be conducted by a specially appointed independent prosecutor.

The goal in all instances is to ensure that the case is properly investigated and presented to the District Attorney for filing consideration. Further, the degree to which the public and the agency respect the conclusion of the case depends greatly on the agency's choice of investigative process and personnel.

3.4 Cases Internal Affairs should investigate. Internal Affairs should conduct all serious administrative investigations, including but not limited to officer-involved shootings, in-custody deaths, alleged constitutional violations, allegations of racial profiling or discriminatory policing or racial prejudice, dishonesty, drug use, sexual misconduct, cases handled for other jurisdictions, interagency cases, and cases referred directly by the agency head or command staff. Internal Affairs should also conduct all administrative investigations of allegations of misconduct that are likely to result in litigation against the agency or its members. Unless there is a specialized unit to handle internal complaints by employees of discrimination, sexual harassment, and other unlawful employment practices, Internal Affairs should conduct such investigations.

Internal Affairs should investigate all allegations of misconduct of command-level personnel with the exceptions of allegations against the agency head or in any instance where there is an apparent conflict of interest. A complaint against the agency head should be investigated by expert investigators outside the agency acquired by and operating under the auspices of the authority responsible for appointing the agency head.

Commentary

Certain internal investigations are sufficiently serious that they should be conducted by the Internal Affairs unit in order to produce an objective and competent investigation which the general public and members of the agency will accept as trustworthy and credible. Some smaller agencies without a full-time Internal Affairs unit should consider contracting with an independent external investigator on a case-by-case basis. So, too, should a larger agency to avoid actual or perceived conflicts of interest.

3.5 Cases Internal affairs should relegate. Investigations of less-serious allegations of misconduct by the rank and file should be conducted by investigators where the agency believes the investigations can be properly done. Complaints alleging simple discourtesy or rudeness, without any suggestion of discrimination against a particular person or group, could be investigated at the unit level. Similarly, complaints by the public regarding traffic citations and traffic enforcement could be investigated at the unit level. Internal or external allegations of minor infractions of agency regulations or policies, preventable traffic collisions, or minor performance issues also are appropriate for investigation at the unit level. Alleged excessive or unreasonable minor uses of force not involving death, serious injury, or hospital admittance or willful, intentional, reckless, or knowing misconduct may be appropriate for investigation at the unit level.

Internal Affairs should monitor field investigations for quality and due diligence, and take appropriate action if either is lacking. Internal Affairs should be empowered to remand investigations to the field for further work until Internal Affairs has determined that the investigative quality meets its standards.

Commentary

Because many investigations do not require the expertise of Internal Affairs investigators, assigning those investigations to the employee's chain of command for unit-level investigation can be an excellent resource saving. It can also reveal to an employee's chain of command information about the workplace and personnel that they would not

know if they were not investigating the complaint. This benefit is often missed in assessing who will investigate a given complaint but should be seriously considered. Given that command officers and supervisors are accountable for their commands and their people, they should also be among the first to see complaints and get the first opportunity to act as leaders in resolving performance and behavior problems.

The absence of investigative expertise of local chain-of-command investigators can cause problems, however. Without the training and experience of Internal Affairs, local investigators may not produce the quality needed to fulfill the investigative mission. Time commitments to conduct administrative investigations by field supervisors may conflict with their primary responsibility of field supervision.

It is possible that the command officers in a chain of command can oversee such investigations adequately and remand for improvement substandard investigations. Yet consideration should be given to having Internal Affairs be the final judge of investigative quality with the final decision-making power to return to the chain of command substandard investigations for improvement. An advantage to having Internal Affairs manage investigative quality control is that it is most likely to provide increasing consistency and quality. Another advantage is that Internal Affairs' review of all complaints can reveal trends of investigative or leadership deficiencies that Internal Affairs can help resolve through agency-wide training.

3.6 Recommendations for time limits. Completion of Internal Affairs investigations should occur as rapidly as is reasonably necessary to fulfill the investigative mission. In all instances, however, an internal investigation should be completed within a reasonable time before any applicable statute of limitations or other bar to officer discipline has run out. It is preferable to conclude investigations within 180 days.

Commentary

Given localized statute requirements and wide variation in personnel and financial resources available to devote to Internal Affairs investigations, a specific, global standard for all agencies stating the time by which an internal investigation should be concluded is not feasible. Agencies with more limited staffing may, in good faith, require a longer duration of time for completing an investigation.

Statutory limits on investigative duration should be the minimum standard. Consideration should be given to the broader principles of the policy. It is valuable, for example, to complete investigations promptly

out of respect to employees, recognizing that they suffer stress awaiting the disposition their case. It is also valuable to the development of public trust when citizens are notified that their complaints have been investigated promptly. There is value in taking swift corrective action to help a wayward employee avoid further problems. An agency can exploit the opportunity inherent in an investigative duration policy to enunciate broader principles which at once inspire prompt investigations and inspire respect for people.

3.7 The use of administrative leave. During the pendency of an internal investigation, an agency may place involved officers on administrative leave or reassignment should they be determined to pose a risk to themselves, the agency, or the community; should their presence become disruptive to the successful completion of the investigation; or if the agency determines that termination is likely.

Commentary

There often are legal restrictions on whether an agency can suspend with or without pay, reassign, remove peace officer's powers, or take other actions to prevent a peace officer under investigation from becoming a threat or liability during an investigation. While taking such actions may well be within the agency's management rights, no decision should be executed without reasonable justification. This standard helps protect the agency not only from legal attack, but forces the agency to avoid knee-jerk reactions to embarrassing or politically frightening events. It also helps avoid conflicts with labor unions. Finally, using a reasonable justification standard can show that the agency is as respectful of the law as it expects its employees to be, a notion that can accrue to the credibility of the agency's investigative conclusions.

3.8 Electronic recordings of interviews. Electronic recording of the live, word-for-word statements of all interviewees, including accused employees, is the best way to avoid interpretive errors in recounting statements. Except in covert operations, all recordings should be done with the full knowledge of everyone involved, with a lead-in statement by the primary investigator announcing the date, time, and location of the interview as well as the names and titles of everyone present. Asking each person in the interview room to self-identify can be helpful to auditors, stenographers, or others who may need to listen to the recording later and know who is talking.

Telephone interviews, for the same reasons, likewise should be recorded, with the understanding that privacy laws usually require explicit notice to all participants that the phone conversation is being recorded.

E-mail interrogatories are occasionally an option because the e-mails themselves become verbatim electronic records. They are most useful when the questioning to be done does not anticipate much follow-up. To use e-mail interrogatories successfully it is important to ensure that there is a means of authenticating the identity of the sender and the receiver, such as using only agency e-mail addresses where policies and practices prohibit employees from permitting access by persons other than the intended user.

Commentary

Whether an agency transcribes, summarizes, or paraphrases witness statements, electronic recordings are the best means of testing the accuracy of written accounts of interviews. As a form of quality and integrity control, audits comparing electronic recordings with written statements should be at least done randomly. Where variances are found, the cause should be determined and quickly cured. An investigator whose written statements vary often or greatly from the electronic recordings should be trained or removed as an investigator: the cost of allowing interpretive error or intentional misstatement can be of significant harm to the agency's integrity or reputation.

The question about whether video recording should be done occasionally arises. Practically it is more intrusive, more difficult to do in small areas, may require special lighting to be successful, and often requires special training to implement well. It is not necessarily more effective than pure audio recording in capturing all that is said.

One method of using video recordings that can be seen as helpful to both labor and management is in cases where the interviewee is being video recorded pointing to positions on a map, objects in a room, or otherwise physically re-creating an event that cannot be done fully in just words. When a video recording is done in good faith only for the purpose of creating an ostensive record that could not be created merely through audio, video recording can help the witness explain his account more richly so the investigators understand it more fully.

Absent exigent circumstances, as restricted by law or contract, agencies should give employees a reasonable amount of advance warning before an administrative interview in order for such employees to secure union or legal representation should they want it. Unless provided by law, an employee is not automatically entitled to any specific information or evidence prior to an interview or interrogation, though an agency may choose to make some information available to an employee and his or her representative prior to an interview or during an interview on a case-by-case basis.

Questions asked during the interview should be open-ended and non-leading. Those conducting interviews should take care not to formulate instantaneous credibility assessments that might bias the investigation. Investigators should receive ongoing training in interviewing and fact-finding techniques. Investigators should thoroughly cover in each officer interview what information concerning the incident the officer discussed or received from other officers or outside sources.

3.9 Standards of investigative report quality. The documentation of investigations must be thorough, complete, and as comprehensive as reasonably necessary. Using standardized forms or formats helps in quality control, evaluating comprehensiveness and sufficiency of content, consistency, and in recordkeeping.

Commentary

Knowing when an investigation is “as comprehensive as reasonably necessary” is the most basic but often the most difficult task of the investigation. At the least, the investigation has to answer the questions posed to it by the allegations. Beyond that, professional training, experience, and the resulting professional judgment governs at least part of the determination of investigative depth. Furthermore, the report should provide the decision-maker with enough information to arrive at a well-based finding.

Investigative Report Standards

To achieve the investigative mission, each investigative report should meet these minimum standards:

1. All allegations are clearly stated and clearly answered.
2. All relevant facts bearing on the truth of each allegation are clearly stated.
3. All evidence (e.g., photos, recordings, etc.) is included or its means of retrieval specified.
4. Contact and identification information for all persons interviewed and for the investigator(s) is included.
5. The report is impartial, with no bias for or against any party.

Beyond minimum standards, consideration should be given to assessing report quality according to at least these standards:

1. The report is logically organized with the aim of helping the reader understand it.
2. Its language is clear, and where special terms of art are used, they are defined. The reader should not have to presume or guess the meaning of a term.
3. It avoids conclusionary statements wherever possible.
4. Sentences and paragraphs are direct, simple, and easy to understand, using the fewest words to clearly convey the point.
5. Estimates of time, distance, or other quantities should be as precise as reasonably useful, but need not be precise beyond that.
6. Unless explicitly permitted by agency policy, personal opinions should be avoided. If they are permitted, they should include explicit evidence to support the opinion.

Standardized Forms

Standardized forms and formats have advantages and disadvantages. Basic forms, such as the intake complaint form, fare well having essential information required on them, such as names, dates, locations, contact information, etc. Formats for the investigative narratives and adjudication documents can also be helpful in creating a template for investigators and agency auditors to use to ensure that crucial information is included and is adequate. Consideration should be given to allowing some variation in formats so that information not ordinarily included can be if it needs to be. Simply adding an optional heading of “Additional Information” into any format can achieve this.

Each investigative report should contain a detailed, comprehensive summary. Although the summary should be impartial, it should also identify inconsistencies between statements and inconsistencies between statements and physical evidence.

3.10 The use of a chronology. Internal Affairs should track and maintain a chronological log of all internal investigations. A log of the investigation serves to preserve and maintain a history of the investigation and a means to keep track of the various parts of the investigation.

Commentary

A sound investigative practice common to investigations includes the use of a chronological log in which investigators make entries as they advance their investigations. Such a log would typically have entries of the dates, times, and contact information of each person the investigators called, interviewed, or attempted to call or interview. The log would include dates/times/contact information when items were sent for analysis. Any event that would evince investigative due diligence should be logged, particularly in jurisdictions with statutes of limitations or where complaint investigations are subject to discovery in legal proceedings.

Logs allow supervisors to determine the effectiveness of their investigators and also helps other investigators take over a case when the original investigator is on leave or is removed from the case. Whether to exhibit and track due diligence or to ensure investigative quality and continuity, a chronological log is a simple, effective investigation management tool that takes little time but offers great benefits.

3.11 Agencies should consider using Compliance Audits.

A Compliance Audit is a live test to determine whether policies are being followed. For example, a Compliance Audit of an agency's policy to document all complaints could be done by having someone call in a complaint and later see if the complaint was documented. Sending a letter alleging misconduct to the agency and determining whether a complaint was produced would also be considered a Compliance Audit.

Another example of a Compliance Audit is one in which undercover officers, or operatives, unknown to the on-duty officers pose as citizens, victims, or suspected criminals to determine how on-duty officers treat the public in various controlled conditions. These typically are video- or audio-recorded and include a substantial support team to ensure the secrecy of the operation and the safety of everyone involved. Compliance Audits can be quite complicated and resource-intensive, and typically require skilled, experienced undercover operators intensively overseen by supervisors with similar experience and skill.

Commentary

Where an agency has the resources to conduct them, Compliance Audits can help the agency detect misconduct before the misconduct is complained of by the public. Compliance Audits can also help pinpoint weaknesses in systems, policies, or personnel before anyone is ever accused of misconduct. Conversely, where well-done Compliance Audits continually show that the agency's personnel and policies are working

well, this information can be useful in defending against pattern-and-practice lawsuits, and can argue against some deliberate indifference claims by plaintiffs.

The use of Compliance Audits lets the public know that the agency takes its integrity seriously. While the specific details of each Compliance Audit should be kept secret to avoid compromising tactics or methods that may be used again, publicizing the fact that an agency conducts Compliance Audits can help inspire public trust, especially in jurisdictions with a history of reputed abuses by agency officers.

Compliance Audits give agency employees the understanding that they are not above testing, helping to keep honest people honest. This is not always received well by employees, however. In some agencies, the advent of Compliance Audits brought complaints from labor unions that management was out to get their members or that employees would stop working for fear of being caught up in a poorly designed or poorly executed audit. Such comments have some merit, insofar as agencies who design and execute their Compliance Audits in bad faith hoping merely to prove their worth by catching someone risk the very problem some unions have claimed: employees may simply slow or shut down to avoid getting caught in a bad-faith trap.

One way of avoiding the worst of the employee relations problems created by Compliance Audits is to design them so that an employee acting reasonably, albeit not perfectly, would not suffer significant penalty for an error. If Compliance Audits are set up to ascertain ethical integrity, careful consideration should be given to whether some minor infraction would even be mentioned outside the Compliance Audit unit. If employees continually get penalized for minor infractions in Compliance Audits designed to catch corruption, Compliance Audits can be sources of employee bitterness. But if the only products of Compliance Audits are the detection of acts which are universally known to be egregious, the Compliance Audits will gain a reputation for catching only those whom everyone knows should be fired.

It is not trivial to ask whether, in a Compliance Audit, an employee should be rewarded when caught doing the job well. In one large agency, employees receive a commendatory document when they have not merely passed an audit, but have done an exemplary job. These commendations are not handed out often, but when they are, they are issued months after the event, the facts are not specified, and the date of the Compliance Audit is not given so as to avoid having the employees detect the undercover operators and their methods and expose them later.

Unit Leadership and Confidentiality

The selection of the Compliance Audit unit leader is crucial, as the judgment of the leader in setting up and responding to employee behaviors in the Compliance Audits is crucial to the reputation of such audits throughout the agency. The Compliance Audit unit leader should operate under, and be able to speak confidentially with, the agency head or the Internal Affairs commander to ensure that his judgment and actions remain consonant with agency doctrine. The leader would also have to have a high level of skill in selecting the right people for the unit and quickly removing those who are not right.

The practices and methods of Compliance Audits are beyond the scope of this document. But agencies seriously considering the creation of a unit to perform these kinds of integrity checks should spend the time to research the units of large agencies with expertise in the complexities of establishing and running them (such as New York Police Department and the Los Angeles Police Department). The smaller the agency, the more difficult it is to create such units without the use of personnel from other agencies because with agencies small enough for everyone to know each other, there is no anonymous undercover pool from which to pick. A solution is to collaborate with other agencies to bring in unknown undercover officers to perform Compliance Audits if the protocols, methods, and tactics are well-designed and universally applied. A written memorandum of agreement or similar document signed by and trained through all involved agencies can be extremely useful when interagency personnel exchanges are involved, especially if the agencies are from different government levels (e.g., state and local, or local and federal).

3.12 Response to, and review of, lethal-force

investigations. All officer-involved shootings targeting or striking a human being, all in-custody deaths, and all serious uses of force as defined by the agency should generate an immediate response to the scene and an investigation conducted by Internal Affairs, or a team of investigators with special training in the investigation of officer-involved uses of deadly force, regardless of whether a complaint will be filed.

An administrative review, independent of any complaint, of a shooting, in-custody death, or serious use of force should consider the strategic, tactical, policy, training, and risk management implications of any such incident, including whether changes to policy, procedures, equipment, or training might mitigate the effects or reduce the number of similar incidents in the future.

To encourage the greatest degree of candor and revelation and to the extent permitted by law, the review should be handled as a confidential self-critical analysis and should occur in each case regardless of whether there criminal or disciplinary charges are made.

Commentary

There are multiple, concurrent purposes for an agency's investigation of its officers' serious use of force as defined by the agency. First is to determine whether the officer used force lawfully. Next is to determine whether the use of force was within agency policy. Finally, the investigation offers the agency a unique opportunity to review every feature of its personnel, policies, training, and other organizational practices that affect or are affected by officers' serious use of force.

Question of Lawfulness

An investigation that fails to provide the necessary relevant facts to allow a prosecutor to correctly determine whether the officer's use of deadly force was legally justified has failed its investigative mission. The public and the agency's officers expect that at minimum every agency will investigate to provide sufficient evidence to either prosecute the officer or to clear the officer of criminal liability.

Question of Procedural Compliance

A serious force investigation should provide enough evidence to determine whether the use of force complied with agency rules. In cases of agency rule violations, it can be helpful to the employee and the agency to have facts clearly stated in a report so that the internal follow-up actions will be properly justified and understood. An investigation that comprehends both the legal and procedural considerations is optimal.

Self-Critical Analysis

A serious use of force rigorously and candidly examined as a confidential self-critical analysis can be viewed as a research project with the aim of determining agency best practices throughout its systems, policies, and personnel by studying successes and failures in their real-world implementation. A serious use of force is a real-world test not only of that agency's organizational rules and systems, but can be a test of the theories and principles underlying them. There are few opportunities like officers' serious uses of force where so much can be learned from the exhaustive investigations typically conducted and expected.

It is important to consider that those who conduct such post-event analyses should include those in training, risk management, and all other agency units where the agency can draw on expertise to contribute to the discussion and analysis. The agency should seriously consider including not just high-ranking policy makers in these self-critical analyses, but also the practitioners at the lowest levels of the organization who know exactly and really what is taught and performed in the field. Outside experts can occasionally be helpful in this regard for special circumstances or questions beyond the expertise of the agency's personnel. In all cases the participants should be explicitly held to a standard of confidentiality such that the content of the discussions are not released to anyone but the agency head or designee.

3.13 Lethal-force investigations: interviews and evidence. The process of investigating an agency member's use of lethal force requires an extraordinary degree of attention to capturing and recording the statements of each participant and witness independently, accurately, and as soon as conditions allow.

Commentary

Given the disparity in the law across the country, in this section and throughout this document, agencies are best advised to consult with legal counsel about the applicable rules before implementation.

Unless otherwise required by law and without regard to whether the investigation is conducted by Internal Affairs or another specialized unit involved, witness officers should be physically separated as soon as possible to avoid even the appearance of collusion. Likewise, members of the agency either involved in or witnessing the critical incident should be ordered not to discuss the incident among themselves until after interviews of all involved agency members have been concluded and the employees have been explicitly authorized to discuss the matter. Where law permits, the officers should be compelled to submit to a comprehensive, electronically audio-recorded interview by agency investigators as soon as is practical and reasonable. Except for the Public Safety Statement (see below), members who were involved in or witnessed the incident in question should be permitted a reasonable amount of time to consult individually with legal counsel or a labor representative telephonically or in person before providing an interview with agency investigators. For some agencies, a "reasonable amount of time" can be as much as 3 to 5 hours or more. The point is to balance the employees' right to representation with the agency's responsibility to conduct its investigation without deleterious delay.

To prevent incidental collusion, members involved in or witnessing the incident should not be permitted to consult with legal counsel or labor representatives collectively or in groups: for example, two or more members should not be consulting in a group together at the same time with the same lawyer or labor representative.

Public Safety Statement

A Public Safety Statement is a statement made by an agency member involved in a lethal-force incident to a first-responder supervisor who was not involved in the incident, the purpose of which is to enable the supervisor to determine what immediate action is needed to find and protect injured persons, identify and apprehend the suspect, locate witnesses, protect the scene and its evidence, identify witnesses, and otherwise manage the emergency. Where the law permits, an agency employee is ordered to give the statement and is not permitted to await representation or refuse to make the statement. The first—or at least one of the first—uninvolved supervisor on scene orders the Public Safety Statements as soon as possible as part of his or her emergency management duties, and ideally would note the information to avoid error in the transmission of the information if needed. Once the emergency and tactical matters have been resolved, questioning of the officers is no longer part of the Public Safety Statement. Below is a set of questions one agency expects first-responder supervisors to ask in their Public Safety Statement transactions:

1. Were you involved in an officer-involved shooting?
2. How many rounds did you fire and in what direction did you fire them?
3. Where were you when you fired them?
4. Did any other officers fire any rounds? If so, whom, and where were they when they fired?
5. Is it possible the suspect fired rounds at you? If so, from what direction were the rounds fired?
6. Are there any suspects outstanding? If so, describe them, their direction and mode of travel, and how long ago they left. What crime(s) are they wanted for? What are they armed with?
7. Is anyone injured? If so, where is he or she?
8. Who witnessed this? Where can we find them?
9. Are there any weapons or evidence that need to be secured and protected? If so, where are they?

Once the emergency is resolved to a static protected scene, the involved employees are ordered not to discuss the incident with anyone except the investigators or their legal representative.

The answers to the Public Safety Statement questions help determine where unseen victims might be: asking where the rounds were fired, for example, allows an immediate area search for places outside the limited shooting scene where stray bullets could have struck bystanders in their homes. Knowing the armament, description, and flight mode of a suspect have obvious emergency utility. All the questions are designed to acquire crucial emergency information without the delay or depth of information formal interviews require. That is why, in many jurisdictions, the Public Safety Statement is compelled. If officers were allowed to remain silent, human life could be lost or harmed and criminal evidence could be compromised or lost.

The investigation team should participate in all scene walk-throughs with involved or witness officers. The practice of some investigators to conduct unrecorded “pre-interviews” of officers or witnesses prior to formal, electronically recorded interviews should be discouraged, but the practice of some agencies to solicit and obtain voluntary statements from officers should be encouraged.

In those agencies conducting contemporaneous criminal and administrative review or investigation, the criminal and administrative investigators should be empowered, should they choose and to the extent practicable, to conduct joint criminal-administrative interviews of all witnesses, including interviews of members of the agency and the general public. Similarly, where law permits, administrative investigators should be empowered, should they choose, to take a compelled statement from the subject officer or officers before or after the criminal investigation as long as great care is taken not to contaminate or compromise the criminal investigation. In any event, the electronic recordings from the criminal interview and, if possible, a transcript of them should be provided to the administrative investigators as soon as practicable.

In addition to documenting statements, sound investigative practices include the prompt seizure, preservation, and characterization of physical evidence and the most accurate depiction of the scene, its physical dimensions and the positions of all items of physical evidence relative to the time and place force was used.

3.14 Investigations during lawsuits. Each agency should decide as soon as practicable in each case whether the complaint investigation will be completed before or after a lawsuit on the same set of facts is concluded. Because the possible financial, legal, or political consequences of the decision could be extraordinary, the decision should be made by the agency head or designee.

Commentary

It is common in some agencies to hold an administrative investigation in abeyance during the pendency of civil litigation arising out of the same set of facts. Defense counsel fear conflicts in testimony between administrative interviews and deposition or trial testimony. Defense counsel also worries that the imposition of administrative discipline or a finding that a given officer's actions were out of policy or unjustified will prejudice the outcome of the civil litigation.

On the other hand, completing an internal investigation in as timely a manner as is reasonable, regardless of outside legal proceedings, helps the agency promptly find, and if necessary, resolve the questions or problems underlying the civil claims. The negative aspects of consecutive criminal and administrative investigations apply with equal force: witnesses' memories fade or the witness becomes unavailable; a cloud hangs over the head of the employee; eventual discipline, retraining, or corrective action is less meaningful with the passage of time; and the credibility of the agency in dealing with misconduct is undermined. Accordingly, some agencies proceed with the administrative investigation, including taking a compelled statement from the subject officer, before the civil litigation is final. The views of the agency's defense counsel in this regard should be solicited but should not necessarily be controlling.

Civil discovery and trial may create a fuller and more complete record than typical administrative investigations. Agencies should review, and consider reopening, an internal investigation if the result of litigation contains new information indicating misconduct.

3.15 Post-resignation investigations. Even if an employee resigns, consideration should be given to investigating the complaint as if the employee were still employed.

Commentary

The decision to complete the investigation of a complaint against an employee who has resigned is complex. The decision includes, but is not limited to, resources, local employment ordinances, interagency cooperation, agency self-critical analysis, and public confidence.

Resources

Continuing the investigation of a resigned employee could consume resources that might be needed elsewhere. Particularly if the investigation involves many witnesses, extensive travel, the resource-consuming retrieval or storage of evidence, the use of investigators who have other pressing cases to work on, or other situations taxing the agency's Internal Affairs resources, resources could be a legitimate factor in deciding whether to pursue a post-resignation case.

Local Employment Ordinances

The hiring/rehiring practices (including collective bargaining agreements) of many agencies are often determined by the ordinances of their local government. These may include rules requiring the rehire of previous employees unless there is documentation of reason to reject the rehire. "Reason to reject" standards can differ among jurisdictions, and an agency choosing not to complete the complaint investigation may be forced to rehire a bad employee because of it.

Interagency Cooperation

Because agencies often hire each other's personnel, a potential employer may end up hiring a bad employee for want of good information in the candidate's prior agency file. If an employee were to resign in lieu of termination and seek employment elsewhere, the agency he seeks to get hired by may not be able to determine his worthiness for hire if the agency he left did not finish the complaint investigation. If the practice of not completing investigations were widespread, agencies would find it more difficult to reject questionable prior-service applicants.

There are other means to determine whether an applicant has been a problem to a previous employer, and it is not necessarily the duty of one employer to protect potential employers from hiring mistakes. Yet as homeland security draws law enforcement into more sophisticated information-sharing relationships of all kinds, the question of how to document and share information related to the conditions in which an employee left an agency may become more important. It is not hard to imagine communities of agencies, particularly those likely to draw from the same employee pool, creating pacts or memoranda of agreement just for information on terminated or resigned employees. Such agreements could help prevent dangerous hiring errors, even a scenario in which a problem employee resigns upon accusation of passing unauthorized information only to find easy access to hiring at another agency.

In short, whether an agency completes a complaint investigation or not on an employee who has resigned, each agency should consider the benefit of developing local agreements to help determine the protocol for each agency's response to a resigned employee's complaint.

Agency Self-Critical Analysis

Information gained from a complaint can teach an agency about its policies, personnel, and activities that it may not learn otherwise. The careful leader will examine the complaint—wherever it is in the process when the employee resigns—for possible insights that might be gained if the complaint investigation were comprehensively done. An intuitive question such as, “What would make an employee feel like she could get away with this?” may lead to insights about the state of your field supervision or your agency's training. The answer to the question, “How did this supervisor harass this person for so long without anyone reporting it?” could lead to insight into the state of your discrimination enforcement practices. These kinds of questions do not require any more than common inquisitiveness and are well within the skill set of most agency managers.

Public Confidence

To complete the investigation reassures the public and agency employees that all complaints are taken seriously and provides the necessary safeguards to ensure a truthful outcome.

4.0 Mediation, Adjudication, and Disposition

Once a complaint investigation is completed, the agency has to determine what it will do with it. The agency also has to determine what it will do with the employee at the conclusion of the adjudication. This section explores the pathway and some of the most important considerations of that process.

Section Topics:

- 4.1 The four basic resolution categories.
- 4.2 The value of considering commanding officers' options.
- 4.3 Proposed reporting relationship of the head of Internal Affairs.
- 4.4 Standards for adjudication.
- 4.5 Penalty assessment and the use of a penalty matrix.
- 4.6 The advantages of mediation and the conditions of its use.
- 4.7 Settlement agreements and their value.
- 4.8 Exploring alternatives to traditional discipline.
- 4.9 Keeping investigations confidential.
- 4.10 Guidelines for selecting and retaining Internal Affairs investigators.

4.1 The four basic resolution categories. The findings in completed investigations should result in one of four resolutions: 1. sustained or founded; 2. not sustained or not resolved or unresolved; 3. exonerated; or 4. unfounded. Some unique state or local laws may require the addition of further categorical distinctions for some limited special circumstances.

Commentary

In general terms, a “founded” or “sustained” adjudication means that the allegations are true by a preponderance of the evidence and that the conduct at issue is a violation of agency rules. An “unfounded” adjudication means that the allegations are not true. A “not resolved” or “unresolved” or “not sustained” adjudication means that the allegations cannot be proven true or untrue by a preponderance of the evidence. “Exonerated” means that the conduct at issue occurred but is not a violation of agency rules.

Dispositions other than the basic four recommended above can be useful in categorizing outcomes that do not fall neatly into the basic four. One agency, for example, uses a disposition of “Actions Could Have Been Different” to depict a situation where the employee’s actions were less than ideal but were not misconduct. The disposition includes check boxes to indicate what measures were taken to improve performance, including “Counseling,” “Training,” etc. While such a disposition has shown useful in the agency, it is based on that agency’s broader disciplinary scheme, which may not apply to many others. Further, even that agency still also uses the basic four dispositions above.

Another reason to consider additional dispositions arises for agencies that use intelligent data systems to monitor employee conduct. The basic four dispositions are generally informative when assessing an employee’s discipline history, but increasing the information resolution or granularity of a tracking or “early intervention” system’s input can also improve the quality of decisions based on it. The more descriptive the dispositions, the more the decision-maker knows about the employee and the greater the decision space for the agency’s leaders.

If an agency chooses to use case dispositions beyond the basic four, it should do so carefully, employing only those that have a clearly defined function in its personnel processes. This is particularly true for agencies with data-driven employee monitoring systems. When doing annual agency- or unit-wide analyses for trends, results are less useful if disposition categories change often because comparisons are not

identically matched. Adding new disposition categories is like adding any other new field to a data system: it takes time to acquire enough events to produce a meaningful comparative dataset, and the smaller the number of new entries, the longer it often takes to derive meaning from them.

4.2 The value of considering commanding officers’

options. The recommendations of commanding officers and their chain-of-command superiors regarding the adjudications of cases and the actions taken regarding the accused employees should be considered by the final deciding authority.

Commentary

Commanding officers have an important interest in administrative actions involving their employees. Commanding officers typically have more knowledge of their employees than does the agency head, including their histories and reputations in the unit, the employees’ workplace environment, and sometimes their personal lives. Commanding officers have to continue cultivating their employees and their relationships with agency members and the public long after the cases conclude. The insights and interests of commanding officers could be important considerations in the determination of final case dispositions.

Involving commanding officers in the decision-making process can also be an opportunity for the agency head to mentor and develop the leadership and management acumen of their commanding officers, while in the same transactions learning from managers about conditions in the agency they might otherwise not know.

4.3 Proposed reporting relationship of the head of

Internal Affairs. The head of Internal Affairs should preferably report directly to the agency head. If a direct reporting relationship is not feasible, the Internal Affairs commanding officer should nonetheless have prompt, unrestricted, and confidential access to all agency executives, including the agency head.

Commentary

For purposes of independence, confidentiality, direct and unfiltered discussion, and some freedom from institutional politics and pressures, the head of Internal Affairs should report directly to the agency head. The role of Internal Affairs is too vital to the integrity of the agency to risk message transmission errors, misinterpretations, or personal biases that would interfere with the agency head’s clearest understanding of cases and their contexts.

4.4 Standards for adjudication. Adjudicators within the agency should use neutral and objective criteria, weigh evidence appropriately to distinguish strong evidence from questionable or less material evidence, and not indulge in presumptions that bias the findings of fact. The rationale for each adjudication should be in writing, and clearly related to the conduct, the employee, and the agency's rules.

Commentary

Minimum standards for adjudication of disciplinary cases include the following:

1. The burden of proof is on the agency.
2. The standard of proof is a preponderance of the evidence.
3. The standards of evidence are those of administrative law, not criminal law.
4. No presumptions of truth are made regarding facts in dispute.
5. No presumptions are made regarding witness credibility: all persons are equally credible unless an objective, fact-based evaluation of the witness's capacities, testimonial coherence, and other relevant and demonstrable factors justify otherwise.
6. Conclusions are logically deduced from the evidence.

A thorough review of adjudicative standards would exceed the scope of this report and would more easily be found in legal reference works or state jury instructions on assessing evidence and testimony. Nevertheless, an adjudication lacking in any of the six standards above should not be considered properly justified.

In weighing evidence, facts revealing a pattern of conduct should be considered. Where there is evidence that an employee has been accused of the same act before in other cases involving other independent complainants, the adjudicator may have reason to believe that the currently alleged act is not an isolated incident. Without contrary evidence, the greater the number of previous allegations of a substantially similar act, the more likely than not the current case is sustained.

Pattern of conduct evidence is evidence of specific acts, not merely categories of allegations. For example, if an officer has a history of complaints for rudeness, but each complainant alleges that the officer used different language, the pattern may be too general to be valuable. However, if in previous cases complainants alleged that the officer used

a substantially similar offensive phrase or wording as used in the current case, the pattern may be specific enough to be valuable in considering a “sustained” finding.

Pattern of conduct evidence may come from complaints that were sustained or not resolved. However, unfounded complaints, where it was determined that the alleged act did not occur, are not suitable as pattern of conduct evidence.

Pattern of conduct evidence may also come from interviews of persons who had never been complainants. When investigating a rudeness allegation, for example, if the investigator were to contact persons to whom the officer had given traffic citations and found some who stated that the officer used the same rude phrase or wording with them, a pattern of conduct can be established.

Sometimes pattern of conduct is a consideration in the investigative phase depending on the model of investigation and adjudication the agency uses.

4.5 Penalty assessment and the use of a penalty matrix.

Agencies should have some system or mechanism to ensure that discipline is fair and consistent. A penalty matrix or similar schedule has proven helpful to some agencies whose disciplinary systems are based on a “progressive discipline” theory or collective bargaining agreement. In such systems a matrix can help ensure consistency, objectivity, and predictable penalties for misconduct. A matrix best involves recommended ranges of discipline, allowing for the decision-maker to consider the totality of the circumstances, including aggravating and mitigating factors, in determining appropriate discipline.

Commentary

A matrix specifies the nature of offenses or policy violations and associates them with specific penalty options or ranges of discipline. Within such a system, a policy violation falls within a certain class or category of violation that, in turn, corresponds to a particular range or set of discipline options that a decision-maker can consider according to the totality of the circumstances present in a given case.

A matrix is a helpful tool but should not be applied inflexibly. The decision-maker should consider the totality of the circumstances, aggravating and mitigating factors, nondisciplinary outcomes, precedent, and consistency. Precedent, in the sense of prior disciplinary decisions for the same conduct, should be considered but should not straitjacket

the decision-maker. As times and police culture change, as the acuteness of particular forms of misconduct may grow in the eyes of the agency or the public, so also must disciplinary decisions change to reflect contemporary ethics and judgments about police behavior. While discipline should be reasonably predictable, fair punishment reflective of current ethical standards should not be held hostage to what may have been done in the past.

Broad disciplinary categories, such as Conduct Unbecoming an Officer, may be useful, but in order to give the greatest value to a matrix, it is suggested that misconduct be described more precisely.

4.6 The advantages of mediation and the conditions of its use. Voluntary mediation conducted by a neutral facilitator, in lieu of investigation and adjudication, permits resolution of minor complaints that are usually not easily resolved through investigation. Mediation should be encouraged except where an officer has a pattern of similar misconduct or where a broader review of the employee's performance suggests a need to analyze the results of the investigation in the current case. Agencies should consider enacting policies to codify all aspects of their mediation procedures.

Commentary

Mediation engages the community by giving individual members of the public who make a complaint the opportunity to have their concerns heard and considered in a way that might not otherwise occur if the complaint was investigated and adjudicated through the formal Internal Affairs process. Mediation is best used as a means of allowing an officer and a citizen to better understand each other's perspectives. Mediation should not take place unless the complainant and the subject officer each voluntarily agreed to mediate.

Complaints best resolved through mediation are complaints of officer discourtesy or rudeness and others that involve minor "one-on-one" interactions between officers and members of the community. The types of complaints that can be mediated should be described in a clear written policy. The determination whether a given complaint is eligible for mediation should be made according to guidelines established by the agency, including the rank or positions authorized to permit mediation.

Some agencies offer an incentive to officers who agreed to mediate. All agencies should establish written policies to ensure that an officer cannot elect to mediate multiple complaints where there is the possibility of a pattern or practice of misconduct or a motive to circumvent discipline or otherwise bypass an agency's early intervention system.

The decision to use internal or external facilitators may vary from agency to agency. Outside facilitators may make community members more comfortable that the mediation process is not biased against them or toward the officer, in turn making mediation a more attractive option, as well as a more effective means of improving relations with the community. Mediations facilitated by a member of the agency provide an opportunity for the agency's leaders to learn more about the conduct and attitudes of their employees. Above all, the person chosen to mediate the dispute must be adequately trained in dispute resolution and strive to mediate in a neutral and objective manner.

4.7 Settlement agreements and their value. Well-reasoned and fully justified settlement agreements, conditional suspensions of discipline, "last-chance" agreements, and legitimate dropping of charges or mitigation of penalties should be available when to do so will not undermine the values of fairness, consistency, predictability, and integrity. Decisions to modify discipline should be justified in writing.

Commentary

While it is important and efficient to settle grievances to avoid a proliferation of appeals and reviews, it is more important that individual officers or their representatives not be able to manipulate the system. Untrammelled deal making and plea bargaining can make a disciplinary system arbitrary, unpredictable, and introduce luck into the final disciplinary determination. In a thorough investigation, each founded charge against an officer will be supported by sufficient proof such that an impartial and honest reviewer will be hard-pressed to overturn a disciplinary decision.

There is a place nonetheless for settlement and last-chance agreements and mitigation in appropriate circumstances. Some agencies hold penalties in full or partial abeyance and do not make the officer serve the actual numbers of days off if the officer's conduct in the next year is free of similar misconduct. Wisely deployed, these devices can be a useful and progressive way to encourage good behavior. Used unwisely, habitual suspension of sentences can encourage excessive deal making and introduce arbitrariness into the disciplinary system.

4.8 Exploring alternatives to traditional discipline.

Creative alternatives to traditional punitive discipline may be useful in improving the performance of wayward employees in ways traditional punitive discipline is not. This is an area typically unexplored in larger agencies until recently and warrants further research and development.

Commentary

Traditional punitive discipline operates under a theory akin to criminal justice: an offense is committed and a punishment is imposed as a response. Typically in the interests of fairness, consistency, “progressive discipline,” and to deter further misconduct, the punishment imposed attempts to match the seriousness of the offense and the history of the offender. According to this theory, a corollary benefit of deterring the misconduct of the general employee population arises as those who have not yet committed misconduct see the punishment of those who have. The basis for this traditional model is the presumption that punishment either initially deters misconduct or succeeds at changing the behavior of recipients of punishment who were not initially deterred. Law enforcement agencies should be encouraged to explore nondisciplinary resolutions where other and more powerful means exist to change or modify conduct.

One alternative model is being developed³ in which the employer’s response to employee transgressions is not to seek a penalty to fit the offense, but to find a strategy to fit the employee.⁴ One phrase used to help inculcate this model is, “Think first strategy, not penalty.”

According to this strategic model, in cases where core facts are not at issue in a sustained complaint, a particular interactive process helps determine the error in thinking that led the employee to commit the problem act. The identification of the problem thinking provides the leader with a starting point from which to determine what strategy is likely to (a) reveal the errant thinking to the employee, (b) lead the employee to come up with a solution to change the errant thinking, and (c) enable the employee to transfer the new thinking to all situations in which the relevant principles—not just the rules—apply. Leading the employee to recognize the principles is a crucial feature of the system.

³This model is being developed and implemented by Los Angeles Police Department Deputy Chief Mark R. Perez, the commanding officer of LAPD’s Professional Standards Bureau.

⁴This applies only to nondischarge cases: employees whose acts render them unfit for duty are discharged from employment according to civil service rules. Such employees are beyond the reach of employee development.

The question of “penalty” is not important if the focus is on what is most likely to reinforce the employee’s new understanding of the principles and his obligations within them. A suspension or other punitive action is not necessarily the best way to induce improved thinking and behavior for most employees. For the strategic model, the presumption is that behavior changes by influencing the employee’s thinking toward acting on explicit principles, not just rules.

Another system is being developed⁵ in which alternatives to traditional discipline are pursued that are more constructive than punitive. An existing collective bargaining agreement already permits officers to surrender vacation days in lieu of being suspended. This is referred to in the contract as “Positive Discipline.” The agency, however, is seeking to go beyond “Positive Discipline” by creatively finding nonpunitive means to train, remediate, or otherwise involve officers in constructive activities to reorient their conduct. One constructive alternative, for example, is offering an officer the opportunity to participate in community projects within the jurisdiction, like doing free home repairs for persons who could not otherwise afford the labor costs in the open market. While an officer could decline the offer for the alternative activity, the system is nevertheless designed to increase the number of ways employees’ actions can be reoriented to the agency’s standards.

Both the strategic model and the constructive alternatives model share the following understandings:

1. The adverse effects of the traditional punishment model are considerable:
 - a. Punishment forces the employee to suffer loss, but does not reveal or necessarily resolve the underlying problem motivating the misconduct.
 - b. Punishment, especially in the form of unpaid suspensions, harms more than just the employee: the employee’s family loses money, the agency loses a deployment asset, and the jurisdiction’s citizens lose the safety work the employee would have provided had he not been suspended.

⁵This system is being developed and implemented in the Houston Police Department under the direction of Deputy Chief Michael Dirden.

- c. Punishment can create bitterness rather than a desire to improve.
 - d. Punishment can contribute to a code of silence—an unwillingness of employees to admit to or report misconduct—if the punishment is seen as costly.
 - e. The threat of punishment for misconduct can deter employees from engaging in desirable self-initiated activities if the discipline system is seen to punish rule violations mechanically or captiously rather than reasonably.
 - f. Punishment creates a constant threat of legal and labor actions against the employer that often takes significant resources to manage.
2. Properly done, alternative systems can have significant advantages over employee punishment:
- a. The adverse effects of punishment either disappear or minimize when punishment disappears or is minimized.
 - b. Alternative systems often find the causes of the problems of the misconduct and resolve them at their root.
 - c. Alternative systems tend to inspire goodwill in employees toward their work, their employer, and their agency's constituents
 - d. Alternative systems help create organizations where employees learn their responsibilities through direct mentoring interactions with their leaders and mutually-crafted development plans
 - e. Alternative systems impose and clarify a burden of responsibility on the employee to improve, not to suffer. Punitive systems impose only the burden of suffering a penalty.
 - f. Alternative systems make it easier to identify employees to be discharged: an employee who, after having had the opportunity to help reorient his thinking and actions based on an understanding of the agency's principles still violates those principles can no longer be seen as merely ignorant of those principles. Misconduct, especially a repeated violation of principles well conveyed in earlier employee development sessions, then becomes strong evidence of the employee's refusal to adopt the agency's standards. Alternative systems clarify the employee's intent far more clearly than the typical incrementally increasing "progressive discipline" of traditional punitive systems. Alternative systems can let the employer know a lot sooner when a recalcitrant employee should be terminated.

There are many more features and advantages to the strategic model and the constructive alternatives model than can be explained here. The point, however, is not to exhaustively detail the systems in this report, but to acknowledge that there are means other than traditional punitive discipline being seriously explored in the Internal Affairs community of practice, and that this is an area worthy of serious research and development.

4.9 Keeping investigations confidential. Internal affairs investigations should be closed to the officer and the public during their pendency. Nonetheless, the agency head should be fully informed of the progress of internal investigations and should regularly communicate the status of an investigation to the press and general public to the full extent permitted by law.

Commentary

To ensure that an officer's rights are preserved during the course of an Internal Affairs investigation, and to minimize interference and undue pressure on Internal Affairs and the department at large, it is important that investigations remain confidential during their pendency. There is nonetheless an obligation to keep the public informed of the progress of an investigation and such other disclosures that can be made without compromising the investigation and to the extent allowed by law.

4.10 Guidelines for selecting and retaining Internal Affairs investigators. To make certain that Internal Affairs units benefit from high-quality and experienced employees, agencies should consider utilizing promotional policies that recognize service in Internal Affairs as productive and useful for advancing an officer's career, and they should make such policies explicit and well-publicized. Tours in Internal Affairs should be limited to fixed terms.

Commentary

Agencies should consider providing officers with incentives to work in Internal Affairs, such as an explicit policy that places service in that unit as highly advantageous for promotional or assignment purposes.

Specific requirements should be established for the selection of individuals to work in Internal Affairs. Prior investigative experience or a strong investigative background should either serve as a requirement or a significant qualification for Internal Affairs service. Consideration should also be given to using supervisors instead of nonsupervisors because supervisors typically have agency-wide interests and accountability, and

are likely to consider broader organizational questions beyond just the question of guilt or innocence in the instant case.

Selected candidates should sign a confidentiality agreement that clearly states that it is an act of misconduct for an Internal Affairs investigator to reveal investigative information to any person, regardless of rank, unless that person has an authorized right and need to know, whether that revelation is made during or after the investigator's tour of duty in Internal Affairs.

After being selected, the agency should provide as much ongoing training or professional development in investigation and Internal Affairs investigation as possible, including training in effective interview techniques, development of case strategy, laws that apply to Internal Affairs investigations, and other subjects relevant to fulfilling the investigative mission.

Consideration should be given to limiting the tour of duty in Internal Affairs. One agency limits its tours to 2 or 3 years, with two 1-year extensions permitted in unusual circumstances up to a maximum of 5 years. There are at least several reasons for limiting the tour of service. Too long a stay in Internal Affairs may, in some cases, create investigators who become biased. The development of such an attitude—or any other bias—is not helpful to the employee or the investigations. In some cases, investigators become emotionally drained or even bored after extended stays in Internal Affairs. It is a uniquely difficult assignment and its psychological effects are important in determining whether a tour limit should apply and how long it might be.

The experience in Internal Affairs can be extremely valuable in the promotion process and in giving promotees a view on employee behavior that would not be available elsewhere. Seeing firsthand the kinds of trouble people get into by investigating the incidents and talking with the persons harmed by the allegations and the misconduct is a management insight that should be offered to as many qualified people as is practical. Also, knowing that not all allegations are true—even the most horrific ones—helps those who leave Internal Affairs respond correctly to allegations that come before them as they advance in rank. Finally, there is a wisdom that comes from dealing with the complexities of investigative controversies from start to finish that can be invaluable in helping form a mature leader. Allowing as many qualified investigators as practical to acquire that wisdom by cycling them through Internal Affairs can infuse the agency with a maturity in the leadership team they may otherwise lack.

Appendix: A Sampling of Major City Police Force Discipline Policies

On May 5, 2005, The Los Angeles Police Department was awarded a grant by the U.S. Department of Justice Office of Community Oriented Policing Services to convene and coordinate a National Internal Affairs Community of Practice comprising 12 major city and county police agencies. The Community of Practice's goal was to develop standards and best practices in Internal Affairs work and to share this work with the wider law enforcement community.

The Community of Practice soon discovered that there were significant differences among the participating agencies. In an effort to focus the discussion and ensure the development of a workable set of guidelines, Merrick Bobb, President, Police Assessment Resource Center, developed a matrix that would provide a snapshot of each agency's current policies and structures in the key areas of Internal Affairs: intake, classification, investigation, recommendation, adjudication, and discipline. Input from other agencies not directly participating in the Community of Practice was also sought.

We hope the matrices will provide a basic understanding of the organization and policies of the contributing police agencies and help guide policy development and organizational structure for the wider law enforcement community.

Internal Affairs Matrix—Atlanta Police Department



Internal Affairs Matrix—Boston Police Department



Internal Affairs Matrix—Chicago Police Department



Internal Affairs Matrix—Dallas Police Department



Internal Affairs Matrix—Detroit Police Department



Internal Affairs Matrix—Houston Police Department



Internal Affairs Matrix—Los Angeles Police Department



Los Angeles Police Department

Classifications (31)

Alcohol Related	Unbecoming Conduct	Narcotics/Drugs
Domestic Violence	Off-Duty Altercation	Shooting Violation
Accidental Discharge	Improper Remark	Ethnic Remark
Discourtesy	Unauthorized Force	Unauthorized Tactics
Discrimination	Dishonesty	Insubordination
Theft	Neglect of Duty	Sexual Misconduct
Gender Bias	Unlawful Search	False Imprisonment
Other Policy/Rule	Failure to Appear	Failure to Qualify
Preventable Traffic Collision	Service	False Statements
Failure to Report Misconduct	Misleading Statements	Retaliation
Racial Profiling		

Consent Decree Paragraph 93

The following types of complaints shall be investigated by Internal Affairs Group:

All civil suits or claim for damages involved on-duty conduct by LAPD officers, or off duty where the employee's actions are tied to the LAPD.

Unauthorized uses of force

Invidious discrimination, including improper ethnic remarks and gender bias

Unlawful search

Unlawful seizure (including false arrest and false imprisonment)

Dishonesty

Domestic Violence

Narcotics/Drugs

Sexual Misconduct

Theft

Retaliation or retribution against an officer or civilian

- All incidents where 1) a civilian is charged by an officer with interfering with a police officer (Penal Code Section 148), resisting arrest, or disorderly conduct, *and* 2) the prosecutor's office notified the Department either that it is dismissing the charge based upon officer credibility, or a judge dismissed the charge based upon officer credibility.
- All incidents in which the Department has received written notification from a prosecuting agency in a criminal case that there has been an order suppressing evidence because of any constitutional violation involving potential misconduct by an LAPD officer; any other judicial finding of officer misconduct made in the course of a judicial proceeding; or any request by a federal or state judge or magistrate that a misconduct investigation be initiated pursuant to some information developed during a judicial proceeding before a judge or magistrate.

(Los Angeles Police Department, continued)

- All incidents in which an officer is arrested or charged with a crime other than low grade misdemeanors.
- Any request by a judge or prosecutor that a misconduct investigation be initiated pursuant to information developed during the course of an official proceeding in which such judge or prosecutor has been involved.

Categories of Findings

Disciplinary:

- Unfounded
- Not Resolved
- Exonerated
- Sustained – No Penalty
- Sustained – Penalty
- Admonishment
 - Official Reprimand
 - Suspension Days
 - Board of Rights
 - Demotion

Nondisciplinary:

- Policy/Procedure
- Employee’s Act Did Not Rise to the Level of Misconduct
- Employee’s Actions Could Have Been Different
 - Training
 - Counseling
 - Comment Card
 - Notice to Correct Deficiencies
 - Referral
- Demonstrably False
- Department Employee Not Involved
- Resolved through Alternative Complaint Resolution

- Duplicate
- Withdrawn by the Chief of Police
- Insufficient Evidence to Adjudicate Complaint
- Other Judicial Review

Internal Affairs Matrix—Los Angeles County Sheriff's Department



Internal Affairs Matrix—Metropolitan Police Department (Washington, D.C.)



Internal Affairs Matrix—Miami-Dade Police Department



Miami-Dade Police Department

Classification/Allegation Codes

Code	Type	Description
1	PC	Discourtesy
2	PC	Harassment
3	IA	Harassment/Sexual
4	IA	Harassment/Sex Discrimination
5	PC	Negligence
6	PC	Damage to Property
7	PC	Missing Property
8	PC	Traffic Law Violation
9	IA	False Arrest
10	(Severity)	Departmental Misconduct/Improper Procedure
11	PC	Departmental Misconduct/Improper Investigation
12	(Severity)	Departmental Misconduct/Overreacting
13	PC	Departmental Misconduct/Misinformation
14	PC	Departmental Misconduct/Misrepresentation
15	PC	Departmental Misconduct/Abuse of Authority
16	PC	Departmental Misconduct/Unnecessary Towing
17	(Severity)	Departmental Misconduct/Improper Search
18	IA	Criminal Misconduct/Misdemeanor
19	IA	Criminal Misconduct/Felony
20	IA	Criminal Misconduct/Battery
21	IA	Criminal Misconduct/Theft
22	IA	Criminal Misconduct/Narcotics
23	IA	Criminal Misconduct/Substance Abuse
24	IA	Criminal Misconduct/Bribery
25	(PC)	Minor Force/No Visible Injury (Mere Touching)
26	IA	Minor Force/Injury (During Arrest)
27	IA	Unauthorized Force/No Visible Injury (During Arrest)
28	IA	Unauthorized Force/Injury (During Arrest)
29	IA	Departmental Misconduct/Force Violation
30	(Severity)	Miscellaneous
31	IA	Death in Custody
32	IA	Discrimination
33	IA	Departmental Misconduct/Improper Arrest
34	IA	Departmental Misconduct/Conduct Unbecoming Violation
35	IA	Departmental Misconduct/Property Violation
36	IA	Departmental Misconduct/Substance Violation
37	IA	Departmental Misconduct/Force Violation-Domestic
38	IA	Departmental Misconduct/Battery-Domestic
39	IA	Domestic Related (Used with Other Allegation)
40	SI	Shooting/Contact
41	SI	Shooting/Non-Contact
42	SI	Shooting/Animal
43	SI	Shooting/Accidental
44	(Severity)	Enforcement Profiling

Internal Affairs Matrix—Philadelphia Police Department



Internal Affairs Matrix—Phoenix Police Department



Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice

Through a grant from the Office of Community Oriented Policing Services, the Los Angeles Police Department (LAPD) convened the National Internal Affairs Community of Practice group comprising the LAPD and 11 major city and county law enforcement agencies. The purpose was to share and develop standards, recommendations, and best practices in Internal Affairs work, discuss differences and similarities in practice, and look at various approaches to improving individual and collective agencies' Internal Affairs practices. This report is the result of the group's work.

The project reaffirmed the vital importance of Internal Affairs as a critical internal police agency function. Internal Affairs serves two communities—law enforcement and the general public—and is essential in building and maintaining mutual trust and respect between the two.



U. S. Department of Justice
Office of Community Oriented Policing Services
1100 Vermont Avenue, N.W.
Washington, DC 20530

To obtain details about COPS Office programs, call the
COPS Office Response Center at 800.421.6770

Visit COPS Online at www.cops.usdoj.gov

e060930210

EXHIBIT 4



Transcript of the Deposition of
Jeffrey A. Danik
Case: Ben Baker, et al. v. City of Chicago, et al.
Taken On: April 18, 2024

Royal Reporting Services, Inc.
Phone: 312.361.8851
Email: info@royalreportingservices.com
Website: www.royalreportingservices.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BEN BAKER and CLARISSA GLENN,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 16 C 8940
	)	
CITY OF CHICAGO, Former CHICAGO	)	
POLICE SERGEANT RONALD WATTS,	)	
OFFICER KALLATT MOHAMMED,	)	
SERGEANT ALVIN JONES, OFFICER	)	
ROBERT GONZALEZ, OFFICER	)	
CABRALES, OFFICER DOUGLAS	)	
NICHOLS, JR., OFFICER MANUEL S.	)	
LEANO, OFFICER BRIAN BOLTON,	)	
OFFICER KENNETH YOUNG, JR.,	)	
OFFICER ELSWORTH J. SMITH, JR.,	)	
PHILIP J. CLINE, KAREN ROWAN,	)	
DEBRA KIRBY, and	)	
as-yet-unidentified officers	)	
of the Chicago Police Department,	)	
	)	
Defendants.	)	

The deposition of JEFFREY A. DANIK,
called by the Defendants for examination, taken via
videoconference, pursuant to notice and pursuant to
the Federal Rules of Civil Procedure for the United
States District Courts pertaining to the taking of
depositions, taken before Jennifer Seastrom,
Certified Shorthand Reporter, commencing at
9:30 a.m. on April 18, 2024.

1 APPEARANCES (via videoconference):

2 LOEVY & LOEVY

BY: WALLACE B. HILKE

3 311 North Aberdeen Street
3rd Floor

4 Chicago, Illinois 60607

Phone: 312.243.5900

5 E-mail: hilke@loevy.com

6 and

7 LAW OFFICES OF KENNETH N. FLAXMAN, P.C.

BY: KENNETH N. FLAXMAN

8 JOEL A. FLAXMAN

200 South Michigan Avenue

9 Suite 201

Chicago, Illinois 60604

10 Phone: 312.427.3200

E-mail: knf@kenlaw.com

11 jaf@kenlaw.com

12 on behalf of the Plaintiff;

13 BURNS NOLAND

BY: ELIZABETH A. EKL

14 311 South Wacker Drive
Suite 5200

15 Chicago, Illinois 60606

Phone: 312.982.0090

16 E-mail: eekl@burnsnoland.com

17 on behalf of the Defendant City of Chicago;

18 MOHAN GROBLE SCOLARO

BY: ERIC S. PALLES

19 55 West Monroe Street
Suite 1600

20 Chicago, Illinois 60603

Phone: 312.422.9999

21 E-mail: epalles@mohangroble.com

22 on behalf of Defendant Kallatt Mohammed;

23

24

1 APPEARANCES (via videoconference CONT'D):

2 HALE & MONICO, LLC
MR. WILLIAM E. BAZAREK
3 53 West Jackson Boulevard
Suite 334
4 Chicago, Illinois 60604
Phone: 312.229.0719
5 E-mail: web@halemonico.com

6 on behalf of the individual defendant officers;

7

JOHNSON & BELL, LTD.
8 BY: BRIAN P. GAINER
33 West Monroe Street
9 Suite 2700
Chicago, Illinois 60603
10 Phone: 312.372.0770
E-mail: gainerb@jbbltd.com

11

on behalf of Defendant Ronald Watts;

12

13 BORKAN & SCAHILL, LTD.
BY: TIMOTHY P. SCAHILL
14 20 South Clark Street
Suite 1700
15 Chicago, Illinois 60603
Phone: 312.580.1030
16 E-mail: tscahill@borkanscahill.com

17 on behalf of defendant Calvin Ridgell.

18

19

20

21

22

23

24

1 I N D E X

2 WITNESS: PAGE

3 Jeffrey A. Danik

4 Examination by Ms. Ekl 5

Examination by Mr. Palles 286

5 Examination by Mr. Bazarek 304

Examination by Mr. Hilke 341

6

7

8 E X H I B I T S

9 PAGE

10 No. 1 91

No. 1A 54

11 No. 2 133

No. 3 140

12 No. 4 162

No. 5 173

13 No. 6 200

No. 7 205

14 No. 8 215

No. 9 222

15 No. 10 230

No. 11 257

16 No. 12 320

No. 13 324

17 No. 14 328

18

19

20

21

22

23

24

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 5

1 (Witness sworn.)
2 MS. EKL: For the record, this is the
3 deposition of Jeffrey Danik, D-A-N-I-K, being
4 taken in the case of Ben Baker and Clarissa Glenn
5 versus City of Chicago, et al., Case No. 16 CV 8940,
6 filed in the Federal District of Illinois in the
7 Northern District of Illinois.
8 JEFFREY A. DANIK,
9 having been first duly sworn, was examined and
10 testified via videoconference as follows:
11 EXAMINATION
12 BY MS. EKL:
13 Q. Mr. Danik, could you please state and
14 spell your last name for the court reporter?
15 A. My last name is Danik, D-A-N-I-K.
16 Q. And your first name is Jeffrey; is that
17 correct?
18 A. Correct.
19 Q. Where are you currently located?
20 A. I'm in West Palm Beach, Florida, in my
21 office building, which is a tall office building
22 in downtown West Palm.
23 Q. Is anyone else present with you for the
24 deposition today in that room?

Page 6

1 A. No. I'm in a small office with the door
2 closed.
3 Q. Okay. Great.
4 MS. EKL: And just for the record, are
5 any of the counsel who are present on the record
6 anywhere other than in Chicago, Illinois, also
7 attending via Zoom?
8 A. Where?
9 MR. HILKE: Was that a question for
10 counsel? I'm in Chicago.
11 BY MS. EKL:
12 Q. Mr. Danik, have you ever given any
13 depositions in the past?
14 A. Yes.
15 Q. And how many times?
16 A. Three.
17 Q. And were they each depositions, or were
18 some of what you're referencing testimony in a
19 hearing or some other forum?
20 A. These were -- the three -- I think it's
21 three. The three I'm thinking of were depositions
22 like this where, you know, it's like a pretrial
23 thing, and you're sworn in, and there's a court
24 reporter. I think there were -- there was one

Page 7

1 that was an FBI traffic accident that -- there
2 might have been two. I was a traffic accident
3 investigator. So, you know, related to that kind
4 of stuff where it was a civil suit against the
5 FBI.
6 And then a couple as an expert --
7 at least one as an expert, for sure.
8 Q. Okay. I'll ask you some more questions
9 about that in a minute, but just to, kind of --
10 I'm going to remind -- want to remind you of some
11 of the rules while we sit here today that will
12 help things go a little smoother.
13 I guess, my first question is, were
14 any of those depositions over Zoom like we're
15 doing here today?
16 A. One of them was over Zoom. Or -- I'm
17 not sure of the platform, ma'am. It was over the
18 computer like this.
19 Q. Okay. Well, similar to that case, I'll
20 be asking you a number of questions today. Other
21 attorneys may also be asking you questions. And
22 we want to make sure that we get a complete
23 record, so I just ask that even if you know what
24 I'm -- where I'm going with a question or, you

Page 8

1 know, what -- if you think you know what it is
2 that I'm asking, that you let me get the full
3 question out on the record before you answer; is
4 that fair?
5 A. Yes, ma'am.
6 Q. And same thing, I'll do my very best to
7 try to not cut you off so that you can complete
8 your answer before I ask you another question.
9 Okay?
10 A. Yes, ma'am.
11 Q. If at any point in time I ask you
12 something that you either don't hear because of
13 this platform of doing it over Zoom, or you just
14 don't understand, it may be an unclear question, I
15 ask that you let me know that you either need me
16 to repeat it or to ask it a different way. Okay?
17 A. Yeah. If you could speak up just a
18 little bit or get close to your mic when you're
19 asking questions, it helps a lot. You know, I'm a
20 little older now, and this left side, and that's
21 where the speaker is for this laptop.
22 Q. Okay. I'll do my best. If you could do
23 the same.
24 A. Okay.

Page 9

1 **Q. Great. And if you answer the questions,**
2 **I'm going to assume that you both heard it and**
3 **understood it, fair enough?**
4 A. Okay.
5 **Q. Great. I will -- I expect your**
6 **deposition will go for, you know, a number of**
7 **hours today. I'll do my best to make sure that we**
8 **take regular breaks, not only for you and me and**
9 **the rest of the attorneys, but most importantly**
10 **for our court reporter, who's taking everything**
11 **down. But if at any point in time, you need a**
12 **break, let me know. We can certainly accommodate**
13 **you. Okay?**
14 A. Okay. Thank you.
15 **Q. I would just ask that if I ask you a**
16 **question, you answer the question first before you**
17 **ask for the break. Okay?**
18 A. Okay.
19 **Q. Great.**
20 **Do you currently have any documents**
21 **in front of you, Mr. Danik?**
22 A. Yes.
23 **Q. And what documents do you have in front**
24 **of you?**

Page 10

1 A. I have a copy of my report and the MOU.
2 And they're not in front of me, but off on the
3 side, I have, you know, my -- this is my -- one of
4 my off-site offices, so it has all the documents
5 around me, but I don't have easy access to them.
6 **Q. Okay. That's great. It will be helpful**
7 **that you have those things available to you. I**
8 **just ask that you not look at them unless you're**
9 **being asked to look at them, or if you do need to**
10 **look at them, that you let us know that you're**
11 **doing so. Okay?**
12 A. Okay.
13 **Q. And is it fair to say that you don't**
14 **have anything up on your computer screen at this**
15 **time other than the Zoom platform, correct?**
16 A. Oh, good point. Let me close -- I think
17 there's stuff behind open. Let me close it.
18 There was an e-mail that was open.
19 Okay.
20 **Q. Okay. Great.**
21 **Let's talk a little bit about your**
22 **background. Could you briefly describe your**
23 **educational background for us?**
24 A. Educational is I went to four years of

Page 11

1 college. I graduated from the University of
2 Memphis. At the time, it was Memphis State
3 University; that was in 1984. I got a bachelor of
4 business administration with a concentration in
5 accounting, and I was honors graduate. That's
6 about my formalized training.
7 I went to the FBI Academy, that was
8 four or five months, and graduated from there in
9 1987, March of 1987.
10 **Q. Did you attend any graduate school?**
11 A. No.
12 **Q. Upon graduation from the University of**
13 **Memphis, or at that time Memphis State, did you go**
14 **to work for the FBI, or did you work somewhere**
15 **else in between?**
16 A. I worked for a large international CPA
17 firm.
18 **Q. What was the name of that firm?**
19 A. They're Ernst & Young now. It was
20 Ernst & Whinney then.
21 **Q. How long did you work for Ernst & Young?**
22 A. Two years.
23 **Q. And what was your job --**
24 THE REPORTER: Did you say two years?

Page 12

1 THE WITNESS: Two years. Yes, ma'am.
2 BY MS. EKL:
3 **Q. And, Mr. Danik, do you have any**
4 **documents that are over -- perhaps over the**
5 **microphone at this point in time? It's like**
6 **you're muffling your microphone a little bit.**
7 A. I think what it was I'm pulled in tight
8 so I can hear you, and it might be covering the
9 microphone, my chest.
10 **Q. I think you're better now without the --**
11 **once you moved that document.**
12 A. Okay.
13 **Q. Yeah, that's better. Great.**
14 **You worked at Ernst & Young, or**
15 **what is now Ernst & Young, for two years?**
16 A. Yes, ma'am.
17 **Q. And what was your job title at that**
18 **time?**
19 A. At that -- you're required to have
20 two years of practice as an apprentice CPA to get
21 fully licensed yourself, so it was related to
22 that, so I can get my full CPA license on my own.
23 My assignment was general staff
24 auditing assignments on -- they have a large

Page 13

1 international client base. So I worked doing bank
2 reconciliations and due diligence inquiries into
3 different business systems to make sure they're
4 properly reflected in the financial statements,
5 executed audit plans, planned engagements,
6 conducted inventories, that type of thing.
7 **Q. And why after two years did you leave**
8 **that accounting firm to go work for the FBI?**
9 A. Well, one reason was that a lot of
10 people leave these large CPA firms, because it's
11 like going to a large prestigious law firm to get
12 the experience, and then you move on. And that's
13 kind of the attrition rate they expect. And if
14 you stay around, they want people that are serious
15 about trying to make a progression to partner.
16 So I wasn't interested in staying
17 in accounting and CPA work my whole life, and so I
18 was looking for something else. And, frankly, the
19 head of security for Ernst & Young at the time,
20 the national security director had just retired
21 from the FBI in Cleveland, which is where I was.
22 And I met him, and he was filling me in on how
23 much the FBI tries to recruit CPAs. It's a very
24 difficult job -- and I had a military background.

Page 14

1 I was in the Air Force, and I was a pilot. So we
2 were --
3 (Reporter clarification.)
4 (Discussion had off the record.)
5 THE WITNESS: I was recruited at Ernst &
6 Young by the security director, who was a recently
7 retired FBI agent. And he took me to lunch and
8 talked to me about the opportunities that the FBI
9 had in that it's difficult -- very difficult for
10 them to recruit CPAs to come in. And they're --
11 they're a sought-after job lane for agents in the
12 FBI. And he encouraged me to apply, which I did,
13 and then was accepted.
14 BY MS. EKL:
15 **Q. When did you apply to the FBI, what**
16 **year?**
17 A. It might have been late 1985 or -- yeah,
18 it was in 1985. During 1985.
19 **Q. And then when were you officially hired**
20 **by the FBI?**
21 A. I was officially hired in November of
22 1986.
23 **Q. And then you mentioned earlier that you**
24 **attended the FBI Academy in 1987; is that correct?**

Page 15

1 A. I attended the academy then from
2 November -- mid-November of '86 through March of
3 '87.
4 **Q. After completing the academy, where was**
5 **the first unit of assignment that you had within**
6 **the FBI?**
7 A. I was shipped to Omaha, Nebraska.
8 **Q. And what was your position or title**
9 **working in Omaha, Nebraska?**
10 A. Special agent.
11 **Q. In general, what are the job duties and**
12 **responsibilities of a special agent with the FBI?**
13 A. Well, there are a lot of them if you're
14 talking about a special agent.
15 As a first office agent in Omaha,
16 Nebraska, I worked all the violations that the FBI
17 had, because it's a small office, and they don't
18 have that many people to work these violations, so
19 you get a wide variety of cases. So I worked bank
20 robberies, fugitive, drugs, corruption, a lot of
21 white-collar crime, government theft. We had
22 foreign counterintelligence, a significant foreign
23 counterintelligence case -- cases that I was on,
24 because they had the Strategic Air Command just

Page 16

1 outside of Omaha.
2 I mean, pretty much all of the FBI
3 programs, we had in Omaha. Just, you know, not as
4 many cases as a large office would have.
5 **Q. And how long did you stay in Omaha**
6 **before you received another assignment?**
7 A. I think it was about May -- May of 1991.
8 **Q. Where did you go at that point?**
9 A. Miami.
10 **Q. And how long were you in Miami?**
11 A. I was -- I was in the headquarter city
12 about one -- which is downtown -- or which was in
13 Miami, one year. And then I was transferred to
14 start a new squad of agents in West Palm Beach,
15 and that was about January of '93 -- '92 or '93,
16 right in there.
17 **Q. During the year that you were in Miami,**
18 **were you still a special agent?**
19 A. Yes.
20 **Q. And so you were still handling a variety**
21 **of cases at that point in time?**
22 A. Okay. I did -- I did work some other
23 cases. I had a bank robbery that I worked and
24 things like that.

Page 17

1 But in Miami in a larger office,
2 cases tend to be assigned by squad, and a squad
3 specializes in a set of violations. I was on a
4 set of violations that were -- there were so many
5 banks that failed at that time that they had a
6 special squad just to work bank failures. Not
7 bank fraud. We had a separate squad for bank
8 fraud. There were so many bank failures, we had
9 one squad that were bank failures, which were the
10 most complex, difficult, longer-term
11 investigations in terms of these banking cases.
12 So I was on that squad for one year.

13 **Q. And then when you went to West Palm**
14 **Beach as part of this new squad, can you describe**
15 **how that differed from the squad that you were on**
16 **in Miami?**

17 A. Yeah -- yes, ma'am.

18 When I got to West Palm Beach, I
19 was charged with starting a brand-new squad,
20 because there was so much complex white-collar
21 crime in the county. West Palm covers Palm Beach
22 County. That's their territory. And there was
23 quite a bit of complex white-collar-type crime:
24 Stock fraud, healthcare fraud, regular bank fraud,

Page 18

1 government fraud.
2 So those types of allegations,
3 along with corruption, were all being parked in,
4 kind of, a holding pattern and worked by one
5 agent. So they were -- wanted to start a new
6 squad to address all these.

7 That was about 50 -- 60 percent of
8 my time. The other percentages of my time, since
9 it was a very small office, we all worked
10 everything. So -- especially in those first five
11 or six years, I had all kinds of other
12 assignments: Drug cases, fugitive cases, bank
13 robberies. All kinds of other cases on top of --
14 on top of starting that new program.

15 **Q. And how long did you work in West Palm**
16 **Beach as a special agent?**

17 A. That went from '92 through about 2006.
18 I had an 18 -- straight through until 2006, where
19 I then had about an 18-month assignment at FBI
20 headquarters in the counterterrorists division.

21 **Q. During the time that you were at**
22 **West Palm Beach as a special agent, you mentioned**
23 **that one of the types of cases you worked on was**
24 **corruption cases. How many different corruption**

Page 19

1 **cases did you work on between that time period of**
2 **1992 and 2006?**

3 A. A lot. What happened was, is that every
4 allegation that came in had to be vetted on
5 corruption matters. So I was the vetter-in-chief,
6 for lack of a better term, and evaluated, assessed
7 many, many of these cases.

8 What happened is that the -- it
9 formalized -- there were so many allegations that
10 it formalized into a task force, which was spun
11 off as yet another new squad, a public corruption
12 and human-trafficking squad. And it was all those
13 cases rolled into that new squad, which I, then,
14 eventually became a supervisor of.

15 So toward the end -- well, toward
16 the end. Between -- in the last five or six years
17 of that -- before that time, it was a normal pace
18 of cases, so not -- not many prosecutions. A lot
19 of those are just evaluations of cases,
20 assessments. Some cases opened and then closed
21 and referred to Internal Affairs.

22 At the end, though, we had a large
23 number of cases come in. So many so that they
24 started this new squad. So I would say at least

Page 20

1 15 to 20 convictions. So if you go back in -- you
2 can even Google it. It's -- I think they call it
3 "corruption county." And our squad worked all of
4 those cases. Lots of politicians went to jail.
5 That's when we worked the case that's on my r sum
6 about the -- the law enforcement corruption at the
7 prison, that kind of thing.

8 **Q. Okay. Let me, kind of, take you step by**
9 **step before we get to that case you're talking**
10 **about on your r sum .**

11 **The vetting process that you**
12 **described, so before this new -- this new task**
13 **force was formalized, was that a vetting process**
14 **that only related to public corruption cases, or**
15 **was that a process that occurred in relation to**
16 **any case that you handled at that time while you**
17 **were in West Palm Beach?**

18 A. During many of those years, I was the
19 white-collar crime -- I was one of the lead people
20 for evaluating white-collar crime cases, assisting
21 management, or in a role as a fill-in manager.
22 They call those "acting supervisors" in the FBI.
23 In my role as acting, I would assign those cases.
24 So it was -- it was most

Page 21

1 white-collar crime cases that came in, especially
2 corruption allegations, were directed to me to
3 evaluate in the scheme of squad resources and
4 abilities and to discuss with the U.S. Attorney's
5 Office and prosecutorial merit based on the
6 allegations.
7 So for the corruption -- well, for
8 the white collar, I mean, it's a nonstop, constant
9 influx of allegations. In public corruption,
10 it's -- it's got a good tempo to it, meaning
11 there's -- there's a lot of corruption allegations
12 coming in. There are a lot of people complaining
13 about a lot of corruption all the time.
14 **Q. Let me just -- I want to make sure that**
15 **you listen carefully to the questions. You're**
16 **going to have lots of time to talk today. I just**
17 **want to make sure we get some of the preliminary**
18 **information down.**
19 So my question was, was this
20 vetting process different for corruption cases
21 than it was for other types of cases that were --
22 that were coming into your unit?
23 A. Yes.
24 **Q. Okay. And your role -- again, your role**

Page 22

1 specifically, you said that you were the person
2 who was evaluating those cases, correct?
3 A. Many of them, yes.
4 **Q. Okay. Were there other individuals, any**
5 **other special agents within your task force, then,**
6 **that were -- that had a different role, aside**
7 **from -- like, after you got through the evaluation**
8 **process or the vetting process, were there other**
9 **special agents who, then, investigated those**
10 **cases?**
11 A. Both. My -- both. It would be myself,
12 or they would investigate them. And I was
13 evaluating them for management or in my role as
14 management.
15 **Q. Okay. Were you -- was part of your**
16 **evaluation process to determine merit of the cases**
17 **when they came in?**
18 A. I'm not sure what you mean by "merit."
19 **Q. They would come in as allegations,**
20 **correct?**
21 A. Correct.
22 **Q. Okay. So you wouldn't be able to**
23 **initially determine whether a case had merit until**
24 **you -- until there was some investigation**

Page 23

1 **conducted to see whether or not there was**
2 **corroboration for whatever the allegation was,**
3 **correct?**
4 A. Not really. The -- the case can come in
5 very hot. Say somebody walks in with a tape and
6 says, this is a tape of me being shook down by X,
7 Y, Z, okay. That case, you know, regardless of
8 whether the tape is admissible or not, it's
9 corroborative information.
10 Some cases have come in highly
11 corroborated. Other cases come in not so much.
12 And you have -- maybe to your point or your
13 question, you have to be careful not to misjudge
14 those two just because they come in cold or hot.
15 **Q. And was part of your evaluation process**
16 **to determine what type of resources might be**
17 **needed to conduct further investigation to see if**
18 **there was corroboration for whatever the**
19 **allegation was?**
20 A. Yes, ma'am.
21 **Q. What are some of the resources that**
22 **might -- or that were utilized at that time period**
23 **to investigate public corruption? So when you**
24 **were at West Palm Beach, what were some of the**

Page 24

1 **resources that you utilized?**
2 A. It's mainly what's the caseload now and
3 what can we do to evaluate this, and what's the
4 rank within what's there, right? You could have
5 something brand new come in that outranks
6 everything else. It's a triage. The evaluation
7 is really just a triage of the case for management
8 or for me to decide how to assign the case or just
9 refer it back to the department.
10 **Q. When you say "rank," what do you mean by**
11 **that?**
12 A. Rank them in importance or deserving
13 short-term attention.
14 **Q. And how --**
15 A. I'm sorry, ma'am.
16 Attention in the short term.
17 **Q. And how would you determine if a**
18 **particular allegation was more important or less**
19 **important than another?**
20 A. The one big one is the impact on the
21 public. That's a big one, immediate impact on the
22 public. Where we're at in the arc of the
23 allegation would be another one. For instance, if
24 we're eminent toward the end, like a corrupt

Page 25 1 commissioner is about to vote on something that's 2 going to be difficult to change, or somebody is 3 about to be arrested that shouldn't be arrested, 4 that would require a faster response. Just like 5 normal bank robberies would require, you know, 6 where there's a hunt for the suspect, as opposed 7 to a guy who's got a gun and going into banks 8 every three days. Everyone would drop everything 9 they have to do and work that bank robbery -- that 10 set of bank robberies versus the other ones. It's 11 the same in most cases. 12 Q. And focusing on the public corruption 13 cases, although it may apply across other types of 14 cases as well, is it fair to say that cases come 15 in, in different -- in different statuses, meaning 16 some may have, like you said, someone may come in 17 with an allegation that has some corroborative 18 evidence versus another case where it starts as an 19 allegation, it may eventually grow into something 20 that has strong corroboration, correct? 21 A. Yes, ma'am. 22 Q. And when you talk about triaging, at the 23 end of the day, there are a number of allegations, 24 and you have to figure out how to apply the	Page 27 1 Q. Why was that? 2 A. Well, it's the FBI standard. That's the 3 default position of the FBI police corruption, is 4 that the local department being targeted, you 5 don't know where the corruption is going. And 6 many of us and many FBI officers have deep hooks 7 into those -- a deep liaison into those police 8 departments, so we already have some familiarity 9 with them. 10 But basically, I think, my 11 experience was the FBI has those procedures in 12 place, and some of that is from the 13 U.S. Attorney's Office, because of potential 14 leaks, which could compromise your investigation; 15 because you don't want to put allegiances inside 16 of departments, pitting them one against the 17 other; and, quite frankly, you -- you don't want 18 to come across these, they're called "Garrity 19 statements," but normal police sworn statements 20 that are given quite often. You don't want to end 21 up having that make its way into your criminal 22 case. So that was one of the main reasons I was 23 very careful about it. 24 Q. And let's talk a little bit about those
Page 26 1 resources of your office, the FBI, to determine 2 how best to investigate those cases, correct? 3 A. Correct. 4 Q. When you were in West Palm Beach, did 5 any of those corruption cases involve joint 6 investigations with another law enforcement 7 agency? 8 A. Going to what with the law enforcement 9 agency? 10 Q. A joint investigation. 11 A. That were public corruption? 12 Q. Right. An allegation of public 13 corruption, was it investigated by your task force 14 in West Palm Beach, along with some other law 15 enforcement agency? 16 A. That was a normal course, except for 17 public -- except for the police corruption cases. 18 Q. And what was different about the police 19 corruption cases? 20 A. The police corruption cases, we usually 21 worked ourselves. We didn't cut people in from 22 the -- we didn't have members of the police 23 department involved in the actual investigative 24 portion of it.	Page 28 1 Garrity statements. 2 What is your understanding of what 3 that means, what a Garrity statement -- what is a 4 Garrity statement? 5 A. A Garrity statement is -- well, it's 6 federal -- it's a federal case, and so it's 7 called, I guess, case law. But they teach it when 8 you take your public corruption, I'll call it, 9 on-the-job training. But it's mainly being 10 schooled by the U.S. Attorney's Office. 11 And what a Garrity statement is, is 12 a police officer -- just like we do in the FBI, I 13 was subject to what are Garrity statements -- when 14 there's an internal inquiry -- so it isn't -- 15 you're told it's not criminal as the -- as the 16 employee of the organization -- you're told it's 17 not criminal. We're not looking into criminal 18 acts. We're looking into administrative 19 violations to discipline you or not discipline you 20 and resolve those. 21 So we swear -- you get sworn in 22 under oath, and you give us -- you have to answer 23 questions. You don't have a -- well, you always 24 have a Fifth Amendment right, but it's probably

Page 29 1 going to result in termination of your job. 2 So you're sworn in. And because of 3 that override of your right to self-incrimination, 4 what's in that statement is protected. And that 5 protected information now is something I, as a 6 criminal investigator, don't want to get, because 7 it's tainted and obtained against the person's 8 civil rights. 9 That's my best explanation in the 10 short term. 11 Q. And when you say it's protected, is it 12 fair to say that if an officer gives a statement 13 pursuant to Garrity, it cannot be used in your 14 criminal case, correct? Is that why you're saying 15 it would be against their civil rights if you 16 used -- if you used a Garrity statement as a basis 17 for a criminal charge, that would violate Garrity, 18 correct? 19 MR. HILKE: I'll just object to form and 20 foundation. 21 But you can answer. 22 THE WITNESS: Well, I'm familiar with 23 how to enforce laws and what laws are and some 24 interpretations. And I understand Garrity.	Page 31 1 BY MS. EKL: 2 Q. And would that, do you think -- was it 3 your belief at the time when you were 4 investigating public corruption cases that 5 interference by taking a Garrity statement could 6 compromise your investigation on the criminal 7 side? 8 A. I would never -- personally, ma'am, I 9 would -- my opinion is, I would never characterize 10 that as interference. 11 Q. Okay. If an individual becomes aware of 12 the fact that they are the target of misconduct, 13 was it your belief at that time when you were 14 investigating public corruption cases that that 15 could hinder your ability to investigate them? 16 MR. HILKE: Object to form. 17 Go ahead. 18 THE WITNESS: It -- yes. 19 BY MS. EKL: 20 Q. You mentioned that you were schooled in 21 some ways by the U.S. Attorney's Office -- and I'm 22 paraphrasing. Is it fair to say that the United 23 State's Attorney's Office provided guidance to FBI 24 agents in terms of how to conduct certain
Page 30 1 You said you can never use a 2 Garrity statement in a criminal case. I'm not 3 sure about that. It sounds right. But the idea 4 is, is put the statement aside, any information 5 from the statement or anybody who read the 6 statement and might talk to you could be a 7 problem. That's -- that's the -- that's why I 8 would eliminate most people from a department from 9 participating in the cases I had as a normal 10 course of business. 11 BY MS. EKL: 12 Q. And is it fair to say that if 13 administratively in that type of a circumstance an 14 individual is questioned about allegations 15 administratively, it's then going to put them on 16 notice of the same conduct that you're attempting 17 to investigate, correct? 18 MR. HILKE: Same objection. 19 You can answer. 20 THE WITNESS: Yes, it could -- it could 21 put them on notice. It could put them on notice 22 that -- that the activity is being looked at, by 23 somebody at least. 24	Page 32 1 investigations? 2 A. 100 percent. 3 Q. Okay. And did you follow, when the 4 United State's Attorney's Office said that they 5 provided you with guidance, did you follow that 6 guidance? 7 A. Well, they provided guidance. I would 8 say we didn't always follow it, or it's not like 9 we ignored it. We addressed any differences, and 10 they were resolved. So it's not like we were 11 being told what to do and we just executed it. 12 But they did provide a lot of guidance. Guidance 13 is not an order. 14 Q. Is it fair to say that guidance by the 15 United State's Attorney's Office, it was expected 16 that you wouldn't ignore it, correct? 17 A. Correct. 18 Q. Did they provide you training on how to 19 conduct public corruption investigations? 20 A. I would call it -- I would say, yes, and 21 it was on-the-job training. 22 Q. And how did -- if you could explain what 23 you mean by that? 24 A. They would have you read things, the

Page 33 1 justice manual and different cases, but they would 2 just explain the case law and what would be 3 required to get something that was admissible 4 based on that, what the statutes were that we were 5 trying to -- that were best fitting what the 6 potential criminal allegation was. Many of these 7 were very experienced corruption AUSAs. Two of 8 them were in the public integrity section at DOJ, 9 they came to West Palm. So they were, kind of, my 10 mentors over there. 11 So there was a -- there were two 12 others that became very good at public corruption 13 too. And so, yeah, long discussions about cases 14 and specifics, application. Just like -- when I 15 say it's field training or on-the-job training, it 16 had to do -- it was much less amorphous, ma'am, 17 than it was specific to certain factual situations 18 presented to us. 19 Q. How early in the process was it expected 20 that you would basically loop in the United 21 State's Attorney's Office into an allegation of 22 corruption? 23 A. You're talking about corruption? From 24 the beginning.	Page 35 1 Affairs. So I'm going to ask you some questions 2 about that. 3 What would, you know -- what would 4 cause you to send something back to Internal 5 Affairs versus to send it to -- you know, to 6 assign it to an agent to continue investigating? 7 A. We couldn't -- 8 MR. HILKE: Sorry. Let me just make an 9 objection. 10 THE WITNESS: I'm sorry. 11 MR. HILKE: It's okay. Just give me a 12 second. 13 Just object to form. 14 You can go ahead and answer. 15 THE WITNESS: I would refer it back, or 16 we would refer it back, the U.S. Attorney's 17 Office. Those decisions are made, you know, kind 18 of, globally, more globally with the 19 U.S. Attorney's Office and the -- it could involve 20 FBI management making the decision. But if the 21 allegations are pretty serious and we can't seem 22 to penetrate it quickly -- those cases have to 23 have pace to it. They have to be done quickly. 24 So if we couldn't get it done quickly, or we tried
Page 34 1 Q. And so was it common that United State's 2 Attorney's Office would be updated regarding 3 ongoing investigations related to corruption? 4 A. Except for -- except for the corruption 5 cases that -- let me answer it this way: We would 6 not discuss in any way with the U.S. Attorney's 7 Office if -- if, I'm not saying it happened -- if 8 there were cases opened on federal judges. So 9 these are Article III sitting judges in the 10 district. If we actually got so far down the road 11 that we would open a case on a federal court 12 district judge, if that happened, that would be 13 without the U.S. Attorney's local office 14 involvement and the case would be shipped out to a 15 different U.S. Attorney's Office. 16 So a U.S. Attorney's Office was 17 still involved, just not our district. So other 18 than that, they are pretty much involved from the 19 beginning. 20 Q. Now, you talked about -- you touched on 21 in this time period between 1992 and 2006 when you 22 were in West Palm Beach, that there were times 23 when you would be evaluating a public corruption 24 case where you would send it back to Internal	Page 36 1 a few times and we couldn't penetrate and get the 2 information, we would say, listen, it's not worth 3 it. Let's give it back to the chief or whoever, 4 and let them take administrative action, because 5 administrative action will interrupt the activity 6 in most cases. 7 BY MS. EKL: 8 Q. When you say that there had to be pace, 9 and it had to be done quickly, is that something 10 that is in some FBI manual or DOJ manual that 11 directs that public corruption cases have to be 12 done at a quick pace? 13 A. It's -- I'm sure it's in there 14 somewhere. Can I point to it right now, public 15 information that I could point to right now? You 16 know, there's probably some public information out 17 there I could find that would indicate that. 18 Some of it is commonsense driven, 19 and -- you know, these -- a good example is, let's 20 just say -- and I'm not saying this ever happened 21 either -- but let's just say you had, say, a 22 patrol officer who was out on the highway all the 23 time, and you were getting allegations, multiple 24 allegations, that he was having the females that

Page 37 1 he stopped flash their tops, and they would let 2 him -- he would let them go. So let's say you had 3 that. You want to resolve that pretty quickly. 4 You want that person, if it's true, off the 5 street. 6 And -- but think about it. It's a 7 difficult thing to try to investigate, should it 8 happen. And it is very difficult to investigate. 9 So you look for some way in for a criminal 10 violation, like maybe they're disabling their 11 recording devices prior to these encounters, that 12 type of thing. 13 But when you realize, look, this 14 character might not -- let's just say, the guy is 15 not going to stop, because it just keeps 16 happening, but periodically over time. You can't 17 have that going on, so you turn it back over. 18 Turn it back over to the chief. We can't get in 19 on this case. Put a recorder in his car 24/7 and 20 hope we catch him, you know, doing this, something 21 like that. 22 You don't know who he's going to 23 stop. The -- the victimization of the public is 24 paramount. So you try to get it done quickly.	Page 39 1 where you give the Garrity -- well, I gave Garrity 2 admonishments to the target, to the person being 3 interviewed, the special agent being interviewed, 4 gave him the form. Here's your rights, which are 5 basically none. Sign this document. If you lie, 6 you're going to get fired. And you take a sworn 7 or a written statement from them. 8 Q. And how many times did you do that in 9 your career? 10 A. Two or three cases. 11 Q. And was that during the 1992 to 2006 12 time period, or was that at a later period of 13 time? 14 A. I think it was all before '06. I don't 15 remember doing it while I was a supervisor of 16 public corruption. But I may have. I may have 17 done one of them as a supervisor. 18 Q. Other than taking a Garrity statement 19 from -- I guess, in this case, it would be another 20 agent; is that correct? 21 A. Correct. 22 Q. Were you responsible for making any 23 findings in relation to whether or not there was 24 any type of an -- a violation that would -- an
Page 38 1 And the administrative process is very powerful. 2 It's a very powerful tool. And so you turn it 3 back over there for resolution of it. 4 Q. So let's talk a little bit about that. 5 Do you have any background at any point in time 6 when you were at the FBI working in Internal 7 Affairs? 8 A. Yes. 9 Q. And when -- during what time period did 10 you work in Internal Affairs? 11 A. I don't -- I don't -- we didn't have -- 12 we have a unit called inspection division that 13 handles our internal inquiries. So the way they 14 conduct their businesses, if it's not high-ranking 15 people or significant, significant allegations, 16 they -- the -- that component is only at 17 headquarters, and they assign field people, 18 special agents in the field divisions, to conduct 19 the interviews and leads for them. 20 So my actual work as an Internal 21 Affairs investigator, but what I was, was actually 22 an adjunct to the inspections division of the 23 FBI's unit, was the limit of it. It wasn't -- and 24 there weren't a lot of cases. So these are cases	Page 40 1 administrative violation? 2 A. No. 3 Q. Are you aware of what the standard of 4 proof was for determining whether or not there was 5 a violation of some type of administrative policy? 6 A. Yes. 7 Q. And what was that standard? 8 A. That -- well, I'm not going to give you 9 a -- there were standards that were promulgated, 10 and they were published so that all agents knew 11 what they were. So the administrative -- are you 12 asking about the administrative process in the 13 FBI? 14 Q. Correct. 15 A. Okay, ma'am. Yes. 16 It's very formalized. So there -- 17 it's much like a criminal log. I mean, there are 18 violations, and it's determined that the 19 allegation, if it's this violation, just like a -- 20 a bank robbery would meet the bank robbery 21 statute, this false voucher that you filled out 22 meets this violation that we say is a violation of 23 FBI policy that will result in an internal 24 inquiry. So those are -- those are pretty well

Page 41

1 distributed internally to the FBI as to what you
2 can do wrong to cause yourself to come under this
3 administrative action. And most of them are just
4 very commonsense.
5 So that's published. The
6 investigation is conducted. The reports are sent
7 to -- there's two units at FBI headquarters.
8 They've bifurcated the units now. And one unit
9 conducts investigations. I think it's called the
10 investigative summary unit, but these things
11 change all the time. And then there's a second
12 unit, though, that decides what the punishment
13 will be.
14 And what they do once it gets to
15 that second unit that decides what the punishment
16 will be -- and that's only if the first unit
17 finds -- you know, adjudicates, acts in a way of
18 saying, yes, there's a violation. So then it goes
19 to the administrative summary unit, ASU. It goes
20 to the administrative summary unit, who then
21 applies -- which is basically a benchmark of,
22 okay, if you fill out a false voucher, the FBI
23 says this happens to you, X happens to you. And
24 then you add in the mitigating and aggravating

Page 42

1 circumstances, just like you do in a criminal case
2 in federal court. You know, points go up, points
3 go down. And then they do a look-back.
4 Administrative summary unit looks back at the last
5 14, say, violations -- say, ten violations that
6 they adjudicated on that violation, filling out a
7 false voucher, crashing your Bucar, of an agent
8 the violation is. What were our last 14
9 adjudications, and what did we do, and let's make
10 this one somewhat in line with it so we know.
11 That's how formalized it is. And then it's
12 finally doled out to the agent.
13 **Q. And my question was a little bit -- and**
14 **I appreciate that, that's helpful, but a little**
15 **bit different.**
16 **What I was looking for is there**
17 **some kind of burden of proof in terms of the**
18 **evidence that must be found in order to establish**
19 **that someone had violated, you know, one of these**
20 **formalized requirements of an agent? So if, for**
21 **instance, using the example you gave about, you**
22 **know, misuse of resources if -- you know, what**
23 **burden of proof -- it couldn't be just an**
24 **allegation. What -- what else was there that**

Page 43

1 **needed to be found?**
2 A. Having read some of them, I think I saw
3 that they thought there was probable cause. I
4 thought they -- they used the term "probable
5 cause." But it's not probable cause in the sense
6 that you're going to arrest the person.
7 Many of these cases, also, in the
8 FBI side are referred to the U.S. Attorney's
9 Office for a declination, so -- and they're almost
10 always declined on. So there's -- there is
11 criminal referrals in most of these, in many of
12 them.
13 **Q. So I guess my point is, there's -- in**
14 **terms of public corruption, and if we're talking**
15 **about an officer, there's a couple of different**
16 **things that could happen, and one, obviously, they**
17 **could be investigated criminally. And in order to**
18 **do that, there's -- you need to investigate it**
19 **until you have probable cause or more. And the**
20 **U.S. Attorney's Office has to accept it before**
21 **that crime can be charged, correct?**
22 MR. HILKE: Object -- sorry.
23 THE WITNESS: Yes.
24 MR. HILKE: Sorry. Just to object to

Page 44

1 form. You're asking about Internal Affairs,
2 still?
3 MS. EKL: No. I'm talking about -- that
4 question was not specific to Internal Affairs at
5 all.
6 MR. HILKE: Okay. I'm sorry.
7 You can answer, sir.
8 THE WITNESS: You said for police
9 officers, right?
10 BY MS. EKL:
11 **Q. Correct.**
12 A. Yeah, you went back to police officers.
13 And what did you want to know
14 specifically?
15 **Q. Sure. If a police officer is being**
16 **investigated or there's an allegation of police**
17 **corruption --**
18 A. Yes, ma'am.
19 **Q. -- I'm saying there's a number of**
20 **different routes that that could go, and one would**
21 **be to investigate the allegation of police**
22 **corruption to determine whether or not criminal**
23 **charges could be brought, correct?**
24 A. Correct.

Page 45

1 **Q. And separate from that, there also could**
2 **be an internal investigation that could lead to**
3 **there being some kind of administrative action,**
4 **correct?**
5 A. Yes.
6 **Q. And you indicated that if there's an**
7 **administrative action, generally, that will derail**
8 **the criminal action, correct?**
9 A. It may.
10 MR. HILKE: Object to form.
11 THE WITNESS: Oh, sorry, Wally.
12 MR. HILKE: That's okay. You're fine.
13 BY MS. EKL:
14 **Q. I'm sorry. I didn't hear your answer.**
15 A. It may derail your criminal
16 investigation. That's part of the police
17 corruption or public corruption investigative
18 environment. It's very easy to -- to get
19 discovered.
20 **Q. And even if an allegation of police**
21 **corruption is only investigated administratively,**
22 **would you agree with me that there has to be**
23 **evidence to support the allegation before any**
24 **action can be taken, whether it's by a police**

Page 46

1 **department or in the case of an FBI agent being**
2 **investigated, administratively, there still has to**
3 **be evidence to support the allegation, correct?**
4 A. Yes.
5 **Q. And if the goal is to protect the**
6 **public, you need to have a finding, even if it's**
7 **just administratively, that the person actually**
8 **engaged in the conduct in which they were accused,**
9 **correct?**
10 MR. HILKE: I'll object to form and
11 foundation.
12 You can answer.
13 THE WITNESS: Yeah, I mean, generally,
14 it might be, yes, there are administrative process
15 in realities and like that. But generally, you --
16 you need to sustain that they did something wrong.
17 BY MS. EKL:
18 **Q. Using the example you gave about an**
19 **officer requiring women, for instance, to flash**
20 **when they are pulled over for a traffic stop,**
21 **would you agree that if that gets sent -- if the**
22 **FBI is unable to investigate that to the level of**
23 **criminal charges and it gets sent back**
24 **administratively, there would still need to be**

Page 47

1 **evidence that that was occurring, correct, in**
2 **order for the action to be taken administratively?**
3 A. No.
4 MR. HILKE: Same objection -- wait.
5 Same objection.
6 You can answer.
7 THE WITNESS: No. They wouldn't have to
8 prove that he was doing that.
9 BY MS. EKL:
10 **Q. So you don't agree -- would you agree**
11 **that officers have rights?**
12 A. They have rights.
13 **Q. And that in order for administrative**
14 **action to take place, they have a right for there**
15 **to be evidence to support of an agent the**
16 **allegation is, correct?**
17 MR. HILKE: Same objection.
18 THE WITNESS: Yes.
19 BY MS. EKL:
20 **Q. Okay. So would you agree with me, there**
21 **has to be evidence to support it in order for**
22 **the --**
23 A. Well --
24 **Q. -- for subsequent action to be taken?**

Page 48

1 MR. HILKE: Sorry, Jeff. I'm just going
2 to remind you to let her finish the question and
3 give me a chance to object too, and we'll go one
4 at a time.
5 Same objection.
6 And you can answer.
7 THE WITNESS: The reason I say "no" is
8 because, let's say in this hypothetical of
9 flashing, that the police department itself can't
10 prove that -- that the officer did it. They can't
11 prove demonstrably that it happened. But they
12 can -- they can easily say, we believe these two
13 people who don't know each other, one who's a
14 medical doctor, let's say, and the other one who's
15 a -- you know, a restaurant manager. We believe
16 them. Why would they make that up? And in that
17 case, you're going to have other evidence, which
18 the officer could be held liable over. During the
19 investigation, you find out these things. Like
20 their -- a police department has a tremendous
21 amount of rules, a lot of rules. So basically, if
22 you got out of bed this morning, you broke one of
23 them. And that's, kind of, what an Internal
24 Affairs assessment often looks like.

Page 49

1 If the officer did that, he had to
2 cover his tracks through the video cameras. So
3 maybe he disabled his video camera. That's a
4 fireable offense. So you may start off the case
5 as a flashing case as an Internal Affairs person,
6 and you end up the case through a termination
7 because he or she did something that was
8 against -- strictly against department regulations
9 and allowed you to fire them, or take any action
10 or take no action. So it's not just the original
11 allegations. It's what you learn through the
12 process that can be the real solution that cleans
13 up the situation.
14 BY MS. EKL:

15 **Q. So if a case is sent back**
16 **administratively to be investigated, and using our**
17 **hypothetical about the flashing, there's not**
18 **evidence to support the allegation of flashing, is**
19 **it your testimony that that investigation could**
20 **uncover other wrongdoing by the police officer**
21 **that could be actionable? Is that what you were**
22 **saying?**
23 A. That's part of what I was saying. The
24 other part of what I was saying was, it's -- in

Page 50

1 that case -- in our hypothetical you're -- it's a
2 he said/she said case, but there could be evidence
3 corroborating -- outside of a videotape of it
4 happening, there could be evidence that
5 corroborates the victim's story, that she was
6 stopped by this officer and that the encounter at
7 least happened, that the officer has all these
8 procedures that they have to follow, and they
9 didn't follow them on that particular call.
10 So there's things that can
11 corroborate the victim's statement, just like any
12 victim's statement, that can cause you to conclude
13 that the victim is telling the truth and to take
14 action, as -- as that's what they are, they're
15 finders of fact at some point in that process in
16 the police department. And that's why the FBI
17 separated those units; the fact finders were
18 separate from the investigators.
19 **Q. And that goes back to my initial**
20 **question, which is in order for the department to**
21 **take action, they have to have evidence that it**
22 **occurred, correct? They can't take action even on**
23 **an administrative level just based on an**
24 **allegation; would you agree with that?**

Page 51

1 MR. HILKE: Same objection -- sorry.
2 Same objection to form and
3 foundation.
4 You can answer.
5 THE WITNESS: I don't know for Chicago
6 PD. I don't know for sure with -- I didn't have
7 in the record their Internal Affairs go-by book,
8 their guidelines.
9 I can tell you, in the FBI, it
10 takes nothing, zero, almost nothing to cause an
11 investigation of you. The most minimal of rumor
12 can do it.
13 BY MS. EKL:

14 **Q. And, again, my question isn't about what**
15 **causes an investigation. I'm getting at what**
16 **causes action to be taken, a finding**
17 **administratively?**
18 **And so are you saying that you are**
19 **not aware of the standard that would have been**
20 **required had CPD, for instance, in this case taken**
21 **action without FBI involvement, you're not aware**
22 **of what evidence would have been needed in order**
23 **for a finding to be made?**
24 MR. HILKE: Form. Compound.

Page 52

1 You can answer.
2 THE WITNESS: It would not have required
3 FBI involvement in the administrative process,
4 so...
5 BY MS. EKL:

6 **Q. And that's not my question.**
7 **But the administrative -- would you**
8 **agree with me that the administrative process, in**
9 **order for there to be a finding against a police**
10 **officer, would require evidence of the wrongdoing?**
11 A. Yes. Yes.
12 **Q. Okay.**
13 A. I would hope so, in fact.
14 **Q. Okay. And I would hope that that would**
15 **be your belief.**
16 **All right. So we'll get a little**
17 **bit more into some of that later. I want to**
18 **finish going through your background, and then**
19 **we'll take a break.**
20 **In 2006, was there any change in**
21 **terms of the location or the status of your**
22 **employment within the FBI?**
23 A. In 2006?
24 **Q. Correct.**

Page 53

1 A. Yes, I -- well, it was in that time
2 frame I transferred to FBI headquarters into the
3 counterterrorism division.
4 **Q. Okay. And you said that that was**
5 **18 months?**
6 A. Yeah, it was about 18 months. I
7 can't -- I think there was a small extension, but
8 I'm not sure, 18- to 20-month time frame.
9 **Q. And after the 18- to 20-month time**
10 **period, where did you go after that?**
11 A. I came back to West Palm Beach.
12 **Q. And where were you assigned when you**
13 **came back?**
14 A. I was made the supervisor of the public
15 corruption and human-trafficking civil rights
16 squad.
17 **Q. And what were your -- how did your**
18 **duties differ as the supervisor versus when you**
19 **were a special agent in that unit?**
20 A. Now I oversaw agents' cases and set the
21 squad's goals and priorities to align them with
22 both the division and the FBI's national
23 priorities and initiated -- was given ownership to
24 initiate these two pretty significant programs,

Page 54

1 human trafficking and to further take the
2 corruption cases that we had through their
3 conclusion.
4 The squad was started -- the squad
5 was conceived and started while I was at FBI
6 headquarters. Because there were so many cases of
7 corruption that I left behind when I went to the
8 counterterrorism division, that they actually
9 formalized it as a separate squad and then brought
10 me back as the supervisor of the squad.
11 (Deposition Exhibit No. 1A was
12 marked for identification.)
13 BY MS. EKL:
14 **Q. Let's go ahead -- I'm going to show you**
15 **what I have marked as Exhibit 1A.**
16 **I'm going to get myself back into**
17 **the -- remembering how to screen share here.**
18 A. I'm going to see it?
19 **Q. You should be able to see it. Let me**
20 **just make sure that...**
21 **All right. Are you able to see on**
22 **your screen --**
23 A. I can see what it is. I -- I should
24 know it good enough to -- without having to squint

Page 55

1 at it.
2 **Q. Okay. Well, I can -- I'll -- I can make**
3 **things bigger too.**
4 **But just for the record, Exhibit 1A**
5 **is an eight-page document that was -- that is --**
6 **well, let me just ask you. Is this your CV?**
7 A. Yes, ma'am.
8 **Q. And this was Appendix A to your report,**
9 **correct?**
10 A. I think it was A, but it should have
11 been in my report.
12 **Q. Okay. I'm going to move this forward to**
13 **page 4.**
14 **Are you able to see where it says:**
15 **FBI supervisor, acting SSRA Miami Division, and it**
16 **talks about 2007 to 2011, public corruption task**
17 **force?**
18 A. Yes, ma'am.
19 **Q. Okay. First off, is this CV current and**
20 **accurate as of today's date?**
21 A. I don't know how much it's been updated.
22 It's -- and it's -- it's a general summary of what
23 went on in those years.
24 **Q. Okay. You have identified on your CV**

Page 56

1 **what you list as successes, and there are**
2 **operations listed here: Operation Sledgehammer,**
3 **Operation Farmhouse Cantina, and Operation Blind**
4 **Justice, correct?**
5 A. Yes, ma'am.
6 **Q. Are these the only operations that you**
7 **worked on during that time period of 2007 to 2011,**
8 **or is this just a few examples of operations that**
9 **you found to be successes?**
10 A. Those three?
11 **Q. Correct.**
12 A. Those three operations, I planned, I
13 conceived. First I conducted an intelligence
14 assessment. And then I conceived a solve to the
15 crime problem identified. Then I conceived how to
16 solve it in a task force environment. In those
17 cases, I wrote undercover projects. I staffed
18 those cases. I worked them. Those are -- those
19 are cases that I was -- during that time, those
20 were my heart-and-soul cases through that time
21 period on, say, 50 percent of my time, at least
22 50 percent of my time.
23 **Q. Okay. Let's talk about them.**
24 **Starting with Operation**

Page 57

1 **Sledgehammer. Could you just generally tell me**
2 **what this operation entailed in terms of what was**
3 **being investigated?**
4 A. Sledgehammer? There was a lot of
5 insurance fraud going on in South Florida, a lot.
6 And I had been getting complaints about it for
7 years. And finally, I decided to get with the
8 Florida Division of Insurance and try to figure
9 out what the best way to do -- to assign law
10 enforcement resources, maybe to get to the bottom
11 of it. And as -- as -- sometimes when you try to
12 take actions, it's -- it's the mundane stuff that
13 people need help with. The -- the broken windows,
14 the smaller things. And this seemed smaller
15 coming in, but it really wasn't once you looked at
16 it.
17 This case involved -- the insurance
18 division was saying, and so were the insurance
19 companies complaining, that there was this
20 personal injury protection coverage, that was
21 called PIP, and it was paid automatically if you
22 were involved in an accident. So it lent itself
23 to corruption by doctors and lawyers getting
24 together and sharing the money of this insurance

Page 58

1 payment.
2 And so we figured out that there
3 were gangs that actually specialized in this for
4 payment. And they would go around and wreck cars
5 into each other, fill out the police reports, then
6 be PIP victims for these various individuals. So
7 many of these people were charged.
8 What we did was we did a,
9 basically, an undercover case. They called the --
10 the agent that I assigned to it came up with this
11 name "Sledgehammer" for the undercover, and I
12 approved it. And it had to do -- because what we
13 would watch these gangs do is they would wreck the
14 cars into each other, but before the police
15 arrived, to make sure they had the damage correct,
16 they'd take a sledgehammer and hammer in some more
17 dents in the correct places to really sell the
18 product, you know, as having been a traffic
19 accident. So he named it "Operation
20 Sledgehammer." And that was what that case was
21 about.
22 It was a lot of -- there were --
23 that was late in my assignment as a supervisor.
24 And the case really -- I got it born, and the case

Page 59

1 really took off after that. I think they got a
2 hundred people in that case, and they won the
3 Attorney General's award for it.
4 **Q. This particular case, was there any harm**
5 **that was being caused to the public as a result of**
6 **the corruption that was occurring?**
7 A. Overall in the short term, there was --
8 there was harm, because the PIP insurance payment
9 is, you know, part of your insurance payment here
10 in Florida, or was at the time. I think they
11 revamped the law after this case. But, yeah, so
12 the short term -- there's a short-term impact on
13 the public; they're all paying higher PIP
14 premiums.
15 **Q. When did this first come in to your**
16 **attention that these -- that this fraud was**
17 **occurring and there may be an investigation that**
18 **needed to be conducted?**
19 A. When did it first come in? I can't say
20 the exact time. I know it was toward the end of
21 my assignment there. And I said -- you know, I
22 thought, this is a problem. Let's -- let's take
23 it on. And it was -- we did a lot of work. Those
24 guys worked a lot on that to resolve it as quickly

Page 60

1 as possible.
2 **Q. Do you remember approximately what year**
3 **this came in?**
4 A. I don't. Ten -- I mean, I'm going to
5 guess -- or I'm going to -- I don't want to guess.
6 I'm going to say my best recollection is 2010,
7 but, you know, it's going back 15 years, 14 years
8 now.
9 **Q. And was it concluded before you left**
10 **that unit of assignment, or was it still ongoing**
11 **when you left?**
12 A. When I went to headquarters -- no, no.
13 I left -- I left this position for Saudi Arabia.
14 So when I -- when I left this position, that's --
15 I had just gotten -- oh, yeah, I had just gotten
16 the case started, and the case was just approved
17 as an undercover, which is six months. It was a
18 Group 2 undercover, I believe, which has a term of
19 six months. And that's when the case took
20 off in that six-month period.
21 **Q. When you say it's "six months," was it**
22 **six months to get it approved, or it's an approval**
23 **of a six-month undercover operation?**
24 A. The operation is allowed to stay in

Page 61

1 operation for that six-month period. I mean, it's
2 like anything else. You can get a re-up -- I'm
3 not sure if they re-upped that thing. I don't
4 think they did.
5 I think they also were taking off
6 people as it went, which, you know, wasn't -- at
7 first, wasn't really, I don't think, deterring the
8 criminal activity. They were taking off gangs,
9 but other gangs thought they could get away with
10 it still, so they kept on going and kept on
11 chasing the other gangs, I think, is the way that
12 case went down.
13 The operational side of it, I
14 wasn't directly involved in, because I had left.
15 I just wanted to get the case off and running, and
16 the two guys that I left it with were extremely
17 capable, and they both, you know, took this case
18 and ran with it.
19 **Q. You referred to it as a long-term FBI**
20 **undercover operation. When you say "long term,"**
21 **how long -- what do you mean by that?**
22 A. Six months to a year.
23 **Q. As you sit here today, though, do you**
24 **know exactly how long this particular**

Page 62

1 **investigation lasted, even after you left?**
2 A. I don't, because I didn't -- I mean, I
3 could maybe resurrect it from the federal record.
4 There's going to be federal cases filed on that,
5 as a matter of -- it would be a matter on the
6 docket for -- I'm not sure that they would have
7 been prosecuted in a court case called "Operation
8 Sledgehammer." They probably just are under their
9 names. But there's a way to resurrect it. I
10 could ask the two case agents. I still talk to
11 one of them quite frequently.
12 **Q. Would it surprise you that there was --**
13 **that there was a press release referring to it as**
14 **a three-year joint operation?**
15 A. Well, it might have had a three-year
16 life cycle, because we had a task force of all
17 kinds of insurance fraud. And I don't know who
18 classified it as three years. But this
19 investigation -- well, maybe they did have some --
20 they kept going gang to gang to gang. So it's not
21 just one gang that they were trying to take off or
22 to erupt.
23 **Q. At the time when you were involved in**
24 **Operation Sledgehammer, was it a joint operation**

Page 63

1 **at that time, or was it just an FBI operation?**
2 A. We were -- I was coordinating with some
3 insurance -- Florida insurance people, but not --
4 I think it more formalized where they were on this
5 operation when I left. But I can't say for sure.
6 **Q. And the plan that you conceived, did**
7 **that include any investigation being conducted by**
8 **those insurance agents, or was it a plan that**
9 **anticipated investigation being completed by the**
10 **FBI only?**
11 A. In that case, you know, there weren't
12 insurance -- there weren't insurance agents as
13 targets, so they were fine to have on the task
14 force if they were on the task force. They would
15 probably be a good addition.
16 **Q. As you sit here today, though, do you**
17 **recall anything that involved the insurance agents**
18 **conducting any investigation on their own, not as**
19 **part of the task -- your FBI task force, but**
20 **conducting their own investigation?**
21 A. They routinely did their own
22 investigations.
23 **Q. My question was, in this particular**
24 **operation, Operation Sledgehammer, do you recall**

Page 64

1 **whether or not that was something that was**
2 **authorized or that you were aware of that**
3 **insurance agents were conducting their own**
4 **separate investigation?**
5 A. I'll bet you they --
6 MR. HILKE: Jeff. Jeff. Just -- object
7 to form.
8 You can answer.
9 THE WITNESS: Sorry. I will wait.
10 I'm sure they were doing this all
11 over the state. The insurance agents were
12 investigating this everywhere. This wasn't just a
13 Palm Beach County into North Broward or
14 South Martin County, our contiguous county area,
15 case. It was a crime problem. It was just a
16 localized crime problem -- it was just -- it was a
17 statewide crime problem, I think, that we
18 approached for our area of operation. And I would
19 have to look back -- when you say "three years," I
20 would have to -- maybe they took this model and
21 used it other places. I think I remember saying
22 that, and that's why they're calling it
23 three years. I don't know.
24

Page 65

1 BY MS. EKL:
2 **Q. Well, I don't want -- you know, I want**
3 **to make sure that I'm getting answers from you**
4 **about things that you have personal knowledge of.**
5 **So I don't -- you know, obviously, I'm not asking**
6 **you to speculate.**
7 A. Okay.
8 **Q. Let's look at your -- the second one**
9 **that you have listed, Operation Farmhouse Cantina.**
10 **And you say in here that this an**
11 **undercover operation. Human-trafficking**
12 **supervisor. Assisted case agent. Planned and**
13 **initiated an FBI undercover operation that**
14 **penetrated a violent gang's human trafficking, gun**
15 **running, and narcotic distribution network.**
16 **What was your -- your specific**
17 **involvement in Operation Farmhouse Cantina?**
18 A. Same parallel to the Sledgehammer. The
19 human -- human trafficking was just emerging then
20 as a serious crime problem on the -- as a national
21 priority. And we would -- we had been getting
22 complaints about human traffickers in Palm Beach
23 County. So I conducted -- I'm calling it, in this
24 case, an intelligence assessment. It makes it

Page 66

1 sound pretty formal. I talked to the cops, and I
2 talked to what are called NGOs, nongovernmental
3 organizations, that offer aid to these trafficked
4 individuals. And realized, yeah, there is --
5 there is a significant influx of these folks
6 coming in and being trafficked in different forms,
7 for labor and for sexual exploitation.
8 So I picked an agent who was
9 extremely capable and very motivated to work these
10 cases. And got with her and planned a way to
11 target these cases to interrupt this activity.
12 And we identified, in this case, a methodology.
13 It didn't take long. It was pretty quick. We
14 figured out a methodology of how these girls were
15 trafficked. And a lot of them were girls, for
16 this portion of the case in Cantina.
17 How they were brought in, who was
18 bringing them in, and where they were going, and
19 how they were being upstreamed from -- being muled
20 into the country for a fee into the sex trade.
21 How was that transition happening, and where could
22 we penetrate it to arrest the traffickers.
23 So that's -- that's what this
24 operation was about. We realized that when the

Page 67

1 girls were brought in, they weren't just asked to
2 do sex acts; although, they were sometimes, but
3 they weren't just asked to do sex acts. They
4 were -- they were, kind of, groomed into it at
5 these cantinas. And these cantinas were -- you
6 know, you could get -- you could go in there and
7 dance with these girls for \$5 for a ticket and get
8 beer and wine and mixed drinks. And so these
9 cantinas were the starting point.
10 And so she came up -- my case
11 agent, she came up with that term. We're going to
12 call it, they go from the farmhouse, which is
13 where they -- most of them lived in Central and
14 South America, to the cantina. So she named it
15 "Farmhouse Cantina," and that got approved by the
16 U.S. Attorney's Office, and we did -- we brought
17 up an undercover. We injected police officers and
18 undercover agents in. And what we learned quickly
19 in that case, ma'am, was that the traffickers
20 won't sell these girls. That was our plan. We
21 wanted to go in and buy the girls from the -- the
22 government wanted to buy these girls, and we
23 couldn't do it, because the traffickers wouldn't
24 give them up. They were earning assets.

Page 68

1 But what they would sell us -- they
2 wouldn't sell us the girls; they would rent them
3 to us. But that wasn't going to do us a lot of
4 good. It would show that they had control, but --
5 so we wanted to get to the bottom of it, and we
6 realized they would sell us guns. And -- so we
7 just started buying guns off these traffickers,
8 and the gun charges are pretty cut-and-dry,
9 black-and-white.
10 So as an example of going in under
11 one -- one set of circumstances, and we had to
12 switch the undercover proposal quickly and get
13 authority to buy the guns, because that's not
14 covered in the first operation. So we switched
15 and got authority to purchase these guns. And we
16 just started buying guns and putting -- putting
17 these guys away for selling illegally obtained
18 weapons.
19 And that was very -- it worked very
20 well. And the girls, a lot of times, too, didn't
21 consider themselves trafficked, even though they
22 were. They were victimized and groomed to a point
23 where they wouldn't be, at first, realizing, you
24 know, what exactly had happened to them, because

1 the transition, and they were drugged and went
2 on -- I mean, it was just a -- it was a terrible
3 case that we resolved. We resolved this case
4 pretty quickly. At least the cantinas ceased to
5 exist in our county pretty quickly. We went in
6 with a high-profile attack in this case.

7 **Q. So when this case -- do you remember how**
8 **this case came in?**

9 A. I'm not sure. Not off the top of my
10 head, I don't.

11 **Q. And were you involved from its**
12 **initiation and -- basically, meaning, were you**
13 **involved from the time that it was first came --**
14 **first came into -- excuse me -- into the FBI, or**
15 **did it start somewhere before it came to your**
16 **attention?**

17 A. This case started with me.

18 **Q. Okay. Do you remember what year it was**
19 **that this first came to your attention?**

20 A. When I got there, so I'm going to say
21 2007, when I got back from headquarters, and I had
22 civil rights and human trafficking on my squad. I
23 had known that it was -- you know, those cases,
24 the FBI -- a lot of FBI officers hadn't paid a lot

1 of attention to civil rights. I know it doesn't
2 sound great, but civil rights cases, everyone
3 rolled their eyes at. And I thought, no, I'm
4 going to do something about it. I'm going to do
5 something about it.

6 And so the human trafficking was
7 part of the civil rights program, or at least it
8 was then. And I said, if we do one case and we
9 hit hard, what are we going to do? And this is
10 it. This was a good...

11 **Q. So it came in approximately 2007. You**
12 **said that initially, at least, there was one**
13 **female case agent who worked on it with you,**
14 **correct?**

15 A. One what?

16 **Q. Female case agent?**

17 A. Was there one female case agent?

18 **Q. Right. I think you referenced a female**
19 **case agent who gave you the name Farmhouse**
20 **Cantina?**

21 A. Yes, ma'am.

22 **Q. Okay. Eventually, approximately how**
23 **many, let's just start with the FBI agents, worked**
24 **on the case, other than that one female?**

1 A. A lot -- the whole squad from time to
2 time. And on some of those operations under
3 Farmhouse Cantina, our undercover -- well, I don't
4 want to go into too much nonpublic information.

5 What I can tell you is that we had
6 large contingencies of people assigned for officer
7 safety reasons, and we were putting in undercover
8 in proximity to a gang member who was a human
9 trafficker and who we knew had a gun when the
10 officer arrived. So we had a very substantial
11 package deployed each time that happened for
12 officer safety purposes.

13 So surging on the case, a lot of
14 people, you know, day to day -- the day-to-day
15 cases, I mean, you talk about FBI case, ma'am,
16 it's one person. You only have one person working
17 these cases. It all comes down to the case agent.
18 They're making all of the decisions, or the
19 majority of them. And they're steering the case
20 from day to day. It's their case.

21 So you can have a lot people
22 working on it to help, but that Operation
23 Farmhouse Cantina, if you pulled it up in the FBI
24 file system, it would have this female agent's

1 name on it, and no one else's, as the owner of the
2 case.

3 **Q. How many other agencies worked on**
4 **Farmhouse Cantina, other than the FBI?**

5 A. It would be more than two or three. Let
6 me think. Let me see if I can recall more
7 precisely.

8 **Q. Sure.**

9 A. Maybe only one. I -- I know one, for
10 sure. One state -- or state law enforcement
11 agency worked that with us.

12 **Q. In order to move forward with the**
13 **investigation, especially if it was going to**
14 **involve undercover -- if it was going to be an**
15 **undercover operation, did you have to seek**
16 **approval above your level for that to occur?**

17 A. Yes, ma'am.

18 **Q. And who did you have to seek approval**
19 **from?**

20 A. The -- these undercover cases, which I
21 think all three of these headings are, they have a
22 very formalized approval process. So the document
23 has to be written up as an undercover proposal,
24 and there are a lot of people who have to approve

Page 73

1 it.

2 So you want the examples of who has

3 to approve it? Is that what your question is?

4 **Q. How high up does it have to go, or how**

5 **many levels of approval does it take for something**

6 **to be approved for an undercover operation?**

7 A. For sure, through the division head,

8 which is the special agent in charge. Some cases

9 require headquarter's approval, also.

10 **Q. And approximately how long does that**

11 **process take, in general?**

12 A. In general, if the case doesn't have

13 a -- isn't some imminent kind of a threat, then it

14 can take six weeks. If it's imminent, it can be

15 done verbally and start right away.

16 **Q. Do you recall whether or not Operation**

17 **Farmhouse Cantina was considered an imminent**

18 **threat, or if that was something that went through**

19 **the regular course of approval?**

20 A. I don't recall. I recall what my --

21 what I do remember is these cases went pretty

22 quickly through to approval. There wasn't a long

23 process to it.

24 **Q. In addition to getting approval for just**

Page 74

1 **the operation itself being an undercover**

2 **operation, are some of the tools that you might**

3 **utilize in an operation like this, do they also**

4 **require approval?**

5 **And what I'm getting at is, for**

6 **instance, if you were going to use, like, a**

7 **Title III wire, is it fair to say that there's a**

8 **whole nother separate level of approvals that that**

9 **would require?**

10 A. With that particular technique, that's a

11 separate application. But the undercover

12 proposal, like I said, is formalized. So you put

13 the techniques you intend on using in there, and

14 they're preapproved for use.

15 And a Title III would have to be a

16 separate one, if that's the one you're asking

17 about.

18 **Q. Right. Because Title III can't just be**

19 **approved, for instance, by the agent in charge.**

20 **That has to go through the U.S. Attorney's Office,**

21 **correct?**

22 A. It has to go to the federal judge.

23 **Q. And then it has to go to the federal**

24 **judge. That was my next question. Correct?**

Page 75

1 A. Yes, ma'am.

2 **Q. And how long does just taking that one**

3 **technique, using a Title III wire, how long, and**

4 **just on average, does it take for a Title III wire**

5 **to go through the approval process through the**

6 **U.S. Attorney's Office and up to a federal judge**

7 **for approval?**

8 A. I mean, in a -- in a routine case,

9 30 days, 60 days at the most.

10 **Q. And is there an expiration period by law**

11 **in terms of how long those approvals last?**

12 A. Yes.

13 **Q. And what is that time period?**

14 A. Generally, it is six months.

15 **Q. And if your investigation reveals that**

16 **you need more time, does that require a**

17 **reapplication for an extension of time to continue**

18 **the Title III wire?**

19 A. You have to go back to the federal judge

20 and tell them why and give them examples -- him or

21 her examples from the first intercept period --

22 now -- did I say the -- the thing is six months,

23 the Title III is six months?

24 **Q. Correct, that's what you said.**

Page 76

1 A. I think it's 90 days. It's 90 days.

2 And the undercover operation is six months if

3 you're a Group II.

4 And so the Title III, I think, is a

5 90-day -- I've been the affiant on several

6 Title IIIs, and now I can't even remember. I

7 think it was 90 days we had before we had to

8 re-up, and you have to go back to the judge.

9 MR. HILKE: Just to interject quickly.

10 If we could take a comfort break when we're down

11 with this example, it would be appreciated.

12 MS. EKL: I was planning on it. I think

13 we're -- we're almost done with this line.

14 BY MS. EKL:

15 **Q. Just to, kind of, again, close the loop**

16 **on the Farmhouse Cantina, is this an example of a**

17 **situation when you went in with -- well, let me**

18 **ask this first: What was the initial goal in**

19 **relation to Farmhouse Cantina? What were you**

20 **hoping to accomplish by this undercover operation**

21 **initially?**

22 A. Well, my recollection is, it was a

23 couple of things: One, you wanted to thwart as

24 quickly as possible the criminal activity in your

Page 77

1 county.

2 Secondarily, you wanted to see if

3 you could work your way out of your county to help

4 other areas and eliminate further up the chain of

5 these trafficking networks if they existed.

6 **Q. And as you continue -- as you proceeded**

7 **in your investigation, you talked about how --**

8 **that you somewhat pivoted into trying to buy the**

9 **girls into purchasing guns. You realized that the**

10 **first method wasn't going to work, that you were**

11 **going to have to -- and you pivoted, correct?**

12 A. We had to pivot, yes. Well, did we have

13 to? We probably didn't, but it was -- it seemed

14 to be working better. The undercover -- well, can

15 I say how that -- these undercover are pretty

16 well trained, and they're very good on the street.

17 So, yeah, when -- when they saw the first gun,

18 they already have a -- have a device they just

19 have in their tool kit, which is, "Hey, what kind

20 of gun is that? Let me buy that thing off of you

21 right now."

22 So maybe they -- maybe that's a

23 tool kit that they use, if it exists. And if it

24 works out, then, you know, you discover a new way

Page 78

1 to go in those cases.

2 So getting the guns off the street

3 were -- was pretty important, too. Getting those

4 guns off the street was a very important law

5 enforcement goal to try to achieve.

6 **Q. If the undercover operation was not**

7 **achieving the goal of being able to develop the**

8 **evidence to, for instance, prove the cases against**

9 **the human traffickers, they're not selling the**

10 **girls, but you were able to get them by other**

11 **means by developing evidence of this gun -- the**

12 **gun -- as you referenced it, gun running, would**

13 **that be a reason to pivot and try another tactic**

14 **to try to develop evidence of another crime**

15 **against the same gang?**

16 A. Yes.

17 **Q. Because, again, the goal is to gather**

18 **the evidence in order to convict the individuals**

19 **and take them out of operation, correct?**

20 A. That's one of them.

21 MS. EKL: Let's go ahead and take a

22 break, since it's 11:09.

23 Is five minutes enough, or does

24 everyone want a little bit more time?

Page 79

1 MS. EKL: Why don't we come back at

2 11:15.

3 MR. HILKE: That's good with me.

4 (A short recess was taken.)

5 BY MS. EKL:

6 **Q. Operation Farmhouse Cantina, did that**

7 **result in the convictions of any individuals?**

8 A. Yes.

9 **Q. And from the start of the investigations**

10 **until the time that those individuals were**

11 **charged, do you know how much time passed?**

12 A. Not offhand.

13 **Q. Operation Blind Justice, was your role**

14 **similar to the role that you had in Operation**

15 **Sledgehammer and Operation Farmhouse Cantina?**

16 A. Let me see that r sum again. In the --

17 in Blind Justice -- no, I don't need to see the

18 r sum. In Blind Justice, that was my case.

19 Yeah, that was my concept. I assigned it to

20 another person, but I came up with that case.

21 **Q. Okay. I'm going to go ahead and bring**

22 **that back up.**

23 A. It was just the time frame, that's all.

24 Yeah, it was in that time frame, correct.

Page 80

1 **Q. Okay. This case, according to your**

2 **r sum, references that it was another undercover**

3 **operation that targeted approximately 19 prison**

4 **guards at a Florida maximum security prison,**

5 **correct?**

6 A. Correct.

7 **Q. And this involved prison guards who were**

8 **smuggling drugs and phones into the prison, and**

9 **that they were also being -- they also involved**

10 **some bribes, correct?**

11 A. It involved drug trafficking also.

12 **Q. Okay. This particular operation,**

13 **Operation Blind Justice, did it result in the**

14 **convictions -- or I'm sorry -- in the arrests of**

15 **any individuals?**

16 A. Yes.

17 **Q. And do you recall how much time passed**

18 **from the time that that case first came in at its**

19 **inception when you started putting together the**

20 **plan until those arrests occurred?**

21 A. I'm going to say it was a year, maybe

22 14 months.

23 **Q. Did that --**

24 A. That's general. I mean, the case file

Page 81

1 is going to have an opening, and it traces into
2 the first person we arrested. So -- but
3 generally, a year, 14 months.

4 **Q. Are you guessing, or, I mean, is that**
5 **something that you recall?**

6 A. That's my best recollection, sitting
7 here 15 years later, 14 years later, whatever it
8 is.

9 **Q. Okay. Did that case involve other law**
10 **enforcement agencies other than just the FBI?**

11 A. Yes.

12 **Q. And do you recall whether or not those**
13 **law enforcement agencies were working, basically,**
14 **under the direction of the FBI and the**
15 **U.S. Attorney's Office, or if they had a parallel**
16 **and separate investigation running?**

17 A. The ones that were working with me were
18 working at our direction.

19 **Q. And who -- what agencies did that**
20 **include?**

21 A. The sheriff's office and a -- and a
22 police department, primarily those two.

23 **Q. There's also reference in here to the**
24 **Florida Bureau of Prisons, correct?**

Page 83

1 **under investigation?**

2 A. Yes.

3 **Q. Do you know whether or not the Florida**
4 **Bureau of Prisons was running any administrative**
5 **investigation in relation to any of those prison**
6 **guards at the same time that you were**
7 **investigating them in the course of this**
8 **undercover operation?**

9 A. I don't -- I don't remember. I don't
10 think so, but I don't remember. It could have
11 been.

12 **Q. Would you have had concern in telling**
13 **the Florida Bureau of Prisons about your**
14 **undercover operation and allowing them to run a**
15 **parallel administrative investigation at the same**
16 **time?**

17 A. I guess I missed the end of that. I'm
18 sorry, ma'am. Could you repeat that?

19 **Q. Yeah, of course.**

20 **Would you have been concerned about**
21 **notifying the Florida Bureau of Prisons about your**
22 **undercover operation and allowing them to run a**
23 **parallel administrative investigation while your**
24 **operation was in play?**

Page 82

1 A. Correct.

2 **Q. Were there certain high-level officials**
3 **within the Florida Bureau of Prisons who were**
4 **aware of your undercover operation?**

5 A. Aware of it? At the end, we cut them in
6 on it, yes.

7 **Q. They weren't aware in the beginning?**

8 A. No.

9 **Q. Why was that?**

10 A. Operational security.

11 **Q. The Florida Bureau of Prisons was the**
12 **employer of those guards that were being**
13 **investigated, correct?**

14 A. I believe so, yes.

15 **Q. And is part of the concern -- in**
16 **bringing them into the operation, was part of the**
17 **concern that you didn't know how high up the**
18 **corruption went beyond the guards?**

19 A. Basically, yes.

20 **Q. And was there also a concern that if it**
21 **was widely known within the Florida Bureau of**
22 **Prisons, or if they were, basically, read into**
23 **your investigation, that information could leak to**
24 **the prison guards who were being -- that were**

Page 84

1 A. I mean, it would have been something we
2 would have had to have factored in, telling them,
3 and then they're going to take their own action,
4 which may remove some of these people. But it
5 wasn't a big, big factor when you balanced it
6 against -- I don't want to call it public safety,
7 but inmate safety.

8 So I need to go back and look at
9 exactly what was in the court documents on these,
10 so I don't -- I don't want to disclose anything
11 that, you know, I knew from the FBI.

12 Generally, you want to make sure
13 that the people cooperating with you, whoever they
14 are, are insulated from the people that you're
15 targeting in case there's retribution. And you
16 want to be very careful of that. So that's one
17 reason.

18 In this case that you're asking me
19 about, that I did not include them as a full-time
20 partner in the actual undercover case. They were
21 administratively included much later.

22 **Q. If they had been -- if the Florida**
23 **Bureau of Prisons had proceeded forward with an**
24 **administrative investigation of those prison**

Page 85

1 guards, as we discussed before, is it your
2 understanding that those prison guards would have
3 been told what the -- you know, what it was that
4 they were being investigated -- that they would
5 have been told the basis for the investigation?

6 A. Well, I wouldn't have disclosed what we
7 were looking at, I don't think, but I may have. I
8 mean, we're talking hypotheticals.

9 In this case, we did not, because
10 we -- what happened in this case is we tried to do
11 the case very quickly, which, again, was -- the
12 actual operational part was pretty quick, and we
13 made determinations as to what these officers were
14 doing and how dangerous the impact is. And that
15 ratcheted up our tempo. And our tempo in this
16 case started, you know, decent, and it -- but it
17 ratcheted it up a lot based on the activity
18 increase that we saw.

19 For example, it's illegal to take
20 bribes to bring Subway sandwich meals in to
21 inmates, right? But a Subway sandwich meal,
22 especially if it's exactly what the guy wants on
23 the sandwich, can get you a hundred bucks. You
24 know, it costs you ten, and they're giving you a

Page 86

1 hundred for it.

2 So it's corruption, but is it, you
3 know -- and we aim -- and the cell phones get to
4 be more dangerous and problematic. So that's what
5 we were finding. At first, we were finding cell
6 phones and Subway. It's not like they were
7 beating inmates to death or anything. It
8 wasn't -- it wasn't something that was going to
9 cause -- and these are -- these are routine police
10 corruption, law enforcement corruption. They're
11 lower level, you know, heinous stuff, possibly,
12 getting somebody to flash you to let them go, a
13 single beating on a guy you were chasing. You
14 know, those kinds of things are -- are very bad.
15 They're crimes, but they're not, kind of, a huge
16 systemic problem.

17 What happened with these guards
18 was, is that, ma'am -- so we wouldn't have told
19 the Florida Department of Corrections, "Hey, your
20 guards are bringing in cell phones." We trusted
21 our exit procedure for the cell phone, which was
22 working, to be the safety check valve to get the
23 phone out of the facility without saying how we
24 did that. And --

Page 87

1 Q. Well, let's -- I'm sorry.

2 A. But my point is, is that the guards --
3 certain of the guards, once we had cases on them,
4 we would -- we would drop them and move on to the
5 new guards so we could resolve the case quickly.
6 And some of the old guards were calling us and
7 wanting to do -- because they thought they were
8 dealing with a bad guy on the outside who was our
9 undercover. They were asking to do more things
10 for more money with their badges and uniforms. So
11 they kept calling. They wouldn't stop calling.
12 So finally one day we said, "Well, we got a load
13 we need covered. Put your uniforms on and drive
14 it to Orlando for us." They were in, five grand
15 apiece. So we thought, well, we better -- we did
16 that two times and took the case down.

17 Q. When you say "a load," are you talking
18 about -- you're not talking about a load of
19 phones, you're talking about a cocaine delivery,
20 correct?

21 A. A load of cocaine, cocaine deliveries,
22 yep.

23 Q. Right. So this wasn't just about phones
24 being smuggled in. This case was about the drugs

Page 88

1 that were smuggled into the institution, correct?

2 A. They were smuggling in no drugs. We
3 never let drugs walk in there.

4 Q. Well, was it your -- was it your
5 understanding that, taking aside what you were
6 providing them in an undercover capacity, that
7 prior to that, these guards were allowing drugs to
8 be smuggled into the institution?

9 A. I think that might have been an
10 allegation. I can't remember.

11 Q. And so if the allegation came in and it
12 proved to be true, as it ultimately did, that was
13 something very serious, correct?

14 A. If they were smuggling drugs in?

15 Q. Correct.

16 A. Yeah, that would be serious.

17 Q. Right. And so is it fair to say that
18 you conducted your investigation using the tools
19 available to you to find out what evidence
20 supported any crime that those correctional
21 officers were committing, and as it turned out,
22 you learned they were smuggling phones and drugs,
23 correct?

24 A. I can't remember what -- we didn't

25 (Pages 85 to 88)

Page 89 1 smuggle any drugs, and I -- I don't remember drugs 2 being a problem in there. I -- I can't -- I can't 3 remember. It wasn't significant, let's put it 4 that way. 5 There was a drug counselor in there 6 that wanted to smuggle stuff. And, I think, at 7 one point, I had the undercover ask him if he 8 would bring in drugs, but I don't think we ever 9 gave him drugs. We just recorded him saying he 10 would. I think that's what -- the way that went 11 down. But I don't -- we didn't put any drugs in 12 there, and -- but there may have been allegations 13 at first, or there may not have been. I can't 14 remember off the top of my head. 15 Q. Just looking at page 5 of your report, 16 which we've marked as Exhibit 1A. You say, "At my 17 direction, multiple undercover agents paid bribes 18 to smuggle drugs and phones into the prison and 19 the targets transported multi-kilo cocaine 20 deliveries." 21 Did I read that accurately? 22 A. I don't know. I'd have to look at it. 23 We didn't -- if I put "we smuggled 24 drugs into the prison," that was inaccurate. Page 90 1 Q. Can you see on the screen -- do I 2 have -- am I sharing right now? 3 A. We smuggled drugs, or what they thought 4 were drugs, but not into the prison. We smuggled 5 multiple kilos of cocaine, but across a highway by 6 guards. 7 Q. And what's the distinction that you're 8 making between smuggling it -- allowing these 9 guards to transport multi-kilo cocaine deliveries 10 versus bringing it into the prison? 11 A. Because if you -- once it's -- anything 12 that gets into that prison, you lose control over. 13 The cocaine distributions that we 14 did were videotaped from the beginning with 15 undercover agents counting out kilos on video and 16 audio while these officers were in uniform, taking 17 a transport bag, putting it into a vehicle. We 18 watched all of this and watched them transport it 19 to a second location, you know, many miles away. 20 Protecting the load and putting it into another 21 vehicle, where we recovered it. 22 So that's -- that's what we did. 23 We would have never brought drugs into a prison. 24 Walking drugs, meaning letting them go into a	Page 91 1 public area, is not -- I mean, it's prohibited 2 activity by most law enforcement officers, or most 3 law enforcement organizations. 4 (Deposition Exhibit No. 1 was 5 marked for identification.) 6 BY MS. EKL: 7 Q. I'm going to show you what I am going to 8 bring up what I have marked as Exhibit No. 1, 9 which, for the record, I'll indicate is a 28-page 10 document. 11 Is this your -- the expert opinions 12 that you rendered in this case? 13 A. Yes, ma'am, I think so. 14 Q. And just showing you the last page that 15 I've marked for purposes of the exhibit. Is that 16 your signature on page 28? 17 A. Yes, ma'am. 18 Q. Okay. And it's dated April 1st of 2024, 19 correct? 20 A. Yes. 21 Q. Okay. And just for the record, 22 Exhibit 1 does not contain the -- any of your 23 exhibits to your report. Those are marked 24 separately. Page 92 1 Just as an initial matter, I want 2 to direct you to page 3, which is talking about 3 your qualifications, and ask you about a couple of 4 things on here. 5 You say -- and I'll try to 6 highlight, "As a case agent, I used the FBI" -- 7 I'm not able to highlight it, but if you can see 8 here where the hand is -- 9 A. Group II. 10 Q. Group II undercover technique. 11 What is the FBI Group II undercover 12 technique? 13 A. This -- there's multiple undercover 14 techniques -- well, there's two primary ones, 15 Group I and Group II. And a Group II is limited 16 with lesser budget and length of time of 17 operation. So generally, a Group II -- it changed 18 over time. But let's say the budget is 50 to -- 19 it might be 100,000 and under plus six months. 20 That's what you're constrained by. So you can 21 spend up to \$100,000 on a budget that's 22 preapproved. You can't just take the 100,000. 23 You have to say, this is what the money will be 24 used for, and it has to be applied in those.

Page 93

1 There's an accounting -- on these
2 undercover projects, there's an accountant
3 assigned to them, so it's -- it's pretty
4 formalized.
5 And so a Group II is six months and
6 a budget amount. And a Group I has a longer
7 length of time and a higher budget, and is also
8 resolved -- reserved for more high priority,
9 complex cases. I don't want to call them higher
10 priority. I want to call them cases that have
11 been designated for higher oversight.
12 **Q. Is it fair to say that in these**
13 **undercover operations, for instance, sometimes you**
14 **are -- you're using money to bribe someone as part**
15 **of the operation, correct?**
16 A. Yes.
17 **Q. And when you say that everything is**
18 **highly formalized to the extent that you are going**
19 **to use money to bribe someone as apart of the**
20 **operation, is there a very formalized procedure**
21 **for how you obtain the funds that you're going to**
22 **use and how they're accounted for in the course of**
23 **the operation?**
24 A. Yeah, it's formalized.

Page 94

1 **Q. And is it true, also, in relation to the**
2 **use of undercover cars or other -- cars or cameras**
3 **or anything like that, that there's a formalized**
4 **process for obtaining those for use in the**
5 **undercover operation?**
6 A. There's a process to it, yes.
7 **Q. Okay. And all of those things take**
8 **approval, correct --**
9 A. Yes.
10 **Q. -- or require approval?**
11 A. Yes.
12 **Q. You, also, in the same paragraph**
13 **reference -- you say, "I was promoted and served**
14 **as a public corruption task force supervisory**
15 **special agent where I identified numerous police,**
16 **judicial, public official matters -- and public**
17 **official matters for investigative priority, and**
18 **instituted sophisticated techniques in those cases**
19 **as well."**
20 **What do you mean when you say**
21 **"instituted sophisticated techniques"?**
22 A. The "sophisticated techniques" is an FBI
23 term. It's not my term. Or at least not in this
24 context. I've used it as the FBI uses it. And

Page 95

1 they designate a series of actions you take as an
2 investigator as "sophisticated."
3 It doesn't really mean
4 sophisticated in the plain English way. It means,
5 really, higher scrutiny for monitoring its ongoing
6 use. So sophisticated techniques are primarily
7 Title IIIs, which you mentioned before, wiretaps
8 or microphone installation and undercover
9 operations, are two of your classical-type
10 sophisticated techniques.
11 **Q. In addition to learning about the**
12 **sophisticated techniques or other, you know,**
13 **undercover techniques in the course of your job as**
14 **an FBI agent, there were certain assignments that**
15 **you had where you were also working on terrorism**
16 **cases, correct?**
17 A. Terrorism?
18 **Q. Yes.**
19 A. Yes, ma'am.
20 **Q. And without going into detail about any**
21 **of it, in general, when you worked on those**
22 **terrorism cases, you also learned certain**
23 **techniques through the FBI that were utilized in**
24 **investigating terrorism, correct?**

Page 96

1 A. Yes.
2 **Q. And would you agree that those**
3 **techniques are not something that are generally**
4 **public information in terms of -- yeah, just --**
5 **let me strike that and try again.**
6 Would you agree with me that the
7 **techniques that you use as an FBI agent in**
8 **investigating terrorism are not generally**
9 **available to the public?**
10 A. I think a lot of them are, but -- well,
11 a lot of them are. I mean, they lay out in their
12 public documents what we do: Interviews,
13 surveillances. The public is aware of these.
14 One of the biggest things being
15 talked about right now is 702. My neighbors are
16 asking me about 702. I'm, like, it's -- you know,
17 so a lot of our techniques are out there. But
18 certainly, yes, there are techniques that aren't.
19 **Q. When was it that you left the FBI?**
20 A. When did I leave? January 10th of 2015.
21 **Q. And why did you leave the FBI?**
22 A. 28-plus years, and I was ready to retire
23 and move on.
24 **Q. You currently work for Danik Solutions,**

Page 97

1 is that correct, and Templeton Investigative
2 Services?
3 A. I'm primarily employed by Templeton
4 Investigative Services.
5 Q. Okay. Is it two separate entities?
6 A. Yes.
7 Q. Okay. Let's start with Danik Solutions.
8 Is that a company that you own?
9 A. It's not a company. It's just a
10 website, and it's a -- it's a way for me to --
11 well, it's an LLC that I started in 2015 or '16,
12 yes, ma'am.
13 Q. What was the reason for you starting
14 that LLC?
15 A. To be a think tank for complex
16 white-collar crime. To be a center for evaluating
17 evidence, collection procedures in federal cases,
18 to assist attorneys. That type of thing.
19 Q. Through your work through Danik
20 Solutions, do you ever work with law enforcement
21 agencies in assisting them in complex white-collar
22 crime or in solving white-collar crime or any
23 other crime?
24 A. I mean, I have just recently had a case

Page 98

1 with the U.S. Attorney's Office where I was their
2 main witness in a case that I worked with
3 Templeton.
4 If you're saying with Danik
5 Solutions, I mean, I'm sure I talk to police
6 officers, but I'm talking to them as Jeff Danik.
7 They don't know if they're talking to me as Danik
8 Solutions.
9 Q. Well, is the -- when you say that it was
10 created as a think tank and that you're using it
11 in terms of trying to find solutions -- or, I'm
12 sorry. I don't want to -- I'm probably going to
13 misstate your testimony.
14 But is it fair to say that Danik
15 Solutions, the goal was to work with defense
16 attorneys in helping them in terms of defending
17 white-collar crime, as opposed to helping law
18 enforcement agencies in investigating white-collar
19 crime?
20 A. I would do both, but it's a -- it's been
21 mostly formally helping defense attorneys in
22 numerous types of activities: Civil cases,
23 federal, criminal, terrorism cases.
24 Q. And so in that vein, you utilize your

Page 99

1 experience as an FBI agent working on white-collar
2 crimes and terrorism cases in assisting those
3 attorneys, correct?
4 A. Yes, ma'am.
5 Q. And the goals of those attorneys are to
6 have their clients be found not guilty, correct?
7 A. As not guilty as possible. Meaning,
8 sometimes they're just looking to -- they know
9 that the case is a problem, and they're looking to
10 get the best deal, the best leverages to get the
11 best deal for their client. So sometimes that's
12 it. That's on a criminal case.
13 On the civil cases, you know,
14 there's a whole plethora of things they're looking
15 to get out of it.
16 Q. Usually, the civil cases, they're
17 looking for money, correct?
18 A. Or to not pay money.
19 Q. Well, in the civil cases, are you
20 generally representing parties who are -- maybe
21 were at one time a criminal, they got off from
22 their criminal case, and now are seeking to sue a
23 law enforcement agency?
24 A. I'm sorry. What was that?

Page 100

1 Q. Sure. In the civil cases -- well, in
2 the civil cases, are there circumstances where
3 you're assisting attorneys in representing
4 plaintiffs who were former criminals who are now
5 seeking money damages?
6 A. I mean, this case is about that, right?
7 Is that what you're asking?
8 Q. This is an example of one, sure.
9 A. I hadn't thought about it that way, but
10 I guess that this case might fit that, as far as I
11 know any of these defendants.
12 Q. How does your work at Templeton
13 Investigative Services differ from what you're
14 doing at Danik Solutions?
15 A. I don't have any clients at Danik
16 Solutions, no paying clients. That's from 2020
17 until now -- 2019, I'm sorry -- February of 2019
18 until now. It's not a -- it's not something I
19 make money with. My entire -- any professional
20 money is done through Templeton -- the Templeton
21 firm. So I don't really have work at Danik
22 Solutions. It's just another way for people to
23 find me.
24 Q. If people find you through Danik

Page 101

1 Solutions and they need your assistance, do you
2 then direct them to Templeton Investigative
3 Services where you, then, work for them and charge
4 them money?
5 A. Correct, yes.
6 Q. Okay. Prior to 2019, were you -- I
7 guess, at any point in time, have you obtained
8 money through Danik Solutions?
9 A. I think -- if I have -- I think the way
10 I did it for the few clients I did take was just
11 in my private name. I don't think -- because
12 Danik Solutions isn't a -- well -- Danik Solutions
13 is not an LLC. It's just a website. It's not an
14 LLC.
15 Q. Okay.
16 A. So it's just a website. And I would --
17 the couple of folks I did help, I think I just --
18 I'm pretty sure I just used my name. I don't
19 think I used -- you know, personal. Just not a
20 company LLC entity.
21 Q. Do you have any financial stake in
22 Templeton Investigative Services?
23 A. No -- well, they say they pay me a
24 little bonus. Is that -- I don't know if that's a

Page 102

1 financial stake. But, no, I don't share profits
2 here.
3 In fact, all of my stuff is --
4 everything I do, ma'am, is run through a separate
5 LLC called Templeton Investigative Services. It's
6 not a -- I'm not really part of the Templeton
7 group as far as operational control.
8 Administrative control, yes, you know, insurance
9 and all that kind of stuff, yes.
10 Q. Do you receive a salary from Templeton?
11 A. Yes, ma'am.
12 Q. So let's talk about your current work
13 with Templeton. Again, I believe, on your CV, you
14 reference that you consult on criminal defense
15 strategies. And maybe that was -- am I still
16 sharing the screen? No. Let me pull that back
17 up.
18 All right. So looking at the first
19 paragraph on the front page of -- this is
20 Exhibit 1A, which is your r sum again. Are you
21 able to see that on your screen?
22 A. Yes, ma'am.
23 Q. Okay. It says, "28-year retired FBI
24 veteran consulting on criminal defense strategies,

Page 103

1 discovery review, federal law enforcement,
2 investigative policies, procedures, and best
3 practices."
4 Do you see that?
5 A. Yes, ma'am.
6 Q. And then you go on to say, "Consultancy
7 includes assisting lawyers, defend complex
8 white-collar and terrorism indictments," correct?
9 A. Yes, ma'am.
10 Q. So in your current job at Templeton
11 Investigative Services, you are helping defend
12 white-collar criminals and people who are accused
13 of terrorism, correct?
14 MR. HILKE: I just object to the form.
15 You can answer.
16 THE WITNESS: Yes, I'm -- I'm helping
17 their attorneys in the federal process and defend
18 them, yes.
19 BY MS. EKL:
20 Q. And you also say that you -- that you
21 assist attorneys in defending public corruption,
22 international violent crime, and advising on FBI
23 informant operation, correct?
24 A. Correct.

Page 104

1 Q. So what does advising a criminal defense
2 attorney on FBI informant operation involve?
3 A. It involves -- it involves an attorney
4 calling me and saying, "There's all these issues
5 going on with informants and my client in this
6 case he's charged in. Can you help me figure it
7 out?"
8 That's your typical call weekly to
9 me.
10 Q. Okay. And you also go on to say that
11 you assist them in the use of the undercover
12 techniques by the FBI, and then list some
13 additional categories, correct?
14 A. Yes, ma'am.
15 Q. So you are currently using the
16 techniques that you used -- that you learned
17 through the FBI to assist people accused of these
18 violent crimes and terrorism in defending their
19 cases, correct?
20 MR. HILKE: Object to the form.
21 You can answer.
22 THE WITNESS: I guess, yeah, generally,
23 yes, I am.
24

1 BY MS. EKL:

2 **Q. How much of your casework is working on**
3 **criminal cases versus civil cases?**

4 A. Over the course of the year -- this is a
5 civil case, right? I'm just rough guessing,
6 80/20, that 80 percent is criminal.

7 **Q. Other than this civil case, are you able**
8 **to describe any other civil cases that you've**
9 **worked on over, say, the last five years?**

10 A. Can I discuss them?

11 **Q. Can you describe them? Have you had**
12 **other -- have you had other civil cases other than**
13 **this case in the last five years?**

14 A. Yes, many. And -- and I have them now.
15 Current, pending, litigation filed.

16 **Q. All right. Well, I won't have you go**
17 **through all of them.**

18 You reference -- again, referring
19 to your CV -- policies, procedures, and best
20 practices -- federal law enforcement investigative
21 policies, procedures, and best practices. What
22 is -- what are you doing in regard to those
23 policies, procedures, and best practices?

24 A. Yes, ma'am. It's -- it's -- I review

1 definition of "policy" is.

2 **Q. Since leaving the FBI, have you ever**
3 **been hired to do work for the prosecution in a**
4 **criminal case?**

5 A. Hired?

6 **Q. Yes. Hired by the prosecution?**

7 A. No, I've never -- let me make sure when
8 I say "never," right.

9 I haven't been paid by the
10 government on the prosecution side. I've taken --
11 I think I'm on my third -- I've only taken three,
12 I think, but I'm on my third Criminal Justice Act
13 case, which is on the defense side where the court
14 pays the defendant's investigator or consultant.

15 So that's from the government, but
16 it's just not the prosecution.

17 **Q. Have you ever been hired to do any work**
18 **for a governmental entity in a civil case?**

19 A. No.

20 **Q. Why is it that you've chosen, since**
21 **you've left the FBI, to take the information that**
22 **you learned as an FBI agent pursuing criminals and**
23 **investigating crimes and to use it now to assist**
24 **criminals?**

1 the case file, or I review the discovery with the
2 attorney, and I -- I look for violations of policy
3 by the officers or the agents. Reasons with the
4 policy violations that they may be crossed on
5 these violations, if it affects credibility or the
6 timing of evidence and that kind of thing.

7 That -- policies take the form of procedures, so
8 that would be included also. And what are the
9 best practices, particularly in the FBI, a lot of
10 my cases have to do with federal investigations.

11 So as a supervisor -- well, I'm
12 attuned, based on my experience to reviewing case
13 files in detail repeatedly for decades. So this
14 is almost the same thing, only looking for, maybe,
15 ways to leverage the investigations -- what
16 happened in the investigation against the
17 government for some beneficial outcome that the
18 attorney can craft, if any.

19 **Q. During your time in law enforcement,**
20 **were you ever tasked with writing policy?**

21 A. Yes -- well -- well, I mean, I answered
22 "yes," but -- yes, but you're drafting policies.
23 I'm not approving final written policies, I
24 wouldn't say. But depending on what your

1 MR. HILKE: Object to form.

2 You can answer.

3 THE WITNESS: Yeah. Well, the important
4 thing is these people are not criminals until
5 convicted, so that's one thing.

6 The second thing is a lot of my
7 cases that I take, a lot of them, I vet them
8 coming in, and there's a lot of signs of corrupt
9 activity within the ranks of the investigators.
10 So those are the cases I, kind of, specialize in
11 where there's these things done that weren't
12 proper during the investigation, and it can help
13 the defendant in their trial process. So
14 that's -- that's one thing.

15 You know, another thing is, I have
16 to tell you, having been on both sides personally
17 and now -- as a defense side for eight years or
18 seven years, I think I've been doing it, it's --
19 it's equally as important to defend the person, if
20 maybe more important.

21 Many of these cases -- my
22 experience, ma'am, is many, many, many cases on
23 the defense side, when I was an agent, there's
24 just no fight on the other side or very limited

1 fight, not even a low standard of fight. So I try
2 to bring the fight so that they have at least a
3 chance.

4 And, you know, I have clients that
5 get convicted at trial. Just had a client put in
6 prison for 27 years that we went to trial on.

7 So it's not like we -- you know, we
8 win all these cases, but we do win a lot. I've
9 had a lot more victories than I thought I would
10 have at this point. So that's the -- I was going
11 to say short answer, but it was probably a long
12 answer to your question.

13 BY MS. EKL:

14 **Q. You would agree that just because**
15 **someone is accused of public corruption and**
16 **investigated by the FBI does not mean that they**
17 **necessarily committed the corruption that they're**
18 **accused of, correct?**

19 A. Yes, correct.

20 **Q. You -- as far as your prior testimony,**
21 **just to kind of close a loop on that, you talked**
22 **about testifying in a couple of depositions. Was**
23 **one of the depositions that you testified in a**
24 **case -- I'm not sure how to pronounce it, but**

1 **Wagafe, W-A-G-A-F-E, versus Trump/Biden?**

2 A. Yes, ma'am.

3 **Q. And that was out of the Western District**
4 **in Washington?**

5 A. Yes, ma'am.

6 **Q. What was the nature of your testimony in**
7 **that case?**

8 A. I was hired as an expert by the ACLU,
9 who were the primary litigators for the defendant
10 class. It's a class action suit. The ACLU didn't
11 pay me. They had a sponsor who paid me. It's a
12 big law firm, Perkins Coie, paid me -- or, I'm
13 sorry -- they paid Templeton investigative -- or
14 they paid Templeton -- the Templeton entity.

15 But my role was as an expert on the
16 delay and a program that was called CAARP, and it
17 was a way that immigration authorities were slow
18 walking or no walking a group of Muslim applicants
19 who were longtime businesspeople and entrants into
20 the United States legally, and who had been
21 subjected to the secondary examinations and the
22 delay of the processing of their immigration
23 services. So that's what my expert report was
24 about was an analyzation of the -- of the

1 government's methodologies applied against these
2 particular class of defendants.

3 **Q. And is it fair to say that you based**
4 **your opinions in that case, at least in part, on**
5 **your experience working antiterrorism cases**
6 **through the FBI?**

7 A. Yes.

8 **Q. Your counsel in this case, Mr. Hilke,**
9 **also sent us notice that you had testified in a**
10 **case, he said it was In Re: MH in June 2020, in an**
11 **immigration court matter in Detroit, Michigan.**
12 **Was that a case captioned In Re: Murtada,**
13 **M-U-R-T-A-D-A, Abduladim, A-B-D-U-L-A-D-I-M, R,**
14 **and Al Haddad, A-L, new word H-A-D-D-A-D.**

15 **Was that the name of the case that**
16 **you testified in?**

17 A. First, as much as I like Mr. Hilke, he's
18 not my counsel. I'm sure he's a very good
19 counsel, but he's not my counsel.

20 But he's -- if he sent that to you,
21 yes, I -- that's a case that I had testified in,
22 and I did not -- I wasn't sure if I can disclose
23 the defendant -- the person being processed name,
24 if that's something I'm allowed to do or not. I

1 thought it was, but I wasn't sure, so I left it
2 out. But you got it right, if you got it from a
3 public record.

4 **Q. I believe I got it from another one of**
5 **your -- from your other expert opinion. You**
6 **identified it in your other expert opinion. So --**

7 A. Oh, okay. So, then, they must have said
8 it was okay. I checked it back then. I didn't
9 have time to check it for this one, so I -- in an
10 abundance of caution, I didn't put it in. It must
11 be okay, though.

12 **Q. And sorry. Let me ask you one more**
13 **question about the Wagafe -- am I saying that**
14 **right, Wagafe case?**

15 A. Wagafe.

16 **Q. Wagafe.**
17 **In Wagafe, did you ever testify in**
18 **court?**

19 A. No.

20 **Q. So you were not ever qualified by a**
21 **judge as an expert in that particular case,**
22 **correct?**

23 MR. HILKE: Just object -- wait. Sorry.
24 Just object to form and foundation.

Page 113

1 But you can answer.
2 THE WITNESS: I don't know. I thought I
3 was, that's why I disclosed it. I mean, I went
4 through one of these seven-hour depositions with
5 the Department of Justice. But I don't even know
6 what's happening with that case now. So I guess I
7 don't know the specific answer. You could -- we
8 could ask the lawyers.
9 BY MS. EKL:
10 **Q. From the Haddad case that you testified**
11 **to in Detroit, Michigan, what was the nature of**
12 **your testimony in that case?**
13 A. It was terrorism related, whether the
14 FBI was labeling this guy as a terrorist threat to
15 be returned to his country of origin, and I was
16 disputing their conclusion.
17 **Q. And did the judge make a finding during**
18 **your testimony that you were an expert in relation**
19 **to the expert opinions you were providing?**
20 MR. HILKE: Same objection.
21 THE WITNESS: As far as I remember, yes.
22 He said, I'll -- I'll hear your testimony as an
23 expert. That's what I remember. I'm pretty sure.
24 But, again, that was, you know, four years ago,

Page 114

1 five years ago.
2 BY MS. EKL:
3 **Q. Do you recall in what area you were**
4 **qualified or the judge -- in what area the judge**
5 **told you you would be deemed an expert?**
6 MR. HILKE: Same objection.
7 THE WITNESS: I don't know. I'm not
8 sure.
9 BY MS. EKL:
10 **Q. I think in the beginning of this**
11 **deposition, you mentioned there might have been**
12 **three cases in which you provided a deposition.**
13 **Were there any other -- any other deposition that**
14 **you can recall other than those two cases we just**
15 **talked about where you provided testimony?**
16 A. I think I was referencing these, while I
17 was on the job with the bureau, some cases,
18 because I investigated car wreck cases, bureau car
19 wrecks, quite a few of them. So I remember being
20 deposed on one of them, or maybe two of them,
21 maybe even one that I hit somebody, so -- it
22 was -- I was usually the investigator on them,
23 though.
24 So I do remember one guy, for sure,

Page 115

1 being -- being in a depo with him. There could
2 have been two, though.
3 **Q. Okay. Have you ever written any**
4 **articles that were published?**
5 A. Not in that sense of a, you know, like,
6 just like a newspaper or anything like that. I
7 think I've written stuff, though.
8 **Q. Well, when you say you've written stuff,**
9 **has any of it been published anywhere? Has it**
10 **been published on the internet or anywhere else?**
11 A. I mean, are you talking, like, do I type
12 anything on social media or somebody -- blog or
13 something? Maybe. I don't know. I don't think
14 so, though. I don't think, anything about
15 corruption or -- maybe I do say something about --
16 no, not that I recall. Not that I recall.
17 **Q. Taking aside perhaps commentary, I'm**
18 **talking about more of a formal article. Have you**
19 **written any articles that have been published in**
20 **any way?**
21 A. No, ma'am.
22 **Q. Other than, again, your -- what you just**
23 **testified to in terms of the MH case and believing**
24 **that a judge said that you could testify as an**

Page 116

1 **expert, have you ever been qualified in any court,**
2 **even when you were in the FBI, as an expert by a**
3 **judge?**
4 MR. HILKE: Same objection.
5 Go ahead.
6 THE WITNESS: I don't think so, no.
7 BY MS. EKL:
8 **Q. For purposes of today's deposition, you**
9 **were hired by plaintiffs Ben Baker and Clarissa**
10 **Glenn to review materials provided to you by their**
11 **counsel and render opinions in relation to their**
12 **cases, correct?**
13 A. Yes.
14 **Q. And are you aware that although your**
15 **report references two other plaintiffs' cases, the**
16 **purpose of the deposition today is in relation to**
17 **those two plaintiffs, Ben Baker and Clarissa**
18 **Glenn, correct?**
19 MR. HILKE: Sorry.
20 I -- I guess I'll just object to
21 the extent it misstates the scope of his report.
22 You can answer.
23 MS. EKL: Okay. Well, I guess, let me
24 just ask you this.

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 117	Page 119
1 I mean, we don't have any dispute. 2 We're not -- this deposition isn't for the 3 purposes of the Gibson case or -- what's the other 4 case -- or the Lionel White case, correct? I 5 mean, we are -- you disclosed him, and we're 6 taking his deposition here today in relation to 7 Ben Baker and Clarissa Glenn, correct? 8 MR. HILKE: I mean, we -- we may have a 9 dispute in that if -- if he submits an identical 10 report. We don't think re-deposing the experts 11 for the same reports in all of the, you know, ten 12 test cases is going to be warranted. I don't know 13 what the status is of that, but we may have a 14 dispute. 15 MS. EKL: I mean, that's something to 16 go -- something to address down the road. But I'm 17 just -- my point is, today, you agree that the 18 disclosure was only made in relation to Ben 19 Baker's case? 20 MR. HILKE: Yeah. The disclosure 21 deadlines in the other cases are later, so we 22 haven't made formal disclosures in the subsequent 23 cases at this stage, that's correct. 24 MS. EKL: I'm sorry, Bill. Did you want	1 so the substance of your communications with 2 plaintiffs' attorneys should not be disclosed. 3 With that said, you can answer. 4 MR. PALLES: That is absolutely a 5 misstatement of the law, Wally. I don't 6 understand that. Are you saying that -- what 7 privilege are you asserting here? 8 MR. HILKE: It's Rule 26. 9 MR. PALLES: What privilege are you 10 asserting? 11 MR. HILKE: Right. I'm relying on 12 Rule 26. If you give me a minute, and we -- Beth 13 wants to do this on the record, I can pull it up. 14 MR. PALLES: Okay. 15 MR. HILKE: Sure. So Rule, let's see, 16 26(b)(4)(c), says that "These rules protect 17 communications between the parties' attorney and 18 any witness required to provide a report under 19 Rule 26(a)(2)(b), which is this witness, 20 regardless of the form of the communications, 21 except to the extent that the communications 22 relate to compensation, identify facts or data 23 that the parties' attorney provided, and that the 24 expert considered in forming the opinions to be
Page 118	Page 120
1 to add something? 2 MR. BAZAREK: Yeah, well, just so it's 3 clear. This deposition today is in Ben Baker and 4 Clarissa's case. It's not in Leonard Gibson. 5 It's not in Lionel White. And whenever those 6 disclosures were made, or even if -- even if 7 plaintiffs adopt this complaint as a disclosure in 8 those cases, we're going to be deposing this 9 expert in the Leonard Gibson case and in the 10 Lionel White case at some other time. Just so 11 it's clear. You know that. 12 MR. HILKE: No, I don't agree with that. 13 MR. BAZAREK: Okay. Well, that's the 14 way it's going to go. 15 MS. EKL: Let's go off the record for a 16 second. I don't think this needs to be eating up 17 our time, if we're going to dispute this, and we 18 can discuss it offline. 19 (Discussion had off the record.) 20 BY MS. EKL: 21 Q. Mr. Danik, prior to your deposition here 22 today, what did you do to prepare? 23 MR. HILKE: Just before you answer, 24 Mr. Danik. Our communications are confidential,	1 expressed, or identify assumptions of the parties' 2 attorney provided and that the expert relied on in 3 forming the opinions to be expressed." 4 MR. PALLES: So as I understand it, 5 then, he could be questioned about factual 6 materials that you gave him, factual comments that 7 you made to him, but not your mental impressions; 8 is that your understanding? 9 MR. HILKE: You know, so what would be 10 an exception under the rule, as I understand it, 11 would be facts or data I provided and he 12 considered in forming the opinions, or assumptions 13 that I provided and that he relied on in forming 14 the opinions on -- 15 MR. PALLES: Okay. Okay. Okay. 16 MR. HILKE: Yeah, I can say more if it's 17 helpful, but I -- I don't need to. 18 MR. PALLES: All right. I understand. 19 Okay. Proceed. Whatever. 20 Is he instructed not to answer 21 that? 22 MR. HILKE: No. I -- my instruction 23 was, you can answer, just leave out what I said to 24 you and you said to me as privileged

Page 121

1 communications between the plaintiffs' attorney
2 and the witness.
3 MS. EKL: I think --
4 MR. PALLES: More accurately, I think
5 work -- work product, but all right.
6 MS. EKL: Yeah. And I think,
7 Mr. Palles, we'll -- there may be some more
8 specific questions I'm going to ask that may
9 address this. I think this is just an initial
10 question when we're not really getting into the
11 concern that Mr. Hilke has.
12 BY MS. EKL:
13 **Q. So my question to you, Mr. Danik, is**
14 **just first off, without asking you about specific**
15 **communications, what did you do to prepare for**
16 **today's deposition?**
17 A. I bought a lot of food, because this is
18 seven hours. I have a big backpack of food. And
19 I reviewed my report. I took a -- I printed a
20 copy of the MOU again so I'd have it. And I
21 looked through the exhibits that I -- most of the
22 exhibits that I cite in my report.
23 I think that's about it. That's
24 the majority of it.

Page 122

1 **Q. And is it fair to say you also, at some**
2 **point in preparation for the deposition, met with**
3 **Mr. Hilke and/or other attorneys representing the**
4 **plaintiffs in this case, correct?**
5 A. I talked to him. I never met him in
6 person, but I talked to him on a Zoom or a phone
7 call.
8 **Q. How many times did you talk to him via**
9 **Zoom in preparation for your deposition?**
10 A. Once.
11 **Q. And how long was that?**
12 A. An hour or -- it might have been --
13 maybe it was two hours. It was no more than
14 two hours.
15 **Q. When did that take place?**
16 A. I think it was -- what is today,
17 Thursday? Tuesday.
18 **Q. Was there any factual material discussed**
19 **during those conversations that has further**
20 **supported, in your mind, your belief or your --**
21 **I'm sorry -- has further supported your opinions**
22 **in this case that you didn't otherwise know from**
23 **the documents in the case?**
24 A. Not that I recall. But no -- I would

Page 123

1 say no, but I don't think so. I mean, I'm not one
2 hundred percent on it. I don't think we talked
3 about much factual stuff, except what -- what is
4 in the report.
5 **Q. How many times did you talk to Mr. Hilke**
6 **about -- how many times did you talk to him over**
7 **the phone in preparation for your deposition?**
8 A. In prep for the deposition or -- I mean,
9 the whole time? It was six weeks, six times.
10 **Q. In preparation for your deposition, how**
11 **many times did you talk to him?**
12 A. Zero, probably.
13 **Q. Was anyone else on the call when you --**
14 **or on the Zoom when you talked to him for that**
15 **hour or two hours?**
16 A. No, not with me.
17 **Q. All right. Let's talk about your**
18 **initial involvement in the case.**
19 **When were you first contacted about**
20 **this case?**
21 A. It was pretty recently. A few months
22 ago.
23 **Q. Do you remember the date or the month?**
24 A. It was right around February 1st.

Page 124

1 **Q. And how were you contacted?**
2 A. It was either a phone call or an e-mail.
3 **Q. Do you still have an e-mail that**
4 **references your first contact with them?**
5 A. I -- I have deleted nothing that I know
6 of that wasn't by accident.
7 **Q. Who was it that first contacted you**
8 **about your possible involvement in this case?**
9 A. I don't even remember. I mean, it was
10 probably Wally, or Mr. Hilke. But I don't know
11 for sure.
12 **Q. Do you know how it was that he found you**
13 **or why -- how it was that he contacted you?**
14 MR. HILKE: Sorry. Just -- I'll caution
15 you not to reveal anything that I said to you or
16 you said to me in our conversations.
17 MS. EKL: So you're refusing to let him
18 answer how it is that -- his understanding about
19 how it was you came in contact with him?
20 MR. HILKE: Yeah, I think if I tell
21 him -- and I'm not saying I did -- how I found him
22 that, to preserve the privilege, we've got to
23 claim work product or privilege over that.
24 MS. EKL: Just making sure.

1 BY MS. EKL:
2 **Q. When did you accept the case?**
3 A. Around February 1st.
4 **Q. Was it during any initial conversation**
5 **that you had with Mr. Hilke or any other attorneys**
6 **representing the plaintiff that you accepted --**
7 **that you agreed to provide services for them?**
8 A. I guess I don't understand what you're
9 saying, ma'am. I'm sorry.
10 **Q. Sure. So you said you were contacted,**
11 **you believe, on or about February 1st of 2024**
12 **regarding your involvement in this case, correct?**
13 A. Yes. Yes.
14 **Q. And was it on that first contact with**
15 **Mr. Hilke and/or someone else from his firm that**
16 **you also agreed to provide services in this case?**
17 A. It's rare that I agree right away. I
18 usually think about it and factor it in. Get --
19 you know, even ask me about how he found me. I
20 get calls every day, at the least, every other
21 day, from all kinds of people about the services.
22 So I can't remember how people get me or -- and I
23 can't remember -- well, did I agree right away?
24 Probably not. Did I agree, I think, on a -- on a

1 somewhat expedited basis than I usually do? Yes,
2 because they had a deadline, and they needed to
3 know if I could, you know, review the stuff and
4 get it to them, because they had to disclose their
5 expert.
6 **Q. During your conversation with Mr. Hilke**
7 **and/or someone else from plaintiffs' firm, did**
8 **they provide you with certain information about**
9 **the case that they were seeking?**
10 MR. HILKE: I'm going to --
11 BY MS. EKL:
12 **Q. Actually, let me rephrase that.**
13 **Did they -- I'm going to break that**
14 **down.**
15 **Did they ask you to provide**
16 **opinions on certain topics in relation to the**
17 **case?**
18 A. Eventually, yes.
19 **Q. And when was it that they asked you to**
20 **provide opinions on certain topics related to the**
21 **case in comparison to the first conversation?**
22 MR. HILKE: Give me one second, please.
23 You can answer.
24 THE WITNESS: When did they -- when did

1 I accept the case based on the first call?
2 BY MS. EKL:
3 **Q. No. When were you asked to provide**
4 **certain opinions or to look into certain topics**
5 **about the case in relation to the first call?**
6 **So you have the first call with**
7 **them. And you said it wasn't during the first**
8 **call that they told you what they were looking**
9 **for. So when was it that they told you what they**
10 **were looking for?**
11 MR. HILKE: Actually, I -- I'm sorry,
12 Jeff.
13 I don't think this falls into any
14 of the exceptions, so I'm going to instruct you
15 not to answer on work product grounds.
16 BY MS. EKL:
17 **Q. During either the first conversation or**
18 **the second conversation, did you learn any factual**
19 **information that you relied upon in formulating**
20 **your opinions in this case?**
21 A. You know, if you want me to answer
22 these -- I don't want to sound like I'm
23 uncomfortable. All I have to do is read back
24 through the e-mail to refresh my recollection, and

1 I can probably answer these more precisely to the
2 extent I'm allowed to answer. So dates and all
3 that, it's something I can probably give you if I
4 can look at the actual documents and, you know, in
5 my e-mail over -- if we're going to take a lunch
6 break or whatever.
7 My recollection is that it was very
8 general and that I wanted to see some documents
9 before I took the case. Wally -- Mr. Hilke
10 made -- of course, I had to sign all of the -- the
11 two releases. And I had to own -- well, it's on
12 my side. I have to own that once I do that, I
13 might not ever be able to be associated with that
14 case again, because now I'm possibly vetting it
15 with inside information.
16 So I took that chance, and I think
17 he sent me some documents. And I read it, and I
18 thought, okay, this is something I would want to
19 allocate some time to. And then I was given the
20 research questions.
21 **Q. What were the initial documents that you**
22 **were sent?**
23 A. Again, I would have to look. Maybe it
24 was just the complaint, or maybe he sent me -- he

Page 129

1 might have sent me -- because I signed the
2 releases. He might have sent me that on the 1st
3 of February, a zip file with a lot of the records,
4 just so I could get the flavor of how much to look
5 at.

6 I think -- oh, thinking back, that
7 was another thing. I've got a couple other
8 projects going on, and depending on how many pages
9 of records I had to look at. So I wanted to get
10 an idea of the totality of the records. So he did
11 send me a zip file with depositions and the
12 complaint and that kind of stuff. And so I just
13 paged through that and decided to take the case.
14 That -- that's -- that's what I remember generally
15 happening.

16 **Q. Did your decision to take the case have**
17 **anything to do with an assumption that Mr. Baker**
18 **and/or Ms. Glenn were innocent of crimes that they**
19 **were convicted -- initially convicted of?**

20 A. When I took the case?

21 **Q. Right.**

22 A. I had no idea who they were.

23 **Q. Was the decision to take the case based**
24 **on any assumption that you were provided that any**

Page 130

1 plaintiffs were unfairly -- or I'm sorry --
2 unlawfully arrested by Mr. -- by former
3 Sergeant Watts or anyone that was working with
4 him?

5 A. Nope.

6 **Q. I'm going to pull up, again, Exhibit**
7 **No. 1 and share it with you.**

8 On page 4 of your report, you have
9 a heading called "Research Questions." Do you see
10 the page that I'm referring to?

11 A. Yes, ma'am. Um-hum.

12 **Q. Is that big enough, or do you need me to**
13 **make it bigger?**

14 A. I think it's -- I can get it.

15 **Q. Okay.**

16 A. Unless you're going to ask me to read
17 it.

18 **Q. Not -- not at this point.**

19 A. Okay.

20 **Q. Where did these research questions come**
21 **from?**

22 And what I'm getting at is, are
23 these questions that you formulated as part of
24 something that you thought needed to be answered

Page 131

1 **in the case, or is this something that you were**
2 **specifically asked by plaintiffs' counsel to**
3 **answer?**

4 MR. HILKE: You know, before you answer.
5 I don't actually think that those are facts, data,
6 or assumption. So I think I'm going to object on
7 work product grounds here. And I'm instructing
8 him not to answer.

9 BY MS. EKL:

10 **Q. Do these two research questions form the**
11 **basis for your opinions in this case?**

12 MR. HILKE: Object to form.
13 You can answer.

14 THE WITNESS: They have -- they're the
15 scope of what I'm supposed to look into.

16 BY MS. EKL:

17 **Q. Is it fair to say, for instance, you are**
18 **not rendering any opinions as to whether or not**
19 **former Sergeant Watts or anyone else is guilty of**
20 **any of the crimes that they were accused of and**
21 **ultimately convicted of, you're not rendering your**
22 **own opinions about that, correct?**

23 A. No.

24 **Q. And you're not rendering opinions as to**

Page 132

1 **whether or not Mr. Baker or Ms. Glenn are guilty**
2 **of the drug offenses that they were charged with,**
3 **correct?**

4 A. I'm not making any assumptions or
5 factual findings about anything, including that.

6 **Q. These research questions on page 4, both**
7 **deal with -- or address the memorandum of**
8 **understanding between the City of Chicago and the**
9 **FBI, correct?**

10 A. Yes, ma'am.

11 MR. HILKE: Object to form.
12 You can answer.

13 THE WITNESS: Yes.

14 BY MS. EKL:

15 **Q. You know what, actually, before we get**
16 **into that, let me just ask you some other -- so**
17 **that we don't have to come back to it, I'm just**
18 **going to come back to that in a second.**

19 During your conversations with
20 counsel when you were first contacted, did you
21 discuss the rate that you would be paid in this --
22 for your work in this case?

23 A. Yes.

24 **Q. And what is that rate?**

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 133

1 A. \$150 an hour.
2 **Q. And is that your rate for both document**
3 **review, report writing, as well as your hourly**
4 **rate for testifying in deposition and at trial?**
5 A. Yes, ma'am.
6 (Deposition Exhibit No. 2 was
7 marked for identification.)
8 BY MS. EKL:
9 **Q. I'm going to show you what I've marked**
10 **as Exhibit No. 2. Trying to, anyway.**
11 **All right. I'm showing you a**
12 **five-page document Bates-stamped Danik Subpoena**
13 **Response 1 through 5.**
14 **Well, the first page of this**
15 **document is dated March 11, 2024, and it is on**
16 **letterhead for Templeton Accountants and Advisors.**
17 **Do you see that?**
18 A. Yes.
19 **Q. And is this a document that you provided**
20 **in response to a subpoena that we issued to you**
21 **for invoices related to your work on this case?**
22 A. Yes, ma'am.
23 **Q. And this document reflects that between**
24 **February 15th of 2024 and February 29th of 2024,**

Page 134

1 **you spent 22 hours doing --**
2 A. That's what I invoiced for, yes.
3 **Q. Okay. Is February 15, 2024, the first**
4 **day that you began doing work on the case aside**
5 **from just the initial contact with counsel to**
6 **request your services?**
7 A. I think so, yes. I might have looked at
8 some stuff before that, because I spent more time
9 than -- whatever is on there, 22 hours, that's all
10 I billed for. It was a little bit more time than
11 that, so I might have looked at something earlier
12 and read through something. But my recollection
13 now is that that was part of taking the case, that
14 I wouldn't be able to do anything on it for a
15 couple of weeks. I had something going on those
16 first weeks of February in another matter.
17 **Q. Okay. And you billed \$3,300 for that**
18 **time period, February 15th through February 29th,**
19 **correct?**
20 A. Yeah, that -- that's my firm getting
21 that money. But, yes, I bill -- that's for my
22 services on this case, correct.
23 **Q. Okay. And that time that you invoiced**
24 **is broken down on page 2 of this document,**

Page 135

1 **correct?**
2 A. Okay. Yes.
3 **Q. And that includes things like reviewing**
4 **the complaint, the MOU in the case. It says,**
5 **"Overview of case. Reviewed these items."**
6 **What does that mean, "Overview of**
7 **case. Reviewed these items"?**
8 A. Just the -- reading the complaint of Ben
9 Baker, reading some of the depositions. Just
10 trying -- it's more related to the output. Why am
11 I looking at that document? Or I'm looking at it
12 for overview. Because some of these depositions were
13 500 pages, so you could get stuck down in the
14 weeds for three days on one of them, taking
15 detailed notes. So you read them as an overview
16 just to get through everything. That's what --
17 that's what I usually use "overview" for on an
18 invoice.
19 **Q. Okay. Further down on that page, it**
20 **does reference on the 26th that you reviewed some**
21 **depos, correct?**
22 A. "Multiple depositions reviewed," yes, ma'am, I
23 must have.
24 **Q. And that continued on both the 27th and**

Page 136

1 **the 29th, correct?**
2 A. Yes.
3 **Q. And as you indicated, there were a lot**
4 **of depositions that were taken in this case that**
5 **were provided to you, correct?**
6 A. There were depositions that were
7 provided to me?
8 **Q. Correct.**
9 A. Yes.
10 **Q. Deposition transcripts.**
11 **When you reviewed those deposition**
12 **transcripts, did you take notes to help you**
13 **organize what you were reading and to help, kind**
14 **of -- help you understand the facts in the case?**
15 A. There's probably a few notes, but I use
16 the concordance a lot rather than taking notes;
17 it's faster. That -- that's the thing at the end.
18 I guess you know what that is. And my firm has
19 really advanced the expensive, fancy Adobe stuff.
20 So -- maybe yours does too. You can search it.
21 So it's very little -- I'm, like, hey, where was
22 that, you know, in this 500-page depo? I don't
23 have to have a note; I can search it. I
24 constantly search depositions for stuff I thought I saw

Page 137

1 in there. So there's not a lot of notes, no.
2 **Q. When you say "concordance," can you**
3 **explain for the record how it was you used**
4 **concordance?**
5 A. Rather than using the search bar, I
6 would go to the concordance to see maybe somebody
7 misspelled something or it's written in there
8 wrong. And there's a spot in there where it's
9 talked about, but it's not, you know, exactly the
10 way I'm looking at the word. So sometimes the --
11 the alphabetical/numerical breakdown at the end of
12 the deposition is sometimes helpful to
13 double-check for, if you're looking for something
14 specific.
15 **Q. Did you review all depositions through**
16 **Adobe or some other electronic format, or were**
17 **there some depositions that you reviewed in paper**
18 **copy?**
19 A. I don't think I printed any depositions
20 that I recall.
21 **Q. Okay. Page 3 of this document is**
22 **another invoice, dated April 5th of 2024. And it**
23 **reflects work between March 1st, 2024, and**
24 **March 31st, 2024, in the amount of 38 hours.**

Page 138

1 **Is this another invoice for your**
2 **time that was sent over to Loevy & Loevy, to your**
3 **knowledge?**
4 A. Correct, yes, ma'am.
5 **Q. And that was for a total of \$5,700?**
6 A. Yes, ma'am.
7 **Q. And, again, it also includes details**
8 **about the tasks that you were performing during**
9 **that time period, correct?**
10 A. Yes.
11 **Q. And it includes additional review of**
12 **some depositions and then the beginning of the**
13 **draft of your report and the continuing of the**
14 **draft of your report and opinions, correct?**
15 A. Generally, that's what happened, yes.
16 **Q. This document that we received shows**
17 **work through March 8th of 2024. Is that when you**
18 **completed the work in the case, or was there**
19 **additional work other than preparing for this**
20 **deposition that you conducted after March 8th of**
21 **2024?**
22 A. After March 31st?
23 **Q. No, after March 8th.**
24 A. Yeah, that -- you know, I noticed that

Page 139

1 when I sent that, that my billing department -- I
2 don't know why that's not printed in chronological
3 order. So if you look above it --
4 **Q. Gotcha. Okay.**
5 A. I don't know why they did that. I don't
6 know -- I use their billing system. That's not
7 mine. That's Templeton's billing system. So I
8 put the time in there, and then that's what spits
9 out.
10 **Q. Okay. So it reflects different --**
11 **different billing between March 1st and**
12 **March 27th, correct?**
13 A. Yes.
14 **Q. Okay. And is this -- does this include**
15 **all of the billing that you had during that time**
16 **period?**
17 A. Did I do what?
18 **Q. Does it include all of the billing that**
19 **you had between March 1st and March 27th, 2024?**
20 A. That's all I billed for. I probably had
21 a little more time than that, but not a lot. Just
22 like everybody spends more time than they bill
23 for, usually, that -- you know, that kind of time.
24 **Q. There -- I think I had initially meant**

Page 140

1 **this to be a separate e-mail -- I mean, a**
2 **separate -- yeah.**
3 **So just for the record, we'll take**
4 **this document off of the last page. So**
5 **Exhibit No. 2 will be four pages.**
6 **(Deposition Exhibit No. 3 was**
7 **marked for identification.)**
8 BY MS. EKL:
9 **Q. Looking at Exhibit No. 3, which for the**
10 **record, is Danik Subpoena Response No. 5.**
11 **Do you recognize this e-mail?**
12 A. Oh, I -- yes.
13 **Q. Okay. And is this an e-mail, dated**
14 **February 2nd of 2024 at 3:30 p.m. from Mr. Hilke**
15 **to you, and it copies Scott Rauscher and Lilia**
16 **Martinez from the Loevy & Loevy law firm, correct?**
17 A. Yes.
18 **Q. And the document states, "I understand**
19 **that you will charge 150 per hour for your work,**
20 **reviewing materials, and preparing a report in**
21 **these cases. Please let me know if that is**
22 **correct."**
23 **Did I read that accurately?**
24 A. Yes, ma'am.

Page 141

1 **Q. Was this e-mail sent to you after you**
2 **agreed to review materials and work for the**
3 **plaintiffs and possibly providing expert reports**
4 **in the case?**
5 A. I can't -- I can't remember if it was
6 after I formally said, okay, let me look at it, or
7 if I discussed my general hourly rate.
8 The hourly rate almost always comes
9 up in the first conversation. So that could have
10 just been -- that could be before or after, but
11 it's right in there. It's right in the few days.
12 Because I took the case. Right in that time
13 frame.
14 Usually, I have a written
15 agreement. We have a -- what do you call those --
16 an engagement letter. This one -- with attorneys,
17 sometimes I do things on a handshake or an
18 electronic handshake, like an e-mail, which this
19 is what it is. But now you're asking me detailed
20 questions, I can't remember if -- if we formalized
21 our verbal contract before this e-mail at this
22 time at 3:30. It was right around this time. It
23 could have been just before or just after.
24 **Q. All right.**

Page 142

1 MS. EKL: Before I move on to the
2 next -- I just want to ask counsel and everyone
3 what their thoughts are in terms of either a
4 longer break or a lunch break. Maybe if we can go
5 of the record for just a minute, we can discuss
6 that.
7 (A short recess was taken.)
8 BY MS. EKL:
9 **Q. Mr. Danik, I'm going to show you what**
10 **I've marked as Deposition Exhibit 1-B, which is**
11 **Appendix B to your report, that is 57 pages long.**
12 **And it is titled "Materials reviewed."**
13 **Are you able to see this document?**
14 A. Yes.
15 **Q. Does this document contain all of the**
16 **materials that you reviewed in preparation for**
17 **your opinions here today?**
18 A. It was -- it was the best effort, but I
19 believe, yes. There's a depo that -- there's a
20 depo that I think I didn't list on here, but then
21 I never did go back to check and see if I did it,
22 or I just don't remember that it's on there.
23 **Q. Okay. At a break, can you maybe look**
24 **and see what you can determine what dep that is**

Page 143

1 that's missing from this -- from this list and let
2 us know?
3 A. Yes.
4 **Q. Okay. Great.**
5 **Other than possibly one deposition**
6 **transcript, are there any other documents that you**
7 **believe that you reviewed that are not contained**
8 **in Exhibit 1B?**
9 A. No. There was a -- I saw a press
10 release from the Chicago PD about their
11 computer-aided dispatch system. This is, like,
12 2020. It's a one-page thing. I did see that
13 briefly, and maybe I should have put it on here,
14 because it came up and caught my attention because
15 of this case. So...
16 **Q. Did that article in any way help you**
17 **formulate your opinions in this case?**
18 A. It didn't help formulate my opinions.
19 It gave me questions, but not -- it didn't
20 formulate the opinion.
21 **Q. In this exhibit, you have a footnote to**
22 **it. I think there was seven, but I did not**
23 **document the page, so -- there we go.**
24 **On page 68 of Exhibit 1B, your**

Page 144

1 **Footnote 7 says -- and this is a footnote that's**
2 **attached to one of the video recordings from the**
3 **FBI/DEA recordings. It says, "These recordings**
4 **were made available to me, but at the time of this**
5 **report, I have relied on written summaries of the**
6 **recordings contained in the documents and not a**
7 **review of the recordings themselves."**
8 **So first off, where were these**
9 **written summaries contained that you are**
10 **referencing in Footnote 7?**
11 A. Just how they're referenced or the
12 summary of the activity that would have been in
13 the production that I was given.
14 **Q. And when you refer to the production**
15 **that you were given, does that mean that any**
16 **summaries that you reviewed in relation to these**
17 **recordings are all contained in your index -- in a**
18 **document that's referenced in your index?**
19 A. There weren't transcripts in the
20 records. That's not what I'm referring to.
21 I'm referring to in the reports
22 where either the agents or the Chicago police
23 officers are describing what happened in a meeting
24 that was recorded.

Page 145

1 **Q. And my question is, are all of those**
2 **reports that you reviewed that reference or are a**
3 **summary of the recordings, are they all listed in**
4 **this index?**
5 A. Yes, ma'am. Yes. I'm sorry. Yes.
6 **Q. Okay. After you prepared your report,**
7 **have you since gone back and listened to or**
8 **watched any of the video/audio recordings that you**
9 **identify in your index?**
10 A. No.
11 **Q. So when they're listed as materials**
12 **reviewed, you haven't actually reviewed any of the**
13 **FBI/DEA recordings in this case, correct?**
14 A. I think it says -- the way I understand
15 that is this attachment is what was made available
16 to me, but I didn't review it. That was made
17 available to me, but I did not review it.
18 **Q. Okay. So that goes to one of my other**
19 **questions. So other than possibly one deposition**
20 **and the article that you referenced, are there any**
21 **other materials that you were provided, whether**
22 **you reviewed them or not, that are not contained**
23 **on the list?**
24 A. No. I don't -- I really made the best

Page 146

1 effort I could, and I don't think so, no.
2 **Q. So now understanding that this index**
3 **contains all of the documents that you received,**
4 **are there certain documents that you -- other than**
5 **the FBI/DEA recordings that you did not review?**
6 A. There's probably some in here that were
7 available that I didn't open, because there's
8 thousands and thousands of pages. But a lot of
9 them, the majority of them, a large group of them,
10 I did look at and read in detail.
11 **Q. And as far as -- as you indicated**
12 **before, the very long depositions that are**
13 **referenced in this index, the depositions that you**
14 **reviewed, did you review them in totality or**
15 **completely? Meaning, did you read every single**
16 **page of those deposition transcripts, or did you**
17 **jump around to certain topics using the search**
18 **function that you referenced earlier?**
19 A. The depos that came in my depo file --
20 which I can tell you which ones were in there, I'd
21 have to look at the file, though -- I read every
22 single one of those.
23 **Q. Were there depositions that you were**
24 **provided that weren't in this depo file?**

Page 147

1 A. That's the one that I can't remember. I
2 think I got it later, but I can't -- I can't say
3 for sure. I don't think it was in the first one.
4 That would be the only -- well, I'm sorry. No,
5 there's two that I -- I remember right now.
6 I think that one, which I'll find
7 the name of it here in a minute. The other one
8 was the other expert's deposition in a state case.
9 I think it's a state case. I'm not sure.
10 **Q. How is it determined what documents that**
11 **you would receive in this case?**
12 MR. HILKE: I'll just instruct you not
13 to reveal the things you said to us or we said to
14 you in working on the report.
15 But you can answer.
16 THE WITNESS: I only reviewed things
17 that I was given by Mr. Hilke or his firm, except
18 for things that I thought might be helpful.
19 Outside of those, which I usually ask to make sure
20 there were no -- that the judge didn't have some
21 rule or there was some agreement that I would be
22 violating, just to make sure. And so there were,
23 like, some things I wanted to look at outside of
24 what he gave me, and I would have asked them --

Page 148

1 BY MS. EKL:
2 **Q. And what were -- sorry. What were those**
3 **things?**
4 A. They're listed in here toward the end.
5 Yeah, that's the end piece there. Go down
6 further.
7 **Q. Are you able to see past page 85?**
8 A. Yes, right -- go back one page. There
9 would go.
10 Starting with "Domestic
11 investigations operations guideline."
12 **Q. Okay.**
13 A. On down, the next four or five, whatever
14 the entries are, are what I asked if I could see
15 off campus or go get myself.
16 **Q. Okay. What was it about -- so then did**
17 **you, in fact, review, for instance, the Domestic**
18 **Investigations Operations Guideline, FBI**
19 **publication, December of 2011?**
20 A. What did I want to review there?
21 **Q. Did you review it?**
22 A. Yes.
23 **Q. And what was the -- why was it that you**
24 **wanted to review this additional document?**

Page 149

1 A. That is the DIOG, which that is what
2 that stands for, Domestic Investigations
3 Operations Guideline, is the FBI's operating
4 manual for investigations in the United States.
5 It's what's expected of the FBI. And I had a lot
6 of experience with that document when I was in the
7 FBI. I didn't recall it having specific MOU
8 language in it or specific police corruption
9 language or corruption language in it.

10 There is some language in there
11 about it, and I just wanted to make sure I wasn't
12 missing anything. And that's the only one --
13 that's the latest version of it available
14 publicly. In fact, the FBI put that out, the
15 2011.

16 But it was -- the good thing is
17 having this case being so old, there's actually --
18 you know, like, that document actually applies
19 during that time frame -- is relevant during that
20 time frame, I would say, in my opinion.

21 **Q. Was there any information in the DIOG**
22 **that you relied upon in formulating your opinions?**

23 A. Not really. I was just making sure that
24 there wasn't anything there that was contradicting

Page 151

1 So there's some, maybe, tangential
2 stuff that would have been involved in the
3 decision-making process of my report, but nothing,
4 like, really related that I took out of that.

5 **Q. And same questions in regard to the**
6 **federal sentencing memorandum by Watts and**
7 **government's response to Watts' sentencing**
8 **memorandum. Why did you want to review those two**
9 **documents?**

10 A. Just for -- you know, when a defendant
11 in a federal case files their sentencing
12 memorandum, it has some version -- some
13 representation of their version of the story about
14 this case. So I was looking for -- I was
15 looking -- frankly, I was looking for exculpatory
16 information, like, something that was not -- yeah,
17 that -- that explained what had happened here.

18 **Q. And then on the next page, these**
19 **additional documents, were these additional**
20 **materials that you requested after you were**
21 **provided materials by the plaintiffs' counsel?**

22 A. Yes.

23 **Q. One of them was the federal criminal**
24 **docket. Was the reason that you wanted to review**

Page 150

1 what I was, kind of, reading in the -- in the
2 production.

3 **Q. And why was it that you wanted to review**
4 **the federal complaint in USA versus Watts in**
5 **Mohammed?**

6 A. The federal case could have a lot of
7 information. The federal docket and the federal
8 filings in any case are a large source of
9 information about people and their activities in
10 those charge cases.

11 **Q. Was there anything in that document that**
12 **you relied upon in formulating your opinions?**

13 A. In forming the opinion, I don't -- not
14 directly. I mean, what -- there was some helpful
15 things in there. The U.S. Attorney's Office
16 response to Watts' sentencing memorandum broke out
17 the payments to Watts, which, in the record I was
18 given, I was having -- it wasn't clear -- and I
19 looked -- to see who was paying those specifically
20 and how they were being paid. And that broke it
21 out. It talked about two people, how much one
22 paid, how much the other paid. So it was
23 additional information. Whether I -- and there's
24 information about those payments in my report.

Page 152

1 **that the same reason you wanted to review the**
2 **other documents related to USA versus Watts and**
3 **Mohammed?**

4 A. It was to make sure there weren't any
5 documents filed that could be helpful to me, and
6 that's why I look at the docket.

7 **Q. And then you have identified here, FBI**
8 **Manual of Investigative Operations and Guidelines,**
9 **Section 18, archived.**

10 **What was the reason for wanting to**
11 **review this particular document?**

12 A. I knew that -- like, this -- this Manual
13 of Investigative Operations and Guidelines that
14 is -- MIOG is what that's called in the FBI.
15 That's the old system we had for decades, maybe
16 50 years. MIOG controlled the FBI's -- was the
17 policy book for the FBI field investigators. And
18 it changed to DIOG, which is that first document
19 that we looked at.

20 And I was searching the FBI vault,
21 which is their public document release site and --
22 for MOU, to see if there was any guidance
23 publicly. Sometimes you find little gems on the
24 vault. And then I realized, yeah, there was -- in

Page 153

1 the old MIOG, we published examples of current
2 MOUs so that the agents were on notice. If you
3 came across these kinds of cases, you had to
4 operate under this MOU. And that section had all
5 the MOUs printed in it, or many of the most
6 important ones with other federal agencies. Not
7 all of them, but a lot of them. And it was during
8 the -- it seemed during the relevant time frame
9 back at the beginning of the, you know, case we're
10 all here about. So I pulled it up.

11 And this did form some of the basis
12 where I talk about some historical guidance or
13 what these MOUs have been in use. And you can see
14 that they're memorialized in the FBI operating
15 manual. That's how routine they were to use.

16 **Q. And then, lastly, you have listed:**
17 **Testimony before the Subcommittee on Housing and**
18 **Community Opportunity Committee on Banking and**
19 **Financial Services, House of Representatives.**
20 **What was the purpose of wanting to**
21 **see this document, which is also dated June 1995?**

22 A. Frankly, that was a little bit of a
23 rabbit hole. I originally thought -- I realized
24 that the Housing Authority had changed hands. It

Page 154

1 was actually a HUD. It wasn't a city property.
2 And I thought, why -- why are local police on a
3 federal property in the first place?

4 And, you know, it made me wonder in
5 the record, was I going to find -- that I was
6 provided, was I going to find that the FBI
7 addressed that as a potential violation, and was
8 there an MOU between Chicago PD and HUD to police
9 that, and was there a contract.

10 And I read that, and I thought,
11 well, you know, obviously, there's something that
12 has kept Chicago PD in there, and I'm not going to
13 go trying to search for all of that. I thought it
14 was too far off the beaten path, so I kind of
15 dropped it.

16 **Q. Okay.**
17 A. But I did read that report, so I
18 included it.

19 **Q. You did not -- I'm sorry. You did or**
20 **you did not?**
21 A. I did -- I did read most of it. It's
22 not that long.

23 **Q. Okay. What was the -- your methodology**
24 **for reviewing materials and in coming to the**

Page 155

1 **conclusions that you did in this case?**
2 A. I read the record -- when I say
3 "record," the documents sent to me -- and tried to
4 piece together the timeline of events, tried to
5 keep the past of individuals and their roles in
6 context with one another, and tried to analyze it
7 through the optic or the one angle. Because the
8 problem with all of these thousands of documents
9 and numerous issues and people, you can begin
10 analyzing it from all kinds of different angles
11 that you haven't been asked to deal with.

12 So I was asked about the MOU. I
13 tried to focus on looking through these records
14 from that standpoint and not get too distracted by
15 these other -- every time that I saw these other
16 important issues, I tried to stay focused on the
17 MOU.

18 And then I drafted -- some, I
19 drafted -- most, I drafted as I read, drafted the
20 report. And then I went back through and checked
21 for facts. Went back through and looked at the
22 exhibits.

23 My main source, ma'am, really, was
24 I -- some of the -- most of the exhibits from the

Page 156

1 depos were -- were a good source. And then the --
2 the FBI file, which was -- you know, I think that
3 one was 1,200 pages. I looked -- that was a good
4 source, because it laid out a lot of things I was
5 familiar with that -- that helped provide an
6 anchor to my understanding of the events.

7 And I actually accidentally
8 printed -- meant to print one page, but I
9 accidentally printed the entire 922-page document,
10 which I can't even remember which one that was --
11 but that 922-page document, electronically I
12 looked at quite -- you know, a lot too. That
13 was -- I can't remember what the file title of
14 that was. So --

15 **Q. Can you describe -- can you describe**
16 **that --**
17 A. I refined my report, and pretty much it
18 was in its final copy.

19 **Q. Okay. Can you describe the 922-page**
20 **document that you're referencing?**
21 A. Can I describe it?
22 **Q. Correct.**
23 A. Yeah. I think it's -- if -- I think if
24 I look at the Bate number on them, right, that

Page 157 1 should tell me what the file was. I can look real 2 quick. 3 Q. Sure. 4 A. Hold on one second. 5 I caught some wind over printing 6 this by accident, believe me. 7 I think it it's marked -- oh, 8 Spalding Exhibit 50. 9 Q. Okay. 10 A. That's what it is marked on the front 11 page. 12 Q. Did you take any handwritten notes on 13 this document? 14 A. Excuse me? 15 Q. Did you take any handwritten notes on 16 that document? 17 A. No. I didn't even really use it for any 18 kind of review. I hid it in my drawer in shame, 19 and then used the electronic version. 20 Q. You would agree with me that there -- 21 when you referred earlier to the cast of 22 individuals involved in this case, there are a 23 large number of individuals who were interviewed 24 and/or were part of the investigation in some way	Page 159 1 information. 2 Q. During any telephone conversations with 3 Loevy & Loevy, did they provide you with any names 4 that you should focus on that you relied on in the 5 course of your review of documents? 6 MR. HILKE: Just one minute, please. 7 I -- I don't think I need to object 8 to that, if you're asking about whether he relied 9 on it in forming his opinion. Is that the 10 question? 11 MS. EKL: It's more a question of 12 assumptions. You know, are there certain 13 individuals that he is assuming were the important 14 players based on information -- based on being 15 told that by your office? 16 MR. HILKE: You can answer that. 17 THE WITNESS: No. 18 BY MS. EKL: 19 Q. Same thing in relation to the documents, 20 did you make certain assumptions that there -- 21 that certain documents you were provided were key 22 documents based on anything you were told by Loevy 23 & Loevy? 24 MR. HILKE: One second.
Page 158 1 through Ida B. Wells, correct? 2 A. There were people involved in the 3 investigation that lived there? 4 Q. Just in general, in terms of the 5 investigation, there were a lot of individuals 6 involved in the investigation, correct? 7 A. It seemed like it, yes. 8 Q. How was it that you were able to glean 9 down the important individuals to focus on in this 10 case? 11 A. Well, the important individuals are the 12 ones making the decisions around what actions are 13 being taken to resolve this situation. So they're 14 the important ones, and what is their relation to 15 the MOU, to executing the MOU agreement. 16 Q. And how is it that you were able to 17 determine who those individuals were? 18 A. I just took it from the documents. So 19 the documents would have -- the Chicago PD to/from 20 reports showed who were -- who was working what, 21 who was involved in what actions. And so I took 22 it from there that they were in a position to know 23 these things, especially if it was written in 24 their reports, that -- summarizing some piece of	Page 160 1 You can answer that. 2 THE WITNESS: Basically, no. 3 Everything -- they did tell me that the MOU would 4 be an important thing for me to review. They told 5 me things that they wanted to make sure that I did 6 review, I think, and the MOU was one of them. But 7 they never -- I mean, their case actually was 8 remarkably -- came in remarkably -- I'm just being 9 honest -- came in remarkably neutral. And I was 10 gaining, you know -- I was surprised by the things 11 I was reading, and then realizing for myself for 12 the first time just by reading the documents. I 13 had no knowledge of this -- you know, the actual 14 allegations in this case, other than the big 15 picture. Like, obviously, the complaint, the 16 Baker complaint, is -- has some of the details in 17 it. But the complaint isn't always, you know -- 18 these are just allegations. They're not backed up 19 by, like, the records. So... 20 BY MS. EKL: 21 Q. And do you understand that there are 22 thousands and thousands and thousands of pages of 23 discovery that has been produced in the course of 24 this litigation and that what you were provided is

Page 161

1 **a small subset of that, correct?**
2 A. I don't know that for sure, but I
3 would -- I think it's safe -- it would be safe to
4 think that there's a lot more out there that I
5 haven't had a chance to go over.
6 **Q. And are your opinions based, in part, on**
7 **the assumption that you have been provided with**
8 **all relevant information?**
9 MR. HILKE: Object to form.
10 But you can answer.
11 THE WITNESS: I would like to think
12 that, if you're asking for an expert opinion, that
13 you had the integrity to provide enough records to
14 have somebody come to an expert, rather than a
15 slanted opinion. That's the way most attorneys
16 approach these, and that's been my -- when
17 evaluating these cases, that's been my experience.
18 So I'm thinking in this case, it's
19 at least in the ballpark, yes. I'm happy to
20 review anything else that is proper for me to
21 review.
22 BY MS. EKL:
23 **Q. And are all of your opinions that -- at**
24 **least the ones that you expect that you may be**

Page 162

1 **called upon to testify about, contained within the**
2 **report that we've identified earlier as Exhibit**
3 **No. 1?**
4 A. Yes.
5 **Q. I'm going to show you what I've marked**
6 **as Deposition Exhibit No. 4. Which, I will -- for**
7 **the record, is Danik Subpoena Response No. 6**
8 **through 14. It's a nine-page document containing**
9 **some handwritten notes.**
10 **(Deposition Exhibit No. 4 was**
11 **marked for identification.)**
12 BY MS. EKL:
13 **Q. Do you recognize this document? And I**
14 **can -- if you need me to flip through each page, I**
15 **certainly can.**
16 A. Yes, ma'am, I recognize it.
17 **Q. Okay. And are these nine pages of notes**
18 **that you provided to us in response to a subpoena**
19 **for your notes in this case?**
20 A. Yes.
21 **Q. And are these nine pages of notes the**
22 **totality of all of the notes, the handwritten**
23 **notes, that you took in this case?**
24 A. They're all the ones I can find. I

Page 163

1 don't know -- do I have yellow stickies or some
2 other -- I might. But, I mean, these are the
3 majority of the -- anything I would wrote side --
4 side -- on the side. I try to write the report as
5 I'm reading stuff, and then it's easier to just
6 cut it out.
7 **Q. This first page on -- Page No. -- marked**
8 **Page No. 6, it says, "PC violations." What is**
9 **"PC" referenced in this particular context?**
10 A. Public corruption.
11 **Q. And then you have some numbers on the**
12 **left and reference to other documents. What's**
13 **the -- are those page numbers where it says 51,**
14 **56, 58, and so forth?**
15 A. Yes. Those are -- on the left column
16 are FBI classification numbers, which is all --
17 what do you call that -- public information. And
18 the -- the -- what those violations are. Those
19 are your wheelhouse corruption violations. When I
20 started reviewing, I thought, boy, it's been a
21 while. What -- what were all the violations?
22 Because in the FBI records, right, you can read a
23 lot -- that's the old FBI system, by the way. So
24 there's a lot of things written on those old

Page 164

1 records from that case that give you quite a bit
2 of information about the -- what that particular
3 document is you're looking at, that's not just
4 typed.
5 So I try to -- I was trying to
6 remind myself of what the various numbers were.
7 Like this case was a 194 case in the FBI
8 classification system. So in case I saw any of
9 the other ones pop up for reference, I wanted to
10 make sure I could do -- I didn't have to go look
11 them up again.
12 **Q. Okay. So those numbers aren't page**
13 **numbers. They're classification -- FBI**
14 **classification numbers that correspond to**
15 **different classifications of public corruption; is**
16 **that accurate?**
17 A. Correct.
18 **Q. What is the classification for 194?**
19 A. 194 is state and local public official
20 corruption.
21 **Q. Looking at the next page, which is**
22 **Bates-stamped page 7, it -- that going into --**
23 **well, actually, I guess, it's just this page.**
24 **There's a number of individuals listed here and**

Page 165

1 some nicknames. Where is it that you obtained
2 this information to writing your notes?
3 A. This is -- this is deposition stuff,
4 notes from depositions that I started seeing all
5 these names, and I thought, man, I need a
6 playlist. And I started writing, and there's so
7 many, I stopped writing it.
8 Q. Okay. And just taking a look at the
9 line, if you can see where the hand is. These
10 names here where it says, Wilbert Moore, Arthur
11 Kirskey, Big Shorty, Art, Ben Baker, and then
12 looks like Tweat/Tweak, and then with an arrow to
13 it, Jamar Lewis.
14 On the far left side, it says:
15 Extortion dealers, question mark.
16 Did I read that all accurately?
17 A. I think that's what it says. It's a
18 little small, but it would make sense.
19 Q. Here, I can -- there you go. Does that
20 make it easier?
21 A. Okay. What does it say? It might not
22 say extortion. I'm not sure what that says. Make
23 it a little bigger. Let's give it one more shot.
24 Oh, yeah, I think it does say

Page 166

1 extortion dealers.
2 Q. Okay. And is that dealers, exclamation
3 point, or is that a question mark?
4 A. I think it's a -- what do you call
5 that -- colon.
6 Q. Oh, a colon. Okay.
7 Based on the records that you were
8 reviewing, was it your understanding that the
9 records reflected that -- and I guess, actually --
10 correct me if I'm wrong, is Alvin -- is Alvin
11 Jones included in this group? Or did you intend
12 to include Alvin Jones in the group with the
13 others?
14 A. No. I think Alvin Jones was probably
15 the first time I ever read his name, so I put it
16 down there.
17 Q. Okay. But as far as the other names:
18 Wilbert Moore, Big Shorty, Arthur Kirskey, Art,
19 and then Ben Baker and then Tweat/Tweak, Jamar
20 Lewis, are those all individuals that you were
21 referring to as dealers?
22 MR. HILKE: Objection to form.
23 You can answer.
24 THE WITNESS: As dealers?

Page 167

1 BY MS. EKL:
2 Q. Correct.
3 A. Yes.
4 Q. And you learned that based on the
5 documents that you reviewed that the investigation
6 showed that those individuals were, you mean drug
7 dealers, correct?
8 MR. HILKE: Wait.
9 Objection. Compound. Form.
10 Foundation.
11 You can answer.
12 THE WITNESS: Well, I mean, yeah, this
13 was in the documents. I mean, there's an
14 interview where Wilbert Moore says, "I've been a
15 drug dealer for 20 years. I haven't had a regular
16 job."
17 So, yeah, these are -- it would be
18 inside the documents where they may have been
19 dealing drugs. And I'm not saying that they
20 really were. I mean, obviously, Wilbert Moore is
21 admitting it. But this is just other people
22 saying there were arrests or actions. I don't
23 think Jamar Lewis, Ben Baker -- Ben -- I can't
24 remember. There's an interview of Ben Baker in

Page 168

1 there.
2 BY MS. EKL:
3 Q. Right.
4 A. I can't remember if he said he was a
5 dealer or not in that particular interview.
6 Q. But it's possible you read a document in
7 which the investigation, at least, reported to
8 reveal that Ben Baker admitted to being a drug
9 dealer, correct?
10 MR. HILKE: Object to form.
11 THE WITNESS: No, I didn't say that. I
12 said -- in fact, I said the opposite that, that
13 I'm not sure what he said in his 302. I know --
14 his FBI 302. I know he was interviewed, but
15 that's, kind of, my -- these are the potential
16 people who were extorted and were also potentially
17 dealers.
18 BY MS. EKL:
19 Q. There's some reference down a little bit
20 further, and I'll direct you to the line that
21 starts with "Kamane Fears." And then it says in
22 parentheses, "Shorty, headman Obama drug line."
23 What's your understanding about
24 what the Obama drug line was?

Page 169

1 A. Obama drug line was one of the drug
2 lines operated out of those housing -- Public
3 Housing Authority, and Fears was in charge of it.
4 **Q. And so is it fair to say that the**
5 **documents you reviewed reflected that there was**
6 **what has been referred to as on "open drug market"**
7 **within the Ida B. Wells, correct?**
8 MR. HILKE: Objection to form.
9 Foundation.
10 But go ahead.
11 THE WITNESS: The documents -- yeah, I'm
12 not saying that these guys were actual drug
13 dealers. I know that there are probably even some
14 criminal histories in there, so maybe it could be
15 concluded based on those.
16 But to answer your question
17 directly, the documents reflect that this was an
18 open air drug market in many of these buildings
19 inside of these projects, yes.
20 BY MS. EKL:
21 **Q. Other than reading the complaint, which**
22 **as you acknowledged, is allegations, would you**
23 **agree that a large number of the documents that**
24 **are from the investigation that was conducted by**

Page 170

1 **the FBI and also that are reflected through the**
2 **IAD document -- I mean, the -- yeah, the IAD**
3 **documents reflect that the individuals who were**
4 **being arrested by Watts were, in fact, drug**
5 **dealers?**
6 MR. HILKE: Objection. Form.
7 You can answer.
8 THE WITNESS: Yes, that -- that the
9 documents reflect there's a lot of criminal drug
10 activity going on by these people. That's what
11 the -- that's what the documents are -- are
12 representing.
13 BY MS. EKL:
14 **Q. And you have not personally spoken to**
15 **Ben Baker or any of the other plaintiffs who have**
16 **filed lawsuits against the City of Chicago and**
17 **Sergeant Watts and the others, correct?**
18 A. No, ma'am, I approached nobody.
19 **Q. And so the information that you're**
20 **relying upon, is it fair to -- in terms of the**
21 **factual information, is it fair to say that it's a**
22 **hundred percent coming from the documents that you**
23 **reviewed?**
24 MR. HILKE: Objection. Form.

Page 171

1 You can answer.
2 THE WITNESS: Yeah -- yes. I haven't
3 gone outside. I haven't interviewed anybody. I
4 haven't conducted any internet searches other than
5 for what I disclosed I looked at. So, yeah, it's
6 coming from the record I was given.
7 BY MS. EKL:
8 **Q. What is your understanding about how the**
9 **allegations against Sergeant Watts first came to**
10 **light within the Chicago Police Department?**
11 A. Well, I saw somewhere in there that he
12 had allegations prior to 2004. So that was -- I
13 didn't have many records available from then, so I
14 don't know how he first came on their radar.
15 **Q. I'm going to pull up Deposition Exhibit**
16 **No. 1. And I'm going to direct your attention to**
17 **page -- this is your report. On page 5, if you**
18 **could look at the bottom of this second full**
19 **paragraph. It starts -- on the right-hand side,**
20 **it starts, "Additionally," and you say -- do you**
21 **see where I'm referencing? I've got the hand next**
22 **to it?**
23 A. Okay. Yes, ma'am, I see it.
24 **Q. I'll make it a little bit bigger here.**

Page 172

1 You say that, "Acts alleged to have
2 been perpetrated were of such grave public safety
3 concern, it is nearly incomprehensible any police
4 department commander would not take immediate
5 steps to intervene and protect the public, but
6 instead allow the activity to continue for several
7 years."
8 **Do you see that?**
9 A. Yes, I do.
10 **Q. And in the context of that statement,**
11 **are you referencing, back in 2004 -- let me ask**
12 **you this: What time period are you referencing**
13 **when you make those statements?**
14 A. That's a global -- that's the whole case
15 taken together, for the most part. And then
16 there's specific times that I really don't
17 understand why things weren't followed up on.
18 But, again, I was reviewing this through the optic
19 of the MOU, not to grade the Internal Affairs
20 Department.
21 **Q. When you say, "through the optic of**
22 **MOU," are you saying that -- well, let's back up,**
23 **then, a little bit. Let's talk about the MOU.**
24 **Let me take this down.**

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 173

1 MS. EKL: We'll mark this document as
2 Exhibit No. 5.
3 And I'll put on the record, it's
4 Bates-stamped CBG-62266. It's a 13-page document
5 that ends CBG-62278.
6 (Deposition Exhibit No. 5 was
7 marked for identification.)
8 BY MS. EKL:
9 **Q. Do you recognize this document as a**
10 **document that you reviewed in preparation for your**
11 **report?**
12 MR. HILKE: I don't think it's up yet,
13 Beth.
14 MS. EKL: Sorry. Thank you. I'm
15 looking at it; you're not.
16 BY MS. EKL:
17 **Q. Okay. Are you able to see the document?**
18 A. Yes. Yes, I see it. And, yeah, I
19 believe that's what I reviewed.
20 **Q. Okay. And is this the memorandum of**
21 **understanding that you referred to a few times in**
22 **your testimony?**
23 A. Yes, ma'am.
24 **Q. Okay. And this document, as I think**

Page 174

1 you've pointed out in your report, is dated -- at
2 the end, it's signed on January 18th of 2011 and
3 January 20th of 2011 by both someone from the FBI
4 as well as Chief Rivera from the CPD Internal
5 Affairs Division, correct?
6 A. Yes, ma'am.
7 **Q. Okay. We talked about earlier how your**
8 **focus of your review is on this MOU. So let me**
9 **ask you first, what -- based on your experience**
10 **working for the FBI, what is a memorandum of**
11 **understanding, also referred to as an MOU?**
12 A. My understanding of it is it's an
13 agreement between two agencies on how to proceed
14 in a crime -- on a crime problem, basically.
15 **Q. And would you agree that it's an**
16 **understanding in relation to how the two agencies**
17 **should work together in relation to that**
18 **investigation?**
19 A. It's not really related to any
20 investigation. MOUs address all kinds of cases.
21 Every case in an investigative area. So that's --
22 they address more globally. They rarely talk
23 about a specific case; although, it can happen.
24 But the vast majority of them are program --

Page 175

1 programmatic-type understanding. That's why we
2 need a task force, a group of people to do it, as
3 opposed to, you know, singular detectives and
4 agents.
5 **Q. And I think my statement just was not**
6 **clear.**
7 **What I meant was, it's an**
8 **understanding that assists two different agencies**
9 **in understanding how they can work together, not**
10 **in necessarily a particular investigation, but in**
11 **general in relation to investigations in which**
12 **they both might be involved, correct?**
13 A. Yes, ma'am. That's it, yes.
14 **Q. All right. And this particular**
15 **memorandum of understanding is between the Federal**
16 **Bureau of Investigation and the Chicago Police**
17 **Department, correct?**
18 A. Yes.
19 **Q. Would you agree with me that prior to**
20 **2011, the FBI had occasion to work with the**
21 **Chicago Police Department on investigations in**
22 **general?**
23 A. Yes.
24 **Q. So the fact that this memorandum of**

Page 176

1 understanding is dated in 2011, and you may not
2 have another memorandum of understanding before
3 that time, does not indicate that there was never
4 an occasion for a CPD and the FBI to work together
5 on an investigation, correct?
6 A. Right.
7 **Q. And that's actually a quite common**
8 **occurrence that different agencies would work**
9 **together, correct?**
10 A. Yes, ma'am.
11 **Q. And even absent a memorandum of**
12 **understanding that memorializes an understanding,**
13 **would you agree that there are certain things**
14 **within this MOU that you would expect to occur**
15 **whether it's in writing or not, in terms of the**
16 **relationship between the two agencies?**
17 A. Maybe generally, yeah. The police -- we
18 already know how to play well together, most
19 agencies. This is formalizing a lot of the
20 administrative differences so that we don't have
21 any disagreements there. And, also, it basically
22 unpacks a lot of liability over to the FBI.
23 Frankly, that's what these things do.
24 **Q. Okay. Would you agree, again, absent**

Page 177

1 the written memorandum of understanding, that you
2 would expect there was, kind of, just an unwritten
3 understanding that that's how the two agencies
4 would work together?
5 MR. HILKE: Sorry. Objection. Form.
6 You can answer.
7 THE WITNESS: The two -- there's going
8 to be some understanding of how to work together.
9 What it was, there's nothing in the record that's
10 formal about it. I can -- I can only try to glean
11 it from the written documents on how the working
12 relationship was going during different periods of
13 the case by what the two agencies were doing.
14 Were they coordinating? How coordinated were
15 they?
16 You can tell by the documents, some
17 of that. And it's difficult to make an absolute
18 conclusion, but you can tell -- you can get the
19 flavor of it, at least from the documents I had.
20 BY MS. EKL:
21 Q. And, again -- so let's shift gears a
22 little bit. Taking aside the MOU in this case
23 that is dated 2011 and just talking about our
24 specific investigation in relation to Watts and

Page 178

1 the officers working with him. Would you agree
2 that the FBI's involvement in that investigation
3 was the result of CPD asking for the FBI to
4 provide their assistance?
5 A. I'm not sure from the -- I didn't see
6 Serial 1 in the file anywhere. It could have been
7 in there. I looked, but I didn't see it. So
8 Serial 1 is the FBI's very first page of their
9 case, and it would have laid out who referred the
10 case. So it could have been -- it could have
11 easily been Chicago PD, but it could have been,
12 you know, somebody falsely arrested. It could
13 have been anybody.
14 Q. Well --
15 A. If there's a document there that I saw
16 that you're aware of, I mean, I could -- I might
17 be able to say, okay, well that does look like it
18 was CPD. CPD was involved with the FBI from
19 pretty early on, it looks like.
20 Q. And there's certainly investigations
21 into public corruption that the FBI is involved in
22 where they don't -- like in the earlier example
23 you gave about the correctional officers, where
24 they don't involve the law enforcement agency that

Page 179

1 might employ the person who's the target, correct?
2 A. That's the vast majority of them, ma'am.
3 Q. Every investigation is somewhat
4 different, correct?
5 A. Sure. Yes.
6 Q. And there are investigations similar to
7 this investigation where other agencies beyond the
8 local agency and the FBI are involved, correct?
9 A. Yes.
10 Q. You're aware in this investigation that
11 at some point in time, the ATF was involved,
12 correct?
13 A. Yeah, I know the ATF was involved --
14 yeah, they did attend some meetings, you're right.
15 Correct.
16 Q. And the DEA was also involved, correct?
17 A. Yes.
18 Q. And the mere fact that we don't have
19 before us today, for instance, a memorandum of
20 understanding between the DEA and CPD or DEA and
21 FBI, doesn't necessarily mean that everyone was
22 just free to do whatever they wanted on that
23 particular investigation, correct?
24 A. Well, I don't know that ATF and DEA were

Page 180

1 participating in this investigation. In fact, I
2 don't think they were, from the records I saw.
3 Attending a meeting or being sensitive to what
4 another agency is looking at, so in case you come
5 across something that you can disseminate to them
6 is not being, you know, directly involved. And
7 the FBI has MOUs in place with ATF and DEA, and
8 they're rarely cut in -- they're rarely
9 participants in a police corruption case, rarely.
10 You know, we're using the term
11 "participating," and I get it. But it -- they're
12 not really participating as a member of the task
13 force on this case. We're trying to share
14 information to the extent we can. And most of
15 these cases -- most police cases should almost
16 never have other agencies involved outside the
17 FBI. That's kind of the default best practice, in
18 my experience.
19 Q. And why is that?
20 A. Leaking of information, common
21 informants that can cause untold havoc, a --
22 excuse me -- allegiances that you don't even know
23 about, things -- sources of information your
24 targets might have that you're unaware of, they

Page 181 1 could blunder into. 2 So there's a whole host of reasons 3 to use very solid operational, meaning 4 communication security, on any public corruption 5 case -- I'm sorry -- well, on a public corruption 6 case in general, but definitely a police 7 corruption case. 8 Q. If, for instance, CPD had gone ahead and 9 taken administrative actions earlier on in the 10 investigation and not waited for, as they did 11 here, the FBI investigation to conclude and result 12 in the arrest, then would you agree that all of 13 those -- all of those things that you talked about 14 would be concerns, that information would be 15 provided to the target, information -- evidence 16 would be provided to the targets, and essentially, 17 the investigation might then become meaningless, 18 because the target would already know that they 19 were being looked at? 20 A. Well, like either you said or I said, 21 each case is different. So what you're saying is 22 a possibility on a commonsense occurrence. But -- 23 well, the administrative process in a police 24 case -- in a police corruption case is always just	Page 183 1 to move. That's what happens -- 2 BY MS. EKL: 3 Q. That's two different -- that's two 4 different things. 5 My question is -- so whether it's a 6 short leash or a long leash, so we're talking -- 7 we use your example and say CPD gave the FBI a 8 short leash, assuming that they were able to do 9 that, in either scenario, they're waiting until 10 the FBI concludes their investigation before they 11 take the action, correct? 12 A. It's the period of time that I don't 13 want to agree to. 14 There could be a conversation where 15 you say, I need three days, or I need three weeks. 16 That's a different story. You know, it could 17 be -- and it's a balance. It's a balance of what 18 the allegations are and how close you are to 19 proving them, or at least having probable cause. 20 An officer doing very violent things on the street 21 is not going to be there very long, whether you 22 can put the case on them or not, a criminal case 23 on them. That's just a fact. That's how the 24 program operates, and that's how it should
Page 182 1 sitting there waiting to disrupt the -- the police 2 criminal case. And you recognize that going in, 3 and that's one of the reasons you do these cases 4 as quickly as possible, so that you can allow the 5 administrative process, if it's not known to the 6 police department, to take over. But you would -- 7 well, I guess that's -- I guess that's the answer 8 to your question. 9 Q. So you would agree that it was common 10 for the law enforcement agency that employs the 11 target of the investigation to wait until the FBI 12 concludes their investigation before taking their 13 administrative actions and interviewing that 14 target, correct? 15 A. No. 16 MR. HILKE: Objection. Form. 17 THE WITNESS: That's not what I said. 18 And that would be the opposite. The 19 administrative process, at any point -- well, I 20 can just give you my experience. 21 You tell a chief or a sheriff he's 22 got a bad apple maybe that you're investigating, 23 you don't know, they're going to give you a very 24 short leash to resolve it, and then they're going	Page 184 1 operate. 2 Q. Let's go -- let's go back to my 3 question -- 4 MR. HILKE: Wait. Sorry. I just -- 5 Jeff, were you done with your answer? 6 THE WITNESS: Yeah, basically. I'm 7 sorry. 8 BY MS. EKL: 9 Q. So, again, I'm trying to strip this 10 down. So we're taking aside the length of time. 11 So it's not -- it's something you're comfortable 12 with, say the length of time is 48 hours, where 13 the law enforcement agency brings in the FBI and 14 says, we have -- we think we may have -- we have 15 an allegation of a bad apple. For all of the 16 reasons that we've talked about during this 17 deposition, it's important to have an outside 18 agency come in with their resources to investigate 19 and try to gather evidence to determine whether or 20 not there's merit to that allegation. 21 Would you agree that under that 22 scenario -- under any scenario, that the law 23 enforcement agency should wait until the 24 conclusion of that investigation by the FBI before

Page 185

1 **they take their administrative steps, because once**
2 **they take those steps, the investigation is over?**
3 MR. HILKE: Object to form.
4 Go ahead.
5 THE WITNESS: No, I don't agree, because
6 you said "anytime." That's not correct. And even
7 ask -- even making a decision to not do anything,
8 right -- like, the FBI receives the allegations,
9 one of our options is to go straight to the police
10 department and refer it to IAD. Why don't we do
11 that? Why don't we just go straight to them?
12 Because whatever is being alleged possibly
13 requires the investigation and balancing against
14 what's going on on the street versus what --
15 what -- the length of time it's going to take to
16 try to resolve it is a calculated -- is something
17 that's calculated and -- and -- you know, the
18 issue is a good one, because it is the subject of
19 a lot of discussion on the people who work these
20 cases and the case you brought up with me.
21 I mean, you're leaving a police
22 officer -- you're leaving these law enforcement
23 agents or their prison guards, so they're just
24 bringing cell phones in. You know, we don't know.

Page 186

1 But you're risking -- quite frankly, you're
2 risking what do we not know that they're bringing
3 in? Would they bring in a gun? And what if they
4 bring in a gun while we're messing with these
5 other people? So let's get this figured out.
6 And you just don't abandon it and
7 hope either. You start -- this is the most
8 important thing, really: You start building in
9 breaks and safeguards to the public. So how do we
10 know the guy's not bringing in a gun? Well, we
11 start looking at him. We assign somebody to look
12 at him and say, does he have access to guns? Does
13 he deal in guns? If he does, there might be an
14 intervention taken to remove him. But there's at
15 least an assessment or something done to insulate
16 the public or inmate from it.
17 And that is all part of the
18 calculus about how long you can wait in a police
19 corruption case. And, you know, I'm more than
20 willing to concede, yes, the FBI might verbally
21 ask for a period of time, and they might get it
22 where administrative action is held in abeyance.
23 But that is always measured against the activity
24 and the impact on the public. And I think that's

Page 187

1 pretty much what you were asking.
2 BY MS. EKL:
3 Q. Sort of. I mean, again, I keep trying
4 to get you to take out of the calculus -- I
5 understand that you're saying there are factors
6 that assist in determining how long you can wait
7 until, basically, the administrative action takes
8 place and the target becomes aware of the
9 investigation. And that if there's, you know,
10 say, the person out there shooting -- you know,
11 shooting at people, then, obviously, there's an
12 immediate -- that's using an extreme example --
13 there's an immediate danger to the public. You
14 can't even say, give us 24 hours. He's out
15 shooting, we got to move in?
16 A. Correct.
17 Q. I'm saying taking aside this -- taking
18 aside the why for the timing, my question is, once
19 you have the administrative action, would you
20 agree with me that your investigation is, then,
21 compromised? Once the target knows through an
22 administrative action that they're being accused
23 of allegations and the evidence against them, your
24 investigation is now going to be basically

Page 188

1 **destroyed, correct?**
2 A. If it's -- it's not cut and dry. It's
3 not black-and-white like that. It's much more
4 nuanced than that.
5 Could it be a result? It could
6 certainly be. No question about it. It depends
7 on what the IA referral is, what they actually do,
8 who they actually talk to and how -- how
9 susceptible the officer perceives they are to
10 harm. If they think they can unwind and -- or
11 avoid any kind of liability or scrutiny in an
12 Internal Affairs case, they might be pretty brazen
13 about it.
14 There are cases where they have --
15 you can investigate an officer for all kinds of
16 things that they would expect to be investigated
17 for while you have your undercover going. I
18 think, the -- the -- well, the unique thing here,
19 and it is pretty unique, it's -- you don't bring
20 in -- now, Chicago PD, maybe it's because they're
21 so big, New York PD is huge -- the police agencies
22 here are very, very large too. But you -- you
23 wouldn't bring in that agency to work a case on
24 that agency just for all of the things that came

1 up in this.

2 So they wouldn't have the burden in
3 a lot of cases under the way that I'm -- my
4 understanding and my experience was that the
5 police department, then, doesn't have the burden
6 of balancing, should I do something and blow their
7 case up. They don't have that burden until you
8 place it on them as -- as the FBI you go in and
9 disclose the case to them.

10 **Q. And so if the FBI is brought -- is**
11 **either brought in because they're asked by the**
12 **local law enforcement agency, or they start an**
13 **investigation on their own in the example you gave**
14 **of, you know, someone coming and saying, you**
15 **should look into this officer. No matter why it**
16 **starts, would you agree that in general, even**
17 **taking aside the written memorandum of**
18 **understanding, that there should be an**
19 **understanding between those two agencies that the**
20 **FBI is going to control the investigation while**
21 **it's pending in terms of the criminal aspect of**
22 **it?**

23 A. No. The FBI is -- it's going to be an
24 FBI case, but, you know, these are -- a joint

1 case, the fastest way to get divorced is to -- is
2 to say it's my way or the highway; they're
3 leaving. So they got to be cut in on a lot of
4 these decisions and how things are done. This
5 would all be being asked about in the real world.
6 Like, you'd be asking these IAD sergeants, when
7 are we going to cut this thing?

8 **Q. When you talked about how at any point**
9 **in time the FBI can turn it back to IAD, again, is**
10 **it the -- well, let me ask you this: Is it the**
11 **FBI who is performing the calculus that you're**
12 **talking about, in terms of deciding, look, we are**
13 **now at a point where there's a danger to the**
14 **community, and this needs to go to IAD for**
15 **immediate action versus the criminal case?**

16 A. If I --

17 MR. HILKE: Just objection to form, just
18 for the record.

19 You can answer.

20 THE WITNESS: In the case where they
21 don't know about it?

22 BY MS. EKL:

23 **Q. I'm sorry. Don't know about what?**

24 A. Don't know about your investigation.

1 **Q. No, they're involved. So the FBI is**
2 **involved in an investigation. Is it their**
3 **calculus that at that point in time to say, look,**
4 **this -- this target, this officer is a danger to**
5 **the community. We don't have enough evidence to**
6 **prosecute him criminally, so we're going to turn**
7 **it back to you administratively?**

8 MR. HILKE: Same objection.

9 Go ahead.

10 THE WITNESS: If the police department
11 doesn't know about the case, if they don't know
12 about it, so -- and that's most police corruption
13 cases. You have an allegation about somebody in a
14 police department, and you -- the FBI -- it meets
15 the predication, and you're able to at least
16 corroborate something and be able to move forward
17 on a case with a plan, a short-term plan usually,
18 and the police department has no idea that you're
19 looking at one of their people. And you might be
20 having lunch with the chief the next day, that
21 you're not telling them.

22 So -- and I could tell you your
23 boss is probably having lunch with them, and
24 somebody is probably going to one of the officer's

1 weddings. You know, that's the kind of things you
2 have in law enforcement. So you -- they don't
3 know. We don't tell other agents most of the
4 time. These cases are restricted. So there's --
5 I'm trying to explain: These are very different
6 cases in the FBI. They're not classified
7 information, but they're highly restricted. So
8 the fact that we're looking at an officer, we
9 don't talk about it a lot in most FBI bays. So
10 open bays or -- that's kept very quiet. The cases
11 is restricted so in case somebody searches,
12 they're not going to see that officer's name.

13 Your squad mates probably know, but
14 they don't know what you're doing operationally.
15 You try to keep it under wraps, because you can't
16 let the information leak out. That's the way most
17 cases are operated. So that's why I'm saying that
18 in that scenario, the normal scenario, it's not
19 what's going on here. Normal scenario is the
20 agency doesn't know, so then the calculus is on
21 you. It's on you.

22 BY MS. EKL:

23 **Q. "On you" being -- who are you referring**
24 **to when you say "on you"?**

Page 193

1 A. I'm referring to me, the FBI supervisor.
2 So I'm the one deciding, listen,
3 things are getting -- this is -- this is too hot.
4 My boss would be involved in that decision, the
5 case agent. But your -- you have some skin in the
6 game at that point as far as leaving the officer
7 out there without telling somebody, just for
8 public safety.
9 And, sure, you could work a case.
10 You know, it depends on what the guy is doing, or
11 the gal is doing. It depends how long you would
12 wait, what you would tell, when would you tell.
13 In our case, which is, basically, 20 -- 20 law
14 enforcement officials going to prison, the way
15 that -- and I'm just giving you the most -- the
16 most -- that's what I do with my report. I try to
17 contextualize, so that what happened -- the facts
18 as you -- as they're developed -- I'm not
19 developing the facts -- as they seem to be
20 developed or evidence comes out, it can be looked
21 at through the optic of somebody with experience.
22 So that's all I'm really trying to
23 do with my report. And --
24 **Q. Let me ask you -- sorry. I was going to**

Page 194

1 say, let me ask you some questions.
2 **Would you agree that the FBI's goal**
3 **in an investigation is to gather sufficient**
4 **evidence by lawful means to convict people who are**
5 **guilty of public corruption?**
6 A. Or decline the case or close it or
7 realize they're not guilty or can't prove it or --
8 it's not primarily to -- to prosecute the case.
9 There's a small percentage that get prosecuted of
10 our open investigations. And police -- and
11 corruption in general, the vast majority are not
12 prosecuted. The vast -- the -- very few are
13 prosecuted. And a limited amount make it through
14 to being open cases, in fact.
15 **Q. Well -- and for the cases where you**
16 **don't have enough evidence that someone doesn't**
17 **get prosecuted, then the person's left out there**
18 **to continue to commit crimes, correct?**
19 A. Not -- not necessarily. You can refer
20 it to the Internal Affairs, and that's usually the
21 course of action.
22 **Q. Okay.**
23 A. You certainly could just leave them out
24 there.

Page 195

1 **Q. And if you refer something to Internal**
2 **Affairs in order for action to be taken, there**
3 **still has to be evidence -- we talked about this**
4 **before -- to support the allegations, correct?**
5 MR. HILKE: Same objection of form and
6 foundation.
7 You can answer.
8 THE WITNESS: That's generally my
9 understanding.
10 BY MS. EKL:
11 **Q. Okay. So if you refer something to IAD,**
12 **and there's no evidence to support the allegation,**
13 **it's not going to stop the corruption by IAD doing**
14 **anything -- IAD won't be able to do anything to**
15 **stop the correction, correct?**
16 A. No, it's the opposite.
17 IAD -- people -- the cops are
18 really afraid of IAD. Regardless of their union
19 contract, regardless of attorneys, they are --
20 they are very fearful of IAD. And an IAD
21 investigation carries a lot of weight, if the --
22 if the department is operating under normal
23 circumstances.
24 **Q. If an individual officer has an**

Page 196

1 accusation against him, an IAD looks into that
2 accusation but has no evidence to support it so
3 that the officer can't be disciplined, because
4 there's no -- there's no evidence to support it.
5 So he's -- it's not sustained, or it's unfounded
6 and he's on the streets again, wouldn't you agree
7 with me that that may embolden that officer to
8 believe that he can get away with the crime,
9 because, look, there was a complaint, and I got
10 away with it, and the more times it happens, the
11 more emboldened he may become?
12 A. It could embolden him, or it could shut
13 that activity down.
14 **Q. Isn't the best-case scenario, whether**
15 **you're talking about investigating someone for a**
16 **crime or IAD looking into an internal violation,**
17 **that you have evidence to support whatever the**
18 **allegation is?**
19 A. Yeah, you would -- I would hope so.
20 You'd want evidence to support it if you're going
21 to take action.
22 **Q. Right. So in this case, ultimately -- I**
23 **know you have a -- I know that you have a belief**
24 **about the length of time it took. But ultimately,**

Page 197 1 Ronald Watts, you were aware of, and Kallatt 2 Mohammed, they were arrested and pled guilty to 3 certain crimes, and they subsequently lost their 4 jobs with CPD, and we know they're not going to 5 get jobs as law enforcement officers, correct? 6 A. Yeah, I know all of that. 7 Q. Okay. So they're -- the best-case 8 scenario is they are no longer out in the public 9 able to harm the public in any way, correct? 10 A. It was -- I guess, isn't this -- I take 11 it that this case is about the damage done along 12 the way and that these charges could have been 13 brought earlier or that something else could have 14 been done earlier. 15 Q. Okay. So let me ask you this: What 16 evidence do you have that there was -- or when do 17 you think that sufficient evidence had been 18 gathered to, let's start with the criminal side of 19 it, enable an earlier charge to be brought against 20 Watts or any of the other officers? 21 MR. HILKE: Object to form. 22 You can answer. 23 THE WITNESS: Well, you know, you're 24 asking me to put on a different hat, like a	Page 199 1 available and what -- you know, when do I think 2 something could have been done? In June of 2004, 3 in that first traffic wreck. And as soon as you 4 start looking into it, you start realizing, why 5 are they chasing this guy? Who is he? And you 6 realize, the guy they're chasing is the number one 7 drug dealer in the whole area, and he's somehow 8 related to the guy who's changing -- he's friends 9 with the officer who's changing -- having the 10 report changed. I mean, it's -- right away, you 11 have so much going on there. 12 So if you're asking me when I 13 think, I think it was -- in the first scene of the 14 first act of this thing, from my view, if you're 15 asking my opinion. 16 BY MS. EKL: 17 Q. Let's pull up -- so I think in your 18 report -- and, again -- and you're talking about 19 where you reference Phase 11, correct? From the 20 first piece of information that you reference -- 21 and this is on page 13 of your report -- is a 22 July 21st, 2004, letter by a person by the name of 23 Ron Henley. 24 MR. HILKE: Sorry, Beth. Will you give
Page 198 1 criminal investigator or an IAD investigator. 2 So -- I mean, I would start with how I started on 3 this case. The opening scene of the opening act 4 of this case that I reviewed was of significant 5 impact on me that I started off having a hard time 6 believing -- I had to read it twice to make sure 7 there wasn't something else. And I have to tell 8 you, through every single other thing I read, I 9 was looking for resolution of some of these 10 things. 11 So in that first act, you have -- 12 you have a police vehicle chasing across a 13 field -- which I'm thinking is a field between two 14 buildings -- but is chasing a civilian vehicle at 15 a high speed, and at such a high speed that it 16 wrecks into an innocent third-party's car. 17 And then you have the report from 18 the victim being falsified, that one vehicle is 19 being towed that's not being towed that another 20 vehicle hit, all to cover these police officers. 21 This is, like, brazen -- this is -- 22 just that activity could have been investigated 23 and resulted in charges. So we're talking about 24 hypothetically or -- or just the facts that I had	Page 200 1 me the Bates? I want to get it pulled up before 2 you start asking about this. 3 MS. EKL: Yeah. There's -- we'll use 4 Baker Glenn 10863. 5 MR. HILKE: Thanks. Let me actually get 6 it up here, please. 7 MS. EKL: Yeah, I'm just going to mark 8 it. 9 And for our record, we'll mark this 10 as Exhibit No. 6. 11 (Deposition Exhibit No. 6 was 12 marked for identification.) 13 MS. EKL: Let me know when you're ready. 14 MR. HILKE: It's loading, but it will 15 take it a second to load now. 16 THE WITNESS: I have it. Thank you. 17 BY MS. EKL: 18 Q. All right. Mr. Danik, looking at 19 Exhibit No. 6, do you recognize this document? 20 A. Yes, ma'am. 21 Q. And is this the July 21st, 2004, 22 Ron Henley letter that you reference on page 13 of 23 your report? 24 And if you need to put your report

Page 201

1 in front of you, just so you can juxtapose both of
2 them, feel free to do that.
3 A. This is his letter, right?
4 Q. That's what I'm asking you. Is this the
5 letter that you're referencing in your report?
6 A. It's -- yeah, it's the incident, yes.
7 Q. Okay. And this is the incident that
8 you're referencing -- well, let me ask you first
9 off: What's your understanding about who Ron
10 Henley is?
11 A. He's a citizen of Chicago who had his
12 car hit by a police officer on that day.
13 Q. And he references a person by the name
14 of Patrick Nooner, correct?
15 A. Correct.
16 Q. Do you have an understanding as to who
17 Patrick Nooner was?
18 A. From the records, yes. Independently,
19 no, none.
20 Q. Okay. What's your understanding about
21 who Patrick Nooner was?
22 A. Patrick Nooner is -- Patrick Nooner is
23 one of the major drug dealers -- from the record,
24 that's not me saying it factually -- from the

Page 202

1 records I was given, the major drug dealer in the
2 housing projects there based on the write-ups that
3 were in the documents I was given.
4 Q. Do you know what, if anything, was done
5 with this letter when it came in?
6 A. By the Chicago PD?
7 Q. Correct.
8 A. Not offhand. I can't remember if there
9 was anything in there about it.
10 Q. Okay. And do you know if it was in --
11 if this incident was investigated?
12 A. I don't know if it was investigated.
13 Q. Do you know if Ron Henley provided a
14 statement, other than this letter, to IAD or any
15 other investigative agency within CPD about what
16 he's alleging in this July 21st, 2004, letter?
17 A. I only have what's in the record. So if
18 it wasn't in there, I wouldn't have seen it.
19 Q. My question is, as you sit here, do you
20 recall seeing anything like that?
21 A. No -- well, was this case investigated?
22 I -- I don't think I saw the -- the resolution of
23 this that -- that there was some explanation as to
24 why there was this chase. Why there wasn't an

Page 203

1 arrest. Was it official police action, or was it
2 something not a police action?
3 These are the kinds of things I'm
4 saying aren't in the record. It just has this,
5 kind of, unusual incident being reported, and an
6 upset citizen. And no -- if he would have gotten
7 a check from Chicago PD or had something given to
8 him, I would have hoped it was in the record for
9 completeness. But doesn't his letter -- or what's
10 in the record is he's never heard back from Watts,
11 and no one is calling him, and he doesn't have any
12 money to fix his car.
13 Q. What you have in front of you is an
14 allegation, correct?
15 A. Allegations by Henley?
16 Q. Correct. You have an allegation by
17 Henley, correct?
18 A. There -- he's writing this letter and
19 saying he has pictures and all of these kinds of
20 things, so it's a little more than -- but it's
21 still allegations, yes.
22 Q. Do you know anything about Ron Henley's
23 credibility?
24 A. I made no credibility assessments. I'm

Page 204

1 just taking it at its face value. So...
2 Q. Would you charge someone with a crime
3 based on a letter that you received from a
4 citizen?
5 A. Probably not.
6 Q. The next thing you reference in your
7 letter -- I mean, in your report, and this is on
8 page 14, is that a couple of months later, a
9 memo -- a To/From, from Holliday, dated
10 September 17, 2004. And this is Bates -- I'm
11 pulling up -- the next exhibit will be
12 Bates-stamped Baker Glenn 18627.
13 MR. HILKE: Thanks. Give me one second
14 on that.
15 MS. EKL: When I flip over the exhibits,
16 did it switch? Can you see it now, the new
17 exhibit, or is it still showing the old one?
18 MR. HILKE: I see the new one here.
19 Give me just -- this is just a
20 one-pager, right?
21 MS. EKL: Correct.
22 MR. HILKE: I'll use your copy. Thanks.
23 MS. EKL: All right. We'll mark this as
24 Exhibit No. 7.

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 205

1 (Deposition Exhibit No. 7 was
2 marked for identification.)
3 BY MS. EKL:
4 **Q. Mr. Danik, do you recognize this**
5 **document?**
6 A. It says "Exhibit 1" on the top of it?
7 **Q. Correct. On the right-hand side. But**
8 **we're marking it for purpose of your deposition as**
9 **Exhibit No. 7.**
10 A. Okay. Yes. I'm looking at a To/From
11 report, right, September 17th, 2004.
12 **Q. Correct.**
13 A. Yes, I see it. And I -- I generally
14 recognize it as something I had.
15 **Q. Okay. On page 14 of your report, is**
16 **this the next document that you reference in your**
17 **report, that's the To/From from Holliday that is**
18 **dated September 17th of 2004?**
19 A. I think so. I think so. I would have
20 to go and look, if you want me to make absolutely
21 sure. I think it is.
22 **Q. Do you have your report in front of you?**
23 A. What page is it, ma'am? Yes, I have it.
24 **Q. Page 14, if that will assist you in**

Page 206

1 **being able to identify it. Please take a look.**
2 MR. HILKE: After this exhibit, another
3 comfort break would be appreciated.
4 MS. EKL: Certainly.
5 THE WITNESS: May 21 at page 14 -- oh,
6 okay, at the top of 14. Yes. I think that's it,
7 yes, ma'am.
8 BY MS. EKL:
9 **Q. And would you agree with me that this is**
10 **a couple of months after that letter came in from**
11 **Ron Henley, correct?**
12 A. Yes.
13 **Q. And it references a complaint register**
14 **number and a confidential number, correct?**
15 A. Yes.
16 **Q. What is your understanding of what a**
17 **complaint register number is?**
18 A. From the -- from the documents, is my
19 only understanding, and that's -- it's an official
20 entry in their recordkeeping system of IAD.
21 They -- that's their administrative function of
22 opening a case and assigning a number. So
23 something they're looking into, it has that
24 number.

Page 207

1 **Q. And the author of this report, Calvin**
2 **Holliday, does this document indicate that he**
3 **is -- that he is an employee of the Internal**
4 **Affairs Division, Confidential Investigation**
5 **Section?**
6 A. Yes.
7 **Q. This report states that on**
8 **September 16th, 2004, the undersigned agent was**
9 **made aware of unknown public housing unit officers**
10 **taking, in parentheses, tax money from drug**
11 **dealers, allowing them to sell their product.**
12 **Do you see that?**
13 A. Yes.
14 **Q. It goes on in the next paragraph to talk**
15 **about a CI, correct?**
16 A. Yes.
17 **Q. And that's referring to a cooperating**
18 **individual?**
19 A. Somebody that the police department
20 doesn't want to name in this written document, it
21 refers to.
22 **Q. Based on the documents that you've**
23 **reviewed, in total, were you able to determine who**
24 **the CI is that's referenced in this September 17th**

Page 208

1 **memo?**
2 A. No, not necessarily. I -- I had some,
3 kind of, guesses as to who it could be.
4 **Q. Okay. In any event, would you agree**
5 **with me that the memo indicates that according to**
6 **the CI, the officers had approached him and**
7 **requested payment for his doing business, selling**
8 **drugs in their area?**
9 A. Yes, that's what it says.
10 **Q. Does that support that the person who is**
11 **the CI is basically admitting to selling drugs in**
12 **the area?**
13 A. The CI is admitting to selling drugs,
14 yes. That was common that people were admitting
15 to selling drugs.
16 **Q. And he references many of the large drug**
17 **dealers in the area are paying tax, in**
18 **parentheses, money, to these officers, correct?**
19 A. Yes.
20 **Q. So he's referencing that he, at least,**
21 **has a belief that other large drug dealers are**
22 **also paying money to the officers, correct?**
23 A. Yes.
24 MR. HILKE: Sorry. Just object to form.

Page 209

1 And you can answer.
2 THE WITNESS: Sorry about that.
3 Yes.
4 BY MS. EKL:
5 **Q. The targeted public at that time, would**
6 **you agree, was drug dealers, at least as**
7 **referenced in this memo?**
8 MR. HILKE: Object to form.
9 THE WITNESS: Run that by me one time,
10 ma'am. I'm sorry. I was --
11 BY MS. EKL:
12 **Q. Sure. Sure.**
13 **So assuming that this is -- you**
14 **know, this information is correct, according to**
15 **the CI, the public that is being targeted by the**
16 **officers at issue are drug dealers, correct?**
17 MR. HILKE: Same objection.
18 THE WITNESS: No. The victim in this
19 allegation is the public, not -- it's the -- it's
20 the drug dealer, yes, but it's also the public,
21 and there could be more victims besides that. Is
22 that your question?
23 BY MS. EKL:
24 **Q. Well, I'm not asking you a hypothetical**

Page 210

1 **about there could be other victims.**
2 **I'm saying according to the**
3 **information in this document -- so not other**
4 **speculative information. But the information**
5 **being provided and that's being documented by the**
6 **Internal Affairs Division, is that it's -- that**
7 **the victims of this are drug dealers, correct?**
8 MR. HILKE: Same objection.
9 THE WITNESS: They're one of the
10 victims.
11 BY MS. EKL:
12 **Q. Point to me in this memo where it**
13 **indicates that anyone other than a drug dealer is**
14 **a victim of the alleged misconduct?**
15 A. It's just common sense, ma'am. The --
16 if this information is true, drugs are -- that
17 shouldn't be on the street are working their way
18 into these housing projects that shouldn't be
19 there. The public is being victimized is the end
20 result of this.
21 **Q. Let me --**
22 A. Any law enforcement -- that's a normal
23 law enforcement officer response to what's being
24 told there. You know, that's all I can give you.

Page 211

1 **Q. Let me ask this a different way.**
2 **This is an allegation against some**
3 **police officers, correct?**
4 A. Yes.
5 **Q. And the misconduct by the police**
6 **officers is not that they are selling or in any**
7 **way injecting drugs into the community, correct?**
8 A. By allowing it to be dealt, that's
9 exactly what they're doing. By allowing others to
10 sell and taking a piece of it, yeah, they're
11 putting drugs on the street. That's exactly what
12 they're doing.
13 **Q. All right. Would you agree with me**
14 **that, at least based on this document, that the**
15 **information was not ignored by the Internal**
16 **Affairs Division?**
17 A. Well, they did write it up and put it
18 into their report and -- and recorded in the CR
19 number, so it's not like they ignored it. They
20 told the guy, go away, we don't want to hear it.
21 **Q. And there's no allegation in this memo**
22 **that any of the drug dealers were being framed by**
23 **the officers, correct?**
24 A. You got -- you got one of them being

Page 212

1 shot at by them. But I don't know about this
2 particular CI saying that there was planting of
3 evidence in this -- yeah, there's nothing about
4 planting the drugs in this memo, correct.
5 **Q. I'm showing you the next exhibit --**
6 MR. HILKE: Could we actually take our
7 break now?
8 MS. EKL: Oh, I'm sorry. Yep. Yep.
9 Sorry. I forgot.
10 It's 2:40. Five minutes enough, or
11 do you need more?
12 MR. HILKE: Is that good for you, Jeff?
13 THE WITNESS: Yeah, fine.
14 MR. HILKE: That's good for me.
15 (A short recess was taken.)
16 BY MS. EKL:
17 **Q. Incidentally, when you were in the FBI,**
18 **you were obviously trained -- received training on**
19 **how to write police reports, correct?**
20 A. Case reports?
21 **Q. Correct.**
22 A. Yes. Yes, ma'am.
23 **Q. I meant case reports, yes.**
24 A. Yes.

Page 213

1 **Q. Is it fair to say that words like**
2 **"stunning" are words that you would not -- that**
3 **you would be -- you were trained are not**
4 **appropriate in a case report?**

5 A. In a -- well, yeah, the case reports
6 have to do with -- yeah, I'm taking that you mean
7 a report -- I interview somebody -- or an agent
8 interviews someone, and they write down and type a
9 report of what they said. So it's what they say,
10 not what I say.

11 **Q. I'm saying if you're writing a report**
12 **memorializing, whether it's an investigation or**
13 **your view of an interview being not the**
14 **interviewee's words, so your summary of an**
15 **interview, in general, your -- you were trained on**
16 **how to write reports in the course of your job,**
17 **that's my first question, correct?**

18 A. Yeah. I mean, most of it's on the job,
19 but, yes.

20 **Q. Okay. And using words like -- using**
21 **words to describe evidence as "stunning," would**
22 **you agree that that would be something that is not**
23 **allowable in an FBI report unless it's being --**
24 **you're quoting someone else as saying that?**

Page 214

1 A. I don't -- I'm not aware that it's
2 prohibited from using that. I've seen some
3 language like that. But it's not -- I mean, it --
4 there's not that much that would stun an agent.
5 It would have to be something significant. So
6 they don't use the word, but they could use it.
7 You don't see it a lot. Is that your point?
8 There's no prohibition. There's no section that
9 says you can't use these words -- well, there
10 probably is a section that says you can't use
11 these words, but you know what they are already.

12 **Q. Are you allowed to inject personal**
13 **opinion into reports when you write them for the**
14 **FBI?**

15 A. Well, personal, it's your -- it's your
16 opinion, but maybe not, like, your personal
17 opinion; meaning, off-duty opinion, religious
18 opinion. But your opinion is often asked for in
19 written reports or in written documents of the
20 FBI.

21 What's your opinion of what we
22 should be doing the next 60 days. Write it down.
23 Make agents do that all the time.

24 **Q. Fair enough.**

Page 215

1 **If you wrote down -- if you**
2 **described evidence as "stunning" in a report,**
3 **would you expect that when you -- before you were**
4 **a supervisor and when you were an agent, that your**
5 **supervisor would tell you, you need to change your**
6 **report?**

7 A. No.

8 **Q. Have you ever, at any point in time in**
9 **your career, referred to evidence as "stunning"?**

10 A. I might have referred --

11 **Q. In a report?**

12 A. I wrote so many reports. But I -- I may
13 have used worse language than that or better
14 language.

15 **Q. Take a look at Exhibit No. 8, which I**
16 **will share with you.**

17 MS. EKL: Again, for the record, this is
18 Baker Glenn 186238. It is a memo, dated
19 September 21st, 2004, and it purports to be from
20 Police Agent Calvin Holliday to the Internal
21 Affairs Division.

22 (Deposition Exhibit No. 8 was
23 marked for identification.)
24

Page 216

1 BY MS. EKL:

2 **Q. Do you recognize this document?**

3 A. Yes, ma'am.

4 **Q. And is this the next document that's**
5 **referred to on page 14 of your report?**

6 A. Can I take a quick look just to make
7 sure?

8 **Q. Of course.**

9 A. 21 -- should be it, yes, ma'am.

10 **Q. Would you agree with me that this is a**
11 **report, as you state in your report that was -- or**
12 **a memo that was prepared four days after Mr. --**
13 **Officer Holliday's September 17, 2004, report in**
14 **which he talked about officers requiring drug**
15 **dealers to pay a tax?**

16 A. Yes.

17 **Q. And the September 21st report documents**
18 **a meeting with representatives from the United**
19 **States Attorney's Office, the Federal Bureau of**
20 **Investigations, the DEA, the ATF, and the CPD, to**
21 **determine whether or not the allegations would**
22 **be -- would be subject to a federally prosecuted**
23 **investigation?**

24 A. Yes.

Page 217

1 **Q. And do you have any criticism about the**
2 **fact that there was a meeting called between these**
3 **different agencies to investigate the allegation**
4 **that was made in the public housing unit of money**
5 **from drug dealers being taken by police officers?**
6 A. Do I have criticism?
7 **Q. Right.**
8 A. No. I think I pointed this memo out
9 primarily -- well, one of the reasons I pointed it
10 out was because it was good. It was -- it was a
11 fast pace to a significant response. I thought it
12 was a good thing for -- well, that was one of the
13 parts of referencing it.
14 **Q. And as you said, not only about the**
15 **pace, but earlier, the fact that CPD recognized**
16 **this was a police officer within their own law**
17 **enforcement agency. It was a proper step for them**
18 **to reach out to the FBI and the other agencies for**
19 **assistance in investigating, correct?**
20 A. Sure. Yes.
21 **Q. Would you agree that on this date of**
22 **September 21st, 2004, that based on the**
23 **information we have in the two memos alone, that**
24 **IAD did not have a basis to seek to --**

Page 218

1 **administrative charges against any officer?**
2 MR. HILKE: Objection. Form.
3 Foundation.
4 You can answer.
5 THE WITNESS: Yeah, again, you're asking
6 about the Chicago Police Department, and I'm not
7 trained in their --
8 BY MS. EKL:
9 **Q. So are you saying you don't have -- I**
10 **mean, you don't have enough expertise or knowledge**
11 **to provide opinions related to when the Chicago**
12 **Police Department should administratively move**
13 **forward with charges against an officer?**
14 A. No --
15 MR. HILKE: Same objection.
16 THE WITNESS: I'm sorry.
17 MR. HILKE: No, go ahead.
18 THE WITNESS: That's not what I'm
19 saying.
20 I'm -- it's -- to me, your
21 question -- and I might have misunderstood it --
22 was trying -- that I would have a foundation of --
23 of the internal policy of the Chicago Police
24 Department. I don't -- I don't have -- I haven't

Page 219

1 read their internal policies and how they're
2 supposed to investigate these matters.
3 Do they -- does -- is there
4 enough -- if there's enough -- I can tell you
5 this: If there's enough information to open a
6 criminal investigation, there's always enough
7 information to open an administrative. There's --
8 there's -- I can't think of a single example where
9 that wouldn't be the case.
10 So you can -- if you're referring
11 it to the FBI, you absolutely could have an
12 internal on it, either at the same time or
13 tracking it, something.
14 BY MS. EKL:
15 **Q. And that's not -- that's not my**
16 **question. Because we've already established there**
17 **was an internal number -- there was a case opened**
18 **by Internal Affairs. We have a case number, and**
19 **we have a confidential number, correct?**
20 A. Yes, ma'am.
21 **Q. Okay. So my question is, is do you**
22 **believe that there was enough to for them to move**
23 **forward with administrative charges against any**
24 **officer?**

Page 220

1 A. Charges?
2 **Q. Yes.**
3 A. I don't know. I think you would have to
4 do more of an investigation. But I -- I wouldn't
5 have charged them based on that one memo I saw.
6 **Q. Okay. That was my question --**
7 A. Oh, I'm sorry.
8 **Q. -- which is whether or not there was**
9 **enough for administrative charges at this point in**
10 **time on September 21, 2004?**
11 A. Charges being taking, like,
12 administrative action and holding them guilty or
13 found -- I took that the wrong way. I thought you
14 meant initiate.
15 **Q. Oh, no.**
16 A. Okay. I misunderstood you. I
17 apologize.
18 No, I don't think there probably
19 was enough in the record that I saw to do anything
20 to them that day.
21 **Q. Okay. And there, obviously, wasn't**
22 **enough to charge them with a crime on**
23 **September 21, 2004, correct?**
24 A. I -- I don't think they had enough on

Page 221

1 that day, no.
2 **Q. Okay. Let's take a look at the next**
3 **exhibit that's referenced in your report, which is**
4 **the 9 -- so the March 9, 2005 To/From memo from**
5 **Holliday. I'll get you the Bates-stamp number in**
6 **a second.**
7 **It's a three-page document. I'll**
8 **pull it up in a second, but it's Bates-stamped**
9 **Baker Glenn 18629 through 18631.**
10 MR. HILKE: Okay. Give me one second to
11 pull it up, please.
12 MS. EKL: Sure.
13 MR. HILKE: I'm at home, so it's just
14 connecting to network to pull it up here.
15 THE WITNESS: I have the name of that
16 deposition, too. I looked -- I looked it up on
17 break, as you requested.
18 MS. EKL: Oh, great. Can you go ahead
19 and let us know who that is while we wait for that
20 document to pull up?
21 THE WITNESS: Timothy Moore.
22 MS. EKL: Okay.
23 THE WITNESS: I referenced it in the
24 report. I referenced something he said in the

Page 222

1 report, I think.
2 MS. EKL: You did. You did.
3 MR. HILKE: Okay. Thanks. I got it.
4 Thanks for waiting.
5 BY MS. EKL:
6 **Q. Mr. Danik, do you recognize the document**
7 **that I have marked -- or that I will mark as**
8 **Exhibit No. 9, which is a March 9, 2005, memo from**
9 **Calvin Holliday to IAD?**
10 **(Deposition Exhibit No. 9 was**
11 **marked for identification.)**
12 THE WITNESS: Yes. Yes, I do recognize
13 it.
14 BY MS. EKL:
15 **Q. Okay. And as I indicated, it's a**
16 **three-page memo with the subject, "Integrity**
17 **check," and an allegation that reads, "It is**
18 **alleged, while assigned to Unit 715, Sergeant**
19 **Ronald Watts, Star No. 2640, and Police Officer**
20 **Kallatt Mohammed, Star No. 14122, were taxing drug**
21 **dealers, in parentheses, taking money, allowing**
22 **them to remain in business."**
23 **Did I read that accurately?**
24 A. Yes.

Page 223

1 **Q. Okay. First off, my question to you --**
2 **and if you need me to zoom in or turn pages, let**
3 **me know -- but is there anywhere in this**
4 **particular document, in this memo of March 9,**
5 **2005, where there's an allegation that any drug**
6 **dealers are being framed for crimes that they were**
7 **not committing?**
8 MR. HILKE: Sorry. You can answer.
9 But if you need to scroll
10 through -- through and -- to review it, you can.
11 THE WITNESS: I might have this one in
12 my file over here, handy. Can I look here or --
13 or make this one bigger.
14 BY MS. EKL:
15 **Q. I can make it bigger.**
16 A. That might be the easiest thing.
17 **Q. Just let me know when to scroll.**
18 A. Oh, that's nice, yeah. Nice. In fact,
19 it's in even better resolution.
20 Okay. You'll have to go down --
21 this is the integrity check. I'm not -- yeah,
22 go -- there's a second page or a third page even,
23 right?
24 Now, this is -- yeah, this is

Page 224

1 mostly the plan for that integrity check. I don't
2 think it's a full description of the case, so I
3 don't -- I didn't see it in there, no.
4 **Q. Have you seen any documentation in this**
5 **case to suggest that an integrity check was**
6 **actually performed?**
7 A. No.
8 **Q. Okay. And you'll agree with me that**
9 **this just documents an intent to conduct an**
10 **integrity check, but it doesn't reflect that it**
11 **was actually done?**
12 A. It -- yeah, the import of the document
13 to me was that it was planned and not done. And
14 don't forget my -- it's the context -- I'm
15 including it just because of the context of what I
16 was asked to look at.
17 If the MOU is in force, even if
18 it's in force as an unwritten agreement back in
19 the early days, I saw things that would contradict
20 that. So this unilateral plan, without the FBI
21 being involved after the FBI case was open for a
22 year, is the reason I put it in.
23 It's a good plan. It's, you know,
24 something I would have expected to see, but not if

1 you were under the impression that you couldn't do
2 a single thing in the case without the FBI being
3 the owner and in charge of it. So that's why I
4 included it.

5 **Q. So if they had actually executed the**
6 **plan, they would have been, I'll say, in**
7 **violation, for lack of a better way of saying it,**
8 **of the MOU, assuming it was in place?**

9 A. It could have been shut down through
10 that. It could have been shut down for a number
11 of reasons. It might not have been shut down. I
12 don't know that -- what happened with this. And I
13 don't know that I saw it in the record, if
14 somebody explained what happened with that.

15 This was Holliday wrote this. I
16 don't know if he's the one who was having a hard
17 time recalling things from this long ago. I don't
18 know if he shed light on that. I could look on a
19 break.

20 **Q. Well, you acknowledge -- and this is in**
21 **the bold -- the middle of the bold section of your**
22 **report on page 15, in relation to this memo that**
23 **if, in fact, the plan had moved forward, it**
24 **would -- these are your words, quote, burn the**

1 **operation, correct?**

2 A. Yes. Most likely, it would burn the
3 operation if you did the arrest.

4 **Q. Right. Right.**

5 So let me go -- actually, I need to
6 flip back to the previous exhibit, which was
7 Exhibit 8. I just realized I wanted to ask you
8 about another section of that.

9 The last -- this is a
10 September 21st, 2004, memo regarding the meeting.
11 The last line of that memo reads, "The cooperating
12 individual is to be prosecuted in federal court
13 and the United State's Attorney's Office believes
14 they should be in control of everything that
15 results from his cooperation."

16 Do you see that?

17 A. Yes.

18 **Q. What does that language, "United State's**
19 **Attorney's Office believes that they should be in**
20 **control of everything that results from his**
21 **cooperation" indicate to you?**

22 A. That's -- you would have to ask them
23 exactly what they meant by that, as to what was
24 said in that meeting and what they meant.

1 But I'm just giving my experience
2 in the context of that MOU being in, say it's --
3 the understanding is in effect. So somebody --
4 even I don't see any -- I'm just saying that --
5 okay, so it's -- it is in effect. Does this --
6 does this have an impact on that assessment? And
7 so, yeah, in the plain language of it. But I
8 could tell you that this is -- this is nuanced
9 words that the U.S. Attorney's Office usually
10 uses. Not nuanced. Standardized. Boilerplate
11 kind of words, like we control everything for this
12 source. That -- they don't want anybody showing
13 up articulating for the -- maybe I'm saying it the
14 wrong way.

15 At sentencing for what this
16 individual was credited for, the U.S. Attorney's
17 Office wants to be the main person. They don't
18 want other people coming in and interfering with
19 that in the -- in the public venue of the
20 courtroom.

21 Behind the team -- behind the
22 scenes, you can argue with them a lot, and it
23 happens a lot. And they're used to it, and
24 they're very accepting of it. But as far as the

1 final decision, it's theirs, and they just want
2 everybody to know that. And that's what I'm
3 taking was actually said there. But it's not as
4 cut-and-dry. It's just reading that
5 black-and-white sentence there, in my view.

6 **Q. There's nothing in this memo that**
7 **suggests -- or that references the United States**
8 **Attorney's Office referring to sentencing of the**
9 **CI, correct?**

10 MR. HILKE: Objection to form.

11 You can go ahead.

12 THE WITNESS: Well, it talks about
13 federal court in the CI. And CIs are -- does it
14 say CI?

15 The cooperating individual, that's
16 where this whole thing is headed. They are under
17 some kind of proffer agreement or case settlement.
18 They've pled. And so what comes of this
19 cooperation, the U.S. Attorney's Office gets to
20 decide how this particular cooperator benefits
21 from it, if at all. They're the decision-maker --
22 the final decision-maker.

23 That's, kind of, what they tell you
24 in these meetings. Not kind of. That is what

Page 229

1 they tell you in these meetings.
2 BY MS. EKL:
3 **Q. And this is another indication, or at**
4 **least it's an indication, of control, basically,**
5 **being taken -- or not being given to the CPE in**
6 **relation to the CI, correct?**
7 A. Now, they have -- what the
8 U.S. Attorney's Office is never going to say is,
9 we told -- this means that we told them to not
10 investigate these officers internally.
11 I can nearly guarantee you they're
12 going to say that, that, well, we didn't tell them
13 not to investigate. That's not what this sentence
14 says.
15 And it means -- it means something
16 else than that, if you want to -- maybe that's the
17 best way to approach it.
18 **Q. You don't know what was said in the**
19 **meeting, correct? All we know is what's on the**
20 **paper. Is that what you're saying?**
21 A. Correct. Correct.
22 **Q. All right. Then let's just move on.**
23 **Let's look, now, at the April 7th,**
24 **2005, interview report of Wilbert Moore. And that**

Page 230

1 **is Bates-stamped Baker Glenn 18618, it's nine**
2 **pages, through 18626.**
3 **Let me know when you're ready. I**
4 **know it will take you a minute.**
5 A. This one, I've got. You're good to go.
6 **Q. All right. Great.**
7 MS. EKL: All right. We'll mark this as
8 Exhibit No. 10.
9 (Deposition Exhibit No. 10 was
10 marked for identification.)
11 BY MS. EKL:
12 **Q. Mr. Danik, do you recognize the document**
13 **that I have on the screen right now that has a**
14 **title, "Report of Investigation"?**
15 A. Yes.
16 **Q. And is this the April 7th, 2005, report**
17 **that you referenced in your -- on your report on**
18 **page 15, that's the interview of Wilbert Moore?**
19 A. It should be. Yes, I'm pretty sure.
20 **Q. Okay. In your report, you point out**
21 **that Wilbert Moore is also known as "Big Shorty,"**
22 **correct?**
23 A. Yes.
24 **Q. And that he admitted to 15 to 20 years**

Page 231

1 **of heroin and cocaine dealing on a daily basis at**
2 **IBW, which is Ida B. Wells, correct?**
3 A. Correct.
4 **Q. And to being a member of the drug gang,**
5 **the Gangster Disciples, correct?**
6 A. Yep. Yes.
7 **Q. And this report that we've marked as**
8 **Exhibit No. 10 is a report of an investigation and**
9 **an interview that was conducted by ATF, DEA, and**
10 **members of the Chicago Police Department, correct?**
11 A. Yes.
12 **Q. All right. You reference in your**
13 **statement -- so this page 15 into 16 -- page 16,**
14 **that the statement is -- or this document --**
15 **sorry. You say, "No FBI presence is documented**
16 **during the lengthy meeting during which Moore**
17 **provides a sweeping detailed account of the**
18 **massive illicit drug market operated unfettered in**
19 **the IBW's housing complex, mostly because Watts is**
20 **paid with cash and guns by dealers like him to**
21 **allow it to thrive."**
22 **That an accurate statement from**
23 **your report.**
24 A. Yes. Am I quoting -- am I saying this

Page 232

1 report, or is that in the narrative?
2 **Q. I'm saying in your report. And even --**
3 **just in general, is that one of the things that**
4 **you believe about the report?**
5 A. That's one of the things I read in it.
6 **Q. Okay. If you -- let me just flip this**
7 **real quick to Exhibit 1, which is your report. On**
8 **page 16, you say in the second paragraph, "Moore**
9 **offered CPD a stunning, detailed witness account**
10 **regarding Watts' and Mohammed's corruption."**
11 **Do you see that?**
12 A. Yes.
13 **Q. All right. Let me ask you this first,**
14 **what is your understanding of the circumstances**
15 **under which Moore provided the statement to the**
16 **law enforcement officers?**
17 A. He was being interviewed related to his
18 cooperation agreement, or that he had agreed to
19 cooperate.
20 Is this -- is this one where --
21 they might have -- one of -- a few of these
22 reports, you had the advice of rights form. I
23 don't know -- I would have to look back.
24 Did they arrest him, and then he

61 (Pages 229 to 232)

Page 233

1 gave a statement, or is this --
2 **Q. I keep trying to scroll down a little**
3 **bit, and I'm making it worse.**
4 **Directing your attention to**
5 **paragraph 2. Do you see where they gave him his**
6 **advice to -- he signed an advice of rights and**
7 **waiver?**
8 A. Yes.
9 **Q. Okay. Would you agree -- and I'll flip**
10 **to the back page, because it's not a memory**
11 **test -- that there are 62 paragraphs to this**
12 **memorandum?**
13 A. Yeah. And before you switched, I did
14 see that it must have been through a cooperation
15 agreement, because they said in there that, here's
16 your rights, and that we'll tell the
17 U.S. Attorney's Office, you know, whatever you
18 told us to -- indicates to me that he was under
19 some cooperation agreement with the DOJ at that
20 point.
21 **Q. Okay. And the fact that he was under a**
22 **cooperation agreement, does that indicate to you**
23 **that there was some benefit offered to Moore in**
24 **exchange for providing information?**

Page 234

1 A. There's no benefit promised. What's
2 said is that your -- we'll take your information
3 and we'll consider it, but there's no promises.
4 Most -- I get what you're saying,
5 though. Most defendants take that as a potential
6 benefit, for sure.
7 **Q. Now, in reference to your statement that**
8 **it provides that this memo or report details**
9 **long-term corruption, violent acts by Watts and**
10 **Mohammed, wouldn't you agree with me that 56 of**
11 **the 62 paragraphs -- and I can go through them one**
12 **by one if you want -- involve information from**
13 **Moore that doesn't relate to Watts?**
14 A. It doesn't mention him by name, but a
15 lot of the people in there are people that Watts
16 has some contact with.
17 But, true, they move to Watts
18 specifically at a point in this report. That is
19 correct, yes.
20 **Q. And the other paragraphs leading up to**
21 **that are about other drug dealers involving sales**
22 **of heroin lines within Ida B. Wells, correct?**
23 **Along with acts of violence and various shootings,**
24 **and there was a reference to a murder for hire; is**

Page 235

1 **that correct?**
2 A. Yes.
3 **Q. Okay. When we get to page --**
4 **paragraph 53 -- and I'll just represent to you,**
5 **this is the first paragraph that mentions Watts --**
6 **would you agree that this paragraph documents**
7 **Moore's statement that Watts was taking payments**
8 **from drug dealers?**
9 A. Well, no -- well, I mean, does -- it
10 says what it says. It's a written report. But a
11 lot of these other paragraphs do talk about people
12 that Watts knows. I mean, Nooner is all -- Nooner
13 is the guy that they were chasing in June of 2004
14 across the empty field that was the opening scene
15 of the thing.
16 So here he is again showing up in
17 Moore's report, who's a cooperator. He's talking
18 all about Nooner's major drug activity. I
19 think -- is this the report, at one point he says
20 Nooner had 50 ki's of coke in his white van?
21 Which is probably the same white van that was from
22 2014. And that Moore was in the van with him, and
23 he had 3 ki's -- 3 kilos of heroin with him.
24 This is -- according to Moore, this

Page 236

1 guy is a major dealer, and he's friends with
2 Watts.
3 **Q. Well, Mr. Danik, this does -- this**
4 **report doesn't say anything about any individual**
5 **being friends with Watts?**
6 A. Yes, but the -- the police department
7 has all this information. We started in '04, and
8 I don't have any information before '04. So,
9 yeah, the first few days, you don't have a lot of
10 information. By the time of this report, there's
11 a -- I know a lot of information, and I'm
12 looking -- it's not through a keyhole, but just
13 the documents I've been given. I can tell -- I
14 already know about Nooner. I know who half of
15 these people are. Gaddy -- I know Gaddy was shot
16 at. And I already know the connections to these
17 people by this date, and I only have a few of the
18 reports.
19 So it's not a standalone in the
20 real world, but I get what you're saying,
21 paragraph 53 might be the first time they turn
22 officially to Watts as, you know, the focus of
23 what they're talking.
24 **Q. My question was --**

Page 237

1 MR. HILKE: I'm sorry. Just quickly.
2 If you need to zoom in or you need to review the
3 report, you can. Just because I know you don't
4 have it physically in front of you.
5 THE WITNESS: Okay.
6 Yeah, it's -- it's fine. I mean,
7 you know --
8 MR. HILKE: Again, you don't have to
9 answer that. I'm not the one asking questions. I
10 just wanted to remind you since we're on Zoom.
11 Sorry about that.
12 THE WITNESS: No, this is fine. She's
13 fine with this.
14 BY MS. EKL:
15 Q. My question, and I want to make sure
16 it's clear and we get a clear answer, is that in
17 none of the previous paragraphs until we get to
18 paragraph 53 -- and I am more than happy to go
19 through them one by one so that you can look at
20 them again -- would you agree with me that they do
21 not reference Watts?
22 A. I don't remember that. I would have to
23 look.
24 Q. Okay.

Page 238

1 A. I mean -- let me see it, to see if it --
2 if your question is -- I might not have to look at
3 it.
4 If your question is, do they
5 reference Watts by name, then it's an easy answer,
6 if his name is in it. If they reference somebody
7 that, I think, oh, that's a guy that knows Watts,
8 according to an earlier report I saw, then it
9 would, to me, include that under your term of
10 reference. That's all I'm saying.
11 I'm not trying to be argumentative.
12 I'm just trying to say some of these paragraphs
13 give you important information that Moore doesn't
14 even realize is -- that Moore definitely doesn't
15 realize is tying in to other things I know.
16 Q. Well, the --
17 A. I don't think he knows.
18 Q. The fact that Moore is giving
19 information, saying that someone is actually a
20 drug dealer or is a person who is willing to do
21 murders for hire or who is involved in gun sales,
22 without tying that specifically to Watts or
23 Mohammed or any other officer, there's no
24 allegation against them, correct?

Page 239

1 Just because he gives information
2 about them being criminals, doesn't mean that
3 there's a tie to Watts, correct?
4 A. No. I'm sorry --
5 Q. All right. Let's look at a paragraph
6 here then.
7 All right. Let's look at
8 paragraph -- let's take one, paragraph 7. Do you
9 see it?
10 A. Yes, ma'am.
11 Q. Okay. Paragraph 7, "Moore related that
12 he came back to Chicago when Patrick Nooner, a/k/a
13 PT, asked him to come back to Chicago to show him
14 how to mix heroin and help run the heroin
15 distribution operation. Moore related that PT
16 paid for his airline ticket."
17 Do you see that?
18 A. Yes, ma'am.
19 Q. And you have seen a document that
20 existed prior to this date that referenced Patrick
21 Nooner and Watts in the same document, correct?
22 Well, I'll just strike that.
23 Paragraph 7 doesn't say anything
24 about Watts, correct?

Page 240

1 A. It doesn't say -- yeah, it just talks
2 about Nooner.
3 Q. Right, it talks about Nooner, and it
4 talks about Moore, correct?
5 A. It talks about Nooner and Moore, but
6 Moore runs the drug line in the building they call
7 the "Watts building." And --
8 Q. Where do you see that? Where do you see
9 anything in reference to the Watts building?
10 A. I'm talking this report -- okay. If
11 you're asking in a vacuum, pretending we don't
12 know anything else except this report, no, it
13 doesn't talk -- if you didn't know who Nooner was
14 and you didn't know the other -- that -- that --
15 the connection from the earlier incident, at least
16 with Watts or any of the other information, then
17 you wouldn't know that this has anything to do
18 with Watts, that's correct. His name isn't here
19 in paragraph 7.
20 Q. None of -- none of these paragraphs,
21 until you get to paragraph 56 -- I'm sorry -- 53,
22 says anything about Sergeant Watts, correct?
23 A. Not by name.
24 Q. Not even by reference, correct?

Page 241

1 MR. HILKE: Objection. Wait. Wait.
2 Wait.
3 Just, objection to form.
4 You can answer.
5 THE WITNESS: I can answer it?
6 MR. HILKE: Yeah. I'm sorry. You can
7 answer.
8 THE WITNESS: Yeah, I mean, I don't --
9 to me, it means something right away.
10 BY MS. EKL:
11 **Q. That wasn't my question. My question**
12 **was, do any of these paragraphs, before you get to**
13 **paragraph 3, even indirectly reference Watts?**
14 A. Not by name. But he knows a lot of
15 these people, and a lot of information is known
16 before this. So they do -- reference to who? To
17 the investigators? The -- they would -- they
18 should know a lot of this going in. They should
19 know who Gaddy is. They should know who these
20 people are. They should know who Nooner is.
21 MR. GAINER: So this is Brian Gainer.
22 I'm objecting, because that is completely
23 nonresponsive, in addition to being almost
24 ununderstandable. So I'm moving to strike it.

Page 242

1 MR. HILKE: Tell you what, let him
2 finish his answer, please --
3 MR. GAINER: Okay. Then I'll make the
4 same objection when he finishes.
5 MR. HILKE: I guess, we'll take the
6 objection now, but, Jeff, you should feel free to
7 finish your answer before we move on to the next
8 question.
9 THE WITNESS: Yeah, I -- I'll try to
10 make it as understandable as possible.
11 There's a lot of -- there's --
12 there's paragraphs in this that would tie into
13 other information known about other people, Watts
14 especially. How much of the report, I didn't go
15 through it in that detail, paragraph by paragraph
16 parsing it out. It's just that there was a lot of
17 information that tied in to Watts to contextualize
18 for anybody looking into this what his actions
19 were.
20 MR. GAINER: This is Brian Gainer. Same
21 objection. Move to strike. Completely
22 nonresponsive.
23 MR. HILKE: For the record, the question
24 was indirectly referenced. So I think with that

Page 243

1 question, it's actually entirely responsive.
2 But I'm not trying to argue about
3 objections on the record.
4 MR. GAINER: Well, you're not trying to,
5 but you are.
6 But anyway, I don't have anything
7 else to say about it.
8 BY MS. EKL:
9 **Q. I'm going to move on.**
10 **The paragraphs that you referenced,**
11 **that do mention Watts talk about -- and this is**
12 **paragraphs 53 through 58 -- would you agree,**
13 **reference Watts taking payments from drug dealers,**
14 **taking guns from drug dealers, and also money from**
15 **drug dealers, and that's in 54.**
16 **In 55, references Watts letting a**
17 **drug dealer go after a traffic stop.**
18 **It says in 56 -- this is the**
19 **paragraph that referenced, "Moore related that he**
20 **had heard that Gaddy was paying Watts money.**
21 **Moore -- again, he's hearing something. Moore**
22 **related that Gaddy decided he was not going to pay**
23 **Watts, and Watts shot at Gaddy when Gaddy was**
24 **running away, and that that incident was two years**

Page 244

1 **ago, which was not new information."**
2 **And then that Watts had a gambling**
3 **problem, is referenced in paragraph 57.**
4 **And then in paragraph 58, it says**
5 **that Watts allegedly took some weed off of a drug**
6 **dealer and gave it to another.**
7 **That's the totality of the**
8 **information in here about Watts, correct?**
9 MR. HILKE: Object to form.
10 THE WITNESS: By name, yes.
11 But if you just look at the one
12 paragraph you talked about, just one example of
13 it, 55. Here, you have Watts by name, but it's --
14 it's Nooner that he has this familiarization with.
15 He just lets him go.
16 And earlier in a paragraph that
17 does not have Watts' name in it, Moore says -- or
18 maybe it's later -- I think this is the report
19 where Moore says, I was in a van with Nooner, a
20 white van -- which we already know about from the
21 other incident, or most likely is the same van --
22 and he had 50 ki's of coke and multiple ki's of
23 heroin with him.
24 So Watts' name isn't in that one,

Page 245 1 but it's in the one you just read, 55, which is 2 the same guy from the other paragraph where his 3 name isn't. So that's -- that's all I'm trying to 4 say is that these -- this isn't a law book where 5 you can take one sentence and dissect it. All of 6 these pieces fit together in these reports. 7 That's what these investigative reports usually 8 are. 9 BY MS. EKL: 10 Q. Aren't the investigative reports 11 precise, so that if in the paragraph Moore had 12 said, I was in a van with 50 kilos of cocaine, and 13 I was in that van when Watts pulled us over and 14 Watts let us go, the information about the kilos 15 of cocaine at the point in time when Watts let 16 them go would be in the same paragraph, correct? 17 A. Yeah. Yeah. 18 MR. HILKE: Wait. Wait. Wait. Just 19 let me -- give me a chance to object. Form and 20 foundation. 21 You can answer. 22 THE WITNESS: If I meant that he let him 23 go with 50 ki's, that's not what I was saying. 24 I'm saying a different paragraph	Page 247 1 correct. 2 Q. Would you agree that nowhere in this 3 document of 62 paragraphs does it say that Watts 4 or Mohammed or any other officer was framing 5 anyone for crimes that they did not commit? 6 A. I'd have to read the whole thing to see 7 if that's some kind of -- I mean, I don't think 8 so. I don't think he came right out and said he 9 put cases -- well, I don't know. He might have. 10 He knew -- I think he knew that was going on, from 11 what I recall. 12 It's a -- you're asking me a very 13 detailed question about what Moore knew or what 14 you're actually asking is that in this report. So 15 I'd have to actually look at it to see if there's 16 some -- if it's obvious that he's saying Watts 17 plants drugs. 18 Q. You reference on page 16 of your 19 report -- and I can flip back to it, if you 20 want -- that the detailed witness statement was in 21 regards to Watts' and Mohammed's corruption. 22 I'm going to flip back, again, to 23 Exhibit 10, which is the memo of the Wilbert Moore 24 interview. And if you want me to go through it
Page 246 1 that it ties into this paragraph, because now this 2 guy, Nooner, is a major dealer, according to 3 Moore, and he's also friends with Watts. And 4 those -- so those two paragraphs are linked, in my 5 view. One doesn't have Watt's name, and the other 6 one does. 7 So that's all I was saying earlier 8 about this, and these paragraphs about Watts 9 specifically. 10 BY MS. EKL: 11 Q. What document says that Watts was 12 friends with Nooner? 13 A. They grew up together, and, "Oh, it's 14 you Pat." I mean, that's -- he gets let go on the 15 side of the road. He doesn't know who the guy is? 16 Why does he stop him? He must have some friendly 17 relationship with him. And other people have said 18 he was friends with Nooner, I thought, in these 19 records. 20 Q. The document itself does not say that 21 Watts was friends with Nooner, correct? That's a 22 conclusion that you're making? 23 A. I think it's from a different document. 24 It probably doesn't say it in this record, though,	Page 248 1 paragraph by paragraph, I will. But let me know 2 where in here it mentions Mohammed anywhere. I 3 can start at the beginning. Or is this just an 4 inference that you're making that it somehow 5 refers to Mohammed without mentioning his name? 6 A. Yeah -- well, he's -- at this point, 7 it's the investigation itself that I was taking. 8 If it's not in this report, it's not in this 9 report. But by now, they have identified several 10 people in these records in Watts' unit. Those are 11 the two primary ones, so that's why I put his name 12 in here. 13 Did he say his name in here? I 14 mean, it's an easy answer. If his name is not in 15 here, no. 16 Q. When you say they had referenced people 17 in his unit, what documents are you referring to 18 that you reviewed as of April 7th of 2005 that 19 reference anyone other than Watts? What you are 20 referring to? 21 A. Well, I guess, some -- I would have to 22 look through the To/From reports that as to who 23 they were looking at at that time. 24 In my report, including Mohammed --

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 249

1 I'm not sure what I was thinking right then. Was
2 it that he talked to Moore about -- if Moore
3 didn't say his name, then he didn't specifically
4 say, hey, I did this with Mohammed, correct? So
5 that would be correct.

6 **Q. So if this document doesn't reference**
7 **Moore giving information about Mohammed, then**
8 **would you agree that your statement that Moore**
9 **offered CPD a stunning, detailed witness statement**
10 **regarding Watts' and Mohammed's corruption, would**
11 **be incorrect?**

12 MR. HILKE: Object to form.

13 But you can answer.

14 THE WITNESS: I would have to reread
15 this document and look at it and figure that out.

16 It doesn't -- if it doesn't mention
17 his name by name, you would be generally correct,
18 that if he didn't say his name, then there would
19 have to be an inference in here. And I don't
20 agree that there's not, but I would have to go
21 through the whole thing slowly to figure it out.

22 MS. EKL: Did someone just join us?

23 MR. HILKE: Tim.

24 MS. EKL: Tim, okay.

Page 250

1 MR. SCAHILL: I had to switch devices.
2 Sorry.

3 MS. EKL: That's okay. I just wanted to
4 make sure we don't have a stranger.

5 MR. SCAHILL: Yeah, I'm going to leave
6 the one and stay on this one.

7 BY MS. EKL:

8 **Q. Flipping back to Exhibit 1 -- and this**
9 **is your description of the document we were just**
10 **looking at. The next sentence, which is the**
11 **second paragraph -- in the second paragraph. You**
12 **say, "Moore had credibility, because he implicated**
13 **himself in several serious crimes not involving**
14 **Watts directly, including a shooting Moore**
15 **implicated himself in."**

16 **Is it your opinion that because**
17 **Moore gave detailed information about being a drug**
18 **dealer and having knowledge of multiple other drug**
19 **dealers in response to this cooperation agreement,**
20 **that he was credible?**

21 A. No -- well, I'm not -- I guess, the --
22 the sentence there, the way I meant it, Moore had
23 credibility, because he implicated himself in
24 several serious crimes, is -- again, I'm talking

Page 251

1 the MOU, and I'm saying what do the officers know.
2 He would have had credibility to them, I think, is
3 what I'm saying. Not to me. I don't know if the
4 guy is -- the guy is dead now. He was killed.

5 So I don't know today what, you
6 know, sitting here, if he was credible or not. A
7 lot of things he said could be corroborated or
8 refuted. I think he would have had credibility to
9 those investigators that this was a serious
10 situation, that he wasn't making these things up,
11 because he had access.

12 **Q. Do you think, based on Moore's**
13 **statements, now that we're -- that were given on**
14 **April 1st of 2024, that CPD should have, to the**
15 **possible risk of blowing up the criminal**
16 **investigation, now moved administratively against**
17 **Watts or anyone else?**

18 MR. HILKE: Object to form.

19 But you can answer.

20 THE WITNESS: I think they should have
21 immediately -- you're asking my opinion? I think
22 they should have immediately moved on that, just
23 because of the rifles that Moore said he gave to
24 Watts.

Page 252

1 BY MS. EKL:

2 **Q. And if they had moved administratively,**
3 **do you agree that Watts would have been confronted**
4 **with the allegations made against him by Moore?**

5 A. Maybe -- maybe eventually.

6 **Q. Well, if they moved expeditiously, they**
7 **would have brought him in, read him his rights,**
8 **and they would have asked him whether or not he**
9 **had engaged in the conduct that Moore accused him**
10 **of, correct?**

11 A. No, they may not have. That wouldn't
12 have been the right thing to do. The right thing
13 to do would have been to start checking all the
14 records. What day did that happen? Where were
15 you? Get your phone out, Wilbert, and tell me --
16 start looking through it. Do you have anything
17 texting him? Corroborate what he says. Get all
18 of that information. Where did you get the guns?
19 You know, and then start doing an ATF check.
20 Maybe it ties right back into him -- right back
21 into Watts, maybe it doesn't, and you refute what
22 he says.

23 I don't want to speak too fast.

24 But when I say "moved on that," that's the kind of

66 (Pages 249 to 252)

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 253

1 thing you could do in parallel, instead of leaving
2 those guns on the street, if it's true. I'm not
3 saying it's true. I'm just saying if it's true,
4 then -- you've got two rifles now. You don't know
5 where they're at. That's a problem. That's a big
6 problem.

7 **Q. And ATF was investigating at this point**
8 **in time, correct, because ATF was the one**
9 **interviewing Moore, correct?**

10 A. Maybe -- maybe that's the answer. Maybe
11 ATF did all that. I saw nothing in the record
12 about that. I was -- honestly, ma'am, I kept
13 hoping there was something in the record, at least
14 about the rifles or the guns. But I saw nothing
15 in there. If there is, I would rewrite portions
16 of the opinion. It's based just on what I saw.

17 **Q. Do you think there was enough to charge**
18 **Watts criminally based on Moore's statement alone?**

19 A. Based just on Moore's statement?

20 **Q. Right.**

21 A. No.

22 **Q. And if Watts had come in and been**
23 **confronted with these allegations made by Moore**
24 **and he denied it, then you would have a situation**

Page 254

1 **where it would be an unsustained finding, correct?**
2 **Because you would have Watts denying it and Moore**
3 **saying it happened, and IA would not have been**
4 **able to determine either way, correct?**

5 MR. HILKE: Objection to form and
6 foundation.

7 You can answer.

8 THE WITNESS: No, that's not the way it
9 would be. It's not just, what do you say? What
10 do you say? Okay. They actually look into --
11 they make the -- the officer produce records.
12 Give me your phone, Watts. Give me your -- what's
13 the password? They take the -- you know, whatever
14 the contract allows in the FBI, they already have
15 your phone. They don't even need to ask you for
16 it.

17 BY MS. EKL:

18 **Q. What's your basis for saying that CPD,**
19 **as a contract or would otherwise would have the**
20 **ability to take Watts' phone?**

21 A. It's just -- I think I did see some kind
22 of contract in the records there. But most
23 police -- the reason I say that, ma'am, is because
24 most police departments operate under some

Page 255

1 collective bargaining unit and agreement, and it
2 involves how Internal Affairs will be adjudicated.

3 **Q. Do you think that if CPD had moved to do**
4 **all of these investigative steps that you're**
5 **talking about in an administrative capacity, it**
6 **would have in any way compromised the**
7 **investigation that was being run by the FBI and/or**
8 **the ATF?**

9 MR. HILKE: Just objection to form.
10 You can answer.

11 THE WITNESS: If they had moved on it?

12 BY MS. EKL:

13 **Q. Correct.**

14 A. If CPD had moved on it -- well, it's --
15 yeah. Basically, if you're going to notify the
16 guy he's under investigation by IAD, you don't
17 necessarily tell him that the FBI has a case on
18 him. So they may, though. So that may compromise
19 it.

20 We got this from the FBI. Maybe
21 the contract requires them to show. I don't know.
22 But I didn't see any of that in the record.

23 I do know that -- and some of this,
24 too, is I do try to be careful and be -- so I can

Page 256

1 be fair about it, really. The technology today is
2 so much different than the technology in 2004.
3 Even if you move into 2008, you start moving into
4 more and more technology, and the police
5 departments are leveraging all of that in their
6 Internal Affairs investigations and normal
7 investigations.

8 So, you know, asking for his phone,
9 at points, people didn't even have a phone; they
10 had a pager. So I think he had a phone at this
11 point, but -- and that's just an example.

12 **Q. Okay. But you're speculating at this**
13 **point in terms of what information would have been**
14 **available, even if they were able to access Watts'**
15 **phone, correct?**

16 MR. HILKE: Objection to form.

17 THE WITNESS: Yes.

18 BY MS. EKL:

19 **Q. And if they had asked -- and if they had**
20 **advised Watts that they were investigating him,**
21 **would you agree that it would compromise the**
22 **ability of the FBI to conduct further surveillance**
23 **and all of the other investigative steps that they**
24 **took later on?**

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 257

1 A. It could have. It's not conclusive in
2 any way, but it could have.
3 **Q. Let's look at Exhibit No. -- I'm**
4 **sorry -- the June 28th Holliday memo, which is**
5 **Bates-stamped Baker Glenn 10947 and 10948.**
6 MR. HILKE: Give me just one second on
7 that.
8 I've got it. Thank you.
9 MS. EKL: We'll mark this as Exhibit
10 No. 11.
11 (Deposition Exhibit No. 11 was
12 marked for identification.)
13 BY MS. EKL:
14 **Q. Do you recognize this document that**
15 **purports to be a memo, dated June 28, 2005,**
16 **between Police Agent Calvin Holliday and the**
17 **Internal Affairs Division, regarding Ronald Watts**
18 **and the same complaint number and confidential**
19 **number?**
20 A. Yes, ma'am.
21 And can I ask permission to look at
22 my report just briefly to make sure that's the
23 date?
24 **Q. Yes, of course.**

Page 258

1 A. Okay. I'm sorry. I believe -- just to
2 make sure I don't give an answer for some other
3 thing.
4 **Q. No, that's okay. And I'm actually going**
5 **to flip for a second to your report. Page 16, do**
6 **you see where it says, "June 18, 2005, To/From**
7 **Holliday, Baker?"**
8 **And it actually has the Bates stamp**
9 **in here, Baker Glenn 10947 to 10948, correct?**
10 A. Yes, ma'am.
11 **Q. Okay. The second sentence of that**
12 **paragraph, you write, "Gaddy was interviewed**
13 **without notice to or participation by the FBI**
14 **public corruption squad, correct?**
15 A. According to that To/From report, yes.
16 **Q. That was my question. And that's**
17 **speculation on your part that the FBI Public**
18 **Corruption Squad was not notified, correct?**
19 **And I'll go back to the memo, if**
20 **you need me to.**
21 A. Well, they weren't there, is what I'm
22 saying, on this -- you know, somewhat -- this
23 pretty important interview, I guess, is the idea.
24 **Q. Okay. Well, the report doesn't indicate**

Page 259

1 **that they were there. But your report, you state**
2 **that he was interviewed without notice to or**
3 **participation by the FBI Public Corruption Squad.**
4 **So would you agree with me that the**
5 **statement that you wrote in your report is**
6 **speculation?**
7 MR. HILKE: Object to form.
8 You can answer.
9 THE WITNESS: What's that?
10 MR. HILKE: Just object to form.
11 You can answer.
12 THE WITNESS: I don't see anything in
13 the FBI record during that time to show that they
14 were told about this particular meeting or
15 information or invited. Is it possible they were
16 told and said, we don't want to come? It's
17 possible.
18 BY MS. EKL:
19 **Q. This memo details a meeting that**
20 **included the Cook County State's Attorney or**
21 **Assistant State's Attorney, David Navarro, and**
22 **Matthew Mahoney, who was then Baker's attorney,**
23 **correct?**
24 A. Yes. Yes, ma'am.

Page 260

1 **Q. And Ben Baker, it was his criminal**
2 **defense attorney; is that correct?**
3 A. I think so, yes.
4 **Q. I'm going to go back to your report.**
5 **Page 17, where you're referencing this To/From**
6 **memo. In this bold section, where I'm indicating**
7 **here, it reads, "Normal law enforcement processes**
8 **would have been to make a written request for use**
9 **of the source and then agree on a cooperation plan**
10 **related to both cases."**
11 **And actually, let me just -- so we**
12 **get that context. The To/From memo talks about --**
13 **it says, "Baker spoke of Watts wanting Baker to**
14 **pay Watts to stay in business and of Baker's**
15 **resisting to do so."**
16 **It says, "Baker alleged his present**
17 **case in court was placed on him by Sergeant Watts.**
18 **Baker pledged his cooperation in our investigation**
19 **and to work as a CI. Baker stated he would**
20 **immediately contact the undersigned if he had any**
21 **contact with Sergeant Watts."**
22 **And in relation to that, you say,**
23 **"Normal law enforcement processes would have been**
24 **to make a written request for use of the source**

68 (Pages 257 to 260)

Page 261

1 and then agree on a cooperation plan related to
2 both cases. Possibly, cooperation would not be
3 permitted; however, I would have expected
4 substantial documentation of who made that
5 decision and the reasons."
6 What do you mean by -- like, what
7 do you mean by "normal law enforcement processes
8 would have" -- what normal law enforcement
9 processes are you referring to?
10 A. So if you look in the report, I use a
11 quote from this memo. Just go up a little bit
12 where it says -- it's quotation mark, Gaddy was
13 never able to assist the undersigned.
14 Do see that quotation?
15 **Q. Right here? Yes.**
16 A. Yes, ma'am. Yes, right there.
17 "Gaddy was never able to assist the
18 undersigned, as he was being worked by the
19 narcotics and gang investigation section."
20 And the reason -- the way this
21 report is written -- maybe I should have explained
22 this earlier. The non-bold portion is just a
23 reciting of the memo, and why I thought this memo
24 was relevant to the two research questions I was

Page 262

1 tasked with.
2 And then the bold doesn't really --
3 it's not really -- like, this is the most
4 important thing. That's so we differentiate my
5 opinion -- that -- or that's what I'm observing
6 about this on the -- on the progression of this
7 entire case.
8 And the reason this memo is
9 important is because you don't have the FBI there,
10 and you're -- you're shutting down a critical
11 source without -- if -- if I was sitting there --
12 if the FBI -- this is why I think the FBI wasn't
13 notified. If -- if an FBI agent was sitting
14 there, they would say, wait a minute, you don't
15 own sources. You have a -- you have a great
16 control over them. You might own them. But I'm
17 going to make a point about using them.
18 It just doesn't -- the agents or
19 somebody doesn't just get to say, no, you're never
20 using this guy. There's easily up the chain. And
21 if the FBI -- the research question is, if the FBI
22 is in charge of the case, why aren't they making
23 this decision? And I don't see anything that the
24 FBI was asked to intervene in this Gaddy not

Page 263

1 available issue.
2 **Q. So you're critical that we didn't take**
3 **investigative steps -- "we" being CPD -- take**
4 **investigative steps outside of -- outside of what**
5 **the FBI was doing to pursue our administrative**
6 **charges against Watts. But yet, here, you're**
7 **saying -- you're being critical that we should**
8 **have included the FBI. I guess, I'm confused by**
9 **what you're trying to say.**
10 A. No, it's -- where is the police
11 department taking unilateral investigation prior
12 to the signing of the MOU?
13 That would show -- that would tend
14 to show that they weren't abiding by the MOU.
15 They say -- it's not me saying -- that MOU is in
16 existence, even though it's not written. So here,
17 you have a situation where the FBI or DOJ who have
18 a lot of -- could have a lot of sway -- I'm not
19 saying it would work, but would have a lot of sway
20 in the use of a source and their application.
21 Maybe the answer is, that gets all
22 vetted out, and the guy ain't going to be used in
23 this Watts case.
24 **Q. As an FBI agent, have you ever used a**

Page 264

1 **cooperation plan in a similar circumstance?**
2 A. Cooperator in a similar circumstance?
3 **Q. Cooperation plan that you referenced?**
4 A. Yeah. We're joint sourcing a lot of
5 people. I've done it.
6 **Q. And can you give me an example of a time**
7 **that you've used a cooperation plan in a similar**
8 **circumstance?**
9 A. I don't -- I don't think that they're
10 formally written. You're calling it a
11 "cooperation plan." They're not formally written.
12 It's a situation where -- and I
13 don't know if I want to give a specific example,
14 but a common occurrence would just be that DEA has
15 a source, or I have a source, and now he has drug
16 information. And it's significant, so we let DEA
17 decide whether they're going to task him with
18 certain things. And -- or some agents are like
19 this, like this memo is documenting. You ain't
20 using my -- you're not using my source. It's my
21 source. My ownership. I own him.
22 And sometimes, that works. Other
23 times, that agent is taught that that is a source
24 of the organization, not yours. And the best

Page 265

1 interest of the public and our mission will decide
2 who uses that source, not you. So that's my point
3 here.

4 **Q. By the way, the words "cooperation plan"**
5 **that I'm asking you about, those are your words.**
6 **I'm indicating where they are right now on your**
7 **report.**

8 A. Okay. Well, the way you were using
9 them, I took it to mean you thought that there is
10 actually, like, a written plan that should be done
11 if this is agreed to.

12 That's -- that's just the plain
13 language of them, on some type of plan of
14 cooperation. So, yeah, it's -- that use of the
15 term is fine. There's no -- there's very few --
16 well, I shouldn't say that.

17 There could be a formalized
18 agreement, they're just not unusually. The agents
19 usually work this out, and the source gets used.

20 **Q. So similar to a memorandum of**
21 **understanding, whether there's a written one or**
22 **not, there's usually some sort of understanding**
23 **between two agencies as to how the -- how they're**
24 **going to work together on investigations, correct?**

Page 266

1 A. Yeah, that's what I said at the
2 beginning, that the agencies already know how to
3 interact with each other and what's expected, the
4 sharing of information, what shouldn't be asked,
5 what should be asked. And it's when you get into
6 these more complex relationships where there's
7 cars and resources and money and overtime and
8 computers and sources, that you have to start
9 having some understanding of who's liable and
10 what's being assigned, correct.

11 **Q. Are there any FBI or other law**
12 **enforcement standards that you can point to, to**
13 **show where such a process was followed or is**
14 **required to be followed?**

15 A. That a what's required?

16 **Q. This cooperation plan, whether it's in**
17 **writing or orally?**

18 A. No, I don't think there's a format or a
19 policy that says, in this situation, you must have
20 this plan. It must have this -- these pieces. I
21 don't think there is.

22 **Q. Looking back at Exhibit 11, which is the**
23 **memo that we were just talking about. Do you**
24 **agree that there are not any allegations in this**

Page 267

1 **interview that Watts was framing innocent people?**

2 A. What was the date of this? I'm sorry.

3 Was it -- I forgot the date already.

4 **Q. June 28, 2005.**

5 A. Yeah, there's no -- if it's not in here
6 that he's framing -- if he didn't say it in this
7 interview -- is it Baker -- stated he would --
8 Baker pledged his cooperation in our investigation
9 and to work as a CI. Baker stated he would
10 immediately -- yeah, Baker's whole complaint is
11 about planting drugs. That's everything he talks
12 about. Is that your question, or is -- did Baker
13 say it again in this memo? Is that what you're
14 saying?

15 **Q. No. I'm -- this memo suggests that it's**
16 **not disputed that Baker is a drug dealer. So my**
17 **point is, so would you agree with me he's not**
18 **innocent in the sense that he's some civilian**
19 **who's having drugs planted on him?**

20 MR. HILKE: Object to form.

21 You can answer.

22 THE WITNESS: No, that is what Baker is
23 saying, that the drugs were planted on him and
24 planted on his girlfriend. That is his

Page 268

1 allegation.

2 BY MS. EKL:

3 **Q. He's alleging that Watts -- Baker spoke**
4 **of Watts wanting Baker to pay Watts to stay in**
5 **business, and Baker's resisting to do so, correct?**

6 A. Yes.

7 **Q. And that's referring to Baker staying in**
8 **business dealing drugs, correct?**

9 MR. HILKE: Objection to form.

10 THE WITNESS: That's the way I take it.

11 BY MS. EKL:

12 **Q. Okay. At the bottom of this page and**
13 **onto the top of the next page, it talks about**
14 **another interview, and that was of Willie Gaddy,**
15 **correct?**

16 A. Yes, ma'am, I believe so.

17 **Q. And that references Gaddy being a drug**
18 **dealer as well, correct?**

19 A. For not paying the protection money,
20 correct. Yeah, it says it right there in that
21 last sentence. And was selling drugs, while Gaddy
22 was selling drugs, correct.

23 **Q. It says, "He spoke -- 'he' being**
24 **Gaddy -- spoke of having been shot at by**

Page 269

1 Sergeant Watts for not paying protection money
2 while Gaddy was selling drugs." He goes on to
3 say, "He spoke of other drug dealers in
4 Ida B. Wells who are selling drugs and paying
5 Watts to remain in business. Gaddy was never able
6 to assist the undersigned, as he was being worked
7 in the narcotics and gang investigation section,"
8 correct?
9 A. Yes, ma'am.
10 Q. So essentially, it shows that CPD
11 Officer Holliday was unable to use the evidence or
12 anything that was being provided by Gaddy, because
13 he was otherwise being used in another
14 investigation, correct?
15 A. No -- well -- no.
16 Q. That's what it says, correct?
17 A. That's what the memo -- yeah, that's --
18 what you just read is what the memo says, yes.
19 Q. Okay. And there was no information from
20 Gaddy of anyone being framed, correct?
21 A. Framed?
22 Q. Correct.
23 A. I didn't see it in those paragraphs.
24 Q. Right. You spoke of drug dealers who

Page 270

1 were selling drugs and paying Watts to, again,
2 remain in business. So continue dealing drugs?
3 A. Yes.
4 Q. And same with the documented interview
5 that comes after that with -- on April 7, 2005,
6 with Wilbert Moore, correct?
7 A. Yes.
8 Q. There's more allegations of Watts
9 requiring money from drug dealers, but no
10 allegations that the drug dealer -- that these
11 individuals are being framed for being drug
12 dealers?
13 A. Being framed, I don't see it in there,
14 no, ma'am, not in that paragraph.
15 Q. That paragraph refers to Moore's
16 cooperation, allegedly, becoming known to Watts,
17 and it reflects that Watts stopped talking to
18 Moore.
19 Would you agree with me that
20 Watts -- if that's all true, that it -- it's an
21 indication that if Watts was tipped off to someone
22 cooperating against him that he's -- well, in this
23 case, it says that Watts refused to talk to Moore,
24 correct?

Page 271

1 A. Yeah, he's avoiding him, because he
2 thinks he's cooperating, maybe.
3 Q. Right. So Moore couldn't be used to
4 gather any more information from Watts, because he
5 couldn't have contact with him, right?
6 A. Well, not -- not at that point.
7 He couldn't be used in a -- in a
8 manner to engage Watts himself in some type of
9 continuing payment or other criminal activity,
10 most likely. He could assist in many other
11 things, like his phone and his -- whatever else he
12 has, where he got those guns. There's a lot of
13 things he could help with, but not the direct --
14 if that's what you're asking, correct, not a
15 direct contact with Watts.
16 Q. And you haven't seen any evidence that
17 Moore had phone calls with Watts, correct?
18 A. I can't recall. Not off the top of my
19 head, I can't think of him saying we talked on the
20 phone.
21 Q. And you haven't seen anything to suggest
22 that Sergeant Watts was providing guns to Moore,
23 correct?
24 A. Isn't providing Moore what?

Page 272

1 Q. There's nothing in the records to
2 suggest that Sergeant Watts was providing guns to
3 Moore?
4 A. Didn't Moore say that he gave Watts two
5 rifles with shock at 39th and whatever street that
6 was?
7 Q. My question was, was there information
8 that you read that suggested that Watts was giving
9 guns to Moore, not that Watts was retrieving guns
10 from Moore, that he was giving guns to Moore?
11 A. Oh, I'm sorry. No, I don't have -- I
12 don't think anywhere in that record did I see
13 where Watts gave up guns to somebody. He was
14 taking guns from people. Or the allegations were
15 he was.
16 Q. I'm flipping back to your report,
17 Exhibit 1. I want to ask you a couple of
18 questions about page 18, just in general.
19 It seems to me that you're
20 suggesting that Watts had something to do with
21 Moore's subsequent murder. Is that what you're
22 trying to say here?
23 A. Absolutely not.
24 Q. Okay. You're aware that members of the

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 273

1 **Hobo street gang were convicted of Moore's murder,**
2 **correct?**

3 A. Yeah, I think I did read that.

4 **Q. And you're not aware of any evidence**
5 **that Watts was involved in that murder; is that**
6 **fair to say?**

7 A. Am I aware -- well, just what I read
8 some of the -- the pieces about somebody seeing
9 him there at the scene, and that type of thing.
10 But, no, I don't have any evidence that he was
11 behind that or involved.

12 And don't forget, I'm including
13 this, because it's not as of today. It's as of
14 what they knew on that date, basically. Kind of,
15 the way you're asking me questions, like, what did
16 they know that day? Yeah, what -- that's why some
17 of these are in here. As of that day, what did
18 they know and what they should have done. So as
19 of that day, they have allegations and that they
20 don't address of serious potential involvement. I
21 don't see the hurried activity in the record.
22 Although, it could be there. I don't see the
23 hurried activity in any of the documents I saw
24 that I would have expected when you have those

Page 275

1 know, now in -- with hindsight. But, like,
2 Mohammed was never asked about any of that when he
3 was arrested. That's, you know --

4 BY MS. EKL:

5 **Q. Sir, we know that Watts had nothing to**
6 **do with that murder. Today, we know that,**
7 **correct?**

8 A. I don't know --

9 MR. HILKE: Wait. Wait. Wait. Sorry.

10 Objection. Form. Foundation.

11 You can answer.

12 THE WITNESS: Yeah, that, I have no
13 idea.

14 BY MS. EKL:

15 **Q. So are you planning on rendering**
16 **opinions in this case that CPD should have**
17 **investigated Ronald Watts for that murder -- for**
18 **Moore's murder?**

19 MR. HILKE: Objection to form.

20 You can answer.

21 THE WITNESS: They should have -- if
22 somebody said -- if somebody actually said he was
23 there, they should have probably looked into it
24 somewhat. Why was he there?

Page 274

1 kind of allegations.

2 **Q. You're not saying that you think that**
3 **Sergeant Watts should have been arrested for**
4 **murder back -- based on what was known on that**
5 **day, correct?**

6 A. No, ma'am, I'm not saying that.

7 **Q. Okay. And you're not saying that CPD**
8 **should have taken administrative action against**
9 **Sergeant Watts for murder based on what they knew**
10 **back at that time, correct?**

11 MR. HILKE: Object to form.

12 You can answer.

13 THE WITNESS: Not criminal -- well, they
14 can take -- Internal Affairs Department can take
15 investigative action based on almost anything,
16 especially a shooting. Shooting is like -- car
17 accidents and shootings are the main things that
18 IAD exists for.

19 So, yeah, a shooting -- anybody
20 involved in a shooting or potentially in a
21 shooting could be looked at by IAD. And I
22 don't -- I would have to look, but I don't think
23 what counsel -- Arnold Council, yeah, he was
24 arrested, and it was quite a ways later. So, you

Page 276

1 I mean, you would look into any
2 witness. Why wouldn't you look into -- a police
3 officer wouldn't be exempt from that, in my view.
4 And I'm not saying he did it. I'm not saying he's
5 involved. And I'm not going to say that he has
6 anything to do with it at all.

7 BY MS. EKL:

8 **Q. And if CPD had investigated him for that**
9 **murder, you would expect that they would come up**
10 **with the evidence that ultimately was developed to**
11 **show that the Hobo street gang killed Wilbert**
12 **Moore, and it wasn't Sergeant Watts, correct?**

13 MR. HILKE: Wait. Wait.

14 Object to form and foundation.

15 You can answer.

16 THE WITNESS: Yeah, I don't know what
17 CPD did. I would hope that they did a thorough
18 investigation and actually exonerated him, and
19 then -- or at least resolved that lead, and that
20 would have been in the record.

21 MS. EKL: Let's take a five minutes.

22 We're coming into the last stretch. I just want
23 to check in with everyone else and see timing-wise
24 how many people have questions, if any, just to

72 (Pages 273 to 276)

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 277

1 make sure I'm not eating up too much.
2 (A short recess was taken.)
3 BY MS. EKL:
4 **Q. Mr. Danik, I have a few more questions,**
5 **and then I'll pass it along to the other counsel.**
6 **I want to ask you about your report**
7 **on page 22, in reference to the time period**
8 **between December of 2007 -- 2007 and June 2008.**
9 **Are you able to see on the screen**
10 **what I'm showing?**
11 A. Can I look at may report too, real
12 quick?
13 **Q. Yeah.**
14 A. What page?
15 **Q. This is page 22.**
16 A. Okay. I have it now. Do you want me to
17 read something on it?
18 **Q. No. I'm just -- I'm directing you to**
19 **that section first off.**
20 A. Oh, okay. Go ahead.
21 **Q. On page 22, in relation to the time**
22 **period between December 2007 and June 2008, you**
23 **note a number of controlled buys that were -- or a**
24 **number of cash bribes, as you called it -- or as**

Page 278

1 **you reference them in your report, were made to**
2 **Mohammed by the FBI, correct?**
3 A. Yes.
4 **Q. And at that point in time between**
5 **December of 2007 and June 2008, would you agree**
6 **that the FBI had not developed any direct evidence**
7 **against Ronald Watts?**
8 A. I have no idea.
9 **Q. You reference in the bolded section**
10 **that, "Nothing precludes the use of that evidence**
11 **to be used in a proceeding against Watts or**
12 **Mohammed with a lower or no bar for its use, such**
13 **as in an IAD administrative action against the**
14 **officers."**
15 **Do you see that?**
16 A. Yes.
17 **Q. Okay. Would you agree first off, that**
18 **the FBI's ability to basically catch Mohammed in**
19 **cash bribes is not going to be able to provide a**
20 **basis alone to move administratively against**
21 **Watts?**
22 MR. HILKE: Object to form.
23 You can answer.
24 THE WITNESS: If the bribes are only to

Page 279

1 Mohammed and you don't have any other evidence,
2 then it would be just Mohammed. But I don't know
3 what other evidence was out there. Or I might
4 know, but I didn't summarize it for this time
5 frame.
6 BY MS. EKL:
7 **Q. If the department had moved**
8 **administratively against Mohammed at this time**
9 **period after he was caught in these controlled**
10 **buys, do you think that the chances of gathering**
11 **additional evidence against Watts would have**
12 **decreased?**
13 A. I don't know. And it comes down to time
14 frames too. I guess I could have put a time frame
15 in my report. It's, like, you pay it, and you
16 confront them, no. But it's June of 2008. You
17 have all of these payments. Take -- you know, you
18 could take action at some point down the road.
19 **Q. But at this time period, would you --**
20 **well, let me ask you this: The evidence that's**
21 **collected during that time period, that was**
22 **collected by the FBI, correct?**
23 A. Yeah, I think so.
24 **Q. What do you think --**

Page 280

1 A. These bribes are definitely paid by the
2 FBI. That's what the document said.
3 **Q. Right. And what do you think the**
4 **chances are that the FBI, at this point in time**
5 **when they're still investigating Watts, that they**
6 **would have turned over the tapes to CPD to allow**
7 **them to use them administratively against**
8 **Mohammed?**
9 A. You're asking my opinion about that?
10 **Q. I'm asking your opinion about that.**
11 A. My opinion is that we made six
12 payments -- six -- in to Mohammed. We got nothing
13 on Watts at this point. If that's -- if that's
14 what you're saying, let's -- let's go on Mohammed.
15 This is enough.
16 These guys don't have to rip off
17 drug dealers; the FBI is paying them. And this
18 isn't the only money. They ripped off two other
19 big heists --
20 **Q. You're not answering my question. My**
21 **question was really simple. My question was, what**
22 **do you think the chances are that the FBI would**
23 **say at this point in time, they just now got these**
24 **tapes on Mohammed. We're going to give them over**

Page 281

1 to CPD to use in an administrative proceeding, in
2 June of 2008, after they were completed?
3 A. I don't know. I don't know.
4 Q. Okay. On page 23 of your report, the
5 bottom of the page, you reference, "incredible
6 bungling of the operation."
7 Do you see where you stated that?
8 A. Yes.
9 Q. Okay. When you talk about incredible
10 bungling of the operation, you're referring to the
11 FBI operation, correct?
12 A. Mostly, yes, ma'am.
13 Q. You're not referring to any operation by
14 CPD at that point, correct?
15 A. That term, it was mainly of the bureau's
16 bungling, yes.
17 Q. Okay.
18 A. What I -- what I took as bureau
19 bungling, based on those records and what was
20 going on.
21 Q. You're aware that Mohammed was arrested
22 and charged in early February of 2012, correct?
23 A. Yes.
24 Q. And on page 27, I believe you note that

Page 282

1 he requested legal counsel, and also noted that he
2 did not provide any information at that point in
3 time, correct?
4 A. I think so, yes.
5 Q. In other words, you said in here,
6 "Mohammed was arrested and charged in early
7 February of 2012. He requests legal counsel and
8 does not, quote, flip, end quote, on Watts at that
9 initial approach," correct?
10 A. Yeah, I think that came from one of the
11 operational plans. But, yeah, that's -- that was
12 what I took out of the documents.
13 Q. Any reason to believe that had Mohammed
14 been arrested earlier, he would have provided
15 information against Watts or done anything
16 different than what he did when he was arrested in
17 February of 2012?
18 MR. HILKE: Object to form.
19 You can answer.
20 THE WITNESS: Yeah, I think it's all
21 how -- how he's approached and what -- what he
22 knows at that point. I mean, at this -- so it
23 depends. It depends. He could have just lawyered
24 up right away, if that's what you're asking,

Page 283

1 absolutely. Could have the exact same outcome.
2 Or he could have -- maybe not, depending on when
3 the approach was made and how it was made.
4 BY MS. EKL:
5 Q. As far as the investigation of Watts and
6 Mohammed, looking back at what was done, you
7 referenced that you think that it should have
8 been -- you mentioned a high tempo -- it should
9 have been a quicker, high-tempo investigation,
10 correct?
11 A. At different points, yes, that's the way
12 I -- that was my opinion about it.
13 Q. And, again, the criticism about the --
14 the amount of time that the investigation was
15 taking was a criticism about how long it was
16 taking the FBI to proceed with the criminal
17 investigation, correct?
18 MR. HILKE: Object to form.
19 Go ahead.
20 THE WITNESS: That was a small part of
21 it, yes.
22 BY MS. EKL:
23 Q. The end result in this case after the
24 FBI investigation was completed, was that Watts

Page 284

1 and Mohammed not only lost their jobs at CPD, but
2 they both now have convictions, correct?
3 A. Yes. That happened, yes.
4 Q. And they'll never again be police
5 officers, correct?
6 A. I hope not. But, no, I don't think they
7 will.
8 Q. And they're off the street forever?
9 A. As law enforcement officers, they should
10 be.
11 Q. And there's no evidence that was
12 developed by the FBI that anyone -- any direct
13 evidence that anyone was framed for a crime that
14 they did not commit, correct, that you're aware
15 of?
16 MR. HILKE: Object to form and
17 foundation.
18 Go ahead.
19 THE WITNESS: I think they were told
20 repeatedly that drugs were planted. And what they
21 did to corroborate that, I don't know, or if they
22 have evidence of it. You're talking about
23 evidence.
24 Evidence is somebody saying it

Page 285

1 happened. It -- how good is the evidence is
2 another question. How good is their evidence? I
3 don't know. I don't know their case. That's
4 something you should ask them.
5 BY MS. EKL:
6 **Q. My question was to you. And taking**
7 **aside the individuals saying, "I was framed," I'm**
8 **saying, was there any other direct evidence to**
9 **corroborate an individual saying, "I was framed"**
10 **that you're aware of, based on the documents that**
11 **you viewed?**
12 MR. HILKE: Just object to form.
13 Foundation. Direct evidence.
14 You can answer.
15 THE WITNESS: Yeah, I would say there is
16 pretty good circumstantial evidence that things
17 like that would have happened.
18 BY MS. EKL:
19 **Q. Again, my question was direct evidence.**
20 **You're not aware of any audiotapes, videotapes,**
21 **any other type of direct evidence to establish**
22 **that someone was framed, correct?**
23 MR. HILKE: Same objection.
24 THE WITNESS: Yeah, I'm not aware of

Page 287

1 A. It's a written document between the
2 U.S. Attorney's Office and a defendant, that's
3 basically a signed contract that the
4 U.S. Attorney's Office has the standard format
5 for, and the person cooperating and their lawyer
6 and the U.S. Attorney's Office all sign it to lay
7 out their understanding the terms of the person's
8 cooperation. That's the way I was using it
9 earlier, sir. Is there -- if there's a specific
10 name -- if that's not the --
11 **Q. I'm sorry --**
12 A. -- the contact that you thought.
13 **Q. Well, let me -- my question is this:**
14 **Have you heard of a proffer agreement or a**
15 **proffer?**
16 A. Oh, yes. Yeah, that's what I'm talking
17 about.
18 **Q. Okay. Okay. Your understanding of a**
19 **proffer is -- well, your term for what I would**
20 **call a proffer is what you're calling a**
21 **cooperation agreement?**
22 A. Well, you know, the lawyers, I'm sure,
23 you're calling it by its correct name. There's --
24 there can be a couple steps to cooperation.

Page 286

1 any, sitting here, that I recall.
2 BY MS. EKL:
3 **Q. And that would be something for the**
4 **civil juries to decide in our civil cases,**
5 **correct?**
6 MR. HILKE: Objection to form.
7 You can answer.
8 THE WITNESS: I don't know what their --
9 I think their finders of fact, they'll figure all
10 of that out.
11 MS. EKL: Okay. I don't have anything
12 further at this time. I'll pass it along to the
13 other counsel.
14 Oh, let me take this document down.
15 Sorry.
16 EXAMINATION
17 BY MR. PALLES:
18 **Q. Hello, Mr. Danik. I'm Eric Palles. I**
19 **represent Kallatt Mohammed. I just have a few**
20 **questions, jumping off some of the issues that**
21 **came across in your report today.**
22 **At one point, you talked about a**
23 **cooperation agreement. What is a cooperation**
24 **agreement, in your understanding?**

Page 288

1 A proffer agreement, I think you
2 are using the correct term that I hear the
3 U.S. Attorney's Office use. They also always call
4 a "Queen for a day letter," where you get a -- you
5 get a chance to give a statement that won't be
6 directly used against you, and some other
7 agreements.
8 Then there's the, you agree to
9 plead guilty and cooperate, and then you get
10 turned over to law enforcement. And that's a
11 separate type of agreement as to what -- it
12 usually is mostly centered on what you're going to
13 get credit for if you do it, at least consider for
14 credit, and that there's no promises. That's a
15 cooperation agreement.
16 **Q. I see.**
17 **Well, let me ask you a question:**
18 **Would you disagree, then, with the statement made**
19 **by the Fourth Circuit Court of Appeals that the**
20 **proffer negotiation process resembles a poker game**
21 **rife with understatement bluff and bluster?**
22 **Would you -- do you disagree with**
23 **that statement?**
24 A. I'm not going to disagree with anything

75 (Pages 285 to 288)

Page 289

1 a circuit court wrote in an opinion.
2 **Q. Let me ask you this -- I'm sorry.**
3 **Let's -- I'm trying to hurry, because I -- you**
4 **know, the other attorneys want to ask you some**
5 **questions, and I'd like to get you out of here.**
6 **You say in here that you found the**
7 **Gaddy testimony credible as well as Big Shorty's**
8 **testimony -- or the proffers, I should say,**
9 **because they implicated themselves?**
10 A. No. No. And I had said that when I got
11 asked that question.
12 I'm making these assessments based
13 on what the investigators knew at that time.
14 So -- and how they should have acted under the
15 MOU.
16 So he would have had credibility to
17 the investigators, because he was admitting all of
18 this stuff. That's a common -- that's a common
19 link in law enforcement. Why would this person --
20 if he's admitting to things that are much worse
21 then what he's telling me about, why would -- why
22 wouldn't you believe him? That's kind of a
23 credibility factor. It's not me making the -- the
24 determination, do I find Gaddy credible? You

Page 290

1 know, no, I don't find him credible, incredible.
2 I'm just reporting what I think the situation
3 there is.
4 **Q. Well, you reported the facts. These**
5 **facts, I assume, that you put in were intended to**
6 **support your opinion, correct?**
7 A. Fact? Yeah. Everything --
8 **Q. The facts you laid out.**
9 A. -- is to support the opinion, yes, sir.
10 **Q. Okay. All right. And so if any of**
11 **those facts turned out to not be true, that might**
12 **affect or alter your opinion; would it not?**
13 A. Yes.
14 **Q. Okay. All right. So suppose you knew**
15 **that Willie Gaddy had been arrested with guns and**
16 **drugs in February of 2004, made a proffer -- well,**
17 **you may know this -- he made a proffer to ATF and**
18 **DEA, as well as a part of a -- some Chicago police**
19 **officers were part of the multi-jurisdictional**
20 **enforcement, and -- and this may be new, because**
21 **this is from his deposition, which I understand**
22 **you didn't read -- but he said that they --**
23 **meaning the feds -- seemed more interested in guns**
24 **than the actual drugs. So we used to -- we used**

Page 291

1 **to get that, sort of, get-out-of-jail-free card.**
2 **He also stated that he understood**
3 **that he would have used immunity for any statement**
4 **he made to the U.S., and -- well, let me stop**
5 **there. Oh -- and that -- excuse me -- and that he**
6 **thought that he would be protecting anybody who he**
7 **testified about.**
8 **Now, would that change your**
9 **evaluation of the facts as you've laid this out**
10 **here?**
11 MR. HILKE: I'll object to form.
12 You can answer.
13 THE WITNESS: I would have to read all
14 that and factor in globally and go through. There
15 was several parts of it that you asked about.
16 You said he was arrested. Was he
17 arrested by Watts? If he wasn't arrested by
18 Watts, it was by ATF or whoever, then that's a
19 different matter, of course.
20 The fact that --
21 BY MR. PALLES:
22 **Q. Okay. Let me interject. I'm sorry to**
23 **interrupt you. Let me interject.**
24 **That he was not arrested by Watts.**

Page 292

1 **He was arrested by a multi-jurisdictional**
2 **enforcement outfit, including ATF and the Chicago**
3 **Police?**
4 A. Okay. And then he -- he said something
5 about, "they're more interested in guns." Well,
6 if you're arrested by ATF, that's their mandate to
7 do drug -- to do drugs, DEA, or maybe even FBI.
8 So they're usually more focused on the drugs.
9 And -- I mean, you bring up a bunch
10 of topics that could possibly impact the report.
11 I would need to read what Gaddy said and look at
12 the documents.
13 **Q. Well, listen, as you say, the FBI's -- I**
14 **believe you say that the FBI's top priority is**
15 **public corruption, correct? Do you remember**
16 **saying that?**
17 A. Top --
18 **Q. I can find you the quote.**
19 A. Yeah. Top non-national security.
20 **Q. Well, you didn't make that**
21 **qualification.**
22 **But other than national security**
23 **now, the FBI's major interest is public**
24 **corruption?**

76 (Pages 289 to 292)

Page 293

1 A. It should be in the report. I was
2 pretty sure that's exactly the way I wrote it,
3 because I would more say that it's above national
4 security, which is the most important thing we do,
5 and it's drilled into your head.

6 Q. All right. I'm sorry. I don't want to
7 take a lot of everybody's time. Let's at least
8 see if I can find that.

9 If you don't mind, maybe you could
10 look at -- oh, here we go. This is on page 6,
11 entitled the, "FBI Public Corruption Program."
12 Public corruption is the FBI's top criminal
13 priority. Okay, then it says, it is outranked
14 only by programs dealing with threats to national
15 security.

16 Okay. I see that.

17 But -- now, let me ask you a
18 question about the FBI. First of all, you cite
19 James Comey, statement to the Senate Judiciary in
20 2015. Is it your understanding that public
21 corruption is still the shiny object for the FBI?

22 A. I'm pretty sure it's still the lead --
23 it's the top priority in a threat nature to the
24 criminal cases, yes.

Page 294

1 Q. Okay. But other law enforcement
2 agencies, they have certain priorities as well; do
3 they not?

4 A. Yes.

5 Q. Okay. For example, Chicago Police
6 Department may put a larger priority on getting
7 guns off the street or getting drugs off the
8 street, than public corruption, correct?

9 A. I think -- well, they may have
10 priorities, but their number one priority is
11 making sure their officers are in line with doing
12 the right thing.

13 Q. Okay. Now, there are federal agencies
14 that have other priorities too. In this case, ATF
15 originally arrested William Gaddy. They're
16 interested in the guns, correct? They're more
17 interested in getting guns?

18 A. That's their specialty, yes, sir.

19 Q. Okay. And what about DEA, they were
20 brought into the picture, too, to get Gaddy to
21 cooperate and go back out on the street. DEA,
22 they're interested in drugs. That's their top
23 priority; is it not?

24 A. Yeah, I'm not sure what their plan was

Page 295

1 for using Gaddy. It sounds like he would have
2 been a good drug source, if that's what you're
3 saying.

4 Q. Okay. Okay. So when the Chicago Police
5 Department -- and by the way, not the IAD, but
6 certain officers of the police department met with
7 ATF and DEA, and they were told to keep their
8 hands off Gaddy -- well, your criticism is what,
9 that the FBI wasn't allowed to sit at the table?
10 Is that your -- is that your criticism?

11 A. I'm not sure. Are you referencing that
12 memo where Holliday said that he wasn't available?

13 Q. Okay. Yes. Yes. Okay. Holliday,
14 yeah.

15 You said he made that decision --
16 correct me if I'm wrong. You said he made that
17 decision without bringing FBI public corruption
18 into the loop, correct?

19 A. Well, it -- he let a significant source
20 go without bringing it to the FBI. And if the FBI
21 is in charge of these -- this case at the time,
22 which is the premise of one of the research
23 questions I was given, then I would have thought
24 he would have said, hey, they told me I can't -- I

Page 296

1 can't be in that yard with them, and went to the
2 FBI.

3 And I don't know that they would
4 tell an officer, keep your hands off of a person.
5 I don't think they would say that. They need
6 Chicago PD -- they need Chicago PD bad to be
7 successful.

8 Q. Okay.

9 A. They're not going to say that to them,
10 not like that.

11 Q. All right. Now, let's talk about your
12 Appendix B, okay. It's got, maybe, oh, I don't
13 know, maybe 100 or 200 recordings. Okay? Now,
14 you've indicated that you didn't review any of
15 those recordings, correct?

16 A. Correct.

17 Q. Okay. Now, let me ask you, why did you,
18 then, identify your appendix as materials that you
19 reviewed?

20 A. My understanding of this is that you're
21 supposed to do an appendix of everything available
22 to you, so -- it was made available, but the link
23 expired, and it was given to me a little bit late
24 in the process.

Page 297

1 **Q. But you created an Appendix B that is**
2 **entitled "Materials reviewed." Do you find that**
3 **in any way misleading?**

4 A. No.

5 **Q. Okay. And why not? Why -- why may I**
6 **not assume that you have reviewed all of those**
7 **recordings?**

8 A. Because -- because I'm under oath
9 telling you which ones I didn't review. And there
10 are other ones besides that. I didn't review
11 every single exhibit, but I listed them just to be
12 complete. I had access to them. They weren't
13 mentioned in the depo. I didn't look at them.
14 That's --

15 **Q. Okay. So now let me ask -- I'm sorry.**

16 **Let me ask you this: So you**
17 **haven't reviewed all of those documents. Do you**
18 **intend to review them before you give your opinion**
19 **in court?**

20 A. I don't think so, not unless I have to.

21 **Q. Okay. So is there any way that you can**
22 **discern what documents you have looked at, looked**
23 **at, reviewed, today for purposes of your opinion?**

24 MR. HILKE: Just object to form.

Page 299

1 **documents, certain investigative steps taken**
2 **place, correct?**

3 A. Yes, sir.

4 **Q. Okay. But you have just said that you**
5 **have not reviewed all of those documents, correct?**

6 A. On my list?

7 **Q. Yes, on your list. You have not**
8 **reviewed all of those documents?**

9 A. Well, the documents that I reviewed
10 mainly -- that I wouldn't have reviewed have to do
11 with exhibits to the depositions that weren't
12 mentioned in the deposition. So that is what I'm
13 generally referring to. Because there were so
14 many mentioned in the deposition, just reviewing
15 those was hard. The one document was 900 -- the
16 one exhibit, Exhibit 50, was 922 pages. That's
17 the one I accidentally printed. These were not
18 small exhibits to look at, some of them.

19 **Q. I may be familiar with that myself.**

20 **But in addition to that, though,**
21 **you are aware that you were provided, spoonfed,**
22 **certain documents from plaintiffs' counsel for**
23 **your review, right?**

24 MR. HILKE: Object to form.

Page 298

1 You can answer.

2 THE WITNESS: Yes. For the most part, I
3 can identify which ones would be yes and no.

4 BY MR. PALLES:

5 **Q. Okay. All right.**

6 A. Sir, there's thousands and thousands of
7 pages. Would there be a couple that I might not
8 remember? Yes. But most of them, I could tell
9 you --

10 **Q. Okay.**

11 A. -- which ones I did look at and which
12 ones I didn't look at.

13 **Q. Okay. Could you, within -- or may we**
14 **agree with your counsel that, say, within the next**
15 **week, you will give us a list of all the documents**
16 **and/or recordings you have reviewed?**

17 MR. HILKE: I'm happy to discuss that
18 off the record. But I'm --

19 MR. PALLES: Will do. That's fine. All
20 right. Thank you. I want to finish. Fine.

21 BY MR. PALLES:

22 **Q. I just want to ask you about one or two**
23 **other things. You say from time to time in your**
24 **report that you would have expected to see certain**

Page 300

1 You can answer.

2 THE WITNESS: From plaintiffs' counsel
3 for my review. That's Wally -- I mean, that's

4 Mr. Hilke's firm --

5 BY MR. PALLES:

6 **Q. Wally, yeah.**

7 A. He gave me the documents?

8 **Q. All the documents in the case or -- or**
9 **just documents he wanted you to see?**

10 MR. HILKE: Object to form.

11 THE WITNESS: The documents --

12 MR. HILKE: Wait. Wait. Just let me.

13 Object to form. Argumentative.

14 You can answer.

15 THE WITNESS: The documents on that list
16 is what he gave me.

17 BY MR. PALLES:

18 **Q. Okay. So if it's not on that -- let's**
19 **take an example, okay. You seem to rely a little**
20 **bit on the testimony of Arthur Kirskey, correct?**

21 A. I --

22 **Q. -- controlled buys by Arthur Kirskey?**

23 A. Is that -- that's who I thought was
24 doing those controlled buys, but I never saw it

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 301

1 confirmed in the records I saw.
2 **Q. All right. Let's assume for a moment**
3 **it's Arthur Kirskey, okay.**
4 **Had you been -- had you received**
5 **his criminal history, you might have been aware --**
6 **or read his deposition, you might have been aware**
7 **that he was arrested on 11/9/07, November 9, 2007,**
8 **with coke and with guns, again, by a**
9 **multi-jurisdictional outfit, and it was on --**
10 **four days later, on -- on November 13th that he**
11 **was interviewed by the FBI and offered to --**
12 **ultimately, to work with the FBI. Are you aware**
13 **of that?**
14 A. What was the date?
15 **Q. November 9th of '07. He was arrested,**
16 **November 13th. He gave a statement to FBI.**
17 **November 30th, the FBI says, he agreed to work**
18 **with them.**
19 A. And those bribe payments started in
20 November, right, November 17th?
21 **Q. Correct. The first one was**
22 **December 11th, 2007, December 18, 2007, January 4,**
23 **2008, and January 21st, 2008.**
24 A. Yeah, that would make sense to me. Is

Page 302

1 that your question?
2 **Q. What I'm saying is, the statement that**
3 **Arthur Kirskey made about his prior involvement**
4 **with, say, Watts and Mohammed, would you find that**
5 **credible if you knew that he was giving it**
6 **under -- under the fact that he was trying to cut**
7 **a deal for very serious charges that he was**
8 **facing?**
9 A. It would -- it would -- I wouldn't
10 apply -- I'm just saying how I would have done it
11 if I was there, and how most agents would do it.
12 They would not find it credible without a
13 recording. So as soon as we put a recorder on
14 him, he made that first recording, Mohammed took
15 the money, he came back, it was controlled enough
16 where I have a recording, suddenly this bad guy,
17 he's now got a lot of credibility.
18 **Q. All right. And let me ask you this:**
19 **You know, you criticize the city for suspending**
20 **that investigation for some unknown reason.**
21 **Suppose you were to learn that Arthur Kirskey was**
22 **arrested again for drugs by another tactical**
23 **outfit on January 23rd, 2008, two days after he**
24 **made that last payment, that last payment to**

Page 303

1 **Mohammed. Would that explain to you why the**
2 **federal -- the feds refused to use him further?**
3 A. No.
4 MR. HILKE: Object to foundation.
5 You can answer.
6 THE WITNESS: I don't think so. I think
7 as long as it was on tape and they had, maybe, an
8 agent that could testify that they saw this go
9 down, and there was controlled money, and -- guys
10 testify all the time with multiple convictions.
11 BY MR. PALLES:
12 **Q. Yeah, but this one was, at some point,**
13 **incarcerated. Do you think -- well --**
14 A. I would say abused him.
15 MR. HILKE: Wait. Wait. Wait. Just
16 wait for a question.
17 THE WITNESS: I'm sorry.
18 MR. PALLES: I'm going to withdraw the
19 question, and I'm going to apologize to my
20 cocounsel, who, I believe, I represented I'd be
21 quicker than I was.
22 But thank you for your time, sir.
23 MR. BAZAREK: Can we take a quick break.
24 Tell me how much time we have.

Page 304

1 (Discussion had off the record.)
2 EXAMINATION
3 BY MR. BAZAREK:
4 **Q. Good afternoon, sir.**
5 A. Hello.
6 **Q. My name is William Bazarek, and I**
7 **represent a number of the officers Mr. Baker and**
8 **Ms. Glenn are suing.**
9 **I'm just going to ask you, you**
10 **mentioned earlier in this deposition that you had**
11 **some mentors from the DOJ many years ago?**
12 A. Yes.
13 **Q. Who were the mentors that you had?**
14 A. The first one would have been Tom
15 Thalken. He's the first AUSA in the District of
16 Nebraska. He became a U.S. magistrate.
17 Then Linda Reade was another big
18 one at the U.S. Attorney's Office. She taught me
19 quite a bit. She's now a federal judge,
20 Article III judge in the Northern District of
21 Iowa.
22 Here in West Palm, it was Michael
23 McAuliffe, who is a public integrity section, DOJ
24 attorney, and AUSA and supervisor here in the

1 Southern District of Florida, who I did a lot of
2 corruption cases with, and who was, then, the
3 elected state's attorney and went over to the
4 State Attorney's Office, and we jointly worked the
5 public corruption cases together between the state
6 attorney. That was part of the reason I did my
7 federal passport. And so I really learned a lot
8 from him.

9 And Bruce Reinhart is the other
10 AUSA, who's now a judge here.

11 **Q. Tell me, have you ever been a subject of**
12 **an internal investigation when you were an FBI**
13 **agent?**

14 A. Where I was a target? No.

15 **Q. I'm not saying target.**

16 Has any -- during the time that you
17 were an FBI agent, was there ever made a complaint
18 against you for any reason?

19 A. Oh, probably.

20 **Q. What were some of the complaints that**
21 **were made against you?**

22 A. I can't recall any. I don't have any
23 that -- most complaints would result in an
24 Internal Affairs investigation, but I have none.

1 **Q. Were you ever accused of falsely**
2 **arresting a subject?**

3 A. No.

4 **Q. Were you ever accused of planting**
5 **narcotics on a subject?**

6 A. No.

7 **Q. Have you ever done narcotics**
8 **investigations at housing projects?**

9 A. I think, some public housing was
10 involved. But not -- not in the scale and type
11 that you're referring to, probably, in Chicago.
12 No, nothing on those -- on that scale.

13 **Q. Have you ever observed hand-to-hand**
14 **narcotics transactions occurring?**

15 A. Yes. Yes.

16 **Q. And did you observe those hand-to-hand**
17 **narcotics transactions occurring while you were**
18 **doing an investigation?**

19 A. Yeah. I hope. If I didn't, it might
20 have been a problem.

21 **Q. And when -- as part of the investigation**
22 **in your observing this hand-to-hand transaction**
23 **occurring, what steps did you take to apprehend**
24 **the individuals who would have been involved**

1 **selling the narcotics?**

2 MR. HILKE: Object to form.

3 You can answer.

4 THE WITNESS: They would be arrested.

5 Usually arrested. Sometimes, they would --
6 depending if they were small time, they might be
7 flipped. They might be given -- or turned into a
8 cooperator. They might be handed over to the
9 state.

10 BY MR. BAZAREK:

11 **Q. During any of these investigations, did**
12 **they occur -- or strike that.**

13 During these investigations when
14 you were -- would observe these hand-to-hand
15 narcotics transactions, would any of those have
16 been occurring at public housing sites?

17 A. I don't think so, no.

18 **Q. Okay. I want to ask you, in terms of**
19 **the -- the documents, materials that you reviewed,**
20 **you reviewed -- strike that.**

21 Did you ever ask for specific
22 materials to review in this case?

23 MR. HILKE: I'm going to instruct the
24 witness not to reveal the contents of his

1 communications with counsel. I think that's
2 protected by Rule 26 and his work product.

3 BY MR. BAZAREK:

4 **Q. Sir, were you relying on the plaintiffs'**
5 **counsel to provide you with the materials that**
6 **would be important for your review?**

7 A. Yes, generally. I did ask for
8 permission to look at other things. I wasn't sure
9 what the court order was, as far as what you
10 could -- what they needed experts to look at, what
11 they were allowed to look at. So I did rely
12 somewhat on Mr. Hilke's firm to make sure they
13 were complying with whatever court instructions
14 that we were abiding by that.

15 **Q. And at no point were you ever provided**
16 **the deposition transcript of Ben Baker, correct?**

17 A. I don't think so.

18 **Q. Well, it's not in the materials that you**
19 **said you reviewed in the appendix, right?**

20 A. Okay. If it's not in there, I did not
21 receive it.

22 **Q. Okay. And you never reviewed or were**
23 **provided the deposition transcript of Clarissa**
24 **Glenn, correct?**

1 A. That, I definitely didn't get.
2 **Q. Don't you think that would be of some**
3 **importance to review, since you're the so-called**
4 **expert for Ben Baker and Clarissa Glenn?**
5 MR. HILKE: Okay. That's -- the tone
6 you're using is harassing, totally unnecessary.
7 You can be civil.
8 MR. BAZAREK: I'm not harassing.
9 BY MR. BAZAREK:
10 **Q. Go ahead.**
11 MR. HILKE: Hold it.
12 MR. BAZAREK: Don't -- don't -- don't
13 interrupt.
14 Hey, listen, you got an objection,
15 make it. Don't interrupt my questioning.
16 MR. HILKE: If you harass my witness,
17 I'm going to say something.
18 Jeff can answer your question.
19 MR. BAZAREK: Can you read back -- can
20 you read back the question, please, Jennifer.
21 (Record was read back.)
22 THE WITNESS: I read the complaint. I
23 would think that whatever they had to say was in
24 the complaint. But anybody's deposition talking

1 about these could be relevant. These situations
2 could be relevant, if they -- especially if they
3 were doing what -- one of the things I was looking
4 for was exculpatory or things that proved that,
5 hey, look, this -- this was resolved, and it was
6 resolved -- you know, it was either -- I don't
7 want to say integrity, but with speed and with,
8 there's a resolution to some of these things. So
9 it could affect it.
10 BY MR. BAZAREK:
11 **Q. Well -- so was it your belief that it**
12 **was sufficient to just review allegations in the**
13 **complaint that were drafted by plaintiffs'**
14 **counsel?**
15 A. Well, it's -- they're allegations, but
16 they're filed in a court, so I -- you know, I'm
17 hoping that they have some basis and fact
18 coming -- well, the deposition is after, right,
19 the complaint is filed.
20 So, yeah, I mean, I would look at
21 any deposition that it was okay to look at. I
22 don't know if that's a public record. I didn't
23 search dockets. I didn't search Google. So I
24 wasn't given this. And do I think it would have

1 an impact? It might if they have a lot of
2 exculpatory information in there for any of these
3 officers.
4 **Q. Well, if, in fact, the deposition would**
5 **have been provided to you by plaintiffs' counsel,**
6 **you would have looked at it, right?**
7 A. Most likely.
8 **Q. Are you aware that Ben Baker falsified**
9 **multiple interrogatory answers in this litigation?**
10 MR. HILKE: Well, hold on.
11 Object to form. Misstates the
12 evidence. You can -- and foundation.
13 You can answer.
14 THE WITNESS: I don't have any
15 information about that.
16 BY MR. BAZAREK:
17 **Q. Is that something you would want to know**
18 **in your review in this case?**
19 MR. HILKE: Object to form.
20 You can answer.
21 THE WITNESS: I mean, it could impact if
22 that was found that they were false.
23 BY MR. BAZAREK:
24 **Q. Right. And that's a big deal, right,**

1 **falsifying interrogatory answers in a federal**
2 **lawsuit?**
3 MR. HILKE: Object to form and
4 foundation and misstates the evidence.
5 You can answer.
6 THE WITNESS: Well, you know, you're
7 saying they were falsified, and I'm taking you at
8 your word. But, I mean, I just can't help but
9 thinking -- an interrogatory is not written by the
10 defendant. It's written by the plaintiffs -- the
11 lawyer. I don't even know. I guess it's
12 plaintiff, the lawyer.
13 So, you know, what was said there
14 and how was it said and what's in there and what
15 are you calling false?
16 But, yeah, anytime somebody says
17 something that is false, that's why you -- most of
18 these agents do tapes. They -- we don't care, as
19 long as it's on tape, that's what we're looking
20 for.
21 BY MR. BAZAREK:
22 **Q. But you don't even know that Ben Baker**
23 **falsified interrogatory answers, because you**
24 **weren't provided with his deposition, and those**

Ben Baker, et al. v. City of Chicago, et al.
Deposition of Jeffrey A. Danik - Taken 4/18/2024

Page 313

1 **were actually exhibits in the deposition?**
2 MR. HILKE: Wait. Wait. Wait. Stop.
3 Objection. Form. Not a question.
4 You can answer.
5 THE WITNESS: I have no information
6 about any of that with Ben Baker or his
7 deposition.
8 BY MR. BAZAREK:
9 **Q. Right, because you were never provided**
10 **it by plaintiffs' counsel, right?**
11 A. Yes.
12 MR. HILKE: Objection -- wait.
13 Objection. Asked and answered.
14 You can answer.
15 THE WITNESS: Yeah. Yes.
16 BY MR. BAZAREK:
17 **Q. Is that something, you know, you think**
18 **you'd want to look at it? Like, say tomorrow,**
19 **would you want to look at that? Because you've**
20 **done a written report in this case. Do you think**
21 **that's something you'd want to take a look at even**
22 **after you've done the report?**
23 MR. HILKE: Objection. Asked and
24 answered.

Page 314

1 You can answer.
2 THE WITNESS: Yeah, I mean, I'm happy to
3 look at any other documents I'm allowed to look
4 at. I don't know if I can do it tomorrow.
5 BY MR. BAZAREK:
6 **Q. What -- sorry. Were you done? I'm**
7 **sorry.**
8 A. Yeah, I'm thinking of a time in my
9 schedule when I could give it some -- a good read,
10 because I honestly was thinking that I had next
11 week to do this other project. So if I start
12 getting other depositions and it's going to -- I'm
13 willing to do it, though, if it's allowed or...
14 **Q. During your -- during your service with**
15 **the FBI, did you ever investigate gangster**
16 **disciples?**
17 A. I don't think, that particular gang.
18 **Q. Okay. Are you aware that Ben Baker was**
19 **a Gangster Disciple?**
20 A. I think I did see that in there
21 somewhere.
22 **Q. Okay. And you're aware that the**
23 **Gangster Disciples controlled the drug trade at**
24 **Ida B. Wells?**

Page 315

1 A. That was generally the tenor of that --
2 the records I looked at, yes, sir.
3 **Q. Okay. And what building was it where**
4 **Ben Baker sold narcotics out of at Ida B. Wells?**
5 A. I think it was the 5 -- well, I'd have
6 to look at my notes. My recollection is 574, and
7 that was Moore's -- was that Moore's? Is that --
8 is that right?
9 MR. HILKE: Belated objection to form
10 and foundation.
11 BY MR. BAZAREK:
12 **Q. I mean, right now, you're guessing,**
13 **right?**
14 A. I'm not guessing. That's what I recall.
15 But --
16 **Q. Okay.**
17 A. -- there's, like, ten buildings.
18 There's multiple drug lines in these buildings
19 with multiple dealers. So it's -- sometimes it's
20 hard to keep the players in order in my mind,
21 especially after seven hours of a deposition. I
22 think that's correct.
23 **Q. Yeah. Was it your understanding that**
24 **Ben Baker was a drug dealer who sold narcotics out**

Page 316

1 **of the building where he lived with his wife and**
2 **children?**
3 MR. HILKE: Objection to form and
4 foundation.
5 You can answer.
6 THE WITNESS: I don't know that it was
7 in the same building with his wife and children.
8 It may have been, but I was -- I was knowledgeable
9 that he had a drug -- you know, these drug
10 arrests.
11 BY MR. BAZAREK:
12 **Q. I have a question in your written**
13 **report, and I'll just read it. It's on page 2.**
14 **You write --**
15 A. Can I look at it, sir?
16 **Q. Yeah, sure, if -- yeah. It's page 2.**
17 **And it's the last paragraph on page 2.**
18 **Are you there?**
19 A. Yes, sir.
20 **Q. Okay. And it's the second sentence, you**
21 **write, "The extreme recklessness of leaving**
22 **demonstrably corrupt officers loose in a**
23 **particularly vulnerable segment of the community**
24 **is so far removed from anything that I've ever**

Page 317

1 experienced in my law enforcement career. Its
2 negative impact cannot be overstated."
3 Did I read that right?
4 A. Yes, sir.
5 Q. Who are the demonstrably corrupt
6 officers you're referring to?
7 A. Mainly Watts and Mohammed.
8 Q. Anyone else?
9 A. Others just were mentioned as being in
10 supporting roles or as parts of his -- his
11 operation, and there were allegations in there
12 about several officers. But the two that I
13 centered in on were Watts and Mohammed, because
14 they were eventually charged, and they were
15 demonstrably -- it was demonstrably corrupt, both
16 with the charges and all the tapes and all the
17 other things that were apparently not admissible
18 for some reason.
19 Q. Well, Watts and Mohammed were arrested
20 for an incident that occurred while they were both
21 off duty, correct?
22 A. I can't remember if that was the one
23 where they -- I think they were off duty on the
24 November 21st theft at 5200. I think that was --

Page 318

1 that was an off-duty one, if I remember correctly.
2 Q. Right.
3 A. Because you've got multiple ones: Some
4 of them were on duty. Some of them they're off
5 duty. Some of them they're off duty and they come
6 on and get in their police car and then go out.
7 So, you know, it's in the records. But there was
8 one that they were -- that's the one that Mohammed
9 mentioned, right, that, look, we should be on duty
10 if we're going to do this. Get an explanation why
11 we're in the area.
12 Q. Well, but it was -- it occurred in 2011,
13 right, towards the end of 2011?
14 A. November 21st, 2011, is the transaction
15 I'm talking about. I believe that's the date,
16 sir.
17 Q. Okay. Just a real quick -- strike that.
18 Real quick question: When you were
19 acting as an FBI agent, would you ever be supplied
20 Garrity protected statements when you were
21 investigating criminal activity?
22 A. Of the officer that gave the Garrity
23 statement?
24 Q. Yes.

Page 319

1 A. No -- well, I take that back slightly.
2 I'm not sure how much we can disclose. But I got
3 brought into a case that was a police corruption
4 case, a large-scale police corruption case, and
5 Garrity statements had been collected previous to
6 me arriving. And when I recognized that, that
7 caused the case to immediately be shut down and
8 the AUSA to be reassigned.
9 So I did get them theoretically
10 once, but it's kryptonite. You stay away from
11 them.
12 Q. Okay. Thank you. And I have a
13 question -- I see from your appendix, you reviewed
14 the deposition transcripts for former
15 Superintendent Eddie Johnson and former
16 Superintendent Gary McCarthy; is that correct?
17 A. I remember McCarthy's, for sure.
18 Q. Right. And do you -- do you know who
19 Robert Grant is?
20 A. Who?
21 Q. Robert Grant.
22 A. Robert Grant, yeah. He was the SAC. He
23 was the social agent in charge of the Chicago
24 field office.

Page 320

1 Q. Okay. And do you recall from McCarthy's
2 deposition that he mentioned a conversation that
3 he had with Robert Grant after Watts and Mohammed
4 had been arrested?
5 A. I read his deposition in detail, and I
6 think -- I think I know what you're referencing.
7 Q. What do you think I'm referencing?
8 A. Well, that he -- he talked to Grant
9 about other officers being involved or something
10 like that.
11 Q. And what did Grant tell him?
12 A. That they arrested who they had in that
13 case.
14 It's in the -- it's in the depo, so
15 I hate to summarize it based on something I read
16 six weeks ago.
17 Q. Well, I'll show it to you.
18 A. Okay.
19 MR. BAZAREK: So what exhibit number are
20 we on?
21 MS. EKL: We're on 12.
22 (Deposition Exhibit No. 12 was
23 marked for identification.)
24 MR. BAZAREK: Okay. So this is going to

Page 321

1 be an excerpt from Gary McCarthy's June 14th,
2 2023, deposition.
3 Just give me a moment.
4 MS. EKL: Did you need me to pull this
5 up? Is that one you sent?
6 MR. BAZAREK: Oh, yeah. Yeah, I'm
7 asking you to pull it up.
8 MS. EKL: Okay.
9 BY MR. BAZAREK:
10 **Q. So let's take a look at that exhibit.**
11 **It would be on the PDF, it would be page 7, but of**
12 **the deposition, it's actually page 37 of the**
13 **deposition.**
14 **And I want you to just -- just read**
15 **that page, sir, if you can, and then I'll have a**
16 **few questions.**
17 A. Just a little bigger. Okay.
18 MR. HILKE: I don't know if there's a
19 difference, but for the record this is a read and
20 sign only copy.
21 BY MR. BAZAREK:
22 **Q. And tell me when you're done, sir.**
23 A. Okay, I'm good. I'm good. You can move
24 it up.

Page 322

1 **Q. Okay. Does this refresh your**
2 **recollection about the conversation that former**
3 **Superintendent Gary McCarthy had with Robert**
4 **Grant?**
5 A. Yes.
6 **Q. Right. And then as you see on line 6,**
7 **Mr. McCarthy says, "The other thing that goes**
8 **along with it was the fact that I remember asking**
9 **Grant specifically what else they had, and he told**
10 **me, 'Nothing. It's just these two officers.**
11 **That's all there is to it.'"**
12 **Did I read that right?**
13 A. Yes.
14 **Q. Why didn't you mention that in your**
15 **report?**
16 A. Well, if you look down farther -- go to
17 the bottom of that page, or a little farther
18 down -- he says, "It was really an assumption of
19 mine. It could have been an assumption, or it
20 could -- he could have told me. I really don't
21 know."
22 I think I read that correct.
23 **Q. According to --**
24 A. It says, also --

Page 323

1 MR. HILKE: Hold on. Let him finish.
2 He's answering. Let him finish.
3 BY MR. BAZAREK:
4 **Q. Go ahead.**
5 A. If you look at the question, it also
6 said, "Watts and his team."
7 So, you know, I took that as just
8 to a morphous as to what Grant would have said to
9 him as being, like, the FBI signing off that,
10 like, exculpating all the other officers of any
11 activity.
12 He -- I mean, you're asking me what
13 I think he meant, you know, what he probably
14 meant, I could tell you that.
15 **Q. Okay. So let's take that down.**
16 **Do you remember reading Eddie**
17 **Johnson's deposition? And let's take a look at**
18 **page -- give me a second.**
19 **Okay. Let's take a look at page --**
20 **let's start reading page 38, line 13, through**
21 **page 39, line 9.**
22 A. Do you want me to start on 13, sir?
23 **Q. I'm sorry. It's -- we're on Eddie**
24 **Johnson's deposition. On the PDF, it's going to**

Page 324

1 **be page 38, beginning on line 13.**
2 A. This is a Word document.
3 **Q. You know what, I'm just going to read**
4 **it -- you know what, I'm going to read it for --**
5 MS. EKL: Am I showing a Word document?
6 THE WITNESS: Is this thing that's open,
7 it looks like Word. Hey, I -- I've demonstrated
8 my skills with electronic media. But...
9 (Deposition Exhibit No. 13 was
10 marked for identification.)
11 BY MR. BAZAREK:
12 **Q. Okay. You know what, I'll speed this**
13 **up. I'm just going to read for you --**
14 A. It would change the pagination, is my
15 point.
16 **Q. All right. I'm going to read from you.**
17 **This was the question asked of**
18 **Eddie Johnson, former superintendent, "Were you**
19 **ever given any specifics about any of the evidence**
20 **that the federal government with CPD developed**
21 **against Watts and other members of the team?**
22 **"ANSWER: No.**
23 **"QUESTION: Did you ever ask for**
24 **that information?**

Page 325

1 So with Watts and Mohammed, they
2 were -- prior to me becoming superintendent, as
3 far as I knew, they had been indicted and went to
4 prison. I don't know if they were out of prison
5 at the time that I became superintendent. So
6 there would have been no need for me to inquire
7 about them. As far as the other members of the
8 team goes, when we got notification from the
9 State's Attorney's Office concerning their
10 credibility issues, I knew that I personally
11 reached out to the U.S. Attorney's Office and the
12 FBI to ask them, did they have anything further at
13 that point that would suggest that I should take
14 further action against those officers? If they
15 could share it with me, fine. If not, I
16 understood. But if I were to take a job action
17 against them, was -- did they have any reason to
18 think that they had evidence that would suggest
19 that? And they said, no."
20 So you have the superintendent
21 police, he's reaching out to the U.S. Attorney and
22 the head of the FBI in Chicago, asking them if
23 there's any issues with his officers. Do you
24 remember reading that?

Page 326

1 A. I think I did.
2 **Q. And he was told, "No," right?**
3 A. That's what he says he was told.
4 **Q. Why wouldn't you put that in your**
5 **report?**
6 A. My report mainly was about the MOU and
7 the Watts and Mohammed activity and the general
8 investigation between the FBI and the Chicago PD
9 and what they should and maybe shouldn't have
10 looked at different times.
11 These other officers --
12 **Q. Go ahead.**
13 MR. HILKE: Were you done?
14 THE WITNESS: The other officers, I
15 didn't center on them a lot, so I can't make a lot
16 of comments about were they involved? I mean,
17 they were named in a bunch of stuff, but my review
18 mainly -- and I could go back through and look for
19 one of the officers. Then I could go back through
20 and look for a different officer.
21 You have to be careful looking
22 through the documents that you're not -- you know,
23 what you're paying attention to, what trail you're
24 on.

Page 327

1 My trail was basically the MOU, not
2 some of these other officers. And I never meant
3 to implicate them -- his wider team, if that's
4 your question. His wider team may have been
5 completely involved or may not have been involved.
6 I didn't have the -- I didn't have the instruction
7 to review that, so I really don't know.
8 BY MR. BAZAREK:
9 **Q. So are you done?**
10 A. Yes, sir.
11 **Q. So you were -- you had no instruction to**
12 **include exculpatory information for the police**
13 **officers that worked for Ron Watts, right?**
14 A. No.
15 MR. HILKE: Object --
16 THE WITNESS: Go ahead.
17 MR. HILKE: No. Go ahead.
18 THE WITNESS: I tried to include
19 exculpatory information. If it was, say,
20 firsthand information, that's what I'm talking
21 about.
22 Somebody who's saying that somebody
23 else said something, it starts to get -- if I'm
24 going to keep, you know, going to all that, I'm

Page 328

1 not going to include that as incriminating, and
2 I'm not going to include it as exculpatory unless
3 there's some kind of -- now, I will grant you that
4 a conversation between the superintendent and
5 the -- that he's claiming the U.S. Attorney's
6 Office, you know, would have a little bit more
7 weight than a different conversation.
8 BY MR. BAZAREK:
9 **Q. All right. Let's look at the next**
10 **exhibit. This is going to be the declaration of**
11 **Craig Henderson.**
12 MR. BAZAREK: And, Jennifer, this is
13 exhibit number -- is this 14 or 15?
14 MS. EKL: It's 14.
15 (Deposition Exhibit No. 14 was
16 marked for identification.)
17 BY MR. BAZAREK:
18 **Q. Sir, have you ever seen this document**
19 **before?**
20 A. A declaration of Craig -- no, I
21 definitely haven't seen this.
22 **Q. Is this something you think you would**
23 **have like to have reviewed, since he was one of**
24 **the lead case agents in Operation Brass Tax?**

85 (Pages 325 to 328)

1 A. I mean, I would have reviewed it if I
2 had it. It -- it depends on what it says.
3 **Q. All right. By the way, do you know**
4 **Craig Henderson?**
5 A. I do not know him.
6 **Q. Okay. So --**
7 A. Well, I know who he is.
8 **Q. You would agree this is the first time**
9 **you've ever seen this declaration, correct?**
10 A. Yes, sir.
11 **Q. Okay. I want to direct you to**
12 **paragraph -- start with paragraph 14. I'll just**
13 **read it to you.**
14 He writes, "During my review of the
15 items of electronic material collected by the FBI
16 in its investigation of Mr. Watts and
17 Mr. Mohammed, I did not perceive anything that
18 indicated that the subjects of the investigation
19 were engaged in falsification of criminal charges
20 against any individual."
21 **Do you see that?**
22 A. I do see it, yes.
23 **Q. Paragraph 14?**
24 A. Yes, sir.

1 **Q. Would that be of some importance for you**
2 **as you were reviewing this case?**
3 A. Well, that it's not in the electronic
4 media. If he said he was exculpating them and
5 that was in there, that would be very significant.
6 But he's saying there's nothing in the electronic
7 media. So maybe this thing is about whether those
8 documents have to be produced or that media has to
9 be produced. I don't know. There's a lot of back
10 and forth on these record productions in federal
11 court. I --
12 **Q. Well, there's all these FBI recordings**
13 **that you never reviewed, right?**
14 A. Yes, there's a lot of recordings that I
15 didn't have, I didn't review.
16 **Q. Right. And Special Agent Craig**
17 **Henderson is saying, at least from the electronic**
18 **material collected by the FBI, there's nothing in**
19 **there that the subjects of the investigation were**
20 **engaged in falsification of criminal charges**
21 **against any individual, right?**
22 A. Correct.
23 **Q. And I'll go to paragraph 15, "Per FBI**
24 **protocol and my standard practice, if I had**

1 **perceived anything that indicated a subject of the**
2 **investigation was engaged in falsification of**
3 **criminal charges against an individual, I would**
4 **have documented that information into the existing**
5 **investigative file and either incorporated that**
6 **information into the existing investigation or**
7 **referred the information to the appropriate**
8 **investigative squad in the FBI Chicago Division**
9 **for initiation of a separate investigation. As I**
10 **stated, I did not perceive such information in my**
11 **review of electronic material collected by the FBI**
12 **in the public corruption investigation of**
13 **Mr. Watts and Mr. Mohammed, and I did not make any**
14 **such record or referral."**
15 **Did I read that right?**
16 A. I think so, yes.
17 **Q. And would you agree that that is**
18 **exculpatory information when allegations are being**
19 **made that individuals are being, you know, framed**
20 **for narcotics offenses?**
21 MR. HILKE: Object to form.
22 You can answer.
23 THE WITNESS: Well, had I seen it
24 before, I would have at least paid attention to

1 it. But, I mean, I would need to -- I would need
2 to go back and look. I'm kind of surprised it
3 says that, because I think it's in the FBI records
4 people are saying they had drugs planted on them.
5 I think there's things going on in there.
6 I mean, if the FBI interviewed Ben
7 Baker, I would need to look back at that record
8 and see what -- Ben Baker is one of the leading
9 proponents of being -- having drugs planted on
10 him. And these documents -- these documents from
11 Chicago PD were routinely given to the FBI.
12 So I don't know -- although, he
13 could be right and my recollection is wrong. I'm
14 not sure. I would need to factor this in, look at
15 it, and look at the records.
16 BY MR. BAZAREK:
17 **Q. Well, Ben Baker and his wife, Clarissa**
18 **Glenn, were only making complaints after Ben Baker**
19 **was caught in his narcotics operations, right?**
20 MR. HILKE: Object to form and assumes
21 facts not in evidence.
22 You can answer.
23 THE WITNESS: I think he made his
24 complaint after he said that those drugs were

1 planted on him, and he was complaining about the
2 one -- the incident where he claimed they were
3 planted on him and his girlfriend.
4 BY MR. BAZAREK:
5 **Q. Can we take a look at -- I want to go**
6 **back to exhibit -- take that down, please.**
7 **Thanks.**
8 **Go back and look at Exhibit 4.**
9 **Those are your handwritten notes. And I just have**
10 **a question for you.**
11 MR. HILKE: I think we've got
12 five minutes left.
13 MR. BAZAREK: Okay.
14 BY MR. BAZAREK:
15 **Q. If you go to page 6 of your handwritten**
16 **notes, there's an entry about Daniel Hopkins on**
17 **March 24, 2009.**
18 A. Okay. I see it. I haven't looked at it
19 for a while. Do you want me to read it or --
20 **Q. Okay. Well, there's a reference -- I'll**
21 **just read it to you. It's, like -- you have**
22 **3/24/09, Daniel Hopkins, and 302, you're talking**
23 **about the 302 report, right?**
24 A. I would guess, yes.

1 **Q. Okay. And then got Echeverra present,**
2 **Shannon Spalding, regarding an April incident.**
3 **And I want to direct you to, it says, "Four other**
4 **officers, none of which were ever moved on."**
5 **Do you see that?**
6 A. Yes.
7 **Q. So you recall, you reviewed some report**
8 **about what Daniel Hopkins said happened to him,**
9 **correct?**
10 A. Correct.
11 **Q. Now, if what Daniel Hopkins said was**
12 **false, is that something that you would want to**
13 **know?**
14 A. Well, the parts of what he said that I
15 would have -- that I relied on, were the stuff
16 that was recorded and reported in the records as
17 recorded.
18 He had a very long history --
19 criminal history, and he's not a credible person,
20 in my view. But he did a lot of recordings --
21 **Q. Right.**
22 A. -- and -- so those were very credible.
23 **Q. But he also said that he was falsely**
24 **arrested by Watts' team, right?**

1 A. He may have. I can't recall. This
2 incident struck -- was important to me, because he
3 said they beat him and kicked him, because he
4 wouldn't tell them about what was going on there.
5 **Q. Right. But he also said that he was**
6 **framed, and drugs were planted on him, correct?**
7 A. I can't -- I can't recall off the top of
8 my head if he said that too.
9 **Q. Okay. Well, if what he said -- and I'll**
10 **represent to you that he did say he was framed,**
11 **so --**
12 A. I think he did. Yeah, I do remember
13 now, sir.
14 **Q. Okay. So now you remember, okay.**
15 **So if that was false, is that**
16 **something that you'd want to know from your review**
17 **in this case?**
18 A. That he said, I lied and that was false?
19 **Q. No. I'm saying that -- I'm saying if he**
20 **did lie about being framed by Watts' team, would**
21 **that be something that you'd want to know?**
22 A. Yes.
23 **Q. Right. As an FBI agent, if someone**
24 **says, hey, I was framed by some police officers,**

1 **you could go back as an FBI agent and look at the**
2 **reports about the arrest, right?**
3 A. I could.
4 **Q. Wouldn't you -- if someone is telling**
5 **you that they're falsely arrested, there's ways**
6 **that you can verify to see if they were even**
7 **arrested by law enforcement, right?**
8 A. Yeah, I would have conducted a -- you
9 know, if I could, if I had -- if it was an
10 assessment, I mean, right, we have to have an
11 administrative open. But, yeah, I would get the
12 computer-aided dispatch reports. I would look at
13 all that, see if it was a contact, what the
14 contact was about. Did it follow the procedure.
15 You know, what happened there, if there was a
16 record of it.
17 **Q. And so if, in fact, an informant lies to**
18 **an FBI agent about an arrest, what does that do to**
19 **the credibility of that particular informant?**
20 A. Yeah, most informants, you record
21 everything with them, or you have them do a --
22 something that's object -- objectively evidence,
23 like an e-mail or something like that. You take
24 the other information as background and that type

Page 337

1 of thing.
2 So -- but it would -- yeah, when
3 people are lying, yeah, they don't have as much
4 credibility when they're all lying.
5 **Q. All right. And then --**
6 A. As an FBI agent -- I mean, my role in
7 this is, like, trying to provide context of how an
8 MOU works, and that -- what Chicago PD was
9 precluded from doing under this. You're asking as
10 an FBI agent. It has immediate impact as an FBI
11 agent, yeah, that the person is lying.
12 **Q. So if you're working with Assistant**
13 **U.S. Attorneys on a case and you find out that**
14 **your main informant has been lying, are you going**
15 **to let the federal prosecutors know that?**
16 A. Yes.
17 **Q. And then the federal prosecutors,**
18 **they're going to let -- they would likely let the**
19 **criminal defense attorney know that and the judge**
20 **know that, right?**
21 A. If they're going to use that source.
22 They just might not use the source.
23 **Q. Okay.**
24 A. They wouldn't tell them if they're not

Page 338

1 going to use them, most likely.
2 MR. BAZAREK: I think that's time.
3 Well, let's -- let's ask the
4 official timekeeper.
5 MR. HILKE: Sure.
6 (Discussion had off the record.)
7 MR. BAZAREK: I just have, like -- yeah,
8 I have one or two minutes.
9 BY MR. BAZAREK:
10 **Q. Let's look at --**
11 MR. HILKE: I'll cut it in two minutes.
12 Go ahead.
13 MR. BAZAREK: Okay. That's fine.
14 BY MR. BAZAREK:
15 **Q. Let's look at, next exhibit is the USA**
16 **versus Ben Baker criminal complaint.**
17 **Now, sir, I know you had the**
18 **criminal complaint, you know, USA v Watts. Is**
19 **this the first time you've seen USA v Ben Baker?**
20 A. I don't -- I don't know. I may have
21 seen this. This is his arrest not that long
22 ago -- yeah, it's 2018?
23 **Q. Right.**
24 A. I might have seen this somewhere,

Page 339

1 that he --
2 **Q. Well, it's not -- it's not listed in**
3 **your appendix.**
4 A. Maybe I didn't see it, then. I was
5 aware of some kind of 2018 incident. I can't even
6 remember how. But he had -- he had multiple
7 arrests, I think.
8 **Q. Oh, right, I mean, you've reviewed his**
9 **arrest history, right, Mr. Baker's arrest history?**
10 MR. HILKE: Object to form.
11 You can answer.
12 THE WITNESS: I didn't get the printout
13 of it. If it's in the file, I didn't see it.
14 I had a bunch of printouts; I just
15 didn't look at them.
16 BY MR. BAZAREK:
17 **Q. But are you aware he's been convicted of**
18 **attempted murder? Are you aware of that?**
19 A. I wasn't specifically aware of that
20 charge, no.
21 **Q. Okay. And you are aware he's been**
22 **convicted of multiple narcotics violations?**
23 A. That I was generally aware of, yes.
24 **Q. Okay. What about UUV by a felon, are**

Page 340

1 **you aware he was convicted of that?**
2 A. Not specifically.
3 **Q. Have you ever testified on behalf of**
4 **any -- a plaintiff that had more arrests and**
5 **convictions than Ben Baker?**
6 MR. HILKE: Object to form.
7 You can answer.
8 THE WITNESS: I don't know how many he
9 had, but you're asking if I've testified as a
10 plaintiff -- as the plaintiffs' side?
11 BY MR. BAZAREK:
12 **Q. Right. Have you ever testified on**
13 **behalf of a plaintiff that had more convictions**
14 **than Ben Baker?**
15 MR. HILKE: You can answer, but that
16 will be the last question.
17 THE WITNESS: Yeah, I wouldn't consider
18 myself -- I'm testifying in his case, but it's --
19 it's not on his behalf like that. I wouldn't
20 consider it on his behalf. If it's legally that's
21 what I'm doing, then -- but in -- to me, I'm
22 trying to provide context for the fact finders to
23 understand how this MOU works, what the
24 environment is like, and how this relationship can

Page 341

1 have some context to find the facts in the case.
2 BY MR. BAZAREK:
3 **Q. Can you answer the question, though,**
4 **that I just asked?**
5 A. I thought I did.
6 **Q. You didn't answer it.**
7 MR. BAZAREK: He didn't answer the
8 question. And then we're done.
9 Can we read back the question, and
10 then -- let's read it back.
11 MR. HILKE: I think, the question was,
12 right: Have you testified for another plaintiff
13 with more criminal convictions than Ben Baker?
14 Was that your question, Bill?
15 MR. BAZAREK: Yeah.
16 MR. HILKE: You can answer.
17 THE WITNESS: No, that -- not that I
18 know of. I don't think I've testified for any
19 plaintiffs. So any conviction, probably.
20 MR. BAZAREK: Okay. That's all I have.
21 MR. HILKE: Thank you. I have just a
22 couple of quick ones.
23 EXAMINATION
24 BY MR. HILKE:

Page 342

1 **Q. Mr. Danik, your report identifies two**
2 **research questions that center the opinion you're**
3 **giving, correct?**
4 A. Yes.
5 **Q. And those are on page 4 of your report?**
6 A. I think so, yes.
7 **Q. Do -- now, do your opinions in this case**
8 **depend in any way on whether what Ben Baker said**
9 **was true or credible?**
10 A. It is page 4.
11 And Ben Baker, no, I didn't make
12 any credibility assessments on Ben Baker or
13 anybody else.
14 **Q. Does your opinion depend in any way on**
15 **whether Clarissa Glenn's statements are true or**
16 **credible?**
17 A. No.
18 **Q. You talked earlier about providing the**
19 **context necessary for your opinions in your**
20 **report. Does that have anything to do with the**
21 **information that was available to the**
22 **investigators, according to the records?**
23 A. I looked at the records that the
24 investigators authored.

Page 343

1 **Q. Did -- I guess, what was more important**
2 **to you in terms of forming your opinion, the**
3 **ultimate truth of -- well, strike that. Strike**
4 **that also. I'm going to ask you something**
5 **different.**
6 **Let me -- I forgot what exhibit**
7 **this was, but I'm showing you the ATF report that**
8 **was previously marked as an exhibit.**
9 **Do you see that here?**
10 A. This is the Moore interview on
11 April 7th? I think it is.
12 **Q. Yes, sir. If you look at the first page**
13 **of that report, you can see it's the Moore**
14 **interview on April 7th; is that correct?**
15 A. Okay. Yes, now -- yes, that's it.
16 **Q. And then if I scroll down to paragraph**
17 **No. 53, the final sentence of paragraph 53 says,**
18 **"Moore related that Mohammed was on the Watts'**
19 **team but is not there now."**
20 **Did I read that correctly?**
21 A. Yes.
22 **Q. So this section of the ATF report**
23 **actually does make reference to Mohammed, correct?**
24 A. Yes.

Page 344

1 **Q. All right. I don't remember what**
2 **exhibit number this was either. But I'm showing**
3 **you now the Internal Affairs Division To/From**
4 **dated June 28, 2005, from Agent Calvin Holliday --**
5 **MS. EKL: Exhibit 11.**
6 **MR. HILKE: Exhibit 11. Thank you,**
7 **Beth.**
8 **BY MR. HILKE:**
9 **Q. Do you see that exhibit in front of you?**
10 A. Yes.
11 **Q. I just want to point you to where it**
12 **says, if you look around midway down the paragraph**
13 **that says, "The undersigned in May 2005." It**
14 **says, "Baker alleged his present case in court was**
15 **placed on him by Sergeant Watts."**
16 **Do you see that there?**
17 A. Yes.
18 **Q. And is that language, Baker alleged his**
19 **present case in court was placed on him, among the**
20 **allegations of fabrication of charges or evidence**
21 **that you considered?**
22 A. Yes. That -- that's Ben Baker saying
23 that, those drugs were planted on me, if I take
24 that sentence at its face value.

1 **Q. Okay.**
2 MR. HILKE: One second.
3 I'm all done, sir. Thank you for
4 your time today.
5 We will read and sign, please.
6 (Concluded at 5:55 p.m.)
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BEN BAKER and CLARISSA GLENN,

Plaintiffs,

V.

Case No. 16 C 8940

CITY OF CHICAGO, Former CHICAGO
POLICE SERGEANT RONALD WATTS,
OFFICER KALLATT MOHAMMED,
et al.,

Defendants.

I, JEFFREY A. DANIK, state that I

have read the foregoing transcript of the testimony given by me at my deposition on April 18, 2024, and that said transcript constitutes a true and correct record of the testimony given by me at said deposition, except as I have so indicated on the errata sheets provided herein.

JEFFREY A. DANIK

SUBSCRIBED AND SWORN to

before me this _____ day
of _____, 2024.

NOTARY PUBLIC

1 REPORTER CERTIFICATE

2 I, Jennifer A. Seastrom, Certified
3 Shorthand Reporter, do hereby certify
4 that on April 18, 2024, the videoconference
5 deposition of the witness, JEFFREY A. DANIK,
6 called by the Defendant, was taken before me,
7 reported stenographically, and was thereafter
8 reduced to typewriting under my direction.

9 The said deposition was taken via
10 videoconference and there were present
11 counsel as previously set forth.

12 The said witness, JEFFREY A. DANIK,
13 was first duly sworn to tell the truth, the whole
14 truth, and nothing but the truth, and was then
15 examined upon oral interrogatories.

16 I further certify that the
17 foregoing is a true, accurate, and complete record
18 of the questions asked of and answers made by the
19 said witness, JEFFREY A. DANIK, at the time and
20 place hereinabove referred to.

21 The signature of the witness,
22 JEFFREY A. DANIK, was reserved by agreement of
23 counsel.

24 The undersigned is not interested in

1 the within case, nor of kin or counsel to any of
2 the parties.

3 Witness my official signature as a
4 Certified Shorthand Reporter in the State of
5 Illinois on April 24, 2024.

6
7  

8 Jennifer A. Seastrom
9 Certified Shorthand Reporter
License No. 084-003293

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A	accept 43:20	225:20	actual 26:23	206:21 218:1
A-B-D-U-L-A...	125:2 127:1	acknowledged	38:20 84:20	219:7,23 220:9
111:13	accepted 14:13	169:22	85:12 128:4	220:12 255:5
A-L 111:14	125:6	ACLU 110:8,10	160:13 169:12	263:5 274:8
a.m 1:22	accepting	act 107:12 198:3	290:24	278:13 281:1
a/k/a 239:12	227:24	198:11 199:14	add 41:24 118:1	336:11
abandon 186:6	access 10:5	acted 289:14	addition 63:15	administrativ...
Abduladim	186:12 251:11	acting 20:22,23	73:24 95:11	30:13,15 45:21
111:13	256:14 297:12	55:15 318:19	241:23 299:20	46:2,7,24 47:2
Aberdeen 2:3	accident 7:1,2	action 36:4,5	additional	49:16 51:17
abeyance	57:22 58:19	41:3 45:3,7,8	104:13 138:11	84:21 191:7
186:22	124:6 157:6	45:24 47:2,14	138:19 148:24	218:12 251:16
abiding 263:14	accidentally	47:24 49:9,10	150:23 151:19	252:2 278:20
308:14	156:7,9 299:17	50:14,21,22	151:19 279:11	279:8 280:7
abilities 21:4	accidents	51:16,21 84:3	Additionally	admissible 23:8
ability 31:15	274:17	110:10 183:11	171:20	33:3 317:17
254:20 256:22	accommodate	186:22 187:7	address 18:6	admitted 168:8
278:18	9:12	187:19,22	117:16 121:9	230:24
able 22:22 54:19	accomplish	190:15 194:21	132:7 174:20	admitting
54:21 55:14	76:20	195:2 196:21	174:22 273:20	167:21 208:11
78:7,10 92:7	account 231:17	203:1,2 220:12	addressed 32:9	208:13,14
102:21 105:7	232:9	274:8,15	154:7	289:17,20
128:13 134:14	accountant 93:2	278:13 279:18	adjudicated	admonishments
142:13 148:7	Accountants	325:14,16	42:6 255:2	39:2
158:8,16	133:16	actionable 49:21	adjudicates	Adobe 136:19
173:17 178:17	accounted 93:22	actions 57:12	41:17	137:16
183:8 191:15	accounting 11:5	95:1 158:12,21	adjudications	adopt 118:7
191:16 195:14	13:8,17 93:1	167:22 181:9	42:9	advanced
197:9 206:1	accurate 55:20	182:13 242:18	adjunct 38:22	136:19
207:23 254:4	164:16 231:22	activities 98:22	administration	advice 232:22
256:14 261:13	347:17	150:9	11:4	233:6,6
261:17 269:5	accurately	activity 30:22	administrative	advised 256:20
277:9 278:19	89:21 121:4	36:5 61:8	28:18 36:4,5	advising 103:22
absent 176:11	140:23 165:16	66:11 76:24	38:1 40:1,5,11	104:1
176:24	222:23	85:17 91:2	40:12 41:3,19	Advisors 133:16
absolute 177:17	accusation	108:9 144:12	41:20 42:4	Affairs 19:21
absolutely 119:4	196:1,2	170:10 172:6	45:3,7 46:14	35:1,5 38:7,10
205:20 219:11	accused 46:8	186:23 196:13	47:13 50:23	38:21 44:1,4
272:23 283:1	103:12 104:17	198:22 235:18	52:3,7,8 83:4	48:24 49:5
abundance	109:15,18	271:9 273:21	83:15,23 84:24	51:7 172:19
112:10	131:20 187:22	273:23 318:21	102:8 176:20	174:5 188:12
abused 303:14	252:9 306:1,4	323:11 326:7	181:9,23 182:5	194:20 195:2
academy 11:7	achieve 78:5	acts 28:18 41:17	182:13,19	207:4 210:6
14:24 15:1,4	achieving 78:7	67:2,3 172:1	185:1 186:22	211:16 215:21
	acknowledge	234:9,23	187:7,19,22	219:18 255:2

256:6 257:17 274:14 305:24 344:3 affect 290:12 310:9 affiant 76:5 afraid 195:18 afternoon 304:4 agencies 72:3 81:10,13,19 97:21 98:18 153:6 174:13 174:16 175:8 176:8,16,19 177:3,13 179:7 180:16 188:21 189:19 217:3 217:18 265:23 266:2 294:2,13 agency 26:7,9 26:15 72:11 99:23 178:24 179:8 180:4 182:10 184:13 184:18,23 188:23,24 189:12 192:20 202:15 217:17 agent 14:7 15:10 15:12,14,15 16:18 18:5,16 18:22 35:6 39:3,20 42:7 42:12,20 46:1 47:15 53:19 58:10 65:12 66:8 67:11 70:13,16,17,19 71:17 73:8 74:19 92:6 94:15 95:14 96:7 99:1 107:22 108:23 193:5 207:8 213:7 214:4	215:4,20 257:16 262:13 263:24 264:23 303:8 305:13 305:17 318:19 319:23 330:16 335:23 336:1 336:18 337:6 337:10,11 344:4 agent's 71:24 agents 14:11 16:14 22:5,9 31:24 38:18 40:10 62:10 63:8,12,17 64:3,11 67:18 70:23 89:17 90:15 106:3 144:22 153:2 175:4 185:23 192:3 214:23 262:18 264:18 265:18 302:11 312:18 328:24 agents' 53:20 aggravating 41:24 ago 113:24 114:1 123:22 225:17 244:1 304:11 320:16 338:22 agree 45:22 46:21 47:10,10 47:20 50:24 52:8 96:2,6 109:14 117:17 118:12 125:17 125:23,24 157:20 169:23 174:15 175:19 176:13,24 178:1 181:12 182:9 183:13	184:21 185:5 187:20 189:16 194:2 196:6 206:9 208:4 209:6 211:13 213:22 216:10 217:21 224:8 233:9 234:10 235:6 237:20 243:12 247:2 249:8,20 252:3 256:21 259:4 260:9 261:1 266:24 267:17 270:19 278:5 278:17 288:8 298:14 329:8 331:17 agreed 125:7,16 141:2 232:18 265:11 301:17 agreement 141:15 147:21 158:15 174:13 224:18 228:17 232:18 233:15 233:19,22 250:19 255:1 265:18 286:23 286:24 287:14 287:21 288:1 288:11,15 347:22 agreements 288:7 ahead 31:17 35:14 54:14 78:21 79:21 116:5 169:10 181:8 185:4 191:9 218:17 221:18 228:11 277:20 283:19 284:18 309:10 323:4 326:12	327:16,17 338:12 aid 66:3 aim 86:3 ain't 263:22 264:19 air 14:1 15:24 169:18 airline 239:16 al 5:5 111:14 346:7 align 53:21 allegation 19:4 23:2,19 24:18 24:23 25:17,19 26:12 33:6,21 40:19 42:24 44:16,21 45:20 45:23 46:3 47:16 49:18 50:24 88:10,11 184:15,20 191:13 195:12 196:18 203:14 203:16 209:19 211:2,21 217:3 222:17 223:5 238:24 268:1 allegations 18:2 19:9 21:2,6,9 21:11 22:19 25:23 30:14 35:21 36:23,24 38:15 49:11 89:12 160:14 160:18 169:22 171:9,12 183:18 185:8 187:23 195:4 203:15,21 216:21 252:4 253:23 266:24 270:8,10 272:14 273:19 274:1 310:12	310:15 317:11 331:18 344:20 alleged 172:1 185:12 210:14 222:18 260:16 344:14,18 allegedly 244:5 270:16 allegiances 27:15 180:22 alleging 202:16 268:3 allocate 128:19 allow 172:6 182:4 231:21 280:6 allowable 213:23 allowed 49:9 60:24 111:24 128:2 214:12 295:9 308:11 314:3,13 allowing 83:14 83:22 88:7 90:8 207:11 211:8,9 222:21 allows 254:14 alphabetical/n... 137:11 alter 290:12 Alvin 1:7 166:10 166:10,12,14 Amendment 28:24 America 67:14 amorphous 33:16 amount 48:21 93:6 137:24 194:13 283:14 analyzation 110:24 analyze 155:6 analyzing

155:10	278:23 282:19	296:18,21	approving	336:5,7
anchor 156:6	285:14 286:7	297:1 308:19	106:23	arresting 306:2
and/or 122:3	291:12 298:1	319:13 339:3	approximately	arrests 80:14,20
125:15 126:7	300:1,14 303:5	apple 182:22	60:2 70:11,22	167:22 316:10
129:18 157:24	307:3 309:18	184:15	73:10 80:3	339:7 340:4
255:7 298:16	311:13,20	applicants	April 1:22 91:18	arrived 58:15
angle 155:7	312:5 313:4,14	110:18	137:22 229:23	71:10
angles 155:10	314:1 316:5	application	230:16 248:18	arriving 319:6
answer 8:3,8 9:1	324:22 331:22	33:14 74:11	251:14 270:5	arrow 165:12
9:16 28:22	332:22 339:11	263:20	334:2 343:11	Art 165:11
29:21 30:19	340:7,15 341:3	applied 92:24	343:14 346:11	166:18
34:5 35:14	341:6,7,16	111:1	347:4 348:5	Arthur 165:10
44:7 45:14	answered	applies 41:21	Arabia 60:13	166:18 300:20
46:12 47:6	106:21 130:24	149:18	arc 24:22	300:22 301:3
48:6 51:4 52:1	313:13,24	apply 14:12,15	archived 152:9	302:3,21
64:8 103:15	answering	25:13,24	area 64:14,18	article 34:9
104:21 108:2	280:20 323:2	302:10	91:1 114:3,4	115:18 143:16
109:11,12	answers 65:3	appreciate	174:21 199:7	145:20 304:20
113:1,7 116:22	311:9 312:1,23	42:14	208:8,12,17	articles 115:4,19
118:23 119:3	347:18	appreciated	318:11	articulating
120:20,23	anticipated 63:9	76:11 206:3	areas 77:4	227:13
124:18 126:23	antiterrorism	apprehend	argue 227:22	as-yet-unident...
127:15,21	111:5	306:23	243:2	1:12
128:1,2 131:3	anybody 30:5	apprentice	argumentative	aside 22:6 30:4
131:4,8,13	171:3 178:13	12:20	238:11 300:13	88:5 115:17
132:12 147:15	227:12 242:18	approach	Arnold 274:23	134:4 177:22
159:16 160:1	274:19 291:6	161:16 229:17	arrest 43:6	184:10 187:17
161:10 166:23	342:13	282:9 283:3	66:22 181:12	187:18 189:17
167:11 169:16	anybody's	approached	203:1 226:3	285:7
170:7 171:1	309:24	64:18 170:18	232:24 336:2	asked 10:9 67:1
177:6 182:7	anytime 185:6	208:6 282:21	336:18 338:21	67:3 126:19
184:5 190:19	312:16	appropriate	339:9,9	127:3 131:2
195:7 197:22	anyway 133:10	213:4 331:7	arrested 25:3,3	147:24 148:14
209:1 218:4	243:6	approval 60:22	81:2 130:2	155:11,12
223:8 237:9,16	apart 93:19	72:16,18,22	170:4 178:12	189:11 190:5
238:5 241:4,5	apiece 87:15	73:5,9,19,22	197:2 274:3,24	214:18 224:16
241:7 242:2,7	apologize	73:24 74:4	275:3 281:21	239:13 252:8
245:21 248:14	220:17 303:19	75:5,7 94:8,10	282:6,14,16	256:19 262:24
249:13 251:19	apparently	approvals 74:8	290:15 291:16	266:4,5 275:2
253:10 254:7	317:17	75:11	291:17,17,24	289:11 291:15
255:10 258:2	Appeals 288:19	approve 72:24	292:1,6 294:15	313:13,23
259:8,11	APPEARAN...	73:3	301:7,15	324:17 341:4
263:21 267:21	2:1 3:1	approved 58:12	302:22 307:4,5	347:18
274:12 275:11	appendix 55:8	60:16,22 67:15	317:19 320:4	asking 7:20,21
275:20 276:15	142:11 296:12	73:6 74:19	320:12 334:24	8:2,19 40:12

44:1 65:5 74:16 84:18 87:9 96:16 100:7 121:14 141:19 159:8 161:12 178:3 187:1 190:6 197:24 199:12 199:15 200:2 201:4 209:24 218:5 237:9 240:11 247:12 247:14 251:21 256:8 265:5 271:14 273:15 280:9,10 282:24 321:7 322:8 323:12 325:22 337:9 340:9 aspect 189:21 asserting 119:7 119:10 assessed 19:6 assessment 48:24 56:14 65:24 186:15 227:6 336:10 assessments 19:20 203:24 289:12 342:12 assets 67:24 assign 20:23 24:8 35:6 38:17 57:9 186:11 assigned 17:2 53:12 58:10 71:6 79:19 93:3 222:18 266:10 assigning 206:22 assignment 12:23 15:5	16:6 18:19 58:23 59:21 60:10 assignments 12:24 18:12 95:14 assist 97:18 103:21 104:11 104:17 107:23 187:6 205:24 261:13,17 269:6 271:10 assistance 101:1 178:4 217:19 Assistant 259:21 337:12 Assisted 65:12 assisting 20:20 97:21 99:2 100:3 103:7 assists 175:8 associated 128:13 assume 9:2 290:5 297:6 301:2 assumes 332:20 assuming 159:13 183:8 209:13 225:8 assumption 129:17,24 131:6 161:7 322:18,19 assumptions 120:1,12 132:4 159:12,20 ASU 41:19 ATF 179:11,13 179:24 180:7 216:20 231:9 252:19 253:7,8 253:11 255:8 290:17 291:18 292:2,6 294:14	295:7 343:7,22 attached 144:2 attachment 145:15 attack 69:6 attempted 339:18 attempting 30:16 attend 11:10 179:14 attended 14:24 15:1 attending 6:7 180:3 attention 24:13 24:16 59:16 69:16,19 70:1 143:14 171:16 233:4 326:23 331:24 attorney 59:3 104:2,3 106:2 106:18 119:17 119:23 120:2 121:1 259:20 259:21,22 260:2 304:24 305:3,6 325:21 337:19 Attorney's 21:4 27:13 28:10 31:21,23 32:4 32:15 33:21 34:2,6,13,15 34:16 35:16,19 43:8,20 67:16 74:20 75:6 81:15 98:1 150:15 216:19 226:13,19 227:9,16 228:8 228:19 229:8 233:17 287:2,4 287:6 288:3	304:18 305:4 325:9,11 328:5 attorneys 7:21 9:9 97:18 98:16,21 99:3 99:5 100:3 103:17,21 119:2 122:3 125:5 141:16 161:15 195:19 289:4 337:13 attrition 13:13 attuned 106:12 audio 90:16 audiotapes 285:20 audit 13:5 auditing 12:24 AUSA 304:15 304:24 305:10 319:8 AUSAs 33:7 author 207:1 authored 342:24 authorities 110:17 authority 68:13 68:15 153:24 169:3 authorized 64:2 automatically 57:21 available 10:7 88:19 96:9 144:4 145:15 145:17 146:7 149:13 171:13 199:1 256:14 263:1 295:12 296:21,22 342:21 Avenue 2:8 average 75:4 avoid 188:11 avoiding 271:1	award 59:3 aware 31:11 40:3 51:19,21 64:2 82:4,5,7 96:13 116:14 178:16 179:10 187:8 197:1 207:9 214:1 272:24 273:4,7 281:21 284:14 285:10,20,24 299:21 301:5,6 301:12 311:8 314:18,22 339:5,17,18,19 339:21,23 340:1 B B 2:2 4:8 142:11 158:1 169:7 231:2 234:22 269:4 296:12 297:1 314:24 315:4 bachelor 11:3 back 20:1 24:9 34:24 35:4,15 35:16 36:3 37:17,18 38:3 42:4 44:12 46:23 49:15 50:19 53:11,13 54:10,16 60:7 64:19 69:21 75:19 76:8 79:1,22 84:8 102:16 112:8 127:23 129:6 132:17,18 142:21 145:7 148:8 153:9 155:20,21 172:11,22 184:2 190:9

191:7 203:10	304:7 308:16	220:5 251:12	327:8 328:8,12	289:22 292:14
224:18 226:6	309:4 311:8	253:16,18,19	328:17 332:16	303:20 318:15
232:23 233:10	312:22 313:6	274:4,9,15	333:4,13,14	believes 226:13
239:12,13	314:18 315:4	281:19 285:10	338:2,7,9,13	226:19
247:19,22	315:24 332:7,8	289:12 320:15	338:14 339:16	believing 115:23
250:8 252:20	332:17,18	basically 27:10	340:11 341:2,7	198:6
252:20 258:19	338:16,19	33:20 39:5	341:15,20	BELL 3:7
260:4 266:22	340:5,14	41:21 48:21	Beach 5:20	Ben 1:3 5:4
272:16 274:4	341:13 342:8	58:9 69:12	16:14 17:14,18	116:9,17 117:7
274:10 283:6	342:11,12	81:13 82:19,22	17:21 18:16,22	117:18 118:3
294:21 302:15	344:14,18,22	160:2 174:14	20:17 23:24	135:8 165:11
309:19,20,21	346:3	176:21 184:6	26:4,14 34:22	166:19 167:23
319:1 326:18	Baker's 117:19	187:7,24	53:11 64:13	167:23,24
326:19 330:9	259:22 260:14	193:13 208:11	65:22	168:8 170:15
332:2,7 333:6	267:10 268:5	229:4 255:15	beat 335:3	260:1 308:16
333:8 336:1	339:9	273:14 278:18	beaten 154:14	309:4 311:8
341:9,10	balance 183:17	287:3 327:1	beating 86:7,13	312:22 313:6
backed 160:18	183:17	basis 29:16 85:5	becoming	314:18 315:4
background	balanced 84:5	126:1 131:11	270:16 325:2	315:24 332:6,8
10:22,23 13:24	balancing	153:11 217:24	bed 48:22	332:17,18
38:5 52:18	185:13 189:6	231:1 254:18	beer 67:8	338:16,19
336:24	ballpark 161:19	278:20 310:17	began 134:4	340:5,14
backpack	bank 13:1 15:19	Bate 156:24	beginning 33:24	341:13 342:8
121:18	16:23 17:6,7,7	Bates 200:1	34:19 82:7	342:11,12
bad 86:14 87:8	17:8,9,24	204:10 258:8	90:14 114:10	344:22 346:3
182:22 184:15	18:12 25:5,9	Bates-stamp	138:12 153:9	benchmark
296:6 302:16	25:10 40:20,20	221:5	248:3 266:2	41:21
badges 87:10	banking 17:11	Bates-stamped	324:1	beneficial
bag 90:17	153:18	133:12 164:22	behalf 2:12,17	106:17
Baker 1:3 5:4	banks 17:5 25:7	173:4 204:12	2:22 3:6,11,17	benefit 233:23
116:9,17 117:7	bar 137:5	221:8 230:1	340:3,13,19,20	234:1,6
118:3 129:17	278:12	257:5	Belated 315:9	benefits 228:20
132:1 135:9	bargaining	bays 192:9,10	belief 31:3,13	best 8:6,22 9:7
160:16 165:11	255:1	Bazarek 3:2 4:5	52:15 122:20	26:2 29:9 33:5
166:19 167:23	base 13:1	118:2,13	196:23 208:21	57:9 60:6 81:6
167:24 168:8	based 21:5 33:4	303:23 304:3,6	310:11	99:10,10,11
170:15 200:4	50:23 85:17	307:10 308:3	believe 48:12,15	103:2 105:19
204:12 215:18	106:12 111:3	309:8,9,12,19	60:18 82:14	105:21,23
221:9 230:1	127:1 129:23	310:10 311:16	102:13 112:4	106:9 142:18
257:5 258:7,9	159:14,14,22	311:23 312:21	125:11 142:19	145:24 180:17
260:1,13,13,16	161:6 166:7	313:8,16 314:5	143:7 157:6	229:17 264:24
260:18,19	167:4 169:15	315:11 316:11	173:19 196:8	best-case 196:14
267:7,8,9,12	174:9 202:2	320:19,24	219:22 232:4	197:7
267:16,22	204:3 207:22	321:6,9,21	258:1 268:16	bet 64:5
268:3,4,7	211:14 217:22	323:3 324:11	281:24 282:13	Beth 119:12

173:13 199:24 344:7 better 12:10,13 19:6 77:14 87:15 215:13 223:19 225:7 beyond 82:18 179:7 bifurcated 41:8 big 24:20,21 84:5,5 110:12 121:18 130:12 160:14 165:11 166:18 188:21 230:21 253:5 280:19 289:7 304:17 311:24 bigger 55:3 130:13 165:23 171:24 223:13 223:15 321:17 biggest 96:14 bill 117:24 134:21 139:22 341:14 billed 134:10,17 139:20 billing 139:1,6,7 139:11,15,18 bit 8:18 10:21 12:6 17:23 27:24 38:4 42:13,15 52:17 78:24 134:10 153:22 164:1 168:19 171:24 172:23 177:22 233:3 261:11 296:23 300:20 304:19 328:6 black-and-wh... 68:9 188:3 228:5 Blind 56:3 79:13 79:17,18 80:13	blog 115:12 blow 189:6 blowing 251:15 bluff 288:21 blunder 181:1 bluster 288:21 Boilerplate 227:10 bold 225:21,21 260:6 262:2 bolded 278:9 BOLTON 1:9 bonus 101:24 book 51:7 152:17 245:4 BORKAN 3:13 born 58:24 boss 191:23 193:4 bottom 57:10 68:5 171:18 268:12 281:5 322:17 bought 121:17 Boulevard 3:3 boy 163:20 brand 24:5 brand-new 17:19 Brass 328:24 brazen 188:12 198:21 break 9:12,17 52:19 76:10 78:22 126:13 128:6 142:4,4 142:23 206:3 212:7 221:17 225:19 303:23 breakdown 137:11 breaks 9:8 186:9 Brian 1:9 3:8 241:21 242:20 bribe 93:14,19	301:19 bribes 80:10 85:20 89:17 277:24 278:19 278:24 280:1 briefly 10:22 143:13 257:22 bring 79:21 85:20 89:8 91:8 109:2 186:3,4 188:19 188:23 292:9 bringing 66:18 82:16 86:20 90:10 185:24 186:2,10 295:17,20 brings 184:13 broke 48:22 150:16,20 broken 57:13 134:24 brought 44:23 54:9 66:17 67:1,16 90:23 185:20 189:10 189:11 197:13 197:19 252:7 294:20 319:3 Broward 64:13 Bruce 305:9 Bucar 42:7 bucks 85:23 budget 92:16,18 92:21 93:6,7 building 5:21,21 186:8 240:6,7 240:9 315:3 316:1,7 buildings 169:18 198:14 315:17,18 bunch 292:9 326:17 339:14 bunghing 281:6	281:10,16,19 burden 42:17,23 189:2,5,7 bureau 81:24 82:3,11,21 83:4,13,21 84:23 114:17 114:18 175:16 216:19 281:18 bureau's 281:15 burn 225:24 226:2 BURNS 2:13 business 11:4 13:3 30:10 208:7 222:22 260:14 268:5,8 269:5 270:2 businesses 38:14 businesspeople 110:19 buy 67:21,22 68:13 77:8,20 buying 68:7,16 buys 277:23 279:10 300:22 300:24	240:6 287:20 288:3 called 1:16 27:18 28:7 38:12 41:9 57:21 58:9 62:7 66:2 102:5 110:16 130:9 152:14 162:1 217:2 277:24 347:6 calling 64:22 65:23 87:6,11 87:11 104:4 203:11 264:10 287:20,23 312:15 calls 125:20 271:17 Calvin 3:17 207:1 215:20 222:9 257:16 344:4 camera 49:3 cameras 49:2 94:2 campus 148:15 cantina 56:3 65:9,17 66:16 67:14,15 70:20 71:3,23 72:4 73:17 76:16,19 79:6,15 cantinas 67:5,5 67:9 69:4 capable 61:17 66:9 capacity 88:6 255:5 captioned 111:12 car 37:19 114:18 114:18 198:16 201:12 203:12 274:16 318:6

card 291:1	98:2 99:9,12	181:24 182:2	31:4,14 33:1	157:5 279:9
care 312:18	99:22 100:6,10	183:22,22	33:13 34:5,8	332:19
career 39:9	104:6 105:5,7	185:20 186:19	35:22 36:6,11	cause 35:4 41:2
215:9 317:1	105:13 106:1	188:12,23	38:24,24 39:10	43:3,5,5,19
careful 23:13	106:12 107:4	189:7,9,24	43:7 53:20	50:12 51:10
27:23 84:16	107:13,18	190:1,15,20	54:2,6 56:17	86:9 180:21
255:24 326:21	109:24 110:7	191:11,17	56:18,19,20	183:19
carefully 21:15	111:4,8,10,12	192:11 193:5,9	62:4 66:10,11	caused 59:5
carries 195:21	111:15,21	193:13 194:6,8	69:23 70:2	319:7
cars 58:4,14	112:14,21	196:22 197:11	71:15,17 72:20	causes 51:15,16
94:2,2 266:7	113:6,10,12	198:3,4 202:21	73:8,21 78:1,8	caution 112:10
case 1:5 5:4,5	115:23 117:3,4	206:22 212:20	87:3 93:9,10	124:14
7:19 15:23	117:4,19 118:4	212:23 213:4,5	94:18 95:16,22	CBG-62266
20:5,9,16	118:9,10 122:4	219:9,17,18	97:17 98:22,23	173:4
22:23 23:4,7	122:22,23	224:2,5,21	99:2,13,16,19	CBG-62278
24:7,8 25:18	123:18,20	225:2 228:17	100:1,2 104:19	173:5
27:22 28:6,7	124:8 125:2,12	255:17 260:17	105:3,3,8,12	ceased 69:4
29:14 30:2	125:16 126:9	262:7,22	106:10 108:7	cell 86:3,5,20,21
33:2 34:11,14	126:17,21	263:23 270:23	108:10,21,22	185:24
34:24 37:19	127:1,5,20	275:16 283:23	109:8 111:5	center 97:16
39:19 42:1	128:9,14	285:3 294:14	114:12,14,17	326:15 342:2
46:1 48:17	129:13,16,20	295:21 300:8	114:18 116:12	centered 288:12
49:4,5,6,15	129:23 131:1	307:22 311:18	116:15 117:12	317:13
50:1,2 51:20	131:11 132:22	313:20 319:3,4	117:21,23	Central 67:13
57:17 58:9,20	133:21 134:4	319:4,7 320:13	118:8 140:21	certain 31:24
58:24,24 59:2	134:13,22	328:24 330:2	150:10 153:3	33:17 82:2
59:4,11 60:16	135:4,5,7	335:17 337:13	161:17 174:20	87:3 95:14,22
60:16,19 61:12	136:4,14	340:18 341:1	180:15,15	126:8,16,20
61:15,17 62:7	138:18 141:4	342:7 344:14	182:3 185:20	127:4,4 146:4
62:10 63:11	141:12 143:15	344:19 346:5	188:14 189:3	146:17 159:12
64:15 65:12,24	143:17 145:13	348:1	191:13 192:4,6	159:20,21
66:12,16 67:10	147:8,9,11	caseload 24:2	192:10,17	176:13 197:3
67:19 69:3,3,6	149:17 150:6,8	cases 15:19,23	194:14,15	264:18 294:2
69:7,8,17 70:8	151:11,14	16:4,21,23	247:9 260:10	295:6 298:24
70:13,16,17,19	153:9 155:1	17:2,11 18:12	261:2 286:4	299:1,22
70:24 71:13,15	157:22 158:10	18:12,13,23,24	293:24 305:2,5	certainly 9:12
71:17,19,20	160:7,14	19:1,7,13,18	casework 105:2	96:18 162:15
72:2 73:12	161:18 162:19	19:19,20,23	cash 231:20	178:20 188:6
75:8 79:18,20	162:23 164:1,7	20:4,14,20,23	277:24 278:19	194:23 206:4
80:1,18,24	164:7,8 172:14	21:1,20,21	cast 157:21	CERTIFICA...
81:9 84:15,18	174:21,23	22:2,10,16	catch 37:20	347:1
84:20 85:9,10	177:13,22	23:10,11 25:11	278:18	Certified 1:21
85:11,16 87:5	178:9,10 180:4	25:13,14,14	categories	347:2 348:4,8
87:16,24 91:12	180:9,13 181:5	26:2,5,17,19	104:13	certify 347:3,16
92:6 97:24	181:6,7,21,24	26:20 30:9	caught 143:14	chain 77:4

262:20 chance 48:3 109:3 128:16 161:5 245:19 288:5 chances 279:10 280:4,22 change 25:2 41:11 52:20 215:5 291:8 324:14 changed 92:17 152:18 153:24 199:10 changing 199:8 199:9 character 37:14 characterize 31:9 charge 29:17 73:8 74:19 101:3 140:19 150:10 169:3 197:19 204:2 220:22 225:3 253:17 262:22 295:21 319:23 339:20 charged 17:19 43:21 58:7 79:11 104:6 132:2 220:5 281:22 282:6 317:14 charges 44:23 46:23 68:8 197:12 198:23 218:1,13 219:23 220:1,9 220:11 263:6 302:7 317:16 329:19 330:20 331:3 344:20 chase 202:24 chasing 61:11	86:13 198:12 198:14 199:5,6 235:13 check 86:22 112:9 142:21 203:7 222:17 223:21 224:1,5 224:10 252:19 276:23 checked 112:8 155:20 checking 252:13 chest 12:9 Chicago 1:6,6 1:12 2:4,9,15 2:17,20 3:4,9 3:15 5:5 6:6,10 51:5 132:8 143:10 144:22 154:8,12 158:19 170:16 171:10 175:16 175:21 178:11 188:20 201:11 202:6 203:7 218:6,11,23 231:10 239:12 239:13 290:18 292:2 294:5 295:4 296:6,6 306:11 319:23 325:22 326:8 331:8 332:11 337:8 346:6,6 chief 36:3 37:18 174:4 182:21 191:20 children 316:2,7 chosen 107:20 chronological 139:2 CI 207:15,24 208:6,11,13 209:15 212:2 228:9,13,14	229:6 260:19 267:9 circuit 288:19 289:1 circumstance 30:13 264:1,2 264:8 circumstances 42:1 68:11 100:2 195:23 232:14 circumstantial 285:16 CIs 228:13 cite 121:22 293:18 citizen 201:11 203:6 204:4 city 1:6 2:17 5:5 16:11 132:8 154:1 170:16 302:19 346:6 civil 1:18 7:4 29:8,15 53:15 69:22 70:1,2,7 98:22 99:13,16 99:19 100:1,2 105:3,5,7,8,12 107:18 286:4,4 309:7 civilian 198:14 267:18 claim 124:23 claimed 333:2 claiming 328:5 clarification 14:3 Clarissa 1:3 5:4 116:9,17 117:7 308:23 309:4 332:17 342:15 346:3 Clarissa's 118:4 Clark 3:14 class 110:10,10	111:2 classical-type 95:9 classification 163:16 164:8 164:13,14,18 classifications 164:15 classified 62:18 192:6 cleans 49:12 clear 118:3,11 150:18 175:6 237:16,16 Cleveland 13:21 client 13:1 99:11 104:5 109:5 clients 99:6 100:15,16 101:10 109:4 CLINE 1:11 close 8:18 10:16 10:17 76:15 109:21 183:18 194:6 closed 6:2 19:20 cocaine 87:19,21 87:21 89:19 90:5,9,13 231:1 245:12 245:15 cocounsel 303:20 Coie 110:12 coke 235:20 244:22 301:8 cold 23:14 collar 21:8 collected 279:21 279:22 319:5 329:15 330:18 331:11 collection 97:17 collective 255:1 college 11:1	colon 166:5,6 column 163:15 come 14:10 19:23 22:19 23:4,10,11,14 24:5 25:14,16 27:18 41:2 59:15,19 79:1 130:20 132:17 132:18 161:14 180:4 184:18 239:13 253:22 259:16 276:9 318:5 comes 71:17 141:8 193:20 228:18 270:5 279:13 Comey 293:19 comfort 76:10 206:3 comfortable 184:11 coming 21:12,22 57:15 66:6 108:8 154:24 170:22 171:6 189:14 227:18 276:22 310:18 Command 15:24 commander 172:4 commencing 1:21 commentary 115:17 comments 120:6 326:16 commissioner 25:1 commit 194:18 247:5 284:14 committed 109:17

Committee 153:18	65:22 305:20 305:23 332:18	concerned 83:20	connection 240:15	155:6 163:9 172:10 224:14
committing 88:21 223:7	complete 7:22 8:7 297:12	concerning 325:9	connections 236:16	224:15 227:2 260:12 337:7
common 34:1 176:7 180:20	347:17	concerns 181:14	consider 68:21 234:3 288:13	340:22 341:1 342:19
182:9 208:14	completed 63:9 138:18 281:2	conclude 50:12 181:11	340:17,20	contextualize 193:17 242:17
210:15 264:14	283:24	concluded 60:9 169:15 345:6	considered 73:17 119:24	contiguous 64:14
289:18,18	completely 146:15 241:22	concludes 182:12 183:10	120:12 344:21	contingencies 71:6
commonsense 36:18 41:4	242:21 327:5	conclusion 54:3 113:16 177:18	constant 21:8	continue 35:6 75:17 77:6
181:22	completeness 203:9	184:24 246:22	constantly 136:24	172:6 194:18 270:2
communication 181:4	completing 15:4	conclusions 155:1	constitutes 346:12	continued 135:24
communicatio... 118:24 119:1	complex 17:10 17:20,23 93:9	conclusive 257:1	constrained 92:20	continuing 138:13 271:9
119:17,20,21	97:15,21 103:7	concordance 136:16 137:2,4	consult 102:14	contract 141:21 154:9 195:19
121:1,15 308:1	231:19 266:6	137:6	Consultancy 103:6	254:14,19,22 255:21 287:3
community 153:18 190:14	complying 308:13	conduct 23:17 30:16 31:24	consultant 107:14	contradict 224:19
191:5 211:7	component 38:16	32:19 38:14,18	consulting 102:24	contradicting 149:24
316:23	Compound 51:24 167:9	46:8 224:9	CONT'D 3:1	control 68:4 90:12 102:7,8
companies 57:19	compromise 27:14 31:6	252:9 256:22	contact 124:4,19 125:14 134:5	189:20 226:14 226:20 227:11
company 97:8,9 101:20	255:18 256:21	conducted 13:6 23:1 41:6	234:16 260:20 260:21 271:5	229:4 262:16
comparison 126:21	compromised 187:21 255:6	56:13 59:18	271:15 287:12 336:13,14	controlled 152:16 277:23
compensation 119:22	computer 7:18 10:14	63:7 65:23	contacted 123:19 124:1,7	279:9 300:22 300:24 302:15
complaining 21:12 57:19	computer-aided 143:11 336:12	88:18 138:20	124:13 125:10 132:20	303:9 314:23
333:1	computers 266:8	169:24 171:4	contain 91:22 142:15	conversation 125:4 126:6,21
complaint 118:7 128:24 129:12	concede 186:20	231:9 336:8	contained 143:7 144:6,9,17	127:17,18 141:9 183:14
135:4,8 150:4	conceived 54:5 56:13,14,15	conducting 63:18,20 64:3	145:22 162:1	320:2 322:2 328:4,7
160:15,16,17	63:6	conducts 41:9	containing 162:8	conversations
169:21 196:9	concentration 11:4	confidential 118:24 206:14	contains 146:3	
206:13,17	concept 79:19	207:4 219:19	contents 307:24	
257:18 267:10	concern 82:15 82:17,20 83:12	257:18	context 94:24	
305:17 309:22	121:11 172:3	confirmed 301:1		
309:24 310:13		confront 279:16		
310:19 332:24		confronted 252:3 253:23		
338:16,18		confused 263:8		
complaints 57:6		connecting 221:14		

122:19 124:16	copies 140:15	164:17 166:10	269:22 270:6	23:2,18 25:20
132:19 159:2	cops 66:1 195:17	167:2,7 168:9	270:24 271:14	corroborative
convict 78:18	copy 10:1	169:7 170:17	271:17,23	23:9 25:17
194:4	121:20 137:18	174:5 175:12	273:2 274:5,10	corrupt 24:24
convicted 108:5	156:18 204:22	175:17 176:5,9	275:7 276:12	108:8 316:22
109:5 129:19	321:20	179:1,4,8,12	278:2 279:22	317:5,15
129:19 131:21	correct 5:17,18	179:15,16,23	281:11,14,22	corruption
273:1 339:17	10:15 14:24	182:14 183:11	282:3,9 283:10	15:20 18:3,24
339:22 340:1	22:2,20,21	185:6 187:16	283:17 284:2,5	18:24 19:5,11
conviction	23:3 25:20	188:1 194:18	284:14 285:22	20:3,6,14 21:2
341:19	26:2,3 29:14	195:4,15 197:5	286:5 287:23	21:7,9,11,13
convictions 20:1	29:18 30:17	197:9 199:19	288:2 290:6	21:20 23:23
79:7 80:14	32:16,17 39:20	201:14,15	292:15 294:8	25:12 26:5,11
284:2 303:10	39:21 40:14	202:7 203:14	294:16 295:16	26:13,17,19,20
340:5,13	43:21 44:11,23	203:16,17	295:18 296:15	27:3,5 28:8
341:13	44:24 45:4,8	204:21 205:7	296:16 299:2,5	31:4,14 32:19
Cook 259:20	46:3,9 47:1,16	205:12 206:11	300:20 301:21	33:7,12,22,23
cooperate	50:22 52:24	206:14 207:15	308:16,24	34:3,4,23
232:19 288:9	55:9 56:4,11	208:18,22	315:22 317:21	36:11 39:16
294:21	58:15,17 70:14	209:14,16	319:16 322:22	43:14 44:17,22
cooperating	74:21,24 75:24	210:7 211:3,7	329:9 330:22	45:17,17,21
84:13 207:17	77:11 78:19	211:23 212:4	334:9,10 335:6	53:15 54:2,7
226:11 228:15	79:24 80:5,6	212:19,21	342:3 343:14	55:16 57:23
270:22 271:2	80:10 81:24	213:17 217:19	343:23 346:13	59:6 82:18
287:5	82:1,13 87:20	219:19 220:23	correction	86:2,10,10
cooperation	88:1,13,15,23	226:1 228:9	195:15	94:14 103:21
226:15,21	91:19 93:15	229:6,19,21,21	correctional	109:15,17
228:19 232:18	94:8 95:16,24	230:22 231:2,3	88:20 178:23	115:15 149:8,9
233:14,19,22	97:1 99:3,6,17	231:5,10	Corrections	163:10,19
250:19 260:9	101:5 103:8,13	234:19,22	86:19	164:15,20
260:18 261:1,2	103:23,24	235:1 238:24	correctly 318:1	178:21 180:9
264:1,3,7,11	104:13,19	239:3,21,24	343:20	181:4,5,7,24
265:4,14	109:18,19	240:4,18,22,24	correspond	186:19 191:12
266:16 267:8	112:22 116:12	244:8 245:16	164:14	194:5,11
270:16 286:23	116:18 117:4,7	246:21 247:1	corroborate	195:13 232:10
286:23 287:8	117:23 122:4	249:4,5,17	50:11 191:16	234:9 247:21
287:21,24	125:12 131:22	252:10 253:8,9	252:17 284:21	249:10 258:14
288:15	132:3,9 134:19	254:1,4 255:13	285:9	258:18 259:3
cooperator	134:22 135:1	256:15 258:9	corroborated	292:15,24
228:20 235:17	135:21 136:1,5	258:14,18	23:11 251:7	293:11,12,21
264:2 307:8	136:8 138:4,9	259:23 260:2	corroborates	294:8 295:17
coordinated	138:14 139:12	265:24 266:10	50:5	305:2,5 319:3
177:14	140:16,22	268:5,8,15,18	corroborating	319:4 331:12
coordinating	145:13 156:22	268:20,22	50:3	costs 85:24
63:2 177:14	158:1,6 161:1	269:8,14,16,20	corroboration	Council 274:23

111:8,18,19,19 116:11 131:2 132:20 134:5 142:2 151:21 274:23 277:5 282:1,7 286:13 298:14 299:22 300:2 308:1,5 310:14 311:5 313:10 347:11 347:23 348:1 counselor 89:5 counterintelli... 15:22,23 counterterror... 53:3 54:8 counterterror... 18:20 counting 90:15 country 66:20 113:15 county 17:21,22 20:3 64:13,14 64:14 65:23 69:5 77:1,3 259:20 couple 7:6 43:15 76:23 92:3 101:17 109:22 129:7 134:15 204:8 206:10 272:17 287:24 298:7 341:22 course 26:16 30:10 73:19 83:7,19 93:22 95:13 105:4 128:10 159:5 160:23 194:21 213:16 216:8 257:24 291:19 court 1:1 5:14 6:23 9:10 34:11 42:2 62:7 84:9	107:13 111:11 112:18 116:1 226:12 228:13 260:17 288:19 289:1 297:19 308:9,13 310:16 330:11 344:14,19 346:1 courtroom 227:20 Courts 1:19 cover 49:2 198:20 coverage 57:20 covered 68:14 87:13 covering 12:8 covers 17:21 CPA 11:16 12:20,22 13:10 13:17 CPAs 13:23 14:10 CPD 51:20 174:4 176:4 178:3,18,18 179:20 181:8 183:7 197:4 202:15 216:20 217:15 232:9 249:9 251:14 254:18 255:3 255:14 263:3 269:10 274:7 275:16 276:8 276:17 280:6 281:1,14 284:1 324:20 CPE 229:5 CR 211:18 craft 106:18 Craig 328:11,20 329:4 330:16 crashing 42:7	created 98:10 297:1 credibility 106:5 203:23,24 250:12,23 251:2,8 289:16 289:23 302:17 325:10 336:19 337:4 342:12 credible 250:20 251:6 289:7,24 290:1 302:5,12 334:19,22 342:9,16 credit 288:13,14 credited 227:16 crime 15:21 17:21,23 20:19 20:20 21:1 43:21 56:15 64:15,16,17 65:20 78:14 88:20 97:16,22 97:22,23 98:17 98:19 103:22 174:14,14 196:8,16 204:2 220:22 284:13 crimes 86:15 99:2 104:18 107:23 129:18 131:20 194:18 197:3 223:6 247:5 250:13 250:24 criminal 27:21 28:15,17,17 29:6,14,17 30:2 31:6 33:6 37:9 40:17 42:1 43:11 44:22 45:8,15 46:23 61:8 76:24 98:23 99:12,21,22	102:14,24 104:1 105:3,6 107:4,12 151:23 169:14 170:9 182:2 183:22 189:21 190:15 197:18 198:1 219:6 251:15 260:1 271:9 274:13 283:16 293:12 293:24 301:5 318:21 329:19 330:20 331:3 334:19 337:19 338:16,18 341:13 criminally 43:17 191:6 253:18 criminals 100:4 103:12 107:22 107:24 108:4 239:2 critical 262:10 263:2,7 criticism 217:1 217:6 283:13 283:15 295:8 295:10 criticize 302:19 crossed 106:4 current 55:19 102:12 103:10 105:15 153:1 currently 5:19 9:20 96:24 104:15 cut 8:7 26:21 82:5 163:6 180:8 188:2 190:3,7 302:6 338:11 cut-and-dry 68:8 228:4 CV 5:5 55:6,19	55:24 102:13 105:19 cycle 62:16 D D 4:1 D-A-N-I-K 5:3 5:15 daily 231:1 damage 58:15 197:11 damages 100:5 dance 67:7 danger 187:13 190:13 191:4 dangerous 85:14 86:4 Daniel 333:16 333:22 334:8 334:11 Danik 1:15 4:3 5:3,8,13,15 6:12 9:21 12:3 96:24 97:7,19 98:4,6,7,14 100:14,15,21 100:24 101:8 101:12,12 118:21,24 121:13 133:12 140:10 142:9 162:7 200:18 205:4 222:6 230:12 236:3 277:4 286:18 342:1 346:9,17 347:5,12,19,22 data 119:22 120:11 131:5 date 55:20 123:23 217:21 236:17 239:20 257:23 267:2,3 273:14 301:14 318:15

dated 91:18 133:15 137:22 140:13 153:21 174:1 176:1 177:23 204:9 205:18 215:18 257:15 344:4	202:1 209:20 210:13 236:1 238:20 243:17 244:6 246:2 250:18 267:16 268:18 270:10 315:24	decision 35:20 129:16,23 185:7 193:4 228:1 261:5 262:23 295:15 295:17	260:2 337:19 definitely 181:6 238:14 280:1 309:1 328:21	depends 188:6 193:10,11 282:23,23 329:2
dates 128:2 David 259:21 day 25:23 71:14 71:14,20,20 87:12 125:20 125:21 134:4 191:20 201:12 220:20 221:1 252:14 273:16 273:17,19 274:5 288:4 346:20	dealers 165:15 166:1,2,21,24 167:7 168:17 169:13 170:5 201:23 207:11 208:17,21 209:6,16 210:7 211:22 216:15 217:5 222:21 223:6 231:20 234:21 235:8 243:13,14,15 250:19 269:3 269:24 270:9 270:12 280:17 315:19	decision-maker 228:21,22 decision-maki... 151:3 decisions 35:17 71:18 158:12 190:4 declaration 328:10,20 329:9 declination 43:9 decline 194:6 declined 43:10 decreased 279:12 deemed 114:5 deep 27:6,7 default 27:3 180:17 defend 103:7,11 103:17 108:19 defendant 2:17 2:22 3:6,11,17 108:13 110:9 111:23 151:10 287:2 312:10 347:6 defendant's 107:14 defendants 1:13 1:16 100:11 111:2 234:5 346:8 defending 98:16 103:21 104:18 defense 98:15,21 102:14,24 104:1 107:13 108:17,23	definition 107:1 delay 110:16,22 deleted 124:5 deliveries 87:21 89:20 90:9 delivery 87:19 demonstrably 48:11 316:22 317:5,15,15 demonstrated 324:7 denied 253:24 dents 58:17 denying 254:2 dep 142:24 department 1:12 24:9 26:23 27:4 30:8 46:1 48:9 48:20 49:8 50:16,20 81:22 86:19 113:5 139:1 171:10 172:4,20 175:17,21 182:6 185:10 189:5 191:10 191:14,18 195:22 207:19 218:6,12,24 231:10 236:6 263:11 274:14 279:7 294:6 295:5,6 departments 27:8,16 254:24 256:5 depend 342:8,14 depending 106:24 129:8 283:2 307:6	deployed 71:11 depo 115:1 136:22 142:19 142:20 146:19 146:24 297:13 320:14 depos 135:12,21 135:22 136:24 146:19 156:1 deposed 114:20 deposing 118:8 deposition 1:15 5:3,24 9:6 54:11 91:4 114:11,12,13 116:8,16 117:2 117:6 118:3,21 121:16 122:2,9 123:7,8,10 133:4,6 136:10 136:11 137:12 138:20 140:6 142:10 143:5 145:19 146:16 147:8 162:6,10 165:3 171:15 173:6 184:17 200:11 205:1,8 215:22 221:16 222:10 230:9 257:11 290:21 299:12,14 301:6 304:10 308:16,23 309:24 310:18 310:21 311:4 312:24 313:1,7 315:21 319:14 320:2,5,22 321:2,12,13 323:17,24
day-to-day 71:14 days 25:8 75:9,9 76:1,1,7 135:14 141:11 183:15 214:22 216:12 224:19 236:9 301:10 302:23 DEA 179:16,20 179:20,24 180:7 216:20 231:9 264:14 264:16 290:18 292:7 294:19 294:21 295:7 dead 251:4 deadline 126:2 deadlines 117:21 deal 99:10,11 132:7 155:11 186:13 302:7 311:24 dealer 167:15 168:5,9 199:7	dealing 87:8 167:19 231:1 268:8 270:2 293:14 dealt 211:8 death 86:7 DEBRA 1:11 decades 106:13 152:15 December 148:19 277:8 277:22 278:5 301:22,22 decent 85:16 decide 24:8 228:20 264:17 265:1 286:4 decided 57:7 129:13 243:22 decides 41:12,15 deciding 190:12 193:2			

324:9 328:15 346:11,14 347:5,9 depositions 1:20 6:13,17,21 7:14 109:22,23 113:4 129:11 135:9 136:4,6 137:15,17,19 138:12 146:12 146:13,23 165:4 299:11 314:12 derail 45:7,15 describe 10:22 17:14 105:8,11 156:15,15,19 156:21 213:21 described 20:12 215:2 describing 144:23 description 224:2 250:9 deserving 24:12 designate 95:1 designated 93:11 destroyed 188:1 detail 95:20 106:13 146:10 242:15 320:5 detailed 135:15 141:19 231:17 232:9 247:13 247:20 249:9 250:17 details 138:7 160:16 234:8 259:19 detectives 175:3 determination 289:24 determinations 85:13	determine 22:16 22:23 23:16 24:17 26:1 44:22 142:24 158:17 184:19 207:23 216:21 254:4 determined 40:18 147:10 determining 40:4 187:6 deterring 61:7 Detroit 111:11 113:11 develop 78:7,14 developed 193:18,20 276:10 278:6 284:12 324:20 developing 78:11 193:19 device 77:18 devices 37:11 250:1 differ 53:18 100:13 differed 17:15 difference 321:19 differences 32:9 176:20 different 8:16 13:3 18:24 21:20 22:6 25:15,15 26:18 33:1 34:15 42:15 43:15 44:20 66:6 139:10,11 155:10 164:15 175:8 176:8 177:12 179:4 181:21 183:3,4 183:16 192:5 197:24 211:1	217:3 245:24 246:23 256:2 282:16 283:11 291:19 326:10 326:20 328:7 343:5 differentiate 262:4 difficult 13:24 14:9,9 17:10 25:2 37:7,8 177:17 diligence 13:2 DIOG 149:1,21 152:18 direct 92:2 101:2 168:20 171:16 271:13 271:15 278:6 284:12 285:8 285:13,19,21 329:11 334:3 directed 21:2 directing 233:4 277:18 direction 81:14 81:18 89:17 347:8 directly 61:14 150:14 169:17 180:6 250:14 288:6 director 13:20 14:6 directs 36:11 disabled 49:3 disabling 37:10 disagree 288:18 288:22,24 disagreements 176:21 discern 297:22 disciples 231:5 314:16,19,23 discipline 28:19	28:19 disciplined 196:3 disclose 84:10 111:22 126:4 189:9 319:2 disclosed 85:6 113:3 117:5 119:2 171:5 disclosure 117:18,20 118:7 disclosures 117:22 118:6 discover 77:24 discovered 45:19 discovery 103:1 106:1 160:23 discuss 21:4 34:6 105:10 118:18 132:21 142:5 298:17 discussed 85:1 122:18 141:7 discussion 14:4 118:19 185:19 304:1 338:6 discussions 33:13 dispatch 143:11 336:12 dispute 117:1,9 117:14 118:17 disputed 267:16 disputing 113:16 disrupt 182:1 dissect 245:5 disseminate 180:5 distinction 90:7 distracted 155:14 distributed 41:1	distribution 65:15 239:15 distributions 90:13 district 1:1,1,19 5:6,7 34:10,12 34:17 110:3 304:15,20 305:1 346:1,1 division 1:2 18:20 38:12,22 53:3,22 54:8 55:15 57:8,18 73:7 174:5 207:4 210:6 211:16 215:21 257:17 331:8 344:3 346:2 divisions 38:18 divorced 190:1 docket 62:6 150:7 151:24 152:6 dockets 310:23 doctor 48:14 doctors 57:23 document 12:11 39:5 55:5 72:22 91:10 133:2,12,15,19 133:23 134:24 135:11 137:21 138:16 140:4 140:18 142:13 142:15 143:23 144:18 148:24 149:6,18 150:11 152:11 152:18,21 153:21 156:9 156:11,20 157:13,16 162:8,13 164:3 168:6 170:2 173:1,4,9,10

173:17,24	297:22 298:15	driven 36:18	270:2 284:20	easy 10:5 45:18
178:15 200:19	299:1,5,8,9,22	drop 25:8 87:4	290:16,24	238:5 248:14
205:5,16 207:2	300:7,8,9,11	dropped 154:15	292:7,8 294:7	eating 118:16
207:20 210:3	300:15 307:19	drug 18:12	294:22 302:22	277:1
211:14 216:2,4	314:3 326:22	80:11 89:5	332:4,9,24	Echeverra
221:7,20 222:6	330:8 332:10	132:2 167:6,15	335:6 344:23	334:1
223:4 224:12	332:10	168:8,22,24	dry 188:2	Eddie 319:15
230:12 231:14	doing 7:15 8:13	169:1,1,6,12	due 13:2	323:16,23
239:19,21	10:11 13:1	169:18 170:4,9	duly 5:9 347:13	324:18
246:11,20,23	37:20 39:15	199:7 201:23	duties 15:11	educational
247:3 249:6,15	47:8 64:10	202:1 207:10	53:18	10:23,24
250:9 257:14	85:14 100:14	208:16,21	duty 317:21,23	eekl@burnsn...
280:2 286:14	105:22 108:18	209:6,16,20	318:4,5,5,9	2:16
287:1 299:15	134:1,4 177:13	210:7,13		effect 227:3,5
324:2,5 328:18	183:20 192:14	211:22 216:14	E	effort 142:18
documentation	193:10,11	217:5 222:20	E 3:2 4:1,8	146:1
224:4 261:4	195:13 208:7	223:5 231:4,18	e-mail 2:5,10,16	eight 108:17
documented	211:9,12	234:21 235:8	2:21 3:5,10,16	eight-page 55:5
210:5 231:15	214:22 252:19	235:18 238:20	10:18 124:2,3	either 8:12,15
270:4 331:4	263:5 294:11	240:6 243:13	127:24 128:5	36:21 124:2
documenting	300:24 306:18	243:14,15,17	140:1,11,13	127:17 142:3
264:19	310:3 337:9	244:5 250:17	141:1,18,21	144:22 181:20
documents 9:20	340:21	250:18 264:15	336:23	183:9 186:7
9:23 10:4 12:4	DOJ 33:8 36:10	267:16 268:17	earlier 14:23	189:11 219:12
84:9 96:12	233:19 263:17	269:3,24 270:9	134:11 146:18	254:4 310:6
122:23 128:4,8	304:11,23	270:10,11	157:21 162:2	331:5 344:2
128:17,21	doled 42:12	280:17 292:7	174:7 178:22	Ekl 2:13 4:4 5:2
143:6 144:6	Domestic	295:2 314:23	181:9 197:13	5:12 6:4,11
146:3,4 147:10	148:10,17	315:18,24	197:14,19	12:2 14:14
151:9,19 152:2	149:2	316:9,9	217:15 238:8	30:11 31:1,19
152:5 155:3,8	door 6:1	drugged 69:1	240:15 244:16	36:7 44:3,10
158:18,19	double-check	drugs 15:20	246:7 261:22	45:13 46:17
159:5,19,21,22	137:13	80:8 87:24	282:14 287:9	47:9,19 49:14
160:12 163:12	DOUGLAS 1:8	88:2,3,7,14,22	304:10 342:18	51:13 52:5
167:5,13,18	downtown 5:22	89:1,1,8,9,11	early 33:19	54:13 65:1
169:5,11,17,23	16:12	89:18,24 90:3	178:19 224:19	76:12,14 78:21
170:3,9,11,22	draft 138:13,14	90:4,23,24	281:22 282:6	79:1,5 91:6
177:11,16,19	drafted 155:18	167:19 208:8	earning 67:24	103:19 105:1
202:3 206:18	155:19,19,19	208:11,13,15	easier 163:5	109:13 113:9
207:22 214:19	310:13	210:16 211:7	165:20	114:2,9 116:7
216:17 224:9	drafting 106:22	211:11 212:4	easiest 223:16	116:23 117:15
235:6 236:13	drawer 157:18	247:17 267:11	easily 48:12	117:24 118:15
248:17 273:23	drilled 293:5	267:19,23	178:11 262:20	118:20 121:3,6
282:12 285:10	drinks 67:8	268:8,21,22	EASTERN 1:2	121:12 124:17
292:12 297:17	drive 2:14 87:13	269:2,4 270:1	346:2	124:24 125:1

126:11 127:2	electronic	105:20 106:19	13:19 14:5	78:14,18 88:19
127:16 131:9	137:16 141:18	178:24 182:10	errata 346:15	97:17 106:6
131:16 132:14	157:19 324:8	184:13,23	erupt 62:22	181:15 184:19
133:8 140:8	329:15 330:3,6	185:22 189:12	especially 18:10	187:23 191:5
142:1,8 148:1	330:17 331:11	192:2 193:14	21:1 72:13	193:20 194:4
159:11,18	electronically	197:5 210:22	85:22 158:23	194:16 195:3
160:20 161:22	156:11	210:23 217:17	242:14 274:16	195:12 196:2,4
162:12 167:1	elicit 231:18	232:16 260:7	310:2 315:21	196:17,20
168:2,18	eliminate 30:8	260:23 261:7,8	essentially	197:16,17
169:20 170:13	77:4	266:12 284:9	181:16 269:10	212:3 213:21
171:7 173:1,8	ELIZABETH	288:10 289:19	establish 42:18	215:2,9 269:11
173:14,16	2:13	290:20 292:2	285:21	271:16 273:4
177:20 183:2	else's 72:1	294:1 317:1	established	273:10 276:10
184:8 187:2	ELSWORTH	336:7	219:16	278:6,10 279:1
190:22 192:22	1:10	engage 271:8	et 5:5 346:7	279:3,11,20
195:10 199:16	embolden 196:7	engaged 46:8	evaluate 21:3	284:11,13,22
200:3,7,13,17	196:12	252:9 329:19	24:3	284:23,24
204:15,21,23	emboldened	330:20 331:2	evaluated 19:6	285:1,2,8,13
205:3 206:4,8	196:11	engagement	evaluating	285:16,19,21
209:4,11,23	emerging 65:19	141:16	20:20 22:2,13	311:12 312:4
210:11 212:8	eminent 24:24	engagements	34:23 97:16	324:19 325:18
212:16 215:17	employ 179:1	13:5	161:17	332:21 336:22
216:1 218:8	employed 97:3	English 95:4	evaluation 22:7	344:20
219:14 221:12	employee 28:16	entailed 57:2	22:16 23:15	exact 59:20
221:18,22	207:3	entire 100:19	24:6 291:9	283:1
222:2,5,14	employer 82:12	156:9 262:7	evaluations	exactly 61:24
223:14 229:2	employment	entirely 243:1	19:19	68:24 84:9
230:7,11	52:22	entities 97:5	event 208:4	85:22 137:9
237:14 241:10	employs 182:10	entitled 293:11	events 155:4	211:9,11
243:8 245:9	empty 235:14	297:2	156:6	226:23 293:2
246:10 249:22	enable 197:19	entity 101:20	eventually 19:14	examination
249:24 250:3,7	encounter 50:6	107:18 110:14	25:19 70:22	1:16 4:4,4,5,5
252:1 254:17	encounters	entrants 110:19	126:18 252:5	5:11 286:16
255:12 256:18	37:11	entries 148:14	317:14	304:2 341:23
257:9,13	encouraged	entry 206:20	everybody	examinations
259:18 268:2	14:12	333:16	139:22 228:2	110:21
268:11 275:4	ends 173:5	environment	everybody's	examined 5:9
275:14 276:7	enforce 29:23	45:18 56:16	293:7	347:15
276:21 277:3	enforcement	340:24	evidence 25:18	example 36:19
279:6 283:4,22	20:6 26:6,8,15	epalles@moh...	42:18 45:23	42:21 46:18
285:5,18 286:2	57:10 72:10	2:21	46:3 47:1,15	68:10 76:11,16
286:11 320:21	78:5 81:10,13	equally 108:19	47:21 48:17	85:19 100:8
321:4,8 324:5	86:10 91:2,3	Eric 2:18 286:18	49:18 50:2,4	178:22 183:7
328:14 344:5	97:20 98:18	Ernst 11:19,20	50:21 51:22	187:12 189:13
elected 305:3	99:23 103:1	11:21 12:14,15	52:10 78:8,11	219:8 244:12

256:11 264:6 264:13 294:5 300:19 examples 56:8 73:2 75:20,21 153:1 exception 120:10 exceptions 127:14 excerpt 321:1 exchange 233:24 exclamation 166:2 exculpating 323:10 330:4 exculpatory 151:15 310:4 311:2 327:12 327:19 328:2 331:18 excuse 69:14 157:14 180:22 291:5 executed 13:5 32:11 225:5 executing 158:15 exempt 276:3 exhibit 54:11,15 55:4 89:16 91:4,8,15,22 102:20 130:6 133:6,10 140:5 140:6,9 142:10 143:8,21,24 157:8 162:2,6 162:10 171:15 173:2,6 200:10 200:11,19 204:11,17,24 205:1,6,9 206:2 212:5 215:15,22	221:3 222:8,10 226:6,7 230:8 230:9 231:8 232:7 247:23 250:8 257:3,9 257:11 266:22 272:17 297:11 299:16,16 320:19,22 321:10 324:9 328:10,13,15 333:6,8 338:15 343:6,8 344:2 344:5,6,9 exhibits 91:23 121:21,22 155:22,24 204:15 299:11 299:18 313:1 exist 69:5 existed 77:5 239:20 existence 263:16 existing 331:4,6 exists 77:23 274:18 exit 86:21 exonerated 276:18 expect 9:5 13:13 161:24 176:14 177:2 188:16 215:3 276:9 expected 32:15 33:19 149:5 224:24 261:3 266:3 273:24 298:24 expedited 126:1 expeditiously 252:6 expensive 136:19 experience 13:12 27:11	99:1 106:12 108:22 111:5 149:6 161:17 174:9 180:18 182:20 189:4 193:21 227:1 experienced 33:7 317:1 expert 7:6,7 91:11 110:8,15 110:23 112:5,6 112:21 113:18 113:19,23 114:5 116:1,2 118:9 119:24 120:2 126:5 141:3 161:12 161:14 309:4 expert's 147:8 expertise 218:10 experts 117:10 308:10 expiration 75:10 expired 296:23 explain 32:22 33:2 137:3 192:5 303:1 explained 151:17 225:14 261:21 explanation 29:9 202:23 318:10 exploitation 66:7 expressed 120:1 120:3 extension 53:7 75:17 extent 93:18 116:21 119:21 128:2 180:14 extorted 168:16 extortion 165:15 165:22 166:1	extreme 187:12 316:21 extremely 61:16 66:9 eyes 70:3 F fabrication 344:20 face 204:1 344:24 facility 86:23 facing 302:8 fact 31:12 50:15 50:17 52:13 102:3 148:17 149:14 168:12 170:4 175:24 179:18 180:1 183:23 192:8 194:14 217:2 217:15 223:18 225:23 233:21 238:18 286:9 290:7 291:20 302:6 310:17 311:4 322:8 336:17 340:22 factor 84:5 125:18 289:23 291:14 332:14 factored 84:2 factors 187:5 facts 119:22 120:11 131:5 136:14 155:21 193:17,19 198:24 290:4,5 290:8,11 291:9 332:21 341:1 factual 33:17 120:5,6 122:18 123:3 127:18 132:5 170:21 factually 201:24	failed 17:5 failures 17:6,8,9 fair 8:4 9:3 10:13 25:14 29:12 30:12 31:22 32:14 74:7 88:17 93:12 98:14 111:3 122:1 131:17 169:4 170:20,21 213:1 214:24 256:1 273:6 falls 127:13 false 40:21 41:22 42:7 311:22 312:15 312:17 334:12 335:15,18 falsely 178:12 306:1 334:23 336:5 falsification 329:19 330:20 331:2 falsified 198:18 311:8 312:7,23 falsifying 312:1 familiar 29:22 156:5 299:19 familiarity 27:8 familiarization 244:14 fancy 136:19 far 34:10 100:10 102:7 109:20 113:21 146:11 154:14 165:14 166:17 193:6 227:24 283:5 308:9 316:24 325:3,7 farmhouse 56:3 65:9,17 67:12 67:15 70:19

71:3,23 72:4	156:2 163:16	329:15 330:12	303:2	101:21 102:1
73:17 76:16,19	163:22,23	330:18,23	fee 66:20	153:19
79:6,15	164:7,13	331:8,11 332:3	feel 201:2 242:6	find 36:17 48:19
farther 322:16	168:14 170:1	332:6,11	felon 339:24	88:19 98:11
322:17	174:3,10	335:23 336:1	female 70:13,16	100:23,24
fast 217:11	175:20 176:4	336:18 337:6	70:17,18,24	147:6 152:23
252:23	176:22 178:3	337:10,10	71:24	154:5,6 162:24
faster 25:4	178:18,21	FBI's 38:23	females 36:24	289:24 290:1
136:17	179:8,21 180:7	53:22 149:3	field 33:15 38:17	292:18 293:8
fastest 190:1	180:17 181:11	152:16 178:2,8	38:18 152:17	297:2 302:4,12
FBI 7:1,5 11:7	182:11 183:7	194:2 278:18	198:13,13	337:13 341:1
11:14 13:8,21	183:10 184:13	292:13,14,23	235:14 319:24	finders 50:15,17
13:23 14:7,8	184:24 185:8	293:12	Fifth 28:24	286:9 340:22
14:12,15,20,24	186:20 189:8	FBI/DEA 144:3	fight 108:24	finding 46:6
15:6,12,16	189:10,20,23	145:13 146:5	109:1,1,2	51:16,23 52:9
16:2 18:19	189:24 190:9	fearful 195:20	figure 25:24	86:5,5 113:17
20:22 26:1	190:11 191:1	Fears 168:21	57:8 104:6	254:1
27:2,3,6,11	191:14 192:6,9	169:3	249:15,21	findings 39:23
28:12 31:23	193:1 212:17	February	286:9	132:5
35:20 36:10	213:23 214:14	100:17 123:24	figured 58:2	finds 41:17
38:6 40:13,23	214:20 217:18	125:3,11 129:3	66:14 186:5	fine 45:12 63:13
41:1,7,22 43:8	219:11 224:20	133:24,24	file 71:24 80:24	212:13 237:6
46:1,22 50:16	224:21 225:2	134:3,16,18,18	106:1 129:3,11	237:12,13
51:9,21 52:3	231:15 254:14	140:14 281:22	146:19,21,24	265:15 298:19
52:22 53:2	255:7,17,20	282:7,17	156:2,13 157:1	298:20 325:15
54:5 55:15	256:22 258:13	290:16	178:6 223:12	338:13
61:19 63:1,10	258:17 259:3	federal 1:18 5:6	331:5 339:13	finish 48:2 52:18
63:19 65:13	259:13 262:9	28:6,6 34:8,11	filed 5:6 62:4	242:2,7 298:20
69:14,24,24	262:12,12,13	42:2 62:3,4	105:15 152:5	323:1,2
70:23 71:15,23	262:21,21,24	74:22,23 75:6	170:16 310:16	finishes 242:4
72:4 81:10,14	263:5,8,17,24	75:19 97:17	310:19	fire 49:9
84:11 92:6,11	266:11 278:2,6	98:23 103:1,17	files 106:13	fireable 49:4
94:22,24 95:14	279:22 280:2,4	105:20 106:10	151:11	fired 39:6
95:23 96:7,19	280:17,22	150:4,6,7,7	filings 150:8	firm 11:17,18
96:21 99:1	281:11 283:16	151:6,11,23	fill 41:22 58:5	13:8,11 100:21
102:23 103:22	283:24 284:12	153:6 154:3	fill-in 20:21	110:12 125:15
104:2,12,17	292:7 293:11	175:15 216:19	filled 40:21	126:7 134:20
106:9 107:2,21	293:18,21	226:12 228:13	filling 13:22	136:18 140:16
107:22 109:16	295:9,17,20,20	294:13 303:2	42:6	147:17 300:4
111:6 113:14	296:2 301:11	304:19 305:7	final 106:23	308:12
116:2 132:9	301:12,16,17	312:1 324:20	156:18 228:1	firms 13:10
148:18 149:5,7	305:12,17	330:10 337:15	228:22 343:17	first 5:9,16 7:13
149:14 152:7	314:15 318:19	337:17	finally 42:12	9:16 15:5,15
152:14,17,20	323:9 325:12	federally 216:22	57:7 87:12	18:10 41:16
153:14 154:6	325:22 326:8	feds 290:23	financial 13:4	55:19 56:13

59:15,19 61:7 68:14,23 69:13 69:14,19 75:21 76:18 77:10,17 80:18 81:2 86:5 89:13 102:18 111:17 121:14 123:19 124:4,7 125:14 126:21 127:1,5 127:6,7,17 132:20 133:14 134:3,16 141:9 144:8 147:3 152:18 154:3 160:12 163:7 166:15 171:9 171:14 174:9 178:8 198:11 199:3,13,14,20 201:8 213:17 223:1 232:13 235:5 236:9,21 277:19 278:17 293:18 301:21 302:14 304:14 304:15 329:8 338:19 343:12 347:13 firsthand 327:20 fit 100:10 245:6 fitting 33:5 five 11:8 18:10 19:16 78:23 87:14 105:9,13 114:1 148:13 212:10 276:21 333:12 five-page 133:12 fix 203:12 flash 37:1 46:19 86:12 flashing 48:9 49:5,17,18	flavor 129:4 177:19 FLAXMAN 2:7 2:7,8 flip 162:14 204:15 226:6 232:6 233:9 247:19,22 258:5 282:8 flipped 307:7 flipping 250:8 272:16 Floor 2:3 Florida 5:20 57:5,8 59:10 63:3 80:4 81:24 82:3,11 82:21 83:3,13 83:21 84:22 86:19 305:1 focus 155:13 158:9 159:4 174:8 236:22 focused 155:16 292:8 focusing 25:12 folks 66:5 101:17 follow 32:3,5,8 50:8,9 336:14 followed 172:17 266:13,14 follows 5:10 food 121:17,18 footnote 143:21 144:1,1,10 force 14:1 19:10 20:13 22:5 26:13 55:17 56:16 62:16 63:14,14,19 94:14 175:2 180:13 224:17 224:18 foregoing	346:10 347:17 foreign 15:22,22 forever 284:8 forget 224:14 273:12 forgot 212:9 267:3 343:6 form 29:19 31:16 35:13 39:4 44:1 45:10 46:10 51:2,24 64:7 103:14 104:20 106:7 108:1 112:24 119:20 131:10,12 132:11 153:11 161:9 166:22 167:9 168:10 169:8 170:6,24 177:5 182:16 185:3 190:17 195:5 197:21 208:24 209:8 218:2 228:10 232:22 241:3 244:9 245:19 249:12 251:18 254:5 255:9 256:16 259:7 259:10 267:20 268:9 274:11 275:10,19 276:14 278:22 282:18 283:18 284:16 285:12 286:6 291:11 297:24 299:24 300:10,13 307:2 311:11 311:19 312:3 313:3 315:9 316:3 331:21 332:20 339:10 340:6	formal 66:1 115:18 117:22 177:10 formalized 11:6 19:9,10 20:13 40:16 42:11,20 54:9 63:4 72:22 74:12 93:4,18,20,24 94:3 141:20 265:17 formalizing 176:19 formally 98:21 141:6 264:10 264:11 format 137:16 266:18 287:4 former 1:6 100:4 130:2 131:19 319:14 319:15 322:2 324:18 346:6 forming 119:24 120:3,12,13 150:13 159:9 343:2 forms 66:6 formulate 143:17,18,20 formulated 130:23 formulating 127:19 149:22 150:12 forth 163:14 330:10 347:11 forum 6:19 forward 55:12 72:12 84:23 191:16 218:13 219:23 225:23 found 42:18 43:1 56:9 99:6 124:12,21	125:19 220:13 289:6 311:22 foundation 29:20 46:11 51:3 112:24 167:10 169:9 195:6 218:3,22 245:20 254:6 275:10 276:14 284:17 285:13 303:4 311:12 312:4 315:10 316:4 four 10:24 11:8 113:24 140:5 148:13 216:12 301:10 334:3 Fourth 288:19 frame 53:2,8 79:23,24 141:13 149:19 149:20 153:8 279:5,14 framed 211:22 223:6 269:20 269:21 270:11 270:13 284:13 285:7,9,22 331:19 335:6 335:10,20,24 frames 279:14 framing 247:4 267:1,6 frankly 13:18 27:17 151:15 153:22 176:23 186:1 fraud 17:7,8,24 17:24,24 18:1 57:5 59:16 62:17 free 179:22 201:2 242:6 frequently 62:11

friendly 246:16	3:10	generally 45:7	314:9 321:3	67:21 71:4
friends 199:8	gaining 160:10	46:13,15 57:1	323:18	73:4 74:20,22
236:1,5 246:3	gal 193:11	75:14 81:3	given 6:12 27:20	74:23 75:5,19
246:12,18,21	gambling 244:2	84:12 92:17	53:23 128:19	76:8 78:1,21
front 9:21,23	game 193:6	96:3,8 99:20	144:13,15	79:21 84:8
10:2 102:19	288:20	104:22 129:14	147:17 150:18	86:12 90:24
157:10 201:1	gang 62:20,20	138:15 176:17	171:6 202:1,3	103:6 104:10
203:13 205:22	62:20,21 71:8	195:8 205:13	203:7 229:5	105:16 116:5
237:4 344:9	78:15 231:4	249:17 299:13	236:13 251:13	117:16 118:14
fugitive 15:20	261:19 269:7	308:7 315:1	295:23 296:23	118:15 137:6
18:12	273:1 276:11	339:23	307:7 310:24	142:4,21
full 8:2 12:22	314:17	get-out-of-jail...	324:19 332:11	143:23 148:5,8
171:18 224:2	gang's 65:14	291:1	346:11,13	148:9,15
full-time 84:19	gangs 58:3,13	getting 36:23	gives 29:12	154:13 161:5
fully 12:21	61:8,9,11	51:15 57:6,23	239:1	164:10 165:19
function 146:18	gangster 231:5	65:3,21 73:24	giving 85:24	169:10 184:2,2
206:21	314:15,19,23	74:5 78:2,3	193:15 227:1	185:4,9,11
funds 93:21	Garrity 27:18	86:12 121:10	238:18 249:7	189:8 190:14
further 23:17	28:1,3,4,5,11	130:22 134:20	272:8,10 302:5	191:9 205:20
54:1 77:4	28:13 29:13,16	193:3 294:6,7	342:3	211:20 218:17
122:19,21	29:17,24 30:2	294:17 314:12	glean 158:8	221:18 223:20
135:19 148:6	31:5 39:1,1,18	Gibson 117:3	177:10	223:22 226:5
168:20 256:22	318:20,22	118:4,9	Glenn 1:3 5:4	228:11 230:5
286:12 303:2	319:5	girlfriend	116:10,18	234:11 237:18
325:12,14	Gary 319:16	267:24 333:3	117:7 129:18	242:14 243:17
347:16	321:1 322:3	girls 66:14,15	132:1 200:4	244:15 245:14
	gather 78:17	67:1,7,20,21	204:12 215:18	245:16,23
G	184:19 194:3	67:22 68:2,20	221:9 230:1	246:14 247:24
Gaddy 236:15	271:4	77:9 78:10	257:5 258:9	249:20 258:19
236:15 241:19	gathered 197:18	give 28:22 35:11	304:8 308:24	260:4 261:11
243:20,22,23	gathering	36:3 39:1 40:8	309:4 332:18	277:20 280:14
243:23 258:12	279:10	48:3 67:24	346:3	283:19 284:18
261:12,17	gears 177:21	75:20 119:12	Glenn's 342:15	291:14 293:10
262:24 268:14	gems 152:23	126:22 128:3	global 172:14	294:21 295:20
268:17,21,24	general 12:23	164:1 165:23	globally 35:18	303:8 309:10
269:2,5,12,20	15:11 55:22	182:20,23	35:18 174:22	318:6 322:16
289:7,24	73:11,12 80:24	187:14 199:24	291:14	323:4 326:12
290:15 292:11	95:21 128:8	204:13,19	go 7:12 9:6	326:18,19
294:15,20	141:7 158:4	210:24 221:10	11:13 13:8	327:16,17
295:1,8	175:11,22	238:13 245:19	16:8 20:1	330:23 332:2
Gainer 3:8	181:6 189:16	254:12,12	31:17 35:14	333:5,8,15
241:21,21	194:11 213:15	257:6 258:2	37:2 42:2,3	336:1 338:12
242:3,20,20	232:3 272:18	264:6,13	44:20 48:3	go-by 51:7
243:4	326:7	280:24 288:5	53:10 54:14	goal 46:5 76:18
gainerb@jb.lt...	General's 59:3	297:18 298:15	58:4 67:6,12	78:5,7,17

98:15 194:2 goals 53:21 99:5 goes 41:18,19 50:19 145:18 207:14 269:2 322:7 325:8 going 7:10,24 9:2 13:11 21:16 25:2,7 26:8 27:5 29:1 30:15 35:1 37:15,17,22 39:6 40:8 43:6 48:1,17 52:18 54:14,16,18 55:12 57:5 60:4,5,6,7 61:10 62:4,20 66:18 67:11 68:3,10 69:20 70:4,4,9 72:13 72:14 74:6 77:10,11 79:21 80:21 81:1 84:3 86:8 91:7 91:7 93:18,21 95:20 98:12 104:5 109:10 117:12 118:8 118:14,17 121:8 126:10 126:13 127:14 128:5 129:8 130:6,16 131:6 132:18 133:9 134:15 142:9 154:5,6,12 162:5 164:22 170:10 171:15 171:16 177:7 177:12 182:2 182:23,24 183:21 185:14 185:15 187:24 188:17 189:20	189:23 190:7 191:6,24 192:12,19 193:14,24 195:13 196:20 197:4 199:11 200:7 229:8,12 241:18 243:9 243:22 247:10 247:22 250:5 255:15 258:4 260:4 262:17 263:22 264:17 265:24 276:5 278:19 280:24 281:20 288:12 288:24 296:9 303:18,19 304:9 307:23 309:17 314:12 318:10 320:24 323:24 324:3,4 324:13,16 327:24,24 328:1,2,10 332:5 335:4 337:14,18,21 338:1 343:4 GONZALEZ 1:8 good 10:16 21:10 33:12 36:19 54:24 63:15 68:4 70:10 77:16 79:3 111:18 149:16 156:1,3 185:18 212:12 212:14 217:10 217:12 224:23 230:5 285:1,2 285:16 295:2 304:4 314:9 321:23,23 Google 20:2	310:23 Gotcha 139:4 gotten 60:15,15 203:6 government 15:21 18:1 67:22 106:17 107:10,15 324:20 government's 111:1 151:7 governmental 107:18 grade 172:19 graduate 11:5 11:10 graduated 11:1 11:8 graduation 11:12 grand 87:14 grant 319:19,21 319:22 320:3,8 320:11 322:4,9 323:8 328:3 grave 172:2 great 6:3 9:1,5 9:19 10:6,20 12:13 70:2 143:4 221:18 230:6 262:15 grew 246:13 GROBLE 2:18 groomed 67:4 68:22 grounds 127:15 131:7 group 60:18 76:3 92:9,10 92:11,15,15,15 92:17 93:5,6 102:7 110:18 146:9 166:11 166:12 175:2 grow 25:19	guarantee 229:11 guards 80:4,7 82:12,18,24 83:6 85:1,2 86:17,20 87:2 87:3,5,6 88:7 90:6,9 185:23 guess 7:13 28:7 39:19 43:13 60:5,5 83:17 100:10 101:7 104:22 113:6 116:20,23 125:8 136:18 164:23 166:9 182:7,7 197:10 242:5 248:21 250:21 258:23 263:8 279:14 312:11 333:24 343:1 guesses 208:3 guessing 81:4 105:5 315:12 315:14 guidance 31:23 32:5,6,7,12,12 32:14 152:22 153:12 guideline 148:11 148:18 149:3 guidelines 51:8 152:8,13 guilty 99:6,7 131:19 132:1 194:5,7 197:2 220:12 288:9 gun 25:7 65:14 68:8 71:9 77:17,20 78:11 78:12,12 186:3 186:4,10 238:21 guns 68:6,7,13	68:15,16 77:9 78:2,4 186:12 186:13 231:20 243:14 252:18 253:2,14 271:12,22 272:2,9,9,10 272:13,14 290:15,23 292:5 294:7,16 294:17 301:8 guy 25:7 37:14 85:22 86:13 87:8 113:14 114:24 193:10 199:5,6,8 211:20 235:13 236:1 238:7 245:2 246:2,15 251:4,4 255:16 262:20 263:22 302:16 guy's 186:10 guys 59:24 61:16 68:17 169:12 280:16 303:9 H H 4:8 H-A-D-D-A-D 111:14 Haddad 111:14 113:10 HALE 3:2 half 236:14 hammer 58:16 hand 92:8 165:9 171:21 hand-to-hand 306:13,16,22 307:14 handed 307:8 handled 20:16 handles 38:13

handling 16:20	he' 268:23	helped 156:5	90:5 190:2	242:5,23 244:9
hands 153:24	head 13:19	helpful 10:6	Hilke 2:2 4:5 6:9	245:18 249:12
295:8 296:4	69:10 73:7	42:14 120:17	29:19 30:18	249:23 251:18
handshake	89:14 271:19	137:12 147:18	31:16 35:8,11	254:5 255:9
141:17,18	293:5 325:22	150:14 152:5	43:22,24 44:6	256:16 257:6
handwritten	335:8	helping 98:16,17	45:10,12 46:10	259:7,10
157:12,15	headed 228:16	98:21 103:11	47:4,17 48:1	267:20 268:9
162:9,22 333:9	heading 130:9	103:16	51:1,24 64:6	274:11 275:9
333:15	headings 72:21	helps 8:19	76:9 79:3	275:19 276:13
handy 223:12	headman	Henderson	103:14 104:20	278:22 282:18
happen 37:8	168:22	328:11 329:4	108:1 111:8,17	283:18 284:16
43:16 174:23	headquarter	330:17	112:23 113:20	285:12,23
252:14	16:11	Henley 199:23	114:6 116:4,19	286:6 291:11
happened 19:3,8	headquarter's	200:22 201:10	117:8,20	297:24 298:17
34:7,12 36:20	73:9	202:13 203:15	118:12,23	299:24 300:10
48:11 50:7	headquarters	203:17 206:11	119:8,11,15	300:12 303:4
68:24 71:11	18:20 38:17	Henley's 203:22	120:9,16,22	303:15 307:2
85:10 86:17	41:7 53:2 54:6	hereinabove	121:11 122:3	307:23 309:5
106:16 138:15	60:12 69:21	347:20	123:5 124:10	309:11,16
144:23 151:17	healthcare	heroin 231:1	124:14,20	311:10,19
193:17 225:12	17:24	234:22 235:23	125:5,15 126:6	312:3 313:2,12
225:14 254:3	hear 8:12 12:8	239:14,14	126:10,22	313:23 315:9
284:3 285:1,17	45:14 113:22	244:23	127:11 128:9	316:3 321:18
334:8 336:15	211:20 288:2	hey 77:19 86:19	131:4,12	323:1 326:13
happening	heard 9:2	136:21 249:4	132:11 140:14	327:15,17
37:16 50:4	203:10 243:20	295:24 309:14	147:12,17	331:21 332:20
66:21 113:6	287:14	310:5 324:7	159:6,16,24	333:11 338:5
129:15	hearing 6:19	335:24	161:9 166:22	338:11 339:10
happens 41:23	243:21	hid 157:18	167:8 168:10	340:6,15
41:23 183:1	heart-and-soul	high 73:4 82:17	169:8 170:6,24	341:11,16,21
196:10 227:23	56:20	93:8 198:15,15	173:12 177:5	341:24 344:6,8
happy 161:19	heinous 86:11	283:8	182:16 184:4	345:2
237:18 298:17	heists 280:19	high-level 82:2	185:3 190:17	Hilke's 300:4
314:2	held 48:18	high-profile	191:8 195:5	308:12
harass 309:16	186:22	69:6	197:21 199:24	hilke@loevy.c...
harassing 309:6	Hello 286:18	high-ranking	200:5,14	2:5
309:8	304:5	38:14	204:13,18,22	hinder 31:15
hard 70:9 198:5	help 7:12 57:13	high-tempo	206:2 208:24	hindsight 275:1
225:16 299:15	71:22 77:3	283:9	209:8,17 210:8	hire 234:24
315:20	101:17 104:6	higher 59:13	212:6,12,14	238:21
harm 59:4,8	108:12 136:12	93:7,9,11 95:5	218:2,15,17	hired 14:19,21
188:10 197:9	136:13,14	highlight 92:6,7	221:10,13	107:3,5,6,17
hat 197:24	143:16,18	highly 23:10	222:3 223:8	110:8 116:9
hate 320:15	239:14 271:13	93:18 192:7	228:10 237:1,8	historical
havoc 180:21	312:8	highway 36:22	241:1,6 242:1	153:12

histories 169:14	hourly 133:3	195:13,14,17	74:18 75:3,4	238:13 258:23
history 301:5	141:7,8	195:18,20,20	75:18,23 76:4	262:4,9 293:4
334:18,19	hours 9:7	196:1,16 198:1	304:20	308:6 335:2
339:9,9	121:18 122:13	202:14 206:20	IIIs 76:6 95:7	343:1
hit 70:9 114:21	122:14 123:15	217:24 222:9	illegal 85:19	importantly 9:9
198:20 201:12	134:1,9 137:24	255:16 274:18	illegally 68:17	impression
Hobo 273:1	184:12 187:14	274:21 278:13	Illinois 1:1 2:4,9	225:1
276:11	315:21	295:5	2:15,20 3:4,9	impressions
hold 157:4	House 153:19	IBW 231:2	3:15 5:6,7 6:6	120:7
309:11 311:10	housing 153:17	IBW's 231:19	346:1 348:5	inaccurate
323:1	153:24 169:2,3	Ida 158:1 169:7	immediate	89:24
holding 18:4	202:2 207:9	231:2 234:22	24:21 172:4	incarcerated
220:12	210:18 217:4	269:4 314:24	187:12,13	303:13
hole 153:23	231:19 306:8,9	315:4	190:15 337:10	inception 80:19
Holiday 204:9	307:16	idea 30:3 129:10	immediately	incident 201:6,7
205:17 207:2	HUD 154:1,8	129:22 191:18	251:21,22	202:11 203:5
215:20 221:5	huge 86:15	258:23 275:13	260:20 267:10	240:15 243:24
222:9 225:15	188:21	278:8	319:7	244:21 317:20
257:4,16 258:7	human 54:1	identical 117:9	immigration	333:2 334:2
269:11 295:12	65:14,19,19,22	identification	110:17,22	335:2 339:5
295:13 344:4	69:22 70:6	54:12 91:5	111:11	Incidentally
Holiday's	71:8 78:9	133:7 140:7	imminent 73:13	212:17
216:13	human-traffic...	162:11 173:7	73:14,17	include 63:7
home 221:13	19:12 53:15	200:12 205:2	immunity 291:3	81:20 84:19
honest 160:9	65:11	215:23 222:11	impact 24:20,21	139:14,18
honestly 253:12	hundred 59:2	230:10 257:12	59:12 85:14	166:12 238:9
314:10	85:23 86:1	320:23 324:10	186:24 198:5	327:12,18
honors 11:5	123:2 170:22	328:16	227:6 292:10	328:1,2
hooks 27:6	hunt 25:6	identified 55:24	311:1,21 317:2	included 84:21
hope 37:20	hurried 273:21	56:15 66:12	337:10	106:8 154:18
52:13,14 186:7	273:23	94:15 112:6	implicate 327:3	166:11 225:4
196:19 276:17	hurry 289:3	152:7 162:2	implicated	259:20 263:8
284:6 306:19	hypothetical	248:9	250:12,15,23	includes 103:7
hoped 203:8	48:8 49:17	identifies 342:1	289:9	135:3 138:7,11
hoping 76:20	50:1 209:24	identify 119:22	import 224:12	including 132:5
253:13 310:17	hypothetically	120:1 145:9	importance	224:15 248:24
Hopkins 333:16	198:24	206:1 296:18	24:12 309:3	250:14 273:12
333:22 334:8	hypotheticals	298:3	330:1	292:2
334:11	85:8	ignore 32:16	important 24:18	incomprehens...
host 181:2		ignored 32:9	24:19 78:3,4	172:3
hot 23:5,14	I	211:15,19	108:3,19,20	incorporated
193:3	IA 188:7 254:3	II 76:3 92:9,10	153:6 155:16	331:5
hour 122:12	IAD 170:2,2	92:11,15,15,17	158:9,11,14	incorrect 249:11
123:15 133:1	185:10 190:6,9	93:5	159:13 160:4	increase 85:18
140:19	190:14 195:11	III 34:9 74:7,15	184:17 186:8	incredible 281:5

281:9 290:1 incriminating 328:1 Independently 201:18 index 144:17,18 145:4,9 146:2 146:13 indicate 36:17 91:9 176:3 207:2 226:21 233:22 258:24 indicated 45:6 136:3 146:11 222:15 296:14 329:18 331:1 346:15 indicates 208:5 210:13 233:18 indicating 260:6 265:6 indication 229:3 229:4 270:21 indicted 325:3 indictments 103:8 indirectly 241:13 242:24 individual 3:6 30:14 31:11 195:24 207:18 226:12 227:16 228:15 236:4 285:9 329:20 330:21 331:3 individuals 22:4 58:6 66:4 78:18 79:7,10 80:15 155:5 157:22,23 158:5,9,11,17 159:13 164:24 166:20 167:6 170:3 270:11 285:7 306:24	331:19 inference 248:4 249:19 influx 21:9 66:5 informant 103:23 104:2 336:17,19 337:14 informants 104:5 180:21 336:20 information 21:18 23:9 29:5 30:4 36:2 36:15,16 71:4 82:23 96:4 107:21 126:8 127:19 128:15 149:21 150:7,9 150:23,24 151:16 159:1 159:14 161:8 163:17 164:2 165:2 170:19 170:21 180:14 180:20,23 181:14,15 192:7,16 199:20 209:14 210:3,4,4,16 211:15 217:23 219:5,7 233:24 234:2,12 236:7 236:8,10,11 238:13,19 239:1 240:16 241:15 242:13 242:17 244:1,8 245:14 249:7 250:17 252:18 256:13 259:15 264:16 266:4 269:19 271:4 272:7 282:2,15 311:2,15 313:5	324:24 327:12 327:19,20 331:4,6,7,10 331:18 336:24 342:21 initial 50:19 76:18 92:1 121:9 123:18 125:4 128:21 134:5 282:9 initially 22:23 70:12 76:21 129:19 139:24 initiate 53:24 220:14 initiated 53:23 65:13 initiation 69:12 331:9 inject 214:12 injected 67:17 injecting 211:7 injury 57:20 inmate 84:7 186:16 inmates 85:21 86:7 innocent 129:18 198:16 267:1 267:18 inquire 325:6 inquiries 13:2 38:13 inquiry 28:14 40:24 inside 27:15 128:15 167:18 169:19 inspection 38:12 inspections 38:22 installation 95:8 instance 24:23 42:21 46:19 51:20 74:6,19	78:8 93:13 131:17 148:17 179:19 181:8 instituted 94:18 94:21 institution 88:1 88:8 instruct 127:14 147:12 307:23 instructed 120:20 instructing 131:7 instruction 120:22 327:6 327:11 instructions 308:13 insulate 186:15 insulated 84:14 insurance 57:5,8 57:17,18,24 59:8,9 62:17 63:3,3,8,12,12 63:17 64:3,11 102:8 integrity 33:8 161:13 222:16 223:21 224:1,5 224:10 304:23 310:7 intelligence 56:13 65:24 intend 74:13 166:11 297:18 intended 290:5 intent 224:9 interact 266:3 intercept 75:21 interest 265:1 292:23 interested 13:16 290:23 292:5 294:16,17,22 347:24	interference 31:5,10 interfering 227:18 interject 76:9 291:22,23 internal 19:21 28:14 34:24 35:4 38:6,10 38:13,20 40:23 44:1,4 45:2 48:23 49:5 51:7 172:19 174:4 188:12 194:20 195:1 196:16 207:3 210:6 211:15 215:20 218:23 219:1,12,17,18 255:2 256:6 257:17 274:14 305:12,24 344:3 internally 41:1 229:10 international 11:16 13:1 103:22 internet 115:10 171:4 interpretations 29:24 interrogatories 347:15 interrogatory 311:9 312:1,9 312:23 interrupt 36:5 66:11 291:23 309:13,15 intervene 172:5 262:24 intervention 186:14 interview

167:14,24	182:22 196:15	302:20 305:12	134:23	J
168:5 213:7,13	217:19 253:7	305:24 306:18	invoices 133:21	J 1:10,11
213:15 229:24	256:20 280:5	306:21 326:8	involve 26:5	Jackson 3:3
230:18 231:9	318:21	329:16,18	35:19 72:14	jaf@kenlaw.c...
247:24 258:23	investigation	330:19 331:2,6	81:9 104:2	2:11
267:1,7 268:14	22:24 23:17	331:9,12	178:24 234:12	jail 20:4
270:4 343:10	26:10 27:14	investigations	involved 26:23	Jamar 165:13
343:14	31:6 41:6 45:2	17:11 26:6	34:17,18 57:17	166:19 167:23
interviewed	45:16 48:19	32:1,19 34:3	57:22 61:14	James 293:19
39:3,3 157:23	49:19 51:11,15	41:9 63:22	62:23 63:17	January 16:15
168:14 171:3	59:17 62:1,19	79:9 106:10,15	69:11,13 80:7	96:20 174:2,3
232:17 258:12	63:7,9,18,20	148:11,18	80:9,11 151:2	301:22,23
259:2 301:11	64:4 72:13	149:2,4 175:11	157:22 158:2,6	302:23
332:6	75:15 77:7	175:21 178:20	158:21 175:12	Jeff 48:1 64:6,6
interviewee's	81:16 82:23	179:6 194:10	178:18,21	98:6 127:12
213:14	83:1,5,15,23	216:20 256:6,7	179:8,11,13,16	184:5 212:12
interviewing	84:24 85:5	265:24 306:8	180:6,16 191:1	242:6 309:18
182:13 253:9	88:18 106:16	307:11,13	191:2 193:4	Jeffrey 1:15 4:3
interviews 38:19	108:12 157:24	investigative	224:21 238:21	5:3,8,16 346:9
96:12 213:8	158:3,5,6	26:23 41:10	273:5,11	346:17 347:5
inventories 13:6	167:5 168:7	45:17 94:17	274:20 276:5	347:12,19,22
investigate	169:24 174:18	97:1,4 100:13	306:10,24	Jennifer 1:20
22:12 23:23	174:20 175:10	101:2,22 102:5	320:9 326:16	309:20 328:12
26:2 30:17	175:16 176:5	103:2,11	327:5,5	347:2 348:8
31:15 37:7,8	177:24 178:2	105:20 110:13	involvement	job 11:23 12:17
43:18 44:21	179:3,7,10,23	152:8,13	34:14 51:21	13:24 14:11
46:22 184:18	180:1 181:10	174:21 202:15	52:3 65:17	15:11 29:1
188:15 217:3	181:11,17	245:7,10 255:4	123:18 124:8	95:13 103:10
219:2 229:10	182:11,12	256:23 263:3,4	125:12 178:2	114:17 167:16
229:13 314:15	183:10 184:24	274:15 299:1	273:20 302:3	213:16,18
investigated	185:2,13 187:9	331:5,8	involves 104:3,3	325:16
22:9 26:13	187:20,24	investigator 7:3	255:2	jobs 197:4,5
43:17 44:16	189:13,20	29:6 38:21	involving	284:1
45:21 46:2	190:24 191:2	95:2 107:14	234:21 250:13	JOEL 2:8
49:16 57:3	194:3 195:21	114:22 198:1,1	Iowa 304:21	Johnson 3:7
82:13 85:4	207:4 213:12	investigators	issue 185:18	319:15 324:18
109:16 114:18	216:23 219:6	50:18 108:9	209:16 263:1	Johnson's
188:16 198:22	220:4 230:14	152:17 241:17	issued 133:20	323:17,24
202:11,12,21	231:8 248:7	251:9 289:13	issues 104:4	join 249:22
275:17 276:8	251:16 255:7	289:17 342:22	155:9,16	joint 26:5,10
investigating	255:16 260:18	342:24	286:20 325:10	62:14,24
31:4,14 35:6	261:19 263:11	invited 259:15	325:23	189:24 264:4
64:12 83:7	267:8 269:7,14	invoice 135:18	it.' 322:11	jointly 305:4
95:24 96:8	276:18 283:5,9	137:22 138:1	items 135:5,7	Jones 1:7 166:11
98:18 107:23	283:14,17,24	invoiced 134:2	329:15	

166:12,14 JR 1:9,10,10 judge 34:12 74:22,24 75:6 75:19 76:8 112:21 113:17 114:4,4 115:24 116:3 147:20 304:19,20 305:10 337:19 judges 34:8,9 judicial 94:16 Judiciary 293:19 July 199:22 200:21 202:16 jump 146:17 jumping 286:20 June 111:10 153:21 199:2 235:13 257:4 257:15 258:6 267:4 277:8,22 278:5 279:16 281:2 321:1 344:4 juries 286:4 justice 33:1 56:4 79:13,17,18 80:13 107:12 113:5 juxtapose 201:1	KENNETH 1:10 2:7,7 kept 61:10,10 62:20 87:11 154:12 192:10 253:12 key 159:21 keyhole 236:12 ki's 235:20,23 244:22,22 245:23 kicked 335:3 killed 251:4 276:11 kilos 90:5,15 235:23 245:12 245:14 kin 348:1 kind 7:3,9 13:13 18:4 20:7,8 33:9 35:17 42:17 45:3 48:23 67:4 73:13 76:15 77:19 86:15 102:9 106:6 108:10 109:21 129:12 136:13 139:23 150:1 154:14 157:18 168:15 177:2 180:17 188:11 192:1 203:5 208:3 227:11 228:17,23,24 247:7 252:24 254:21 273:14 274:1 289:22 328:3 332:2 339:5 kinds 18:11,13 62:17 86:14 125:21 153:3 155:10 174:20 188:15 203:3	203:19 KIRBY 1:11 Kirskey 165:11 166:18 300:20 300:22 301:3 302:3,21 kit 77:19,23 knew 40:10 71:9 84:11 152:12 247:10,10,13 273:14 274:9 289:13 290:14 302:5 325:3,10 knf@kenlaw.c... 2:10 know 6:22 7:3 7:23 8:1,1,15 8:19 9:6,12 10:3,10 16:3 23:7 25:5 27:5 35:3,5,17 36:16,19 37:20 37:22 41:17 42:2,10,19,22 42:22 44:13 48:13,15 51:5 51:6 54:24 55:21 58:18 59:9,20,21 60:7 61:6,17 61:24 62:17 63:11 64:23 65:2,5 67:6 68:24 69:23 70:1 71:14 72:9 77:24 79:11 82:17 83:3 84:11 85:3,16,24 86:3,11,14 89:22 90:19 95:12 96:16 98:7 99:8,13 100:11 101:19 101:24 102:8	108:15 109:4,7 113:2,5,7,24 114:7 115:5,13 117:11,12 118:11 120:9 122:22 124:5 124:10,12 125:19 126:3,3 127:21 128:4 131:4 132:15 136:18,22 137:9 138:24 139:2,5,6,23 140:21 143:2 149:18 151:10 153:9 154:4,11 156:2,12 158:22 159:12 160:10,13,17 161:2 163:1 168:13,14 169:13 171:14 175:3 176:18 178:12 179:13 179:24 180:6 180:10,22 181:18 182:23 183:16 185:17 185:24,24 186:2,10,19 187:9,10 189:14,24 190:21,23,24 191:11,11 192:1,3,13,14 192:20 193:10 196:23,23 197:4,6,23 199:1 200:13 202:4,10,12,13 203:22 209:14 210:24 212:1 214:11 220:3 221:19 223:3 223:17 224:23	225:12,13,16 225:18 228:2 229:18,19 230:3,4 232:23 233:17 236:11 236:14,14,15 236:16,22 237:3,7 238:15 240:12,13,14 240:17 241:18 241:19,19,20 244:20 246:15 247:9 248:1 251:1,3,5,6 252:19 253:4 254:13 255:21 255:23 256:8 258:22 264:13 266:2 273:16 273:18 275:1,3 275:5,6,8 276:16 279:2,4 279:13,17 281:3,3 284:21 285:3,3 286:8 287:22 289:4 290:1,17 296:3 296:13 302:19 310:6,16,22 311:17 312:6 312:11,13,22 313:17 314:4 316:6,9 318:7 319:18 320:6 321:18 322:21 323:7,13 324:3 324:4,12 325:4 326:22 327:7 327:24 328:6 329:3,5,7 330:9 331:19 332:12 334:13 335:16,21 336:9,15 337:15,19,20

338:17,18,20 340:8 341:18 knowledge 65:4 138:3 160:13 218:10 250:18 knowledgeable 316:8 known 69:23 82:21 182:5 230:21 241:15 242:13 270:16 274:4 knows 187:21 235:12 238:7 238:17 241:14 282:22 kryptonite 319:10	lastly 153:16 late 14:17 58:23 296:23 latest 149:13 law 2:7 13:11 20:6 26:6,8,14 28:7 33:2 57:9 59:11 72:10 75:10 78:4 81:9,13 86:10 91:2,3 97:20 98:17 99:23 103:1 105:20 106:19 110:12 119:5 140:16 178:24 182:10 184:13,22 185:22 189:12 192:2 193:13 197:5 210:22 210:23 217:16 232:16 245:4 260:7,23 261:7 261:8 266:11 284:9 288:10 289:19 294:1 317:1 336:7 lawful 194:4 laws 29:23,23 lawsuit 312:2 lawsuits 170:16 lawyer 287:5 312:11,12 lawyered 282:23 lawyers 57:23 103:7 113:8 287:22 lay 96:11 287:6 lead 20:19 45:2 276:19 293:22 328:24 leading 234:20 332:8 leads 38:19 leak 82:23	192:16 Leaking 180:20 leaks 27:14 LEANO 1:9 learn 49:11 127:18 302:21 learned 67:18 88:22 95:22 104:16 107:22 167:4 305:7 learning 95:11 leash 182:24 183:6,6,8 leave 13:7,10 96:20,21 120:23 194:23 250:5 leaving 107:2 185:21,22 190:3 193:6 253:1 316:21 left 8:20 54:7 60:9,11,13,13 60:14 61:14,16 62:1 63:5 96:19 107:21 112:1 163:12 163:15 165:14 194:17 333:12 legal 282:1,7 legally 110:20 340:20 length 92:16 93:7 184:10,12 185:15 196:24 lengthy 231:16 lent 57:22 Leonard 118:4,9 lesser 92:16 let's 10:21 27:24 36:3,19,21 37:2,14 38:4 42:9 48:8,14 54:14 56:23 59:22,22 65:8	70:23 78:21 87:1 89:3 92:18 97:7 102:12 118:15 119:15 123:17 165:23 172:22 172:23 177:21 184:2,2 186:5 197:18 199:17 221:2 229:22 229:23 239:5,7 239:8 257:3 276:21 280:14 280:14 289:3 293:7 296:11 300:18 301:2 321:10 323:15 323:17,19,20 328:9 338:3,3 338:10,15 341:10 letter 141:16 199:22 200:22 201:3,5 202:5 202:14,16 203:9,18 204:3 204:7 206:10 288:4 letterhead 133:16 letting 90:24 243:16 level 46:22 50:23 72:16 74:8 86:11 levels 73:5 leverage 106:15 leverages 99:10 leveraging 256:5 Lewis 165:13 166:20 167:23 liability 176:22 188:11 liable 48:18	266:9 liaison 27:7 license 12:22 348:9 licensed 12:21 lie 39:5 335:20 lied 335:18 lies 336:17 life 13:17 62:16 light 171:10 225:18 Lilia 140:15 limit 38:23 limited 92:15 108:24 194:13 Linda 304:17 line 42:10 76:13 165:9 168:20 168:22,24 169:1 226:11 240:6 294:11 322:6 323:20 323:21 324:1 lines 169:2 234:22 315:18 link 289:19 296:22 linked 246:4 Lionel 117:4 118:5,10 list 56:1 104:12 142:20 143:1 145:23 298:15 299:6,7 300:15 listed 56:2 65:9 145:3,11 148:4 153:16 164:24 297:11 339:2 listen 21:15 36:2 193:2 292:13 309:14 listened 145:7 litigation 105:15 160:24 311:9 litigators 110:9

little 7:12 8:18	183:6,21	310:5,20,21	248:23 250:10	293:7 302:17
8:20 10:21	186:18 187:6	313:18,19,21	252:16 266:22	305:1,7 311:1
12:6 27:24	193:11 225:17	314:3,3 315:6	283:6 310:3	326:15,15
38:4 42:13,14	283:15 303:7	316:15 318:9	312:19 326:21	330:9,14
52:16 78:24	312:19 334:18	321:10 322:16	looks 42:4 48:24	334:20
101:24 134:10	338:21	323:5,17,19	165:12 178:19	lots 20:4 21:16
136:21 139:21	long-term 61:19	326:18,20	196:1 324:7	low 109:1
152:23 153:22	234:9	328:9 332:2,7	loop 33:20 76:15	lower 86:11
165:18,23	longer 93:6	332:14,15	109:21 295:18	278:12
168:19 171:24	142:4 197:8	333:5,8 336:1	loose 316:22	lunch 14:7 128:5
172:23 177:22	longer-term	336:12 338:10	lose 90:12	142:4 191:20
203:20 233:2	17:10	338:15 339:15	lost 197:3 284:1	191:23
261:11 296:23	longtime 110:19	343:12 344:12	lot 8:19 13:9	lying 337:3,4,11
300:19 321:17	look 10:8,9,10	look-back 42:3	15:13,20 19:3	337:14
322:17 328:6	37:9,13 64:19	looked 30:22	19:18 21:11,12	
lived 67:13	65:8 84:8	57:15 121:21	21:13 32:12	M
158:3 316:1	89:22 106:2	134:7,11	38:24 48:21	M-U-R-T-A-...
LLC 3:2 97:11	127:4 128:4,23	150:19 152:19	57:4,5 58:22	111:13
97:14 101:13	129:4,9 131:15	155:21 156:3	59:23,24 66:15	ma'am 7:17 8:5
101:14,20	139:3 141:6	156:12 171:5	68:3,20 69:24	8:10 12:1,16
102:5	142:23 146:10	178:7 181:19	69:24 71:1,13	17:17 23:20
load 87:12,17,18	146:21 147:23	193:20 221:16	71:21 72:24	24:15 25:21
87:21 90:20	152:6 156:24	221:16 274:21	85:17 96:10,11	31:8 33:16
200:15	157:1 164:10	275:23 297:22	96:17 106:9	40:15 44:18
loading 200:14	165:8 171:18	297:22 311:6	108:6,7,8	55:7,18 56:5
local 27:4 34:13	178:17 186:11	315:2 326:10	109:8,9 121:17	67:19 70:21
154:2 164:19	189:15 190:12	333:18 342:23	129:3 136:3,16	71:15 72:17
179:8 189:12	191:3 196:9	looking 13:18	137:1 139:21	75:1 83:18
localized 64:16	205:20 206:1	28:17,18 42:16	146:8 149:5	86:18 91:13,17
located 5:19	215:15 216:6	85:7 89:15	150:6 153:7	95:19 97:12
location 52:21	221:2 223:12	99:8,9,14,17	156:4,12 158:5	99:4 102:4,11
90:19	224:16 225:18	102:18 106:14	161:4 163:23	102:22 103:5,9
Loevy 2:2,2	229:23 232:23	127:8,10	163:24 170:9	104:14 105:24
138:2,2 140:16	237:19,23	135:11,11	176:19,22	108:22 110:2,5
140:16 159:3,3	238:2 239:5,7	137:10,13	185:19 189:3	115:21 125:9
159:22,23	244:11 247:15	140:9 151:14	190:3 192:9	130:11 132:10
log 40:17	248:22 249:15	151:15,15	195:21 214:7	133:5,22
long 11:21 16:5	254:10 257:3	155:13 164:3	227:22,23	135:22 138:4,6
16:10 18:15	257:21 261:10	164:21 173:15	234:15 235:11	140:24 145:5
33:13 61:20,21	274:22 276:1,2	180:4 186:11	236:9,11	155:23 162:16
61:24 66:13	277:11 292:11	191:19 192:8	241:14,15,18	170:18 171:23
73:10,22 75:2	293:10 297:13	196:16 198:9	242:11,16	173:23 174:6
75:3,11 109:11	298:11,12	199:4 200:18	251:7 263:18	175:13 176:10
122:11 142:11	299:18 308:8	205:10 206:23	263:18,19	179:2 200:20
146:12 154:22	308:10,11	236:12 242:18	264:4 271:12	205:23 206:7

209:10 210:15	153:15	154:24 296:18	199:10 204:7	231:16 259:14
212:22 216:3,9	MANUEL 1:9	297:2 307:19	213:6,18 214:3	259:19
219:20 239:10	March 11:9 15:2	307:22 308:5	218:10 235:9	meetings 179:14
239:18 253:12	133:15 137:23	308:18	235:12 237:6	228:24 229:1
254:23 257:20	137:24 138:17	mates 192:13	238:1 239:2	meets 40:22
258:10 259:24	138:20,22,23	matter 62:5,5	241:8 246:14	191:14
261:16 268:16	139:11,12,19	92:1 111:11	247:7 248:14	member 71:8
269:9 270:14	139:19 221:4	134:16 189:15	261:6,7 265:9	180:12 231:4
274:6 281:12	222:8 223:4	291:19	276:1 282:22	members 26:22
magistrate	333:17	matters 19:5	292:9 300:3	231:10 272:24
304:16	mark 165:15	94:16,17 219:2	310:20 311:21	324:21 325:7
Mahoney	166:3 173:1	Matthew 259:22	312:8 314:2	memo 204:9
259:22	200:7,9 204:23	maximum 80:4	315:12 323:12	208:1,5 209:7
main 27:22 98:2	222:7 230:7	McAuliffe	326:16 329:1	210:12 211:21
155:23 227:17	257:9 261:12	304:23	332:1,6 336:10	212:4 215:18
274:17 337:14	marked 54:12	McCarthy	337:6 339:8	216:12 217:8
major 201:23	54:15 89:16	319:16 322:3,7	meaning 21:10	220:5 221:4
202:1 235:18	91:5,8,15,23	McCarthy's	25:15 69:12	222:8,16 223:4
236:1 246:2	133:7,9 140:7	319:17 320:1	90:24 99:7	225:22 226:10
292:23	142:10 157:7	321:1	146:15 181:3	226:11 228:6
majority 71:19	157:10 162:5	meal 85:21	214:17 290:23	234:8 247:23
121:24 146:9	162:11 163:7	meals 85:20	meaningless	257:4,15
163:3 174:24	173:7 200:12	mean 16:2 21:8	181:17	258:19 259:19
179:2 194:11	205:2 215:23	22:18 24:10	means 28:3	260:6,12
making 35:20	222:7,11	32:23 40:17	78:11 95:4	261:11,23,23
39:22 71:18	230:10 231:7	46:13 60:4	194:4 229:9,15	262:8 264:19
90:8 124:24	257:12 320:23	61:1,21 62:2	229:15 241:9	266:23 267:13
132:4 149:23	324:10 328:16	69:2 71:15	meant 139:24	267:15 269:17
158:12 185:7	343:8	75:8 80:24	156:8 175:7	269:18 295:12
233:3 246:22	market 169:6,18	81:4 84:1 85:8	212:23 220:14	memorandum
248:4 251:10	231:18	91:1 94:20	226:23,24	132:7 150:16
262:22 289:12	marking 205:8	95:3 96:11	245:22 250:22	151:6,8,12
289:23 294:11	Martin 64:14	97:24 98:5	323:13,14	173:20 174:10
332:18	Martinez	100:6 106:21	327:2	175:15,24
man 165:5	140:16	109:16 113:3	measured	176:2,11 177:1
management	massive 231:18	115:11 117:1,5	186:23	179:19 189:17
20:21 22:13,14	material 122:18	117:8,15 123:1	media 115:12	233:12 265:20
24:7 35:20	329:15 330:18	123:8 124:9	324:8 330:4,7	memorialized
manager 20:21	331:11	135:6 140:1	330:8	153:14
48:15	materials	144:15 150:14	medical 48:14	memorializes
mandate 292:6	116:10 120:6	160:7 163:2	meet 40:20	176:12
manner 271:8	140:20 141:2	167:6,12,13,20	meeting 144:23	memorializing
manual 33:1	142:12,16	170:2 178:16	180:3 216:18	213:12
36:10,10 149:4	145:11,21	179:21 185:21	217:2 226:10	memory 233:10
152:8,12	151:20,21	187:3 198:2	226:24 229:19	memos 217:23

Memphis 11:2,2 11:13,13 mental 120:7 mention 234:14 243:11 249:16 322:14 mentioned 14:23 18:22 31:20 95:7 114:11 283:8 297:13 299:12 299:14 304:10 317:9 318:9 320:2 mentioning 248:5 mentions 235:5 248:2 mentors 33:10 304:11,13 mere 179:18 merit 21:5 22:16 22:18,23 184:20 messing 186:4 met 13:22 122:2 122:5 295:6 method 77:10 methodologies 111:1 methodology 66:12,14 154:23 MH 111:10 115:23 Miami 16:9,10 16:13,17 17:1 17:16 55:15 mic 8:18 Michael 304:22 Michigan 2:8 111:11 113:11 microphone 12:5,6,9 95:8 mid-November	15:2 middle 225:21 midway 344:12 miles 90:19 military 13:24 mind 122:20 293:9 315:20 mine 139:7 322:19 minimal 51:11 minute 7:9 119:12 142:5 147:7 159:6 230:4 262:14 minutes 78:23 212:10 276:21 333:12 338:8 338:11 MIOG 152:14 152:16 153:1 misconduct 31:12 210:14 211:5 misjudge 23:13 misleading 297:3 missed 83:17 missing 143:1 149:12 mission 265:1 misspelled 137:7 misstate 98:13 misstatement 119:5 misstates 116:21 311:11 312:4 misunderstood 218:21 220:16 misuse 42:22 mitigating 41:24 mix 239:14 mixed 67:8 model 64:20 Mohammed 1:7	2:22 150:5 152:3 197:2 222:20 234:10 238:23 247:4 248:2,5,24 249:4,7 275:2 278:2,12,18 279:1,2,8 280:8,12,14,24 281:21 282:6 282:13 283:6 284:1 286:19 302:4,14 303:1 317:7,13,19 318:8 320:3 325:1 326:7 329:17 331:13 343:18,23 346:7 Mohammed's 232:10 247:21 249:10 MOHAN 2:18 moment 301:2 321:3 money 57:24 87:10 92:23 93:14,19 99:17 99:18 100:5,19 100:20 101:4,8 134:21 203:12 207:10 208:18 208:22 217:4 222:21 243:14 243:20 266:7 268:19 269:1 270:9 280:18 302:15 303:9 MONICO 3:2 monitoring 95:5 Monroe 2:19 3:8 month 123:23 months 11:8 53:5,6 60:17 60:19,21,22	61:22 75:14,22 75:23 76:2 80:22 81:3 92:19 93:5 123:21 204:8 206:10 Moore 165:10 166:18 167:14 167:20 221:21 229:24 230:18 230:21 231:16 232:8,15 233:23 234:13 235:22,24 238:13,14,18 239:11,15 240:4,5,6 243:19,21,21 244:17,19 245:11 246:3 247:13,23 249:2,2,7,8 250:12,14,17 250:22 251:23 252:4,9 253:9 253:23 254:2 270:6,18,23 271:3,17,22,24 272:3,4,9,10 272:10 276:12 343:10,13,18 Moore's 235:7 235:17 251:12 253:18,19 270:15 272:21 273:1 275:18 315:7,7 morning 48:22 morphous 323:8 motivated 66:9 MOU 10:1 121:20 135:4 149:7 152:22 153:4 154:8 155:12,17	158:15,15 160:3,6 172:19 172:22,23 174:8,11 176:14 177:22 224:17 225:8 227:2 251:1 263:12,14,15 289:15 326:6 327:1 337:8 340:23 MOUs 153:2,5 153:13 174:20 180:7 move 13:12 55:12 72:12 87:4 96:23 142:1 183:1 187:15 191:16 218:12 219:22 229:22 234:17 242:7,21 243:9 256:3 278:20 321:23 moved 12:11 225:23 251:16 251:22 252:2,6 252:24 255:3 255:11,14 279:7 334:4 moving 241:24 256:3 muffling 12:6 muled 66:19 multi-jurisdic... 290:19 292:1 301:9 multi-kilo 89:19 90:9 multiple 36:23 89:17 90:5 92:13 135:22 244:22 250:18 303:10 311:9 315:18,19

318:3 339:6,22 mundane 57:12 murder 234:24 272:21 273:1,5 274:4,9 275:6 275:17,18 276:9 339:18 murders 238:21 Murtada 111:12 Muslim 110:18	53:22 65:20 292:22 293:3 293:14 nature 110:6 113:11 293:23 Navarro 259:21 nearly 172:3 229:11 Nebraska 15:7,9 15:16 304:16 necessarily 109:17 175:10 179:21 194:19 208:2 255:17 necessary 342:19 need 8:15 9:11 10:9 43:18 46:6,16,24 57:13 75:16 79:17 84:8 87:13 101:1 120:17 130:12 159:7 162:14 165:5 175:2 183:15,15 200:24 212:11 215:5 223:2,9 226:5 237:2,2 254:15 258:20 292:11 296:5,6 321:4 325:6 332:1,1,7,14 needed 23:17 43:1 51:22 59:18 126:2 130:24 308:10 needs 118:16 190:14 negative 317:2 negotiation 288:20 neighbors 96:15 network 65:15 221:14	networks 77:5 neutral 160:9 never 30:1 31:8 31:9 88:3 90:23 107:7,8 122:5 142:21 160:7 176:3 180:16 203:10 229:8 261:13 261:17 262:19 269:5 275:2 284:4 300:24 308:22 313:9 327:2 330:13 new 16:14 17:14 18:5,14 19:11 19:13,24 20:12 20:12 24:5 77:24 87:5 111:14 188:21 204:16,18 244:1 290:20 newspaper 115:6 NGOs 66:2 nice 223:18,18 NICHOLS 1:9 nicknames 165:1 nine 162:17,21 230:1 nine-page 162:8 NOLAND 2:13 non-bold 261:22 non-national 292:19 nongovernme... 66:2 nonpublic 71:4 nonresponsive 241:23 242:22 nonstop 21:8 Nooner 201:14 201:17,21,22 201:22 235:12	235:12,20 236:14 239:12 239:21 240:2,3 240:5,13 241:20 244:14 244:19 246:2 246:12,18,21 Nooner's 235:18 Nope 130:5 normal 19:17 25:5 26:16 27:19 30:9 192:18,19 195:22 210:22 256:6 260:7,23 261:7,8 North 2:3 64:13 Northern 1:1 5:7 304:20 346:1 NOTARY 346:22 note 136:23 277:23 281:24 noted 282:1 notes 135:15 136:12,15,16 137:1 157:12 157:15 162:9 162:17,19,21 162:22,23 165:2,4 315:6 333:9,16 nother 74:8 notice 1:17 30:16,21,21 111:9 153:2 258:13 259:2 noticed 138:24 notification 325:8 notified 258:18 262:13 notify 255:15 notifying 83:21	November 14:21 15:2 301:7,10,15,16 301:17,20,20 317:24 318:14 nuanced 188:4 227:8,10 number 7:20 9:6 19:23 25:23 44:19 156:24 157:23 164:24 169:23 199:6 206:14,14,17 206:22,24 211:19 219:17 219:18,19 221:5 225:10 257:18,19 277:23,24 294:10 304:7 320:19 328:13 344:2 numbers 163:11 163:13,16 164:6,12,13,14 numerous 94:15 98:22 155:9
N N 2:7,7 4:1 name 5:14,15,16 11:18 58:11 70:19 72:1 101:11,18 111:15,23 147:7 166:15 192:12 199:22 201:13 207:20 221:15 234:14 238:5,6 240:18 240:23 241:14 244:10,13,17 244:24 245:3 246:5 248:5,11 248:13,14 249:3,17,17,18 287:10,23 304:6 named 58:19 67:14 326:17 names 62:9 159:3 165:5,10 166:17 narcotic 65:15 narcotics 261:19 269:7 306:5,7 306:14,17 307:1,15 315:4 315:24 331:20 332:19 339:22 narrative 232:1 national 13:20				O oath 28:22 297:8 Obama 168:22 168:24 169:1 object 29:19 31:16 35:13 43:22,24 45:10 46:10 48:3 64:6 103:14 104:20 108:1 112:23,24 116:20 131:6 131:12 132:11 159:7 161:9 168:10 185:3 197:21 208:24 209:8 244:9

245:19 249:12	obtain 93:21	34:16 35:17,19	106:3 144:23	9:18 10:6,11
251:18 259:7	obtained 29:7	43:9,20 67:16	178:1,23 197:5	10:12,19,20
259:10 267:20	68:17 101:7	74:20 75:6	197:20 198:20	12:12 16:22
274:11 276:14	165:1	81:15,21 98:1	207:9 208:6,18	20:8 21:24
278:22 282:18	obtaining 94:4	150:15 159:15	208:22 209:16	22:4,15,22
283:18 284:16	obvious 247:16	216:19 226:13	211:3,6,23	23:7 31:11
285:12 291:11	obviously 43:16	226:19 227:9	216:14 217:5	32:3 35:11
293:21 297:24	65:5 154:11	227:17 228:8	229:10 232:16	40:15 41:22
299:24 300:10	160:15 167:20	228:19 229:8	251:1 278:14	44:6 45:12
300:13 303:4	187:11 212:18	233:17 287:2,4	284:5,9 290:19	47:20 52:12,14
307:2 311:11	220:21	287:6 288:3	294:11 295:6	53:4 55:2,12
311:19 312:3	occasion 175:20	304:18 305:4	304:7 311:3	55:19,24 56:23
327:15 331:21	176:4	319:24 325:9	316:22 317:6	65:7 69:18
332:20 336:22	occur 72:16	325:11 328:6	317:12 320:9	70:22 79:21
339:10 340:6	176:14 307:12	officer 1:7,7,8,8	322:10 323:10	80:1,12 81:9
objecting	occurred 20:15	1:9,9,10,10	325:14,23	91:18,21 94:7
241:22	50:22 80:20	28:12 29:12	326:11,14,19	97:5,7 101:6
objection 30:18	317:20 318:12	36:22 43:15	327:2,13 334:4	101:15 102:23
35:9 47:4,5,17	occurrence	44:15 46:19	335:24	104:10 112:7,8
48:5 51:1,2	176:8 181:22	48:10,18 49:1	offices 2:7 10:4	112:11 115:3
113:20 114:6	264:14	49:20 50:6,7	official 94:16,17	116:23 118:13
116:4 166:22	occurring 47:1	52:10 71:6,10	164:19 203:1	119:14 120:15
167:9 169:8	59:6,17 306:14	71:12 183:20	206:19 338:4	120:15,15,19
170:6,24 177:5	306:17,23	185:22 188:9	348:3	128:18 130:15
182:16 190:17	307:16	188:15 189:15	officially 14:19	130:19 134:3
191:8 195:5	off-duty 214:17	191:4 192:8	14:21 236:22	134:17,23
209:17 210:8	318:1	193:6 195:24	officials 82:2	135:2,19
218:2,15	off-site 10:4	196:3,7 199:9	193:14	137:21 139:4
228:10 241:1,3	offense 49:4	201:12 210:23	offline 118:18	139:10,14
242:4,6,21	offenses 132:2	216:13 217:16	oh 10:16 45:11	140:13 141:6
254:5 255:9	331:20	218:1,13	60:15 112:7	142:23 143:4
256:16 268:9	offer 66:3	219:24 222:19	129:6 140:12	145:6,18
275:10,19	offered 232:9	238:23 247:4	157:7 165:24	148:12,16
285:23 286:6	233:23 249:9	254:11 269:11	166:6 206:5	154:16,23
309:14 313:3	301:11	276:3 296:4	212:8 220:7,15	156:19 157:9
313:12,13,23	offhand 79:12	318:22 326:20	221:18 223:18	162:17 164:12
315:9 316:3	202:8	346:7	238:7 246:13	165:8,21 166:2
objections 243:3	office 5:21,21	officer's 191:24	272:11 277:20	166:6,17
objectively	6:1 15:15,17	192:12	286:14 287:16	171:23 173:17
336:22	16:4 17:1 18:9	officers 1:12 3:6	291:5 293:10	173:20,24
observe 306:16	21:5 26:1	27:6 44:9,12	296:12 305:19	174:7 176:24
307:14	27:13 28:10	47:11 67:17	321:6 339:8	178:17 194:22
observed 306:13	31:21,23 32:4	69:24 85:13	okay 6:3 7:8,19	195:11 197:7
observing 262:5	32:15 33:21	88:21 90:16	8:9,16,22,24	197:15 201:7
306:22	34:2,7,13,15	91:2 98:6	9:4,13,14,17	201:20 202:10

205:10,15	335:14 337:23	operate 153:4	161:15 199:15	195:2 308:9
206:6 208:4	338:13 339:21	184:1 254:24	214:13,16,17	315:20
213:20 219:21	339:24 341:20	operated 169:2	214:17,18,18	organization
220:6,16,21	343:15 345:1	192:17 231:18	214:21 250:16	28:16 264:24
221:2,10,22	old 87:6 149:17	operates 183:24	251:21 253:16	organizations
222:3,15 223:1	152:15 153:1	operating 149:3	262:5 280:9,10	66:3 91:3
223:20 224:8	163:23,24	153:14 195:22	280:11 283:12	organize 136:13
227:5 230:20	204:17	operation 56:2,3	289:1 290:6,9	origin 113:15
232:6 233:9,21	older 8:20	56:3,24 57:2	290:12 297:18	original 49:10
235:3 237:5,24	Omaha 15:7,9	58:19 60:23,24	297:23 342:2	originally
239:11 240:10	15:15 16:1,3,5	61:1,20 62:7	342:14 343:2	153:23 294:15
242:3 249:24	on-the-job 28:9	62:14,24,24	opinions 91:11	Orlando 87:14
250:3 254:10	32:21 33:15	63:1,5,24,24	111:4 113:19	outcome 106:17
256:12 258:1,4	once 12:11	64:18 65:9,11	116:11 119:24	283:1
258:11,24	41:14 57:15	65:13,17 66:24	120:3,12,14	outfit 292:2
265:8 268:12	87:3 90:11	68:14 71:22	122:21 126:16	301:9 302:23
269:19 272:24	122:10 128:12	72:15 73:6,16	126:20 127:4	output 135:10
274:7 277:16	185:1 187:18	74:1,2,3 76:2	127:20 131:11	outranked
277:20 278:17	187:21 319:10	76:20 78:6,19	131:18,22,24	293:13
281:4,9,17	one-page 143:12	79:6,13,14,15	138:14 142:17	outranks 24:5
286:11 287:18	one-pager	80:3,12,13	143:17,18	outside 16:1
287:18 290:10	204:20	82:4,16 83:8	149:22 150:12	50:3 87:8
290:14 291:22	ones 25:10 81:17	83:14,22,24	161:6,23	147:19,23
292:4 293:13	92:14 146:20	92:17 93:15,20	218:11 275:16	171:3 180:16
293:16 294:1,5	153:6 158:12	93:23 94:5	342:7,19	184:17 263:4,4
294:13,19	158:14 161:24	103:23 104:2	opportunities	Overall 59:7
295:4,4,13,13	162:24 164:9	226:1,3 239:15	14:8	override 29:3
296:8,12,13,17	248:11 297:9	281:6,10,11,13	Opportunity	oversaw 53:20
297:5,15,21	297:10 298:3	317:11 328:24	153:18	oversight 93:11
298:5,10,13	298:11,12	operational	opposed 25:6	overstated
299:4 300:18	318:3 341:22	61:13 82:10	98:17 175:3	317:2
300:19 301:3	ongoing 34:3	85:12 102:7	opposite 168:12	overtime 266:7
307:18 308:20	60:10 95:5	181:3 282:11	182:18 195:16	overview 135:5
308:22 309:5	open 10:17,18	operationally	optic 155:7	135:6,12,15,17
310:21 314:18	34:11 146:7	192:14	172:18,21	owner 72:1
314:22 315:3	169:6,18	operations 56:2	193:21	225:3
315:16 316:20	192:10 194:10	56:6,8,12 71:2	options 185:9	ownership
318:17 319:12	194:14 219:5,7	93:13 95:9	oral 347:15	53:23 264:21
320:1,18,24	224:21 324:6	148:11,18	orally 266:17	
321:8,17,23	336:11	149:3 152:8,13	order 32:13	P
322:1 323:15	opened 19:20	332:19	42:18 43:17	P 3:8,13
323:19 324:12	34:8 219:17	opinion 31:9	47:2,13,21	P.C 2:7
329:6,11	opening 81:1	112:5,6 143:20	50:20 51:22	p.m 140:14
333:13,18,20	198:3,3 206:22	149:20 150:13	52:9 72:12	345:6
334:1 335:9,14	235:14	159:9 161:12	78:18 139:3	pace 19:17

35:23 36:8,12 217:11,15 package 71:11 page 4:2,9 55:13 89:15 91:14,16 92:2 102:19 130:8,10 132:6 133:14 134:24 135:19 137:21 140:4 143:23 143:24 146:16 148:7,8 151:18 156:8 157:11 162:14 163:7,7 163:8,13 164:12,21,22 164:23 171:17 171:17 178:8 199:21 200:22 204:8 205:15 205:23,24 206:5 216:5 223:22,22 225:22 230:18 231:13,13 232:8 233:10 235:3 247:18 258:5 260:5 268:12,13 272:18 277:7 277:14,15,21 281:4,5,24 293:10 316:13 316:16,17 321:11,12,15 322:17 323:18 323:19,20,21 324:1 333:15 342:5,10 343:12 paged 129:13 pager 256:10 pages 129:8 135:13 140:5 142:11 146:8	156:3 160:22 162:17,21 223:2 230:2 298:7 299:16 pagination 324:14 paid 57:21 69:24 89:17 107:9 110:11,12,13 110:14 132:21 150:20,22,22 231:20 239:16 280:1 331:24 Palles 2:18 4:4 119:4,9,14 120:4,15,18 121:4,7 286:17 286:18 291:21 298:4,19,21 300:5,17 303:11,18 Palm 5:20,22 16:14 17:13,18 17:21,21 18:15 18:22 20:17 23:24 26:4,14 33:9 34:22 53:11 64:13 65:22 304:22 paper 137:17 229:20 paragraph 94:12 102:19 171:19 207:14 232:8 233:5 235:4,5,6 236:21 237:18 239:5,8,8,11 239:23 240:19 240:21 241:13 242:15,15 243:19 244:3,4 244:12,16 245:2,11,16,24 246:1 248:1,1	250:11,11 258:12 270:14 270:15 316:17 329:12,12,23 330:23 343:16 343:17 344:12 paragraphs 233:11 234:11 234:20 235:11 237:17 238:12 240:20 241:12 242:12 243:10 243:12 246:4,8 247:3 269:23 parallel 65:18 81:15 83:15,23 253:1 paramount 37:24 paraphrasing 31:22 parentheses 168:22 207:10 208:18 222:21 parked 18:3 parsing 242:16 part 17:14 22:15 23:15 45:16 49:23,24 59:9 63:19 70:7 82:15,16 85:12 93:14 102:6 111:4 130:23 134:13 157:24 161:6 172:15 186:17 258:17 283:20 290:18 290:19 298:2 305:6 306:21 participants 180:9 participating 30:9 180:1,11 180:12 participation	258:13 259:3 particular 24:18 50:9 59:4 61:24 63:23 74:10 80:12 111:2 112:21 152:11 163:9 164:2 168:5 175:10,14 179:23 212:2 223:4 228:20 259:14 314:17 336:19 particularly 106:9 316:23 parties 99:20 348:2 parties' 119:17 119:23 120:1 partner 13:15 84:20 parts 217:13 291:15 317:10 334:14 pass 277:5 286:12 passed 79:11 80:17 passport 305:7 password 254:13 Pat 246:14 path 154:14 Patrick 201:14 201:17,21,22 201:22 239:12 239:20 patrol 36:22 pattern 18:4 pay 99:18 101:23 110:11 216:15 243:22 260:14 268:4 279:15 paying 59:13	100:16 150:19 208:17,22 243:20 268:19 269:1,4 270:1 280:17 326:23 payment 58:1,4 59:8,9 208:7 271:9 302:24 302:24 payments 150:17,24 235:7 243:13 279:17 280:12 301:19 pays 107:14 PC 163:8,9 PD 51:6 143:10 154:8,12 158:19 178:11 188:20,21 202:6 203:7 296:6,6 326:8 332:11 337:8 PDF 321:11 323:24 pending 105:15 189:21 penetrate 35:22 36:1 66:22 penetrated 65:14 people 13:10,14 15:18 20:19 21:12 26:21 30:8 38:15,17 48:13 57:13 58:7 59:2 61:6 63:3 71:6,14 71:21 72:24 84:4,13,14 100:22,24 103:12 104:17 108:4 125:21 125:22 150:9 150:21 155:9

158:2 167:21	periods 177:12	294:20	67:20 80:20	10:16 12:5
168:16 170:10	Perkins 110:12	pictures 203:19	191:17,17	16:8,21 23:12
175:2 185:19	permission	piece 148:5	224:1,20,23	36:14,15 38:5
186:5 187:11	257:21 308:8	155:4 158:24	225:6,23 260:9	43:13 50:15
191:19 194:4	permitted 261:3	199:20 211:10	261:1 264:1,3	67:9 68:22
195:17 208:14	perpetrated	pieces 245:6	264:7,11 265:4	87:2 89:7
227:18 234:15	172:2	266:20 273:8	265:10,13	101:7 109:10
234:15 235:11	person 22:1 37:4	pilot 14:1	266:16,20	117:17 122:2
236:15,17	39:2 43:6 46:7	PIP 57:21 58:6	294:24	130:18 166:3
241:15,20	49:5 71:16,16	59:8,13	planned 13:5	179:11 182:19
242:13 246:17	79:20 81:2	pitting 27:16	56:12 65:12	190:8,13 191:3
248:10,16	108:19 111:23	pivot 77:12	66:10 224:13	193:6 210:12
256:9 264:5	122:6 179:1	78:13	planning 76:12	214:7 215:8
267:1 272:14	187:10 199:22	pivoted 77:8,11	275:15	220:9 230:20
276:24 332:4	201:13 208:10	place 27:12	plans 13:5	233:20 234:18
337:3	227:17 238:20	47:14 122:15	282:11	235:19 245:15
perceive 329:17	287:5 289:19	154:3 180:7	planted 267:19	248:6 253:7
331:10	296:4 334:19	187:8 189:8	267:23,24	256:11,13
perceived 331:1	337:11	225:8 299:2	284:20 332:4,9	262:17 265:2
perceives 188:9	person's 29:7	347:20	333:1,3 335:6	266:12 267:17
percent 18:7	194:17 287:7	placed 260:17	344:23	271:6 278:4
32:2 56:21,22	personal 57:20	344:15,19	planting 212:2,4	279:18 280:4
105:6 123:2	65:4 101:19	places 58:17	267:11 306:4	280:13,23
170:22	214:12,15,16	64:21	plants 247:17	281:14 282:2
percentage	personally 31:8	plain 95:4 227:7	platform 7:17	282:22 286:22
194:9	108:16 170:14	265:12	8:13 10:15	303:12 308:15
percentages	325:10	plaintiff 2:12	play 83:24	324:15 325:13
18:8	pertaining 1:19	125:6 312:12	176:18	344:11
performed	Phase 199:19	340:4,10,13	players 159:14	pointed 174:1
224:6	PHILIP 1:11	341:12	315:20	217:8,9
performing	phone 2:4,10,15	plaintiffs 1:4	playlist 165:6	points 42:2,2
138:8 190:11	2:20 3:4,10,15	100:4 116:9,17	plead 288:9	256:9 283:11
period 19:1	86:21,23 122:6	118:7 122:4	please 5:13	poker 288:20
23:22 34:21	123:7 124:2	130:1 141:3	126:22 140:21	police 1:6,12
38:9 39:12,12	252:15 254:12	170:15 312:10	159:6 200:6	26:17,18,20,22
53:10 56:7,21	254:15,20	341:19 346:4	206:1 221:11	27:3,7,19
60:20 61:1	256:8,9,10,15	plaintiffs'	242:2 309:20	28:12 44:8,12
75:10,13,21	271:11,17,20	116:15 119:2	333:6 345:5	44:15,16,21
134:18 138:9	phones 80:8	121:1 126:7	pled 197:2	45:16,20,24
139:16 172:12	86:3,6,20	131:2 151:21	228:18	48:9,20 49:20
183:12 186:21	87:19,23 88:22	299:22 300:2	pledged 260:18	50:16 52:9
277:7,22 279:9	89:18 185:24	308:4 310:13	267:8	58:5,14 67:17
279:19,21	physically 237:4	311:5 313:10	plethora 99:14	81:22 86:9
periodically	picked 66:8	340:10	plus 92:19	94:15 98:5
37:16	picture 160:15	plan 63:6,8	point 8:11 9:11	144:22 149:8

154:2,8 171:10	76:24 99:7	preparing	printout 339:12	191:24 192:13
172:3 175:16	124:8 168:6	138:19 140:20	printouts	204:5 214:10
175:21 176:17	182:4 242:10	presence 231:15	339:14	220:18 235:21
180:9,15 181:6	251:15 259:15	present 5:23 6:5	prior 37:11 88:7	246:24 275:23
181:23,24	259:17	260:16 334:1	101:6 109:20	305:19 306:11
182:1,6 185:9	possibly 86:11	344:14,19	118:21 171:12	323:13 341:19
185:21 186:18	128:14 141:3	347:10	175:19 239:20	problem 30:7
188:21 189:5	143:5 145:19	presented 33:18	263:11 302:3	56:15 59:22
191:10,12,14	185:12 261:2	preserve 124:22	325:2	64:15,16,17
191:18 194:10	292:10	press 62:13	priorities 53:21	65:20 86:16
198:12,20	potential 27:13	143:9	53:23 294:2,10	89:2 99:9
201:12 203:1,2	33:6 154:7	prestigious	294:14	155:8 174:14
207:19 211:3,5	168:15 234:5	13:11	priority 65:21	244:3 253:5,6
212:19 215:20	273:20	pretending	93:8,10 94:17	306:20
217:5,16 218:6	potentially	240:11	292:14 293:13	problematic
218:12,23	168:16 274:20	pretrial 6:22	293:23 294:6	86:4
222:19 231:10	powerful 38:1,2	pretty 16:2	294:10,23	procedure 1:18
236:6 254:23	practice 12:20	34:18 35:21	prison 20:7 80:3	86:21 93:20
254:24 256:4	180:17 330:24	37:3 40:24	80:4,7,8 82:24	336:14
257:16 263:10	practices 103:3	53:24 66:1,13	83:5 84:24	procedures
276:2 284:4	105:20,21,23	68:8 69:4,5	85:2 89:18,24	27:11 50:8
290:18 292:3	106:9	73:21 77:15	90:4,10,12,23	97:17 103:2
294:5 295:4,6	preapproved	78:3 85:12	109:6 185:23	105:19,21,23
318:6 319:3,4	74:14 92:22	93:3 101:18	193:14 325:4,4	106:7
325:21 327:12	precise 245:11	113:23 123:21	Prisons 81:24	proceed 120:19
335:24 346:6	precisely 72:7	156:17 178:19	82:3,11,22	174:13 283:16
policies 103:2	128:1	187:1 188:12	83:4,13,21	proceeded 77:6
105:19,21,23	precluded 337:9	188:19 230:19	84:23	84:23
106:7,22,23	precludes	258:23 285:16	private 101:11	proceeding
219:1	278:10	293:2,22	privilege 119:7	278:11 281:1
policy 40:5,23	predication	previous 226:6	119:9 124:22	process 20:11,13
106:2,4,20	191:15	237:17 319:5	124:23	20:15 21:20
107:1 152:17	preliminary	previously	privileged	22:8,8,16
218:23 266:19	21:17	343:8 347:11	120:24	23:15 33:19
politicians 20:4	premise 295:22	primarily 81:22	probable 43:3,4	38:1 40:12
pop 164:9	premiums 59:14	95:6 97:3	43:5,19 183:19	46:14 49:12
portion 26:24	prep 123:8	194:8 217:9	probably 28:24	50:15 52:3,8
66:16 261:22	preparation	primary 92:14	36:16 62:8	72:22 73:11,23
portions 253:15	122:2,9 123:7	110:9 248:11	63:15 77:13	75:5 94:4,6
position 15:8	123:10 142:16	print 156:8	98:12 109:11	103:17 108:13
27:3 60:13,14	173:10	printed 121:19	123:12 124:10	151:3 181:23
158:22	prepare 118:22	137:19 139:2	125:24 128:1,3	182:5,19
possibility	121:15	153:5 156:8,9	136:15 139:20	266:13 288:20
181:22	prepared 145:6	299:17	146:6 166:14	296:24
possible 60:1	216:12	printing 157:5	169:13 191:23	processed

111:23 processes 260:7 260:23 261:7,9 processing 110:22 produce 254:11 produced 160:23 330:8,9 product 58:18 121:5 124:23 127:15 131:7 207:11 308:2 production 144:13,14 150:2 productions 330:10 professional 100:19 proffer 228:17 287:14,15,19 287:20 288:1 288:20 290:16 290:17 proffers 289:8 profits 102:1 program 18:14 70:7 110:16 174:24 183:24 293:11 programmati... 175:1 programs 16:3 53:24 293:14 progression 13:15 262:6 prohibited 91:1 214:2 prohibition 214:8 project 314:11 projects 56:17 93:2 129:8 169:19 202:2 210:18 306:8	promised 234:1 promises 234:3 288:14 promoted 94:13 promulgated 40:9 pronounce 109:24 proof 40:4 42:17 42:23 proper 108:12 161:20 217:17 properly 13:4 property 154:1 154:3 proponents 332:9 proposal 68:12 72:23 74:12 prosecute 191:6 194:8 prosecuted 62:7 194:9,12,13,17 216:22 226:12 prosecution 107:3,6,10,16 prosecutions 19:18 prosecutorial 21:5 prosecutors 337:15,17 protect 46:5 119:16 172:5 protected 29:4,5 29:11 308:2 318:20 protecting 90:20 291:6 protection 57:20 268:19 269:1 protocol 330:24 prove 47:8 48:10,11 78:8 194:7	proved 88:12 310:4 provide 32:12 32:18 119:18 125:7,16 126:8 126:15,20 127:3 156:5 159:3 161:13 178:4 218:11 278:19 282:2 308:5 337:7 340:22 provided 31:23 32:5,7 114:12 114:15 116:10 119:23 120:2 120:11,13 129:24 133:19 136:5,7 145:21 146:24 151:21 154:6 159:21 160:24 161:7 162:18 181:15 181:16 202:13 210:5 232:15 269:12 282:14 299:21 308:15 308:23 311:5 312:24 313:9 346:15 provides 231:17 234:8 providing 88:6 113:19 141:3 233:24 271:22 271:24 272:2 342:18 proving 183:19 proximity 71:8 PT 239:13,15 public 19:11 20:14 21:9 23:23 24:21,22 25:12 26:11,12 26:17 28:8	31:4,14 32:19 33:8,12 34:23 36:11,14,16 37:23 39:16 43:14 45:17 46:6 53:14 55:16 59:5,13 84:6 91:1 94:14,16,16 96:4,9,12,13 103:21 109:15 112:3 152:21 163:10,17 164:15,19 169:2 172:2,5 178:21 181:4,5 186:9,16,24 187:13 193:8 194:5 197:8,9 207:9 209:5,15 209:19,20 210:19 217:4 227:19 258:14 258:17 259:3 265:1 292:15 292:23 293:11 293:12,20 294:8 295:17 304:23 305:5 306:9 307:16 310:22 331:12 346:22 publication 148:19 publicly 149:14 152:23 published 40:10 41:5 115:4,9 115:10,19 153:1 pull 102:16 119:13 130:6 171:15 199:17 221:8,11,14,20 321:4,7	pulled 12:7 46:20 71:23 153:10 200:1 245:13 pulling 204:11 punishment 41:12,15 purchase 68:15 purchasing 77:9 purports 215:19 257:15 purpose 116:16 153:20 205:8 purposes 71:12 91:15 116:8 117:3 297:23 pursuant 1:17 1:17 29:13 pursue 263:5 pursuing 107:22 put 27:15 30:4 30:15,21,21 37:19 74:12 87:13 89:3,11 89:23 109:5 112:10 139:8 143:13 149:14 166:15 173:3 183:22 197:24 200:24 211:17 224:22 247:9 248:11 279:14 290:5 294:6 302:13 326:4 putting 68:16,16 71:7 80:19 90:17,20 211:11
Q				
qualification 292:21				
qualifications 92:3				
qualified 112:20				

114:4 116:1 Queen 288:4 question 6:9 7:13,24 8:3,8 8:14 9:16,16 21:19 23:13 42:13 44:4 48:2 50:20 51:14 52:6 63:23 73:3 74:24 109:12 112:13 121:10 121:13 145:1 159:10,11 165:15 166:3 169:16 182:8 183:5 184:3 187:18 188:6 202:19 209:22 213:17 218:21 219:16,21 220:6 223:1 236:24 237:15 238:2,4 241:11 241:11 242:8 242:23 243:1 247:13 258:16 262:21 267:12 272:7 280:20 280:21,21 285:2,6,19 287:13 288:17 289:11 293:18 302:1 303:16 303:19 309:18 309:20 313:3 316:12 318:18 319:13 323:5 324:17,23 327:4 333:10 340:16 341:3,8 341:9,11,14 questioned 30:14 120:5 questioning	309:15 questions 7:8,20 7:21 8:19 9:1 21:15 28:23 35:1 121:8 128:20 130:9 130:20,23 131:10 132:6 141:20 143:19 145:19 151:5 194:1 237:9 261:24 272:18 273:15 276:24 277:4 286:20 289:5 295:23 321:16 342:2 347:18 quick 36:12 66:13 85:12 157:2 216:6 232:7 277:12 303:23 318:17 318:18 341:22 quicker 283:9 303:21 quickly 35:22,23 35:24 36:9 37:3,24 59:24 67:18 68:12 69:4,5 73:22 76:9,24 85:11 87:5 182:4 237:1 quiet 192:10 quite 17:23 27:17,20 62:11 114:19 156:12 164:1 176:7 186:1 274:24 304:19 quotation 261:12,14 quote 225:24 261:11 282:8,8 292:18	quoting 213:24 231:24 R r 20:5,10 79:16 79:18 80:2 102:20 111:13 rabbit 153:23 radar 171:14 ran 61:18 rank 24:4,10,12 ranks 108:9 rare 125:17 rarely 174:22 180:8,8,9 ratcheted 85:15 85:17 rate 13:13 132:21,24 133:2,4 141:7 141:8 Rauscher 140:15 re-deposing 117:10 re-up 61:2 76:8 re-upped 61:3 reach 217:18 reached 325:11 reaching 325:21 read 30:5 32:24 43:2 82:22 89:21 127:23 128:17 130:16 134:12 135:15 140:23 146:10 146:15,21 154:10,17,21 155:2,19 163:22 165:16 166:15 168:6 198:6,8 219:1 222:23 232:5 245:1 247:6 252:7 269:18	272:8 273:3,7 277:17 290:22 291:13 292:11 301:6 309:19 309:20,21,22 314:9 316:13 317:3 320:5,15 321:14,19 322:12,22 324:3,4,13,16 329:13 331:15 333:19,21 341:9,10 343:20 345:5 346:10 Reade 304:17 reading 135:8,9 136:13 150:1 160:11,12 163:5 169:21 228:4 323:16 323:20 325:24 reads 222:17 226:11 260:7 ready 96:22 200:13 230:3 real 49:12 157:1 190:5 232:7 236:20 277:11 318:17,18 realities 46:15 realize 37:13 194:7 199:6 238:14,15 realized 66:4,24 68:6 77:9 152:24 153:23 226:7 realizing 68:23 160:11 199:4 really 23:4 24:7 57:15 58:17,24 59:1 61:7 95:3 95:5 100:21 102:6 121:10	136:19 145:24 149:23 151:4 155:23 157:17 167:20 172:16 174:19 180:12 186:8 193:22 195:18 256:1 262:2,3 280:21 305:7 322:18 322:20 327:7 reapplication 75:17 reason 13:9 48:7 78:13 84:17 97:13 151:24 152:1,10 224:22 254:23 261:20 262:8 282:13 302:20 305:6,18 317:18 325:17 reasons 27:22 71:7 106:3 181:2 182:3 184:16 217:9 225:11 261:5 reassigned 319:8 recall 63:17,24 72:6 73:16,20 73:20 80:17 81:5,12 114:3 114:14 115:16 115:16 122:24 137:20 149:7 202:20 247:11 271:18 286:1 305:22 315:14 320:1 334:7 335:1,7 recalling 225:17 receive 102:10 147:11 308:21 received 16:6 138:16 146:3

204:3 212:18 301:4 receives 185:8 recess 79:4 142:7 212:15 277:2 reciting 261:23 recklessness 316:21 recognize 140:11 162:13 162:16 173:9 182:2 200:19 205:4,14 216:2 222:6,12 230:12 257:14 recognized 217:15 319:6 recollection 60:6 76:22 81:6 127:24 128:7 134:12 315:6 322:2 332:13 reconciliations 13:2 record 5:2 6:4,5 7:23 8:3 14:4 51:7 55:4 62:3 91:9,21 112:3 118:15,19 119:13 137:3 140:3,10 142:5 150:17 154:5 155:2,3 162:7 171:6 173:3 177:9 190:18 200:9 201:23 202:17 203:4,8 203:10 215:17 220:19 225:13 242:23 243:3 246:24 253:11 253:13 255:22 259:13 272:12	273:21 276:20 298:18 304:1 309:21 310:22 321:19 330:10 331:14 332:7 336:16,20 338:6 346:13 347:17 recorded 89:9 144:24 211:18 334:16,17 recorder 37:19 302:13 recording 37:11 302:13,14,16 recordings 144:2,3,3,6,7 144:17 145:3,8 145:13 146:5 296:13,15 297:7 298:16 330:12,14 334:20 recordkeeping 206:20 records 129:3,9 129:10 144:20 155:13 160:19 161:13 163:22 164:1 166:7,9 171:13 180:2 201:18 202:1 246:19 248:10 252:14 254:11 254:22 272:1 281:19 301:1 315:2 318:7 332:3,15 334:16 342:22 342:23 recovered 90:21 recruit 13:23 14:10 recruited 14:5 reduced 347:8	refer 24:9 35:15 35:16 144:14 185:10 194:19 195:1,11 reference 81:23 94:13 102:14 105:18 135:20 145:2 163:12 164:9 168:19 199:19,20 200:22 204:6 205:16 231:12 234:7,24 237:21 238:5,6 238:10 240:9 240:24 241:13 241:16 243:13 247:18 248:19 249:6 277:7 278:1,9 281:5 333:20 343:23 referenced 70:18 78:12 144:11,18 145:20 146:13 146:18 163:9 207:24 209:7 221:3,23,24 230:17 239:20 242:24 243:10 243:19 244:3 248:16 264:3 283:7 references 80:2 116:15 124:4 201:13 206:13 208:16 228:7 243:16 268:17 referencing 6:18 114:16 144:10 156:20 171:21 172:11,12 201:5,8 208:20 217:13 260:5 295:11 320:6,7	referral 188:7 331:14 referrals 43:11 referred 19:21 43:8 61:19 157:21 169:6 173:21 174:11 178:9 215:9,10 216:5 331:7 347:20 referring 62:13 105:18 130:10 144:20,21 166:21 192:23 193:1 207:17 219:10 228:8 248:17,20 261:9 268:7 281:10,13 299:13 306:11 317:6 refers 207:21 248:5 270:15 refined 156:17 reflect 169:17 170:3,9 224:10 reflected 13:4 166:9 169:5 170:1 reflects 133:23 137:23 139:10 270:17 refresh 127:24 322:1 refused 270:23 303:2 refusing 124:17 refute 252:21 refuted 251:8 regard 105:22 151:5 regarding 34:2 125:12 226:10 232:10 249:10 257:17 334:2	regardless 23:7 119:20 195:18 195:19 regards 247:21 register 206:13 206:17 regular 9:8 17:24 73:19 167:15 regulations 49:8 Reinhart 305:9 relate 119:22 234:13 related 7:3 12:21 20:14 34:3 113:13 126:20 133:21 135:10 151:4 152:2 174:19 199:8 218:11 232:17 239:11 239:15 243:19 243:22 260:10 261:1 343:18 relation 20:15 39:23 76:19 83:5 94:1 113:18 116:11 116:16 117:6 117:18 126:16 127:5 144:16 158:14 159:19 174:16,17 175:11 177:24 225:22 229:6 260:22 277:21 relationship 176:16 177:12 246:17 340:24 relationships 266:6 release 62:13 143:10 152:21 releases 128:11 129:2

relevant 149:19 153:8 161:8 261:24 310:1,2 relied 120:2,13 127:19 144:5 149:22 150:12 159:4,8 334:15 religious 214:17 rely 300:19 308:11 relying 119:11 170:20 308:4 remain 222:22 269:5 270:2 remarkably 160:8,8,9 remember 39:15 60:2 64:21 69:7,18 73:21 76:6 83:9,10 88:10 88:24 89:1,3 89:14 113:21 113:23 114:19 114:24 123:23 124:9 125:22 125:23 129:14 141:5,20 142:22 147:1,5 156:10,13 167:24 168:4 202:8 237:22 292:15 298:8 317:22 318:1 319:17 322:8 323:16 325:24 335:12,14 339:6 344:1 remembering 54:17 remind 7:10,10 48:2 164:6 237:10 remove 84:4 186:14	removed 316:24 render 116:11 rendered 91:12 rendering 131:18,21,24 275:15 rent 68:2 repeat 8:16 83:18 repeatedly 106:13 284:20 rephrase 126:12 report 10:1 55:8 55:11 89:15 91:23 110:23 116:15,21 117:10 119:18 121:19,22 123:4 130:8 133:3 138:13 138:14 140:20 142:11 144:5 145:6 147:14 150:24 151:3 154:17 155:20 156:17 162:2 163:4 171:17 173:11 174:1 193:16,23 198:17 199:10 199:18,21 200:23,24 201:5 204:7 205:11,15,17 205:22 207:1,7 211:18 213:4,7 213:9,11,23 215:2,6,11 216:5,11,11,13 216:17 221:3 221:24 222:1 225:22 229:24 230:14,16,17 230:20 231:7,8 231:23 232:1,2	232:4,7 234:8 234:18 235:10 235:17,19 236:4,10 237:3 238:8 240:10 240:12 242:14 244:18 247:14 247:19 248:8,9 248:24 257:22 258:5,15,24 259:1,5 260:4 261:10,21 265:7 272:16 277:6,11 278:1 279:15 281:4 286:21 292:10 293:1 298:24 313:20,22 316:13 322:15 326:5,6 333:23 334:7 342:1,5 342:20 343:7 343:13,22 reported 168:7 203:5 290:4 334:16 347:7 reporter 1:21 5:14 6:24 9:10 11:24 14:3 347:1,3 348:4 348:8 reporting 290:2 reports 41:6 58:5 117:11 141:3 144:21 145:2 158:20 158:24 212:19 212:20,23 213:5,16 214:13,19 215:12 232:22 236:18 245:6,7 245:10 248:22 336:2,12 represent 235:4	286:19 304:7 335:10 representation 151:13 representatives 153:19 216:18 represented 303:20 representing 99:20 100:3 122:3 125:6 170:12 request 134:6 260:8,24 requested 151:20 208:7 221:17 282:1 requests 282:7 require 25:4,5 52:10 73:9 74:4,9 75:16 94:10 required 12:19 33:3 51:20 52:2 119:18 266:14,15 requirements 42:20 requires 185:13 255:21 requiring 46:19 216:14 270:9 reread 249:14 research 128:20 130:9,20 131:10 132:6 261:24 262:21 295:22 342:2 resembles 288:20 reserved 93:8 347:22 resisting 260:15 268:5 resolution 38:3	198:9 202:22 223:19 310:8 resolve 28:20 37:3 59:24 87:5 158:13 182:24 185:16 resolved 32:10 69:3,3 93:8 276:19 310:5,6 resources 21:3 23:16,21 24:1 26:1 42:22 57:10 184:18 266:7 response 25:4 133:13,20 140:10 150:16 151:7 162:7,18 210:23 217:11 250:19 responsibilities 15:12 responsible 39:22 responsive 243:1 rest 9:9 restaurant 48:15 restricted 192:4 192:7,11 result 29:1 40:23 59:5 79:7 80:13 178:3 181:11 188:5 210:20 283:23 305:23 resulted 198:23 results 226:15 226:20 resurrect 62:3,9 retire 96:22 retired 13:20 14:7 102:23 retribution

84:15 retrieving 272:9 returned 113:15 revamped 59:11 reveal 124:15 147:13 168:8 307:24 reveals 75:15 review 103:1 105:24 106:1 116:10 126:3 133:3 137:15 138:11 141:2 144:7 145:16 145:17 146:5 146:14 148:17 148:20,21,24 150:3 151:8,24 152:1,11 157:18 159:5 160:4,6 161:20 161:21 174:8 223:10 237:2 296:14 297:9 297:10,18 299:23 300:3 307:22 308:6 309:3 310:12 311:18 326:17 327:7 329:14 330:15 331:11 335:16 reviewed 121:19 135:5,7,20,22 136:11 137:17 142:12,16 143:7 144:16 145:2,12,12,22 146:14 147:16 167:5 169:5 170:23 173:10 173:19 198:4 207:23 248:18 296:19 297:2,6 297:17,23	298:16 299:5,8 299:9,10 307:19,20 308:19,22 319:13 328:23 329:1 330:13 334:7 339:8 reviewing 106:12 135:3 140:20 154:24 163:20 166:8 172:18 299:14 330:2 rewrite 253:15 Ridgell 3:17 rife 288:21 rifles 251:23 253:4,14 272:5 right 16:16 24:4 26:12 28:24 29:3 30:3 36:14,15 44:9 47:14 52:16 54:21 70:18 73:15 74:18 77:21 85:21 87:23 88:17 90:2 96:15 100:6 102:18 105:5,16 107:8 112:2,14 119:11 120:18 121:5 123:17 123:24 125:17 125:23 129:21 133:11 141:11 141:11,12,22 141:24 147:5 148:8 156:24 163:22 168:3 175:14 176:6 179:14 185:8 196:22 199:10 200:18 201:3 204:20,23	205:11 211:13 217:7 223:23 226:4,4 229:22 230:6,7,13 231:12 232:13 239:5,7 240:3 241:9 247:8 249:1 252:12 252:12,20,20 253:20 261:15 261:16 265:6 268:20 269:24 271:3,5 280:3 282:24 290:10 290:14 293:6 294:12 296:11 298:5,20 299:23 301:2 301:20 302:18 308:19 310:18 311:6,24,24 313:9,10 315:8 315:12,13 317:3 318:2,9 318:13 319:18 322:6,12 324:16 326:2 327:13 328:9 329:3 330:13 330:16,21 331:15 332:13 332:19 333:23 334:21,24 335:5,23 336:2 336:7,10 337:5 337:20 338:23 339:8,9 340:12 341:12 344:1 right-hand 171:19 205:7 rights 29:8,15 39:4 47:11,12 53:15 69:22 70:1,2,7 232:22 233:6	233:16 252:7 rip 280:16 ripped 280:18 risk 251:15 risking 186:1,2 Rivera 174:4 road 34:10 117:16 246:15 279:18 robberies 15:20 18:13 25:5,10 robbery 16:23 25:9 40:20,20 Robert 1:8 319:19,21,22 320:3 322:3 role 20:21,23 21:24,24 22:6 22:13 79:13,14 110:15 337:6 roles 155:5 317:10 rolled 19:13 70:3 Ron 199:23 200:22 201:9 202:13 203:22 206:11 327:13 Ronald 1:6 3:11 197:1 222:19 257:17 275:17 278:7 346:6 room 5:24 rough 105:5 routes 44:20 routine 75:8 86:9 153:15 routinely 63:21 332:11 ROWAN 1:11 rule 119:8,12,15 119:19 120:10 147:21 308:2 rules 1:18 7:11 48:21,21	119:16 rumor 51:11 run 83:14,22 102:4 209:9 239:14 255:7 running 61:15 65:15 78:12 81:16 83:4 243:24 runs 240:6 S S 1:9 2:18 4:8 SAC 319:22 safe 161:3,3 safeguards 186:9 safety 71:7,12 84:6,7 86:22 172:2 193:8 said/she 50:2 salary 102:10 sales 234:21 238:21 sandwich 85:20 85:21,23 Saudi 60:13 saw 43:2 77:17 85:18 136:24 143:9 155:15 164:8 171:11 178:15 180:2 202:22 220:5 220:19 224:19 225:13 238:8 253:11,14,16 273:23 300:24 301:1 303:8 saying 29:14 34:7 36:20 41:18 44:19 49:22,23,24 51:18 57:18 64:21 86:23 89:9 98:4

104:4 112:13	235:10,19	search 136:20	55:14 72:6	217:24
119:6 124:21	240:22 243:18	136:23,24	77:2 79:16,17	seeking 99:22
125:9 167:19	244:4,17,19	137:5 146:17	90:1 92:7	100:5 126:9
167:22 169:12	246:11 252:17	154:13 310:23	102:21 103:4	seen 202:18
172:22 181:21	252:22 258:6	310:23	119:15 128:8	214:2 224:4
187:5,17	260:13,16	searches 171:4	130:9 133:17	239:19 271:16
189:14 192:17	261:12 266:19	192:11	137:6 142:13	271:21 328:18
201:24 203:4	268:20,23	searching	142:21,24	328:21 329:9
203:19 210:2	269:16,18	152:20	143:12 148:7	331:23 338:19
212:2 213:11	270:23 293:13	Seastrom 1:20	148:14 150:19	338:21,24
213:24 218:9	301:17 312:16	347:2 348:8	152:22 153:13	segment 316:23
218:19 225:7	322:7,18,24	second 35:12	153:21 165:9	self-incrimina...
227:4,13	326:3 329:2	41:11,15 65:8	171:21,23	29:3
229:20 231:24	332:3 334:3	90:19 108:6	172:8 173:17	sell 58:17 67:20
232:2 234:4	335:24 343:17	118:16 126:22	173:18 178:5,7	68:1,2,6
236:20 238:10	344:12,13,14	127:18 132:18	192:12 204:16	207:11 211:10
238:19 245:23	SCAHILL 3:13	157:4 159:24	204:18 205:13	selling 68:17
245:24 246:7	3:13 250:1,5	171:18 200:15	207:12 214:7	78:9 208:7,11
247:16 251:1,3	scale 306:10,12	204:13 221:6,8	224:3,24	208:13,15
253:3,3 254:3	scenario 183:9	221:10 223:22	226:16 227:4	211:6 268:21
254:18 258:22	184:22,22	232:8 250:11	232:11 233:5	268:22 269:2,4
263:7,15,19	192:18,18,19	250:11 257:6	233:14 238:1,1	270:1 307:1
267:14,23	196:14 197:8	258:5,11	239:9,17 240:8	Senate 293:19
271:19 274:2,6	scene 198:3	316:20 323:18	240:8 247:6,15	send 34:24 35:4
274:7 276:4,4	199:13 235:14	345:2	254:21 255:22	35:5 129:11
280:14 284:24	273:9	Secondarily	258:6 259:12	sense 43:5 115:5
285:7,8,9	scenes 227:22	77:2	261:14 262:23	165:18 210:15
292:16 295:3	schedule 314:9	secondary	269:23 270:13	267:18 301:24
302:2,10	scheme 21:3	110:21	272:12 273:21	sensitive 180:3
305:15 312:7	school 11:10	section 33:8	273:22 276:23	sent 41:6 46:21
327:22 330:6	schooled 28:10	152:9 153:4	277:9 278:15	46:23 49:15
330:17 332:4	31:20	207:5 214:8,10	281:7 288:16	111:9,20
335:19,19	SCOLARO	225:21 226:8	293:8,16	128:17,22,24
344:22	2:18	260:6 261:19	298:24 300:9	129:1,2 138:2
says 23:6 41:23	scope 116:21	269:7 277:19	314:20 319:13	139:1 141:1
55:14 102:23	131:15	278:9 304:23	322:6 329:21	155:3 321:5
119:16 135:4	Scott 140:15	343:22	329:22 332:8	sentence 228:5
144:1,3 145:14	screen 10:14	security 13:19	333:18 334:5	229:13 245:5
163:8,13	54:17,22 90:1	13:20 14:6	336:6,13 339:4	250:10,22
165:10,14,17	102:16,21	80:4 82:10	339:13 343:9	258:11 268:21
165:22 167:14	230:13 277:9	181:4 292:19	343:13 344:9	316:20 343:17
168:21 184:14	scroll 223:9,17	292:22 293:4	344:16	344:24
205:6 208:9	233:2 343:16	293:15	seeing 165:4	sentencing
214:9,10	scrutiny 95:5	see 23:1,17	202:20 273:8	150:16 151:6,7
229:14 235:10	188:11	54:18,19,21,23	seek 72:15,18	151:11 227:15

228:8	53:20 68:11	191:17	signature 91:16	262:11,13
separate 17:7	347:11	Shorthand 1:21	347:21 348:3	286:1
45:1 50:18	settlement	347:3 348:4,8	signed 129:1	situation 49:13
54:9 64:4 74:8	228:17	Shorty 165:11	174:2 233:6	76:17 158:13
74:11,16 81:16	seven 108:18	166:18 168:22	287:3	251:10 253:24
97:5 102:4	121:18 143:22	230:21	significant	263:17 264:12
140:1,2 288:11	315:21	Shorty's 289:7	15:22 38:15,15	266:19 290:2
331:9	seven-hour	shot 165:23	53:24 66:5	situations 33:17
separated 50:17	113:4	212:1 236:15	89:3 198:4	310:1
separately 91:24	sex 66:20 67:2,3	243:23 268:24	214:5 217:11	six 18:11 19:16
September	sexual 66:7	show 54:14 68:4	264:16 295:19	60:17,19,21,22
204:10 205:11	shame 157:18	91:7 133:9	330:5	61:22 73:14
205:18 207:8	Shannon 334:2	142:9 162:5	signing 263:12	75:14,22,23
207:24 215:19	share 54:17	239:13 255:21	323:9	76:2 92:19
216:13,17	102:1 130:7	259:13 263:13	signs 108:8	93:5 123:9,9
217:22 220:10	180:13 215:16	263:14 266:13	similar 7:19	280:11,12
220:23 226:10	325:15	276:11 320:17	79:14 179:6	320:16
Sergeant 1:6,7	sharing 57:24	showed 158:20	264:1,2,7	six-month 60:20
130:3 131:19	90:2 102:16	167:6	265:20	60:23 61:1
170:17 171:9	266:4	showing 91:14	simple 280:21	skills 324:8
222:18 240:22	shed 225:18	133:11 204:17	single 86:13	skin 193:5
260:17,21	sheets 346:15	212:5 227:12	146:15,22	slanted 161:15
269:1 271:22	sheriff 182:21	235:16 277:10	198:8 219:8	sledgehammer
272:2 274:3,9	sheriff's 81:21	324:5 343:7	225:2 297:11	56:2 57:1,4
276:12 344:15	shift 177:21	344:2	singular 175:3	58:11,16,20
346:6	shiny 293:21	shows 138:16	sir 44:7 275:5	62:8,24 63:24
sergeants 190:6	shipped 15:7	269:10	287:9 290:9	65:18 79:15
Serial 178:6,8	34:14	shut 196:12	294:18 298:6	slightly 319:1
series 95:1	shock 272:5	225:9,10,11	299:3 303:22	slow 110:17
serious 13:14	shook 23:6	319:7	304:4 308:4	slowly 249:21
35:21 65:20	shooting 187:10	shutting 262:10	315:2 316:15	small 6:1 15:17
88:13,16	187:11,15	side 8:20 10:3	316:19 317:4	18:9 53:7
250:13,24	250:14 274:16	31:7 43:8	318:16 321:15	161:1 165:18
251:9 273:20	274:16,19,20	61:13 107:10	321:22 323:22	194:9 283:20
302:7	274:21	107:13 108:17	327:10 328:18	299:18 307:6
served 94:13	shootings	108:23,24	329:10,24	smaller 57:14,14
service 314:14	234:23 274:17	128:12 163:3,4	335:13 338:17	SMITH 1:10
services 97:2,4	short 24:16	163:4 165:14	343:12 345:3	smoother 7:12
100:13 101:3	29:10 59:7,12	171:19 197:18	sit 7:11 61:23	smuggle 89:1,6
101:22 102:5	79:4 109:11	205:7 246:15	63:16 202:19	89:18
103:11 110:23	142:7 182:24	340:10	295:9	smuggled 87:24
125:7,16,21	183:6,8 212:15	sides 108:16	site 152:21	88:1,8 89:23
134:6,22	277:2	sign 39:5 128:10	sites 307:16	90:3,4
153:19	short-term	287:6 321:20	sitting 34:9 81:6	smuggling 80:8
set 17:3,4 25:10	24:13 59:12	345:5	182:1 251:6	88:2,14,22

90:8	110:13 112:12	sourcing 264:4	310:7 324:12	155:14
so-called 309:3	112:23 116:19	South 2:8,14	spell 5:14	stands 149:2
social 115:12	117:24 122:21	3:14 57:5	spend 92:21	Star 222:19,20
319:23	124:14 125:9	64:14 67:14	spends 139:22	start 16:14 18:5
sold 315:4,24	127:11 130:1	Southern 305:1	spent 134:1,8	49:4 69:15
solid 181:3	145:5 147:4	Spalding 157:8	spits 139:8	70:23 73:15
solution 49:12	148:2 154:19	334:2	spoke 260:13	79:9 97:7
solutions 96:24	173:14 177:5	speak 8:17	268:3,23,24	186:7,8,11
97:7,20 98:5,8	181:5 184:4,7	252:23	269:3,24	189:12 197:18
98:11,15	190:23 193:24	speaker 8:21	spoken 170:14	198:2 199:4,4
100:14,16,22	199:24 208:24	special 15:10,12	sponsor 110:11	200:2 248:3
101:1,8,12,12	209:2,10 212:8	15:14 16:18	spoonfed 299:21	252:13,16,19
solve 56:14,16	212:9 218:16	17:6 18:16,22	spot 137:8	256:3 266:8
solving 97:22	220:7 223:8	22:5,9 38:18	spun 19:10	314:11 323:20
somebody 23:5	231:15 237:1	39:3 53:19	squad 16:14	323:22 329:12
25:2 30:23	237:11 239:4	73:8 94:15	17:2,2,6,7,9,12	started 19:24
86:12 114:21	240:21 241:6	330:16	17:14,15,19	54:4,5 60:16
115:12 137:6	250:2 257:4	specialize	18:6 19:11,12	68:7,16 69:17
161:14 178:12	258:1 267:2	108:10	19:13,24 20:3	80:19 85:16
186:11 191:13	272:11 275:9	specialized 58:3	21:3 53:16	97:11 163:20
191:24 192:11	286:15 287:11	specializes 17:3	54:4,4,9,10	165:4,6 198:2
193:7,21	289:2 291:22	specialty 294:18	69:22 71:1	198:5 236:7
207:19 213:7	293:6 297:15	specific 33:17	192:13 258:14	301:19
225:14 227:3	303:17 314:6,7	44:4 65:16	258:18 259:3	starting 17:19
238:6 262:19	323:23	113:7 121:8,14	331:8	18:14 56:24
272:13 273:8	sort 187:3	137:14 149:7,8	squad's 53:21	67:9 97:13
275:22,22	265:22 291:1	172:16 174:23	squint 54:24	148:10
284:24 312:16	sought-after	177:24 264:13	SSRA 55:15	starts 25:18
327:22,22	14:11	287:9 307:21	staff 12:23	168:21 171:19
somewhat 42:10	sound 66:1 70:2	specifically 22:1	staffed 56:17	171:20 189:16
77:8 126:1	127:22	44:14 131:2	stage 117:23	327:23
179:3 258:22	sounds 30:3	150:19 234:18	stake 101:21	state 5:13 11:2
275:24 308:12	295:1	238:22 246:9	102:1	11:13 64:11
soon 199:3	source 150:8	249:3 322:9	stamp 258:8	72:10,10 147:8
302:13	155:23 156:1,4	339:19 340:2	standalone	147:9 164:19
sophisticated	227:12 260:9	specifics 33:14	236:19	216:11 259:1
94:18,21,22	260:24 262:11	324:19	standard 27:2	305:4,5 307:9
95:2,4,6,10,12	263:20 264:15	speculate 65:6	40:3,7 51:19	346:9 348:4
sorry 24:15 35:8	264:15,20,21	speculating	109:1 287:4	state's 31:23
35:10 43:22,24	264:23 265:2	256:12	330:24	32:4,15 33:21
44:6 45:11,14	265:19 295:2	speculation	Standardized	34:1 226:13,18
48:1 51:1 64:9	295:19 337:21	258:17 259:6	227:10	259:20,21
80:14 83:18	337:22	speculative	standards 40:9	305:3 325:9
87:1 98:12	sources 180:23	210:4	266:12	stated 260:19
99:24 100:17	262:15 266:8	speed 198:15,15	standpoint	267:7,9 281:7

291:2 331:10 statement 28:3,4 28:5,11 29:4 29:12,16 30:2 30:4,5,6 31:5 39:7,18 50:11 50:12 172:10 175:5 202:14 231:13,14,22 232:15 233:1 234:7 235:7 247:20 249:8,9 253:18,19 259:5 288:5,18 288:23 291:3 293:19 301:16 302:2 318:23 statements 13:4 27:19,19 28:1 28:13 172:13 251:13 318:20 319:5 342:15 states 1:1,19 110:20 140:18 149:4 207:7 216:19 228:7 346:1 statewide 64:17 status 52:21 117:13 statuses 25:15 statute 40:21 statutes 33:4 stay 13:14 16:5 60:24 155:16 250:6 260:14 268:4 319:10 staying 13:16 268:7 steering 71:19 stenographica... 347:7 step 20:8,9 217:17 steps 172:5	185:1,2 255:4 256:23 263:3,4 287:24 299:1 306:23 stickies 163:1 Stock 17:24 stop 37:15,23 46:20 87:11 195:13,15 243:17 246:16 291:4 313:2 stopped 37:1 50:6 165:7 270:17 story 50:5 151:13 183:16 straight 18:18 185:9,11 stranger 250:4 Strategic 15:24 strategies 102:15,24 street 2:3,19 3:8 3:14 37:5 77:16 78:2,4 183:20 185:14 210:17 211:11 253:2 272:5 273:1 276:11 284:8 294:7,8 294:21 streets 196:6 stretch 276:22 strictly 49:8 strike 96:5 239:22 241:24 242:21 307:12 307:20 318:17 343:3,3 strip 184:9 strong 25:20 struck 335:2 stuck 135:13 stuff 7:4 10:17 57:12 86:11	89:6 102:3,9 115:7,8 123:3 126:3 129:12 134:8 136:19 136:24 151:2 163:5 165:3 289:18 326:17 334:15 stun 214:4 stunning 213:2 213:21 215:2,9 232:9 249:9 Subcommittee 153:17 subject 28:13 185:18 216:22 222:16 305:11 306:2,5 331:1 subjected 110:21 subjects 329:18 330:19 submits 117:9 subpoena 133:12,20 140:10 162:7 162:18 SUBSCRIBED 346:19 subsequent 47:24 117:22 272:21 subsequently 197:3 subset 161:1 substance 119:1 substantial 71:10 261:4 Subway 85:20 85:21 86:6 successes 56:1,9 successful 296:7 suddenly 302:16 sue 99:22 sufficient 194:3	197:17 310:12 suggest 224:5 271:21 272:2 325:13,18 suggested 272:8 suggesting 272:20 suggests 228:7 267:15 suing 304:8 suit 7:4 110:10 Suite 2:9,14,19 3:3,9,14 sum 20:5,10 79:16,18 80:2 102:20 summaries 144:5,9,16 summarize 279:4 320:15 summarizing 158:24 summary 41:10 41:19,20 42:4 55:22 144:12 145:3 213:14 superintendent 319:15,16 322:3 324:18 325:2,5,20 328:4 supervisor 19:14 39:15,17 53:14,18 54:10 55:15 58:23 65:12 106:11 193:1 215:4,5 304:24 supervisors 20:22 supervisory 94:14 supplied 318:19 support 45:23 46:3 47:15,21	49:18 195:4,12 196:2,4,17,20 208:10 290:6,9 supported 88:20 122:20,21 supporting 317:10 suppose 290:14 302:21 supposed 131:15 219:2 296:21 sure 7:7,17,22 9:7 13:3 21:14 21:17 22:18 30:3 36:13 44:15 51:6 53:8 54:20 58:15 61:3 62:6 63:5 64:10 65:3 69:9 72:8,10 73:7 84:12 98:5 100:1,8 101:18 107:7 109:24 111:18 111:22 112:1 113:23 114:8 114:24 119:15 124:11,24 125:10 147:3,9 147:19,22 149:11,23 152:4 157:3 160:5 161:2 164:10 165:22 168:13 178:5 179:5 193:9 198:6 205:21 209:12,12 216:7 217:20 221:12 230:19 234:6 237:15 249:1 250:4 257:22 258:2

277:1 287:22	tainted 29:7	79:4 107:10,11	199:18 235:17	208:17 216:15
293:2,22	take 9:8 20:8	136:4 142:7	236:23 240:10	328:24
294:11,24	28:8 36:4 39:6	158:13 172:15	250:24 255:5	taxing 222:20
295:11 308:8	47:14 49:9,10	181:9 186:14	266:23 270:17	teach 28:7
308:12 316:16	50:13,21,22	195:2 212:15	284:22 287:16	team 227:21
319:2,17	52:19 54:1	217:5 229:5	309:24 318:15	323:6 324:21
332:14 338:5	57:12 58:16	274:8 277:2	327:20 333:22	325:8 327:3,4
surging 71:13	59:22 62:21	299:1 347:6,9	talks 55:16	334:24 335:20
surprise 62:12	66:13 73:5,11	takes 51:10	228:12 240:1,3	343:19
surprised	73:14 75:4	187:7	240:4,5 260:12	technique 74:10
160:10 332:2	76:10 78:19,21	talk 10:21 21:16	267:11 268:13	75:3 92:10,12
surveillance	84:3 85:19	25:22 27:24	tall 5:21	techniques
256:22	92:22 94:7	30:6 38:4	tangential 151:1	74:13 92:14
surveillances	95:1 101:10	56:23 62:10	tank 97:15	94:18,21,22
96:13	106:7 107:21	71:15 98:5	98:10	95:6,10,12,13
susceptible	108:7 122:15	102:12 122:8	tape 23:5,6,8	95:23 96:3,7
188:9	128:5 129:13	123:5,6,11,17	303:7 312:19	96:17,18
suspect 25:6	129:16,23	153:12 172:23	tapes 280:6,24	104:12,16
suspending	136:12 140:3	174:22 188:8	312:18 317:16	technology
302:19	157:12,15	192:9 207:14	target 31:12	256:1,2,4
sustain 46:16	172:4,24 182:6	235:11 240:13	39:2 66:11	telephone 159:2
sustained 196:5	183:11 185:1,2	243:11 270:23	179:1 181:15	tell 51:9 57:1
sway 263:18,19	185:15 187:4	281:9 296:11	181:18 182:11	71:5 75:20
swear 28:21	196:21 197:10	talked 14:8	182:14 187:8	108:16 124:20
sweeping 231:17	200:15 206:1	34:20 66:1,2	187:21 191:4	146:20 157:1
switch 68:12	212:6 215:15	77:7 96:15	305:14,15	160:3 177:16
204:16 250:1	216:6 221:2	109:21 114:15	targeted 27:4	177:18 182:21
switched 68:14	230:4 234:2,5	122:5,6 123:2	80:3 209:5,15	191:22 192:3
233:13	239:8 242:5	123:14 137:9	targeting 84:15	193:12,12
sworn 5:1,9 6:23	245:5 254:13	150:21 174:7	targets 63:13	198:7 215:5
27:19 28:21	254:20 263:2,3	181:13 184:16	89:19 180:24	219:4 227:8
29:2 39:6	268:10 274:14	190:8 195:3	181:16	228:23 229:1
346:19 347:13	274:14 276:21	216:14 244:12	task 19:10 20:12	229:12 233:16
system 71:24	279:17,18	249:2 271:19	22:5 26:13	236:13 242:1
139:6,7 143:11	286:14 293:7	286:22 320:8	55:16 56:16	252:15 255:17
152:15 163:23	300:19 303:23	342:18	62:16 63:13,14	296:4 298:8
164:8 206:20	306:23 313:21	talking 15:14	63:19,19 94:14	303:24 305:11
systemic 86:16	319:1 321:10	20:9 33:23	175:2 180:12	320:11 321:22
systems 13:3	323:15,17,19	43:14 44:3	264:17	323:14 335:4
	325:13,16	85:8 87:17,18	tasked 106:20	337:24 347:13
	333:5,6 336:23	87:19 92:2	262:1	telling 50:13
T	344:23	98:6,7 115:11	tasks 138:8	83:12 84:2
T 4:8	taken 1:16,20	115:18 177:23	taught 264:23	191:21 193:7
table 295:9	5:4 45:24 47:2	183:6 190:12	304:18	289:21 297:9
tactic 78:13	47:24 51:16,20	196:15 198:23	tax 207:10	336:4
tactical 302:22				

Templeton 97:1 97:3 98:3 100:12,20,20 101:2,22 102:5 102:6,10,13 103:10 110:13 110:14,14 133:16 Templeton's 139:7 tempo 21:10 85:15,15 283:8 ten 42:5 60:4 85:24 117:11 315:17 tend 17:2 263:13 tenor 315:1 term 19:6 24:16 29:10 43:4 59:7,12 60:18 61:20 67:11 94:23,23 180:10 238:9 265:15 281:15 287:19 288:2 termination 29:1 49:6 terms 17:11 31:24 42:17 43:14 52:21 57:2 75:11 96:4 98:11,16 115:23 142:3 158:4 170:20 176:15 189:21 190:12 256:13 287:7 307:18 343:2 terrible 69:2 territory 17:22 terrorism 95:15 95:17,22,24 96:8 98:23 99:2 103:8,13 104:18 113:13	terrorist 113:14 test 117:12 233:11 testified 5:10 109:23 111:9 111:16,21 113:10 115:23 291:7 340:3,9 340:12 341:12 341:18 testify 112:17 115:24 162:1 303:8,10 testifying 109:22 133:4 340:18 testimony 6:18 49:19 98:13 109:20 110:6 113:12,18,22 114:15 153:17 173:22 289:7,8 300:20 346:11 346:13 texting 252:17 Thalken 304:15 thank 9:14 173:14 200:16 257:8 298:20 303:22 319:12 341:21 344:6 345:3 Thanks 200:5 204:13,22 222:3,4 333:7 theft 15:21 317:24 theirs 228:1 theoretically 319:9 they'd 58:16 thing 6:23 8:6 13:6 20:7 37:7 37:12 61:3 75:22 77:20	97:18 106:6,14 108:4,5,6,14 108:15 129:7 136:17 143:12 149:16 159:19 160:4 186:8 188:18 190:7 198:8 199:14 204:6 217:12 223:16 225:2 228:16 235:15 247:6 249:21 252:12,12 253:1 258:3 262:4 273:9 293:4 294:12 322:7 324:6 330:7 337:1 things 7:12 10:7 16:24 32:24 41:10 43:16 48:19 50:10 55:3 57:14 65:4 76:23 86:14 87:9 92:4 94:7 96:14 99:14 108:11 135:3 141:17 147:13 147:16,18,23 148:3 150:15 156:4 158:23 160:5,10 163:24 172:17 176:13,23 180:23 181:13 183:4,20 188:16,24 190:4 192:1 193:3 198:10 203:3,20 224:19 225:17 232:3,5 238:15 251:7,10 264:18 271:11	271:13 274:17 285:16 289:20 298:23 308:8 310:3,4,8 317:17 332:5 think 6:20,24 8:1 10:16 12:7 12:10 16:7 20:2 27:10 31:2 37:6 39:14 41:9 43:2 53:7 55:10 59:1,10 61:4,5,7,11 63:4 64:17,21 70:18 72:6,21 76:1,4,7,12 83:10 85:7 88:9 89:6,8,10 91:13 96:10 97:15 98:10 101:9,9,11,17 101:19 107:11 107:12 108:18 114:10,16 115:7,13,14 116:6 117:10 118:16 121:3,4 121:6,9,23 122:16 123:1,2 124:20 125:18 125:24 127:13 128:16 129:6 130:14 131:5,6 134:7 137:19 139:24 142:20 143:22 145:14 146:1 147:2,3 147:6,9 156:2 156:23,23 157:7 159:7 160:6 161:3,4 161:11 165:17 165:24 166:4 166:14 167:23	173:12,24 175:5 180:2 184:14 186:24 188:10,18 197:17 199:1 199:13,13,17 202:22 205:19 205:19,21 206:6 217:8 219:8 220:3,18 220:24 222:1 224:2 235:19 238:7,17 242:24 244:18 246:23 247:7,8 247:10 251:2,8 251:12,20,21 253:17 254:21 255:3 256:10 260:3 262:12 264:9 266:18 266:21 271:19 272:12 273:3 274:2,22 279:10,23,24 280:3,22 282:4 282:10,20 283:7 284:6,19 286:9 288:1 290:2 294:9 296:5 297:20 303:6,6,13 306:9 307:17 308:1,17 309:2 309:23 310:24 313:17,20 314:17,20 315:5,22 317:23,24 320:6,6,7 322:22 323:13 325:18 326:1 328:22 331:16 332:3,5,23 333:11 335:12

338:2 339:7 341:11,18 342:6 343:11 thinking 6:21 129:6 161:18 198:13 249:1 312:9 314:8,10 thinks 271:2 third 107:11,12 223:22 third-party's 198:16 thorough 276:17 thought 43:3,4 59:22 61:9 70:3 87:7,15 90:3 100:9 109:9 112:1 113:2 128:18 130:24 136:24 147:18 153:23 154:2,10,13 163:20 165:5 217:11 220:13 246:18 261:23 265:9 287:12 291:6 295:23 300:23 341:5 thoughts 142:3 thousands 146:8 146:8 155:8 160:22,22,22 298:6,6 threat 73:13,18 113:14 293:23 threats 293:14 three 6:16,20,21 6:21 25:8 39:10 56:10,12 62:18 64:19,23 72:5,21 107:11 114:12 135:14 183:15,15 three-page	221:7 222:16 three-year 62:14,15 thrive 231:21 Thursday 122:17 thwart 76:23 ticket 67:7 239:16 tie 239:3 242:12 tied 242:17 ties 246:1 252:20 tight 12:7 Tim 249:23,24 time 8:11 9:11 10:15 11:2,13 12:5,18 13:19 16:21 17:5 18:8,8,21 19:1 19:17 20:16 21:13,16 23:22 31:3,13 34:21 36:23 37:16 38:5,9 39:12 39:13 41:11 48:4 53:1,8,9 56:7,19,20,21 56:22 59:10,20 62:23 63:1 69:13 71:1,2 71:11 75:13,16 75:17 78:24 79:10,11,23,24 80:17,18 83:6 83:16 92:16,18 93:7 99:21 101:7 106:19 112:9 118:10 118:17 123:9 128:19 134:8 134:10,18,23 138:2,9 139:8 139:15,21,22 139:23 141:12	141:22,22 144:4 149:19 149:20 153:8 155:15 160:12 166:15 172:12 176:3 179:11 183:12 184:10 184:12 185:15 186:21 190:9 191:3 192:4 196:24 198:5 209:5,9 214:23 215:8 219:12 220:10 225:17 236:10,21 245:15 248:23 253:8 259:13 264:6 274:10 277:7,21 278:4 279:4,8,13,14 279:19,21 280:4,23 282:3 283:14 286:12 289:13 293:7 295:21 298:23 298:23 303:10 303:22,24 305:16 307:6 314:8 325:5 329:8 338:2,19 345:4 347:19 timekeeper 338:4 timeline 155:4 times 6:15 34:22 36:1 39:8 68:20 87:16 122:8 123:5,6 123:9,11 172:16 173:21 196:10 264:23 326:10 timing 106:6 187:18 timing-wise	276:23 Timothy 3:13 221:21 tipped 270:21 title 12:17 15:8 74:7,15,18 75:3,4,18,23 76:4,6 95:7 156:13 230:14 titled 142:12 to/from 158:19 204:9 205:10 205:17 221:4 248:22 258:6 258:15 260:5 260:12 344:3 today 5:24 7:11 7:15,20 9:7 21:16 61:23 63:16 116:16 117:6,17 118:3 118:22 122:16 142:17 179:19 251:5 256:1 273:13 275:6 286:21 297:23 345:4 today's 55:20 116:8 121:16 told 28:15,16 32:11 85:3,5 86:18 114:5 127:8,9 159:15 159:22 160:4 210:24 211:20 229:9,9 233:18 259:14,16 284:19 295:7 295:24 322:9 322:20 326:2,3 Tom 304:14 tomorrow 313:18 314:4 tone 309:5 tool 38:2 77:19	77:23 tools 74:2 88:18 top 18:13,14 69:9 89:14 205:6 206:6 268:13 271:18 292:14,17,19 293:12,23 294:22 335:7 topics 126:16,20 127:4 146:17 292:10 tops 37:1 total 138:5 207:23 totality 129:10 146:14 162:22 244:7 totally 309:6 touched 34:20 towed 198:19,19 traces 81:1 tracking 219:13 tracks 49:2 trade 66:20 314:23 traffic 7:1,2 46:20 58:18 199:3 243:17 trafficked 66:3 66:6,15 68:21 trafficker 71:9 traffickers 65:22 66:22 67:19,23 68:7 78:9 trafficking 54:1 65:14,19 69:22 70:6 77:5 80:11 trail 326:23 327:1 trained 77:16 212:18 213:3 213:15 218:7

training 11:6 28:9 32:18,21 33:15,15 212:18 transaction 306:22 318:14 transactions 306:14,17 307:15 transcript 143:6 308:16,23 346:10,12 transcripts 136:10,12 144:19 146:16 319:14 transferred 16:13 53:2 transition 66:21 69:1 transport 90:9 90:17,18 transported 89:19 tremendous 48:20 triage 24:6,7 triaging 25:22 trial 108:13 109:5,6 133:4 tried 35:24 85:10 155:3,4 155:6,13,16 327:18 tries 13:23 true 37:4 88:12 94:1 210:16 234:17 253:2,3 253:3 270:20 290:11 342:9 342:15 346:13 347:17 Trump/Biden 110:1 trusted 86:20	truth 50:13 343:3 347:13 347:14,14 try 8:7 37:7,24 57:8,11 78:5 78:13,14 92:5 96:5 109:1 163:4 164:5 177:10 184:19 185:16 192:15 193:16 242:9 255:24 trying 13:15 33:5 62:21 77:8 98:11 133:10 135:10 154:13 164:5 180:13 184:9 187:3 192:5 193:22 218:22 233:2 238:11 238:12 243:2,4 245:3 263:9 272:22 289:3 302:6 337:7 340:22 tscahill@bork... 3:16 Tuesday 122:17 turn 37:17,18 38:2 190:9 191:6 223:2 236:21 turned 88:21 280:6 288:10 290:11 307:7 Tweet/Tweak 165:12 166:19 twice 198:6 two 7:2 11:22,24 12:1,15,20 13:7 23:14 33:7,11 39:10 41:7 48:12 53:24 61:16	62:10 72:5 81:22 87:16 92:14 95:9 97:5 114:14,20 115:2 116:15 116:17 122:13 122:14 123:15 128:11 131:10 147:5 150:21 151:8 174:13 174:16 175:8 176:16 177:3,7 177:13 183:3,3 189:19 198:13 217:23 243:24 246:4 248:11 253:4 261:24 265:23 272:4 280:18 298:22 302:23 317:12 322:10 338:8 338:11 342:1 tying 238:15,22 type 13:6 23:16 30:13 37:12 39:24 40:5 97:18 115:11 213:8 265:13 271:8 273:9 285:21 288:11 306:10 336:24 typed 164:4 types 18:2,23 21:21 25:13 98:22 typewriting 347:8 typical 104:8 U U.S 21:4 27:13 28:10 31:21 34:6,13,15,16 35:16,19 43:8 43:20 67:16	74:20 75:6 81:15 98:1 150:15 227:9 227:16 228:19 229:8 233:17 287:2,4,6 288:3 291:4 304:16,18 325:11,21 328:5 337:13 ultimate 343:3 ultimately 88:12 131:21 196:22 196:24 276:10 301:12 Um-hum 130:11 unable 46:22 269:11 unaware 180:24 unclear 8:14 uncomfortable 127:23 uncover 49:20 undercover 56:17 58:9,11 60:17,18,23 61:20 65:11,13 67:17,18 68:12 71:3,7 72:14 72:15,20,23 73:6 74:1,11 76:2,20 77:14 78:6 80:2 82:4 83:8,14,22 84:20 87:9 88:6 89:7,17 90:15 92:10,11 92:13 93:2,13 94:2,5 95:8,13 104:11 188:17 undercovers 77:15 undersigned 207:8 260:20 261:13,18	269:6 344:13 347:24 understand 8:14 29:24 119:6 120:4,10,18 125:8 136:14 140:18 145:14 160:21 172:17 187:5 290:21 340:23 understandable 242:10 understanding 28:2 85:2 88:5 120:8 124:18 132:8 146:2 156:6 166:8 168:23 171:8 173:21 174:11 174:12,16 175:1,8,9,15 176:1,2,12,12 177:1,3,8 179:20 189:4 189:18,19 195:9 201:9,16 201:20 206:16 206:19 227:3 232:14 265:21 265:22 266:9 286:24 287:7 287:18 293:20 296:20 315:23 understatement 288:21 understood 9:3 291:2 325:16 unfairly 130:1 unfettered 231:18 unfounded 196:5 uniform 90:16 uniforms 87:10 87:13

unilateral 224:20 263:11	upstreamed 66:19	value 204:1 344:24	210:14	violent 65:14 103:22 104:18
union 195:18	USA 150:4	valve 86:22	victim's 50:5,11 50:12	183:20 234:9
unique 188:18 188:19	152:2 338:15 338:18,19	van 235:20,21 235:22 244:19	victimization 37:23	vote 25:1
unit 15:5 21:22 38:12,23 41:8 41:10,12,15,16 41:19,20 42:4 53:19 60:10 207:9 217:4 222:18 248:10 248:17 255:1	use 30:1 74:6,14 77:23 93:19,22 94:2,4 95:6 96:7 104:11 107:23 135:17 136:15 139:6 153:13,15 157:17 181:3 183:7 200:3 204:22 214:6,6 214:9,10 260:8 260:24 261:10 263:20 265:14 269:11 278:10 278:12 280:7 281:1 288:3 303:2 337:21 337:22 338:1	244:20,21 245:12,13 variety 15:19 16:20 various 58:6 164:6 234:23 vast 174:24 179:2 194:11 194:12 vault 152:20,24 vehicle 90:17,21 198:12,14,18 198:20 vein 98:24 venue 227:19 verbal 141:21 verbally 73:15 186:20 verify 336:6 version 149:13 151:12,13 157:19 versus 5:5 25:10 25:18 35:5 53:18 90:10 105:3 110:1 150:4 152:2 185:14 190:15 338:16 vet 108:7 veteran 102:24 vetted 19:4 263:22 vetter-in-chief 19:5 vetting 20:11,13 21:20 22:8 128:14 victim 50:13 198:18 209:18	victimized 68:22 210:19 victims 58:6 209:21 210:1,7 210:10 victories 109:9 video 49:2,3 90:15 144:2 video/audio 145:8 videoconference 1:17 2:1 3:1 5:10 347:4,10 videotape 50:3 videotaped 90:14 videotapes 285:20 view 199:14 213:13 228:5 246:5 276:3 334:20 viewed 285:11 violate 29:17 violated 42:19 violating 147:22 violation 37:10 39:24 40:1,5 40:19,22,22 41:18 42:6,8 154:7 196:16 225:7 violations 15:16 15:18 17:3,4 28:19 40:18 42:5,5 106:2,4 106:5 163:8,18 163:19,21 339:22 violence 234:23	voucher 40:21 41:22 42:7 vulnerable 316:23
United 1:1,18 31:22 32:4,15 33:20 34:1 110:20 149:4 216:18 226:13 226:18 228:7 346:1 units 41:7,8 50:17 University 11:1 11:3,12 unknown 207:9 302:20 unlawfully 130:2 unnecessary 309:6 unpacks 176:22 unsustained 254:1 untold 180:21 ununderstand... 241:24 unusual 203:5 unusually 265:18 unwind 188:10 unwritten 177:2 224:18 updated 34:2 55:21 upset 203:6	uses 94:24 227:10 265:2 usually 26:20 99:16 114:22 125:18 126:1 135:17 139:23 141:14 147:19 191:17 194:20 227:9 245:7 265:19,22 288:12 292:8 307:5 utilize 74:3 98:24 utilized 23:22 24:1 95:23 U UW 339:24	v V	W	W-A-G-A-F-E 110:1 Wacker 2:14 Wagafe 110:1 112:13,14,15 112:16,17 wait 47:4 64:9 112:23 167:8 182:11 184:4 184:23 186:18 187:6 193:12 221:19 241:1,1 241:2 245:18 245:18,18 262:14 275:9,9 275:9 276:13 276:13 300:12 300:12 303:15 303:15,15,16 313:2,2,2,12 waited 181:10 waiting 182:1 183:9 222:4 waiver 233:7 walk 88:3 walking 90:24 110:18,18 walks 23:5 WALLACE 2:2 Wally 45:11 119:5 124:10 128:9 300:3,6 want 7:10,22 13:14 21:14,17 27:15,17,20

29:6 37:3,4	wants 85:22	243:11,13,16	way 8:16 27:21	180:13 183:6
44:13 52:17	119:13 227:17	243:20,23,23	34:5,6 37:9	184:10 186:4
60:5 65:2,2	warranted	244:2,5,8,13	38:13 41:17	191:6 192:8
71:4 73:2	117:12	245:13,14,15	57:9 61:11	198:23 205:8
78:24 84:6,10	Washington	246:3,8,11,21	62:9 66:10	237:10 251:13
84:12,16 92:1	110:4	247:3,16	77:3,24 89:4	264:4 276:22
93:9,10 98:12	wasn't 13:16	248:19 250:14	89:10 95:4	280:24 312:19
117:24 127:21	38:23 57:15	251:17,24	97:10 100:9,22	318:10,11
127:22 128:18	61:6,7,14	252:3,21	101:9 110:17	320:21 323:23
142:2 148:20	64:12 68:3	253:18,22	115:20 118:14	341:8
151:8 183:13	73:22 77:10	254:2,12	137:10 143:16	we've 89:16
196:20 200:1	84:5 86:8,8	256:20 257:17	145:14 157:24	124:22 162:2
205:20 207:20	87:23 89:3	260:13,14,17	161:15 163:23	184:16 219:16
211:20 227:12	111:22 112:1	260:21 263:6	189:3 190:1,2	231:7 333:11
227:18 228:1	124:6 127:7	263:23 267:1	192:16 193:14	weapons 68:18
229:16 234:12	149:11,24	268:3,4,4	197:9,12	web@halemo...
237:15 247:20	150:18 154:1	269:1,5 270:1	210:17 211:1,7	3:5
247:24 252:23	198:7 202:18	270:8,16,17,20	220:13 225:7	website 97:10
259:16 264:13	202:24 220:21	270:21,23	227:14 229:17	101:13,16
272:17 276:22	241:11 251:10	271:4,8,15,17	250:22 254:4,8	weddings 192:1
277:6,16 289:4	262:12 276:12	271:22 272:2,4	255:6 257:2	weed 244:5
293:6 298:20	291:17 295:9	272:8,9,13,20	261:20 265:4,8	weeds 135:14
298:22 307:18	295:12 308:8	273:5 274:3,9	268:10 273:15	week 298:15
310:7 311:17	310:24 339:19	275:5,17	283:11 287:8	314:11
313:18,19,21	watch 58:13	276:12 278:7	293:2 295:5	weekly 104:8
321:14 323:22	watched 90:18	278:11,21	297:3,21 329:3	weeks 73:14
329:11 333:5	90:18 145:8	279:11 280:5	342:8,14	123:9 134:15
333:19 334:3	Watt's 246:5	280:13 282:8	ways 31:21	134:16 183:15
334:12 335:16	Watts 1:6 3:11	282:15 283:5	106:15 274:24	320:16
335:21 344:11	130:3 131:19	283:24 291:17	336:5	weight 195:21
wanted 18:5	150:4,17 151:6	291:18,24	we'll 48:3 52:16	328:7
61:15 67:21,22	152:2 170:4,17	302:4 317:7,13	52:19 121:7	Wells 158:1
68:5 76:23	171:9 177:24	317:19 320:3	140:3 173:1	169:7 231:2
77:2 89:6	197:1,20	323:6 324:21	200:3,9 204:23	234:22 269:4
128:8 129:9	203:10 222:19	325:1 326:7	230:7 233:16	314:24 315:4
147:23 148:24	231:19 234:9	327:13 329:16	234:2,3 242:5	went 10:24 11:7
149:11 150:3	234:13,15,17	331:13 338:18	257:9	17:13 18:17
151:24 152:1	235:5,7,12	344:15 346:6	we're 7:14 24:22	20:4 44:12
160:5 164:9	236:2,5,22	Watts' 150:16	24:24 28:17,18	54:7 55:23
179:22 226:7	237:21 238:5,7	151:7 232:10	43:14 67:11	60:12 61:6,12
237:10 250:3	238:22 239:3	244:17,24	76:10,13,13	69:1,5 73:18
300:9	239:21,24	247:21 248:10	85:8 117:2,5	73:21 76:17
wanting 87:7	240:7,9,16,18	249:10 254:20	118:8,17	82:18 89:10
152:10 153:20	240:22 241:13	256:14 334:24	121:10 128:5	109:6 113:3
260:13 268:4	242:13,17	335:20 343:18	153:9 180:10	155:20,21

296:1 305:3 325:3 weren't 38:24 63:11,12 67:1 67:3 82:7 108:11 144:19 146:24 152:4 172:17 258:21 263:14 297:12 299:11 312:24 West 2:19 3:3,8 5:20,22 16:14 17:13,18,21 18:15,22 20:17 23:24 26:4,14 33:9 34:22 53:11 304:22 Western 110:3 wheelhouse 163:19 Whinney 11:20 white 21:8 117:4 118:5,10 235:20,21 244:20 white-collar 15:21 17:20 20:19,20 21:1 97:16,21,22 98:17,18 99:1 103:8,12 white-collar-t... 17:23 wide 15:19 widely 82:21 wider 327:3,4 wife 316:1,7 332:17 Wilbert 165:10 166:18 167:14 167:20 229:24 230:18,21 247:23 252:15 270:6 276:11 William 3:2	294:15 304:6 Willie 268:14 290:15 willing 186:20 238:20 314:13 win 109:8,8 wind 157:5 windows 57:13 wine 67:8 wire 74:7 75:3,4 75:18 wiretaps 95:7 withdraw 303:18 witness 4:2 5:1 12:1 14:5 29:22 30:20 31:18 35:10,15 43:23 44:8 45:11 46:13 47:7,18 48:7 51:5 52:2 64:9 98:2 103:16 104:22 108:3 113:2,21 114:7 116:6 119:18 119:19 121:2 126:24 131:14 132:13 147:16 159:17 160:2 161:11 166:24 167:12 168:11 169:11 170:8 171:2 177:7 182:17 184:6 185:5 190:20 191:10 195:8 197:23 200:16 206:5 209:2,9 209:18 210:9 212:13 218:5 218:16,18 221:15,21,23 222:12 223:11 228:12 232:9	237:5,12 241:5 241:8 242:9 244:10 245:22 247:20 249:9 249:14 251:20 254:8 255:11 256:17 259:9 259:12 267:22 268:10 274:13 275:12,21 276:2,16 278:24 282:20 283:20 284:19 285:15,24 286:8 291:13 298:2 300:2,11 300:15 303:6 303:17 307:4 307:24 309:16 309:22 311:14 311:21 312:6 313:5,15 314:2 316:6 324:6 326:14 327:16 327:18 331:23 332:23 339:12 340:8,17 341:17 347:5 347:12,19,21 348:3 women 46:19 won 59:2 wonder 154:4 word 111:14 137:10 214:6 312:8 324:2,5 324:7 words 213:1,2 213:14,20,21 214:9,11 225:24 227:9 227:11 265:4,5 282:5 work 11:14,14 11:21 13:8,17	15:18 16:22 17:6 18:15 19:1 25:9 38:10,20 59:23 66:9 77:3,10 96:24 97:19,20 98:15 100:12 100:21 101:3 102:12 107:3 107:17 121:5,5 124:23 127:15 131:7 132:22 133:21 134:4 137:23 138:17 138:18,19 140:19 141:2 174:17 175:9 175:20 176:4,8 177:4,8 185:19 188:23 193:9 260:19 263:19 265:19,24 267:9 301:12 301:17 308:2 worked 11:16 12:14 13:1 15:16,19 16:23 18:4,9,23 20:3 20:5 26:21 56:7,18 59:24 68:19 70:13,23 72:3,11 95:21 98:2 105:9 261:18 269:6 305:4 327:13 working 15:9 38:6 71:16,22 77:14 81:13,17 81:18 86:22 95:15 99:1 105:2 111:5 130:3 147:14 158:20 174:10 177:11 178:1 210:17 337:12	works 77:24 264:22 337:8 340:23 world 190:5 236:20 worse 215:13 233:3 289:20 worth 36:2 wouldn't 22:22 32:16 47:7 67:23 68:2,23 85:6 86:18 87:11 106:24 134:14 188:23 189:2 196:6 202:18 219:9 220:4 234:10 240:17 252:11 276:2,3 289:22 299:10 302:9 326:4 335:4 336:4 337:24 340:17,19 wraps 192:15 wreck 58:4,13 114:18 199:3 wrecks 114:19 198:16 write 163:4 211:17 212:19 213:8,16 214:13,22 258:12 316:14 316:21 write-ups 202:2 writes 329:14 writing 106:20 133:3 165:2,6 165:7 176:15 203:18 213:11 266:17 written 39:7 72:23 106:23 115:3,7,8,19 137:7 141:14

144:5,9 158:23 163:24 177:1 177:11 189:17 207:20 214:19 214:19 235:10 260:8,24 261:21 263:16 264:10,11 265:10,21 287:1 312:9,10 313:20 316:12 wrong 41:2 46:16 137:8 166:10 220:13 227:14 295:16 332:13 wrongdoing 49:20 52:10 wrote 56:17 163:3 215:1,12 225:15 259:5 289:1 293:2	156:23 165:24 167:12,17 169:11 170:2 171:2,5 173:18 176:17 179:13 179:14 184:6 196:19 197:6 200:3,7 201:6 211:10 212:3 212:13 213:5,6 213:18 218:5 223:18,21,24 224:12 227:7 233:13 236:9 237:6 240:1 241:6,8 242:9 245:17,17 248:6 250:5 255:15 264:4 265:14 266:1 267:5,10 268:20 269:17 271:1 273:3,16 274:19,23 275:12 276:16 277:13 279:23 282:10,11,20 285:15,24 287:16 290:7 292:19 294:24 295:14 300:6 301:24 303:12 306:19 310:20 312:16 313:15 314:2,8 315:23 316:16,16 319:22 321:6,6 335:12 336:8 336:11,20 337:2,3,11 338:7,22 340:17 341:15 year 14:16 16:13 16:17 17:12 60:2 61:22	69:18 80:21 81:3 105:4 224:22 years 10:24 11:22,24 12:1 12:15,20 13:7 18:11 19:16 20:18 55:23 57:7 60:7,7 62:18 64:19,23 81:7,7 96:22 105:9,13 108:17,18 109:6 113:24 114:1 152:16 167:15 172:7 230:24 243:24 304:11 yellow 163:1 yep 87:22 212:8 212:8 231:6 York 188:21 Young 1:10 11:19,21 12:14 12:15 13:19 14:6	1 1 4:10 91:4,8,22 130:7 133:13 162:3 171:16 178:6,8 205:6 232:7 250:8 272:17 1-B 142:10 1,200 156:3 10 4:15 230:8,9 231:8 247:23 100 32:2 296:13 100,000 92:19 92:21,22 10863 200:4 10947 257:5 258:9 10948 257:5 258:9 10th 96:20 11 4:15 133:15 199:19 257:10 257:11 266:22 344:5,6 11/9/07 301:7 11:09 78:22 11:15 79:2 11th 301:22 12 4:16 320:21 320:22 13 4:16 199:21 200:22 323:20 323:22 324:1,9 13-page 173:4 133 4:11 13th 301:10,16 14 4:17 42:5,8 60:7 80:22 81:3,7 162:8 204:8 205:15 205:24 206:5,6 216:5 328:13 328:14,15 329:12,23	140 4:11 14122 222:20 14th 321:1 15 20:1 60:7 81:7 134:3 225:22 230:18 230:24 231:13 328:13 330:23 150 133:1 140:19 15th 133:24 134:18 16 1:5 5:5 97:11 231:13,13 232:8 247:18 258:5 346:5 1600 2:19 162 4:12 16th 207:8 17 204:10 216:13 260:5 1700 3:14 173 4:12 17th 205:11,18 207:24 301:20 18 1:22 18:18 53:5,6 152:9 258:6 272:18 301:22 346:12 347:4 18- 53:8,9 18-month 18:19 18618 230:1 186238 215:18 18626 230:2 18627 204:12 18629 221:9 18631 221:9 18th 174:2 19 80:3 194 164:7,18,19 1984 11:3 1985 14:17,18 14:18 1986 14:22

1987 11:9,9 14:24	19:2 34:21 39:11 52:20,23	220:10,23 215 4:14	241:13 3,300 134:17	342:5,10 48 184:12
1991 16:7	2007 55:16 56:7	21st 199:22	3/24/09 333:22	
1992 19:2 34:21 39:11	69:21 70:11 277:8,8,22	200:21 202:16 215:19 216:17	3:30 140:14 141:22	5
1995 153:21	278:5 301:7,22	217:22 226:10	30 75:9	5 4:4,12 67:7
1A 4:10 54:11	301:22	301:23 317:24	302 168:13,14	89:15 133:13
54:15 55:4	2008 256:3	318:14	333:22,23	140:10 171:17
89:16 102:20	277:8,22 278:5	22 134:1,9 277:7	304 4:5	173:2,6 315:5
1B 143:8,24	279:16 281:2	277:15,21	30th 301:17	5,700 138:5
1st 91:18 123:24	301:23,23	222 4:14	311 2:3,14	5:55 345:6
125:3,11 129:2	302:23	23 281:4	312.229.0719	50 18:7 56:21,22
137:23 139:11	2009 333:17	230 4:15	3:4	92:18 152:16
139:19 251:14	201 2:9	23rd 302:23	312.243.5900	157:8 235:20
	2010 60:6	24 187:14	2:4	244:22 245:12
2	2011 55:16 56:7	333:17 348:5	312.372.0770	245:23 299:16
2 4:11 60:18	148:19 149:15	24/7 37:19	3:10	500 135:13
133:6,10	174:2,3 175:20	257 4:15	312.422.9999	500-page 136:22
134:24 140:5	176:1 177:23	26 119:8,12	2:20	51 163:13
233:5 316:13	318:12,13,14	308:2	312.427.3200	5200 2:14
316:16,17	2012 281:22	26(a)(2)(b)	2:10	317:24
2:40 212:10	282:7,17	119:19	312.580.1030	53 3:3 235:4
20 3:14 20:1	2014 235:22	26(b)(4)(c)	3:15	236:21 237:18
167:15 193:13	2015 96:20	119:16	312.982.0090	240:21 243:12
193:13 230:24	97:11 293:20	2640 222:19	2:15	343:17,17
20-month 53:8,9	2018 338:22	26th 135:20	31st 137:24	54 4:10 243:15
200 2:8 4:13	339:5	27 109:6 281:24	138:22	55 2:19 243:16
296:13	2019 100:17,17	2700 3:9	320 4:16	244:13 245:1
2004 171:12	101:6	27th 135:24	324 4:16	56 163:14
172:11 199:2	2020 100:16	139:12,19	328 4:17	234:10 240:21
199:22 200:21	111:10 143:12	28 91:16 257:15	33 3:8	243:18
202:16 204:10	2023 321:2	267:4 344:4	334 3:3	57 142:11 244:3
205:11,18	2024 1:22 91:18	28-page 91:9	341 4:5	574 315:6
207:8 215:19	125:11 133:15	28-plus 96:22	37 321:12	58 163:14
216:13 217:22	133:24,24	28-year 102:23	38 137:24	243:12 244:4
220:10,23	134:3 137:22	286 4:4	323:20 324:1	5th 137:22
226:10 235:13	137:23,24	28th 257:4	39 323:21	
256:2 290:16	138:17,21	29th 133:24	39th 272:5	6
2005 221:4	139:19 140:14	134:18 136:1	3rd 2:3	6 4:13 162:7
222:8 223:5	251:14 346:12	2nd 140:14		163:8 200:10
229:24 230:16	346:21 347:4		4	200:11,19
248:18 257:15	348:5	3	4 4:12 55:13	293:10 322:6
258:6 267:4	205 4:13	3 4:11 92:2	130:8 132:6	333:15
270:5 344:4,13	20th 174:3	137:21 140:6,9	162:6,10	60 18:7 75:9
2006 18:17,18	21 206:5 216:9	235:23,23	301:22 333:8	214:22
				60603 2:20 3:9

3:15 60604 2:9 3:4 60606 2:15 60607 2:4 62 233:11 234:11 247:3 68 143:24	922-page 156:9 156:11,19 93 16:15,15 9th 301:15			
7				
7 4:13 144:1,10 164:22 204:24 205:1,9 239:8 239:11,23 240:19 270:5 321:11 702 96:15,16 715 222:18 7th 229:23 230:16 248:18 343:11,14				
8				
8 4:14 215:15,22 226:7 80 105:6 80/20 105:6 85 148:7 86 15:2 87 15:3 8940 1:5 5:5 346:5 8th 138:17,20,23				
9				
9 4:14 221:4,4 222:8,8,10 223:4 301:7 323:21 9:30 1:22 90 76:1,1,7 90-day 76:5 900 299:15 91 4:10 92 16:15 18:17 922 299:16				

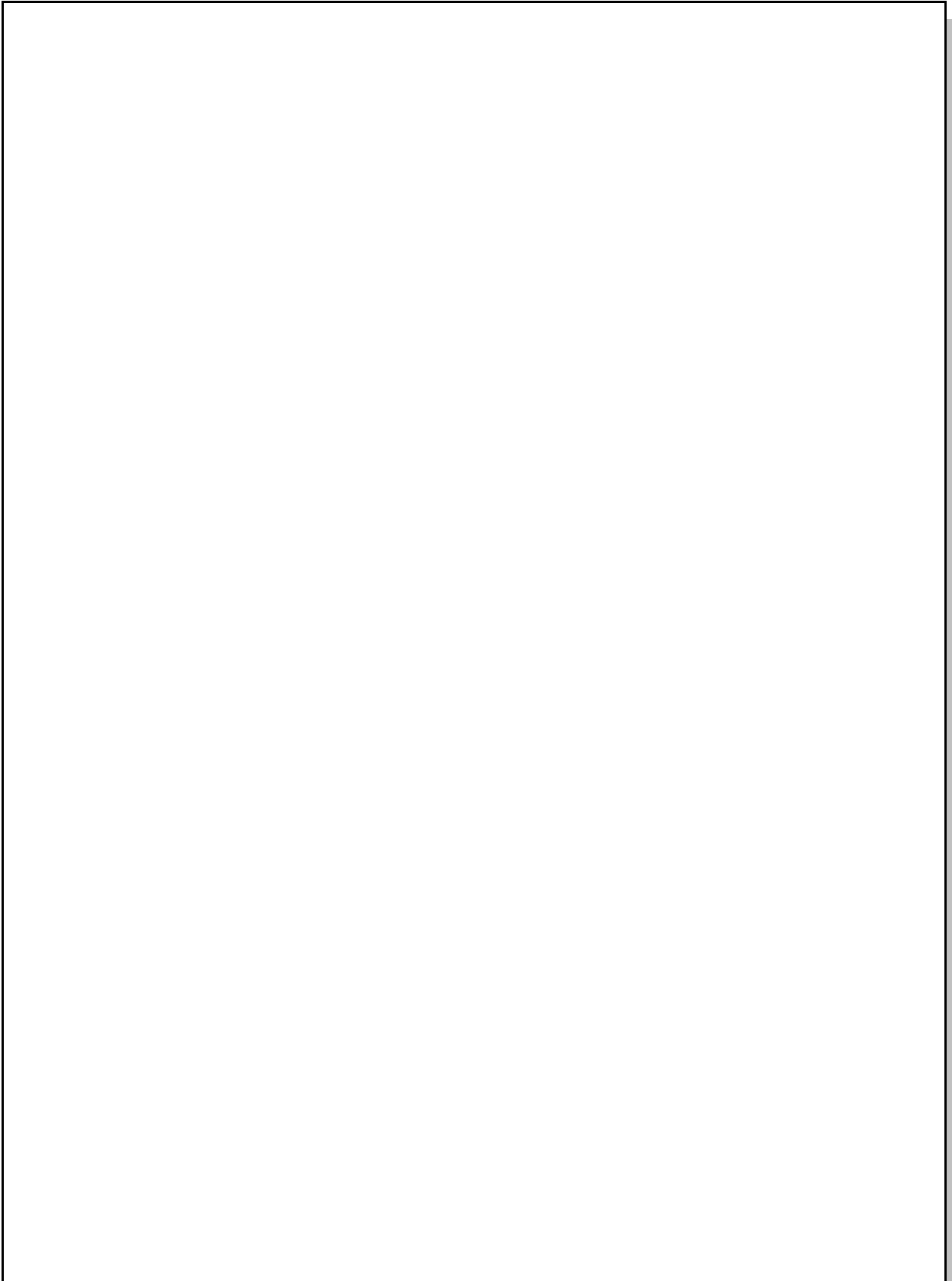


EXHIBIT 5

FOR OFFICIAL USE ONLY

**FEDERAL BUREAU OF INVESTIGATION
CHICAGO CITY PUBLIC CORRUPTION TASK FORCE
MEMORANDUM OF UNDERSTANDING**

PARTIES

This Memorandum of Understanding (MOU) is entered into by and between the Federal Bureau of Investigation (FBI) and the Chicago Police Department (CPD). Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between these agencies.

AUTHORITIES

1. Authority for the FBI to enter into this agreement can be found at Title 28, United States Code (U.S.C.), Section (§) 533; 42 U.S.C. § 3771; Title 28, Code of Federal Regulations (C.F.R.), § 0.85; and applicable United States Attorney General's Guidelines.

PURPOSE

2. The purpose of this MOU is to delineate the responsibilities of the Chicago City Public Corruption Task Force (CG City PCTF) participants, maximize inter-agency cooperation, and formalize relationships between the participating agencies for policy guidance, planning, training, public and media relations. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, the United States, or the officers, employees, agents, or other associated personnel thereof.

MISSION

3. The mission of the CG City PCTF is to identify and target for prosecution federal, state, and local elected and appointed public officials, law enforcement officers, government employees, their associates/co-conspirators, and other subjects engaging in public corruption related schemes involving such matters as bribery; "pay to play"; embezzlement; extortion; money laundering; income tax violations; campaign finance violations; perjury; obstruction of justice; making false statements; drug trafficking; alien smuggling; the illegal sale of identification, immigration, or travel documents; border corruption; the facilitation of any other general criminal activity; and/or fraud against the government.

4. The CG City PCTF will primarily focus on significant, complex, long-term, and/or systemic corruption matters affecting the City of Chicago, as well as significant fraud against the government matters.

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY

5. The CG City PCTF will enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate public corruption offenders who misuse their official positions for personal gain while engaging in criminal conduct.

LOCATION AND PERSONNEL

6. The CG City PCTF will be based at the Chicago FBI Field Office located at 2111 West Roosevelt Road, Chicago, Illinois, 60608.

7. The CG City PCTF will be affiliated with Chicago FBI Squad White Collar Two (WC-2), whose main priority is investigating local corruption within the City of Chicago. Between 10 to 14 full-time FBI investigative personnel and one Supervisory Special Agent (SSA) will be assigned to the CG City PCTF.

8. CPD personnel assigned to the CG City PCTF will be detailed to the FBI only from the CPD Internal Affairs Division (IAD), until such time as the FBI and CPD agree otherwise. Subject to the availability of resources and case load considerations, CPD will assign two full-time CPD-IAD Sergeants and one part-time CPD-IAD Sergeant to the CG City PCTF.

SUPERVISION AND CONTROL

A. Supervision

9. Overall management of the CG City PCTF shall be the shared responsibility of the participating agency heads and/or their designees.

10. The Special Agent in Charge (SAC) of the Chicago FBI Field Office shall designate one SSA to supervise day-to-day operational and investigative matters pertaining to the CG City PCTF. The SSA for the CG City PCTF will report to the Chicago Public Corruption Program Manager (PM)/Assistant Special Agent in Charge (ASAC).

11. Responsibility for conduct, not under the direction of the SAC, ASAC, or SSA, of each CG City PCTF member, both personally and professionally, shall remain with the respective agency head and each agency shall be responsible for the actions of its respective employees.

12. Each CG City PCTF member will be subject to the laws, regulations, policies, and personnel rules applicable to those of his or her respective agency. FBI participants will continue to adhere to the Bureau's ethical standards, including Department of Justice (DOJ)/FBI regulations relating to outside employment and prepublication review matters, and

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY

will remain subject to the Supplemental Standards of Ethical Conduct for employees of the DOJ.

13. Each CG City PCTF member will continue to report to his or her respective agency head for non-investigative administrative matters not detailed in this MOU.

14. Continued assignment to the CG City PCTF will be based on performance and at the discretion of each CG City PCTF member's respective supervisor. The FBI SAC/ASAC/SSA will also retain discretion to remove any member from the CG City PCTF.

B. Case Assignments and Investigative Responsibilities

15. The FBI SSA with designated oversight for operational and investigative matters will be responsible for opening, monitoring, directing, and closing CG City PCTF investigations in accordance with existing FBI policy and the applicable United States Attorney General's Guidelines.

16. Assignments of cases and investigative responsibilities to personnel will be based on, but not limited to, experience, training, performance, and relevant legal issues (e.g., issues related to Garrity v. New Jersey, 385 U.S. 493 (1967)), in addition to the discretion of the SSA with designated oversight for operational and investigative matters.

17. The FBI recognizes that CPD task force members will primarily focus on police corruption matters. As needed, CPD task force members will assist and participate in traditional corruption investigations, as well as other FBI investigative matters.

18. For FBI administrative purposes, CG City PCTF cases will be entered into the relevant FBI computer system.

19. CG City PCTF members will have equal responsibility for each case assigned. CG City PCTF personnel will be totally responsible for the complete investigation from predication to resolution.

C. Resource Control

20. The head of each participating agency shall retain control of resources dedicated by that agency to the CG City PCTF, including personnel, as well as the continued dedication of those resources.

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY**OPERATIONS****A. Investigative Exclusivity**

21. It is agreed that matters designated to be handled by the CG City PCTF will not knowingly be subject to non-CG City PCTF law enforcement efforts by any of the participating agencies. It is incumbent on each agency to make proper internal notification regarding the CG City PCTF's existence and areas of concern.

22. It is agreed that there is to be no unilateral action taken on the part of the FBI or participating agencies relating to CG City PCTF investigations or areas of concern. All law enforcement actions will be coordinated and cooperatively carried out.

23. The FBI recognizes that the CPD will often need or desire to take concurrent administrative action against a CPD employee engaging in misconduct or criminal behavior. In the event a particular CPD employee is the focus of an active or ongoing CG City PCTF investigation, the CG City PCTF should be consulted in advance of any administrative action taking place, whenever possible.

24. CG City PCTF investigative leads outside of the geographic areas of responsibility for the Chicago FBI Field Office will be communicated to other FBI offices for appropriate investigation.

B. Informants

25. The disclosure of FBI informants to non-CG City PCTF members will be limited to those situations where it is essential to the effective performance of the CG City PCTF. These disclosures will be consistent with applicable FBI guidelines.

26. Non-FBI CG City PCTF members may not make any further disclosure of the identity of an FBI informant, including to other members of the CG City PCTF. No documents which identify, tend to identify, or may indirectly identify an FBI informant may be released without prior FBI approval.

27. In those instances where a participating agency provides an informant, the FBI may, at the discretion of the SAC, become solely responsible for the informant's continued development, operation, and compliance with necessary administrative procedures regarding operation and payment as set forth by the FBI.

28. The United States Attorney General's Guidelines and FBI policy and procedure for operating FBI Confidential Human Sources (also known as Confidential Informants and Cooperating Witnesses (CWs)) shall apply to all CHSs opened and operated in furtherance of

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY

CG City PCTF investigations. Documentation of, and any payments made to, FBI CHSs shall be in accordance with FBI policy and procedure.

29. Operation, documentation, and payment of any CHSs (informants and CWs), opened and operated by FBI CG City PCTF members in furtherance of CG City PCTF investigations, must be in accordance with the United States Attorney General's Guidelines. Documentation of any CHSs opened and operated in furtherance of CG City PCTF investigations shall be maintained at the Chicago FBI Field Office.

C. Reports and Records

30. All investigative reporting will be prepared in compliance with existing FBI policy. Subject to pertinent legal and/or policy restrictions, copies of pertinent documents created by each member of the CG City PCTF will be made available for inclusion in the respective investigative agencies' files as appropriate.

31. CG City PCTF reports prepared in cases assigned to state, county, or local participants will be maintained at the Chicago FBI Field Office; original documents will be maintained by the FBI.

32. Records and reports generated in CG City PCTF cases which are opened and assigned by the FBI SSA with designated oversight for investigative and personnel matters will be maintained in the FBI investigative file for the CG City PCTF.

33. CG City PCTF investigative records maintained at the Chicago Field Office of the FBI will be available to all CG City PCTF members, as well as their supervisory and command staff, subject to pertinent legal, administrative and /or policy restrictions. Information pertaining to traditional PC investigations, as opposed to CPD-related corruption cases, will be available on a need-to-know basis.

34. All evidence and original tape recordings (audio and video) acquired by the FBI during the course of the CG City PCTF investigations will be maintained by the FBI. The FBI's rules and policies governing the submission, retrieval and chain of custody will be adhered to by CG City PCTF personnel.

35. All CG City PCTF investigative records will be maintained at an approved FBI location. Placement of all or part of said information into participating agency files rests with the discretion of supervisory personnel of the concerned agencies, subject to SSA approval.

36. Classified information and/or documents containing information that identifies or tends to identify an FBI informant shall not be placed in the files of participating agencies unless appropriate FBI policy has been satisfied.

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY**D. Reports and Records**

37. All CG City PCTF personnel agree to participate in and fulfill any periodic FBI training requirements, such as attending or participating in FBI courses related to the Domestic Investigations and Operations Guide (DIOG), Freedom of Information Act, Privacy Act, or FBI security matters.

INFORMATION SHARING

38. No information possessed by the FBI, to include information derived from informal communications by the CG City PCTF member with personnel of the FBI, may be disseminated by the CG City PCTF member to non-CG City PCTF personnel without the permission of the CG City PCTF member's designated FBI CG City PCTF SSA. Such information also may not be disseminated unless it is in accordance with the applicable laws and internal regulations, procedures or agreements between the FBI and the participating agencies that would permit the participating agencies to receive that information directly. Likewise, the CG City PCTF member will not provide any participating agency information to the FBI that is not otherwise available to the FBI unless authorized by appropriate participating agency officials.

39. The FBI and CPD agree that all information regarding CG City PCTF investigative matters will be treated as sensitive information.

40. Regarding CG City PCTF investigations targeting CPD personnel, the CPD agency head or designee shall be kept fully apprised of all investigative developments by his or her subordinates. Information regarding non-CPD related corruption investigations, however, will only be disclosed outside the CG City PCTF to other members of the CPD on a need-to-know basis and with prior concurrence of the FBI as detailed in paragraph 37.

PROSECUTIONS

41. CG City PCTF investigative procedures, whenever practicable, are to conform to the requirements which would allow for either federal or state prosecution.

42. A determination will be made on a case-by-case basis whether the prosecution of CG City PCTF cases will be at the state or federal level. This determination will be based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of the CG City PCTF.

43. In the event that a state or local matter is developed that is outside the jurisdiction of the FBI or it is decided to prosecute a CG City PCTF case at the state or local level, the FBI agrees to provide all relevant information to state and local authorities.

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY

44. In addition to their basic obligation to support prosecution efforts connected to CG City PCTF investigations, both the FBI and CPD recognize their independent obligation to notify the assigned prosecutor of the existence of any exculpatory information or investigative reports in the possession of each agency.

A. Investigative Methods/Evidence

45. For cases assigned to an FBI Special Agent or in which FBI CHSs are utilized, the parties agree to conform to federal standards concerning evidence collection, processing, storage, and electronic surveillance. However, in situations where the investigation will be prosecuted in the State Court where statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by FBI case agents shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.

46. In all cases assigned to state, county, or local law enforcement participants, the parties agree to utilize federal standards pertaining to evidence handling and electronic surveillance activities to the greatest extent possible. However, in situations where the statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by state and local law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.

47. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policies and procedures of the FBI.

B. Undercover Operations

48. All CG City PCTF undercover operations will be conducted and reviewed in accordance with FBI guidelines and the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations. All participating agencies may be requested to enter into an additional agreement if a member of the participating agency is assigned duties which require the officer to act in an undercover capacity.

DEADLY FORCE AND SHOOTING INCIDENT POLICIES

49. Members of the CG City PCTF will follow their own agency's policy concerning firearms discharge and use of deadly force.

DEPUTATIONS

50. Local and state law enforcement personnel designated to the CG City PCTF, subject to a limited background inquiry, may be sworn as federally deputized Special Deputy

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY

United States Marshals with authority to investigate Title 18 violations (general criminal violations), with the FBI securing the required deputation authorization. These deputations should remain in effect throughout the tenure of each investigator's assignment to the CG City PCTF or until the termination of the CG City PCTF, whichever comes first.

51. As appropriate, the FBI will also deputize state and local task force officers pursuant to Title 21 of the United States Code in cases in which they will be investigating, under FBI supervision, drug-related violations falling within the FBI's jurisdiction.

52. Any task force officer being deputized must agree to adhere to the requirements of Rule 6 (e) of the Federal Rules of Criminal Procedure.

53. Administrative and personnel policies imposed by the participating agencies will not be voided by deputation of their respective personnel.

VEHICLES

54. In furtherance of this MOU, employees of CPD may be permitted to drive FBI owned or leased vehicles for official CG City PCTF business and only in accordance with applicable FBI rules and regulations, including those outlined in the FBI Manual of Administrative Operations and Procedures (MAOP), Part I, Section 3.1. No CPD personnel, however, may drive any FBI owned or leased vehicles unless deputized. The assignment of an FBI owned or leased vehicle to a CPD CG City PCTF member will require the execution of a separate Vehicle Use Agreement.

55. The participating agencies agree that FBI vehicles will not be used to transport passengers unrelated to CG City PCTF business.

56. The FBI and the United States will not be responsible for any tortious act or omission on the part of CPD and/or its employees or for any liability resulting from the use of an FBI owned or leased vehicle utilized by a CPD or any other non-FBI CG City PCTF member, except where liability may fall under the provisions of the Federal Tort Claims Act (FTCA), as discussed in the Liability Section herein below.

57. The FBI and the United States shall not be responsible for any civil liability arising from the use of an FBI owned or leased vehicle by a CPD CG City PCTF member while engaged in any conduct other than his or her official duties and assignments under this MOU.

58. To the extent permitted by applicable law, CPD agrees to hold harmless the FBI and the United States, for any claim for property damage or personal injury arising from any use of an FBI owned or leased vehicle by a CPD CG City PCTF member which is outside the scope of his or her official duties and assignments under this MOU.

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY**SALARY/OVERTIME COMPENSATION**

59. The FBI and CPD agree to assume all personnel costs for their CG City PCTF representatives, including salaries, overtime payments and fringe benefits consistent with their respective agency.

60. Subject to funding availability and legislative authorization, the FBI will reimburse to CPD the cost of overtime worked by non-federal CG City PCTF members assigned full-time to the CG City PCTF, provided overtime expenses were incurred as a result of CG City PCTF-related duties. A separate Cost Reimbursement Agreement (CRA) must be executed between the FBI and CPD for full-time employee(s) assigned to CG City PCTF, consistent with regulations and policy. Otherwise, overtime shall be compensated in accordance with applicable CPD overtime provisions and shall be subject to the prior approval of appropriate personnel.

PROPERTY AND EQUIPMENT

61. Property utilized by the CG City PCTF in connection with authorized investigations and/or operations, and in the custody and control and used at the direction of the CG City PCTF, will be maintained in accordance with the policies and procedures of the agency supplying the equipment. Property damaged or destroyed which was utilized by CG City PCTF in connection with authorized investigations and/or operations and is in the custody and control and used at the direction of CG City PCTF, will be the financial responsibility of the agency supplying said property.

62. Subject to the availability of Asset Forfeiture Funding or other funding sources, the FBI will attempt to secure task force funds from FBI Headquarters to reimburse CPD for the purchase of allowed equipment, which will be then owned by the CPD, but supplied to the CG City PCTF and/or used by the CPD-IAD in support of the CG City PCTF's mission.

FUNDING

63. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the parties hereto of the tasks and methods for performing the tasks described herein. Unless otherwise agreed in writing, each party shall bear its own costs in relation to this MOU. Expenditures by each party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The parties expressly acknowledge that the above language in no way implies that Congress will appropriate funds for such expenditures.

FORFEITURES

64. The FBI shall be responsible for processing assets seized for federal forfeiture in conjunction with CG City PCTF operations.

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY

65. Asset forfeitures will be conducted in accordance with federal law, and the rules and regulations set forth by the FBI and DOJ. Forfeitures attributable to CG City PCTF investigations may be equitably shared with any agencies participating in the CG City PCTF or any agency providing substantial assistance to the CG City PCTF which leads to a forfeiture.

DISPUTE RESOLUTION

66. In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the CG City PCTF's objectives.

67. The participating agencies agree to attempt to resolve any disputes regarding jurisdiction, case assignments, workload, etc., at the lowest level first before referring the matter to executive management personnel for resolution.

MEDIA RELEASES

68. All media releases and statements will be mutually agreed upon and jointly handled according to FBI and participating agency guidelines.

69. Press releases will conform to DOJ Guidelines regarding press releases. No release will be issued without FBI final approval.

SECURITY CLEARANCES

70. Unless presently serving as a member of an FBI task force and/or having already fulfilled all FBI security/background prerequisites, thirty days prior to being assigned to the CG City PCTF, each candidate will be required to furnish pages 1, 2, 3, 9 (certification only), and 10 of the Questionnaire for Sensitive Positions (SF-86). Sometime thereafter, a representative from the FBI will conduct an interview of each candidate.

71. If, for any reason, a candidate is not selected, the participating agency will be so advised and a request will be made for another candidate.

72. Upon being selected, each candidate will receive a comprehensive briefing on FBI field office security policies and procedures. During the briefing, each candidate will execute non-disclosure agreements (SF-312 and FD-868), as may be necessary or required by the FBI.

73. When FBI space becomes available, before receiving access, CG City PCTF members will be required to undergo a full background investigation and receive and maintain a "Top Secret" security clearance. In addition, CG City PCTF members will also be required to fully complete the SF-86 and the required fingerprint cards. In the interim, CG City PCTF members will not be allowed unescorted access to FBI space.

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY

74. Upon departure from the CG City PCTF, each candidate will be given a security debriefing and reminded of the provisions contained in the non-disclosure agreement previously agreed to by the CG City PCTF member.

LIABILITY

75. The participating agencies acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the CG City PCTF.

76. The participating agency shall immediately notify the FBI of any civil, administrative, or criminal claim, complaint, discovery request, or other request for information of which the agency receives notice, concerning or arising from the conduct of personnel assigned to the CG City PCTF or otherwise relating to the CG City PCTF.

77. In the event that a civil claim or complaint is brought against a state or local officer assigned to the CG City PCTF, the officer may request legal representation and/or defense by DOJ, under the circumstances and pursuant to the statutes and regulations identified below.

78. For the limited purpose of defending against a civil claim arising from alleged negligent or wrongful conduct under common law under the FTCA, 28 U.S.C. § 1346(b), and §§ 2671-2680: An officer who has been specially deputized and who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request to be certified by the Attorney General or his designee as having acted within the scope of federal employment at the time of the incident giving rise to the suit. 28 U.S.C. § 2679(d)(2). Upon such certification, the officer will be considered an "employee" of the United States government for the limited purpose of defending the civil claim under the FTCA, and the claim will proceed against the United States as sole defendant. 28 U.S.C. § 2679(d)(2). Once an individual is certified as an employee of the United States for purposes of the FTCA, the United States is substituted for the employee as the sole defendant with respect to any tort claims. Decisions regarding certification of employment under the FTCA are made on a case-by-case basis, and the FBI cannot guarantee such certification to any CG City PCTF member.

79. For the limited purpose of defending against a civil claim arising from an alleged violation of the U.S. Constitution pursuant to 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971): An officer who has been specially deputized and who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request individual-capacity representation by DOJ to defend against the claims. 28 C.F.R. §§ 50.15, 50.16. Any such request for individual-capacity representation must be made in the form of a letter from the individual defendant to the U.S. Attorney General. The letter

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY

should be provided to Chief Division Counsel (CDC) for the Chicago FBI Field Office, who will then coordinate the request with the FBI Office of the General Counsel. In the event of an adverse judgment against the individual officer, he or she may request indemnification from DOJ. 28 C.F.R. § 50.15(c)(4). Requests for DOJ representation and indemnification are determined by DOJ on a case-by-case basis. The FBI cannot guarantee the United States will provide legal representation or indemnification to any federal, state or local law enforcement officer.

80. Liability for any conduct by a CG City PCTF member undertaken outside of the scope of his or her assigned duties and responsibilities under this MOU shall not be the responsibility of the FBI or the United States and shall be the sole responsibility of the respective employee and/or agency involved.

DURATION

81. The term of this MOU is for the duration of the CG City PCTF operations, contingent upon approval of necessary funding, but may be terminated at any time upon written mutual consent of the agency involved.

82. Any participating agency may withdraw from the CG City PCTF at any time by written notification to the SSA with designated oversight for investigative and personnel matters or program manager of the CG City PCTF at least 30 days prior to withdrawal.

83. Upon termination of this MOU, all equipment provided to the CG City PCTF will be returned to the supplying agency/agencies. In addition, when an entity withdraws from the MOU, the entity will return equipment to the supplying agency/agencies. Similarly, remaining agencies will return to a withdrawing agency any unexpended equipment supplied by the withdrawing agency during any CG City PCTF participation.

MODIFICATIONS

84. This agreement may be modified at any time by written consent of all involved agencies.

85. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

FOR OFFICIAL USE ONLY

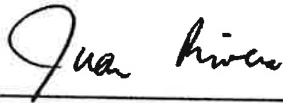
SIGNATORIES



Robert D. Grant
Special Agent in Charge
Federal Bureau of Investigation

1-18-11

Date



Juan Rivera, Chief
Chicago Police Department, Internal Affairs Division

1-20-11

Date

FOR OFFICIAL USE ONLY

This document is the property of the FBI and is loaned to your agency.
Neither it nor its contents may be released without authorization by FBI Headquarters.

EXHIBIT 6

UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 07/13/2011

To: Chicago

From: Chicago
WC-2

Contact: SA Michael Ponicki, x4740

Approved By: Byers Keith A^{KAS}

Drafted By: Ponicki Michael:mp^{mp}

Case ID #: 194D-CG-122761-124 (Pending)

Title: RONALD WATTS,
POLICE SERGEANT,
CHICAGO POLICE DEPARTMENT;
CSLPO-LAW ENFORCEMENT-DRUG RELATED;
OO: CHICAGO

Synopsis: To request the transfer of above captioned investigation to another agent on Squad WC-2.

Details: Due to the transfer of the writer to FBIHQ, it is requested the case be reassigned to another agent on Squad WC-2.

Since being assigned the investigation in 12/2010, SA Ponicki has worked with Assistant United States Attorney (AUSA) Thomas Shakeshaft to formulate a prosecutive strategy for captioned investigation. Since the inception of the case, multiple strategies and techniques have been used to corroborate the allegations that Sgt. RONALD WATTS and members of his Chicago Police Department (CPD) tactical team, have engaged in systematic corruption through extortion of drug dealers in the CPD, Second District. WATTS and his team are also alleged to have committed theft, possession and distribution of drugs for money, "planting" drugs on individuals and paying informants with drugs.

(B)

(B)

(B)

. These payments were consensually recorded. It is believed that MOHAMMED is responsible for collecting extortion money on behalf of WATTS, from drug dealers, who receive "protection" from being arrested by WATTS and his

UNCLASSIFIED

SUBJECT TO PRIVACY ACT ORDER

FBI000909

SST,
Please remove SA Ponicki as co-
agent. This matter will be assigned to
another WC-2 agent in the future.
KAS
7/14/2011
T://19411mp01.ec.upd

UNCLASSIFIED

To: Chicago From: Chicago
Re: 194D-CG-122761, 07/13/2011

team. The consensually recorded evidence has been reviewed, and included in a complaint that has been submitted to the United States Attorney's Office (USAO), charging MOHAMMED with extortion in violation of Title 18, United States Code, Section 1951. The USAO supports the extortion charge, but elected to delay filing the complaint until further evidence could be obtained implicating WATTS.

(B)

(B)

(B) . A successful consensual recording of the event was gathered by the CHS, but due to unforeseen circumstances, the surveillance team lost sight of the CHS and WATTS. The surveillance team was then unable to corroborate that the payment to WATTS had actually taken place. Therefore, it was the opinion of the USAO, that the evidence is insufficient to charge WATTS with extortion.

Initially, the writer supported the idea to execute the above mentioned scenario on a second occasion, but due to difficulty surveilling the CHS, and controlling the scenario, another extortion payment to WATTS was not attempted. Therefore, the writer and AUSA Shakeshaft have decided to file extortion charges on MOHAMMED and attempt to obtain his cooperation, against WATTS.

On 04/14/2011, the writer and Task Force Officer, Sgt. Allen Boehmer, met with Drug Enforcement Agency (DEA) (O-1) (O-1) and DEA (O-1), cellular telephone number: (S) in an attempt to develop new information on WATTS and his team's alleged illegal activities. At one point during the investigation, (O-1) had already been providing information to the FBI, which abruptly ended due to a misunderstanding between (O-1) and the previous case agent. The writer and TFO Boehmer opened a new line of communication between the DEA and the FBI, and requested to be notified of any new information that develops that would assist in the FBI investigation.

During AUSA Shakeshaft's review of the criminal complaint, which was drafted by the former case agent, FBI

UNCLASSIFIED

UNCLASSIFIED

To: Chicago From: Chicago
Re: 194D-CG-122761, 07/13/2011

Special Agent Patrick Smith, AUSA Shakeshaft requested an additional financial background investigation of assets associated with WATTS, MOHAMMED and other team members associated with WATTS' CPD tactical team. It is believed that team members may have obtained a considerable amount of money over the period of time Watts and his tactical team have been alleged to be involved in the "practice" of extorting drug dealers in the CPD, 2nd District. AUSA Shakeshaft has requested assistance of USAO Investigator Thomas Moriarty, who is currently reviewing the financial documents. In addition, Investigator Moriarty has recommended AUSA Shakeshaft draft an Ex Parte request for new tax records relating to WATTS and MOHAMMED. The writer has obtained the assistance of FBI Paralegal Specialist (PS) Sheryl Marie Soberano, and FBI Financial Analyst (FA) JaCynthia Jemine, who are currently reviewing all financial documents and providing the results to the case file in the FF and FA subfiles, respectively.

Once AUSA Shakeshaft receives the results of the Ex Parte requests for WATTS and MOHAMMED, and PS Soberano and FA Jemine complete their analysis, the newly assigned case agent and AUSA Shakeshaft should discuss the results and formulate a strategy to prosecute all or some of the subjects in the investigation.

♦♦

UNCLASSIFIED

EXHIBIT 7

- Sep 2004 information about 2nd District officers comes to the attention of the FBI about officer(s) taking money from/extorting narcotics dealers.
- Sources have been interviewed during the investigation that identify Watts and Mohammed as being involved. The accused individuals would demand payments up to \$5,000.00 to allow narcotics dealers to sell.
- The location of most of the activity was the former Ida B. Wells housing project located on the near south side.
- 11DEC2007, Mohammed was paid \$1,000.00 by a CI working for the FBI.
- 18DEC2007, Mohammed was paid \$700.00 by a CI working for the FBI.
- 04JAN2008, Mohammed was paid \$1,000.00 by a CI working for the FBI.
- 21JAN2008, Mohammed was paid \$1,000.00 by a CI working for the FBI.
- 22MAY2008, Mohammed was paid \$500.00 by a CI working for the FBI.
- 05JUN2008, Mohammed was paid \$500.00 by a CI working for the FBI.
- Potential administrative issues with previous evidence.
- March through April 2008, 60 day Title III conducted. Information obtained not sufficient to bring charges against Watts/Mohammed or any other individuals.
- 31MAR2010, "money rip" scenario conducted with Watts and Mohammed. A CI, carrying \$11,050.00 of "drug proceeds", was stopped by Watts at which time Watts took the \$11,050.00 from the CI. This scenario was audio taped however surveillance never observed Watts take the money from the CI. USAO unwilling to prosecute this case without further evidence.
- 21NOV2011, another "money rip" scenario will be conducted. Intensive surveillance will cover the whole scenario both from the ground and in the air.

On 18NOV2011, a CI placed a consensually recorded telephone call to the cellular telephone of Sgt Ronald Watts of the 2nd District. The CI spoke with Watts about "drug money" the CI would be carrying on 21NOV2011. Watts seemed receptive to the idea of taking the money from the CI. Watts and the CI agreed to speak via cellular telephone on 21NOV2011.

On 21NOV2011, the CI will place a consensually recorded telephone call to Watts providing Watts with details about the location of the money drop to the CI and the route which the CI will travel to "drop" the money off at its final destination.

On 21NOV2011, at 0930 hrs, a briefing will be conducted at the offices of the FBI providing details of the operation and specific assignments of involved personnel. Personnel involved will be members of the Confidential Investigation Section of Internal Affairs, the Public Corruption Squad of the FBI and the surveillance squad of the FBI. It is anticipated

EXHIBIT 8

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

BEN BAKER and CLARISSA GLENN,

Plaintiffs,

v.

CITY OF CHICAGO, *et al.*,

Defendants.

Master Docket No. 19-cv-1717
16-cv-8940
Judge Franklin U. Valderrama

SEALED ORDER¹

Plaintiffs Ben Baker and Clarissa Glenn allege that they were falsely arrested by current and former Chicago Police Department (CPD) officers, including former Sergeant Ronald Watts (Watts), Officer Kallat Mohammed (Mohammed), among others (collectively, the Defendant Officers) as part of a shakedown scheme. R. 238, SAC.² Baker was convicted of one offense and pled guilty to a second and served a total of ten years in prison for a crime he alleges he did not commit. *Id.* ¶ 4. Glenn pled guilty and was sentenced to one year of probation. *Id.* Plaintiffs subsequently

¹Portions of the parties' briefs were filed under seal, as were many exhibits. Because this Order may contain privileged information that was submitted to the Court under seal, the Court will issue its Order under seal so the parties may meet and confer with one another about proposed redactions. The parties are to file a joint position statement by September 12, 2024, explaining what (if any) redactions are needed in the text of the Order, and why (bearing in mind the strict standard against secret filings, *see generally Mitze v. Saul*, 968 F.3d 689 (7th Cir. 2020)). That position statement may be filed under seal. After considering the proposed redactions, the Court will issue a public version of the Order.

²Citations to the docket are indicated by "R." followed by the docket number or filing name, and, where necessary, a page or paragraph citation.

received Certificates of Innocence. Baker and Glenn sued the numerous current and former Defendant Officers, several CPD supervisors,³ and the City of Chicago (the City) (collectively, Defendants) under 42 U.S.C. § 1983 for wrongful arrests and convictions and analogous state law claims. The parties have disclosed numerous expert witnesses and filed motions to bar or limit the testimony of said expert witnesses. In this Order, the Court addresses Defendants' motion to bar Jeffrey Danik and Plaintiffs' motion to bar Michael Brown. The Court will address the remaining motions to bar in separate orders.⁴

Background

Plaintiffs Ben Baker and Clarissa Glenn allege that Defendant Officers, led by Watts, fabricated drug or gun charges against Plaintiffs as part of a shakedown scheme. SAC. The Defendant Officers allegedly planted drugs in Baker's mailbox and subsequently on his person, and falsely arrested him on July 11, 2004 and March 23, 2005, respectively. *Id.* ¶¶ 24–29, 46–57. Baker went to trial on both cases—the first was dismissed on a motion to suppress but Baker was convicted for the second and sentenced to fourteen years in prison. *Id.* ¶¶ 41, 66. Subsequently, the Defendant Officers allegedly planted drugs in Baker and Glenn's car, and Baker and Glenn both

³Supervisory Defendants Philip Cline, Debra Kirby, and Karen Rowan, as well as Defendant Officers Miguel Cabrales and Kenneth Young Jr. were dismissed from the lawsuit with prejudice pursuant to a stipulation of dismissal on August 14, 2024. R. 377.

⁴The Court previously entered orders in which it: granted Defendants' motion to bar Shairee Lacky, R. 380; granted Plaintiffs' motion to bar Celeste Stack, R. 381; granted in part and denied in part Defendants' motion to bar Dr. Allison Redlich, and granted Plaintiffs' motion to bar Dr. Alexander Obolsky, R. 382; and denied as moot Plaintiffs' motion to bar Michael Fitzgerald John Heneghan, R. 384.

pled guilty to possession of a controlled substance in connection with their arrest on December 11, 2005. *Id.* ¶¶ 77, 90, 95–96. Baker received a four-year sentence and Glenn received one year of probation. *Id.* ¶ 4. Baker served almost ten years for a crime he alleges he did not commit. *Id.* ¶ 1.

Plaintiffs subsequently applied for, and the Circuit Court of Cook County granted, Plaintiffs Certificates of Innocence (COI) pursuant to the Illinois Petition for Certificate of Innocence statute, 735 ILCS 5/2-702. SAC ¶ 146; *see also* R. 295, Pls.’ Mot. Bar Obolsky at 1. Plaintiffs then sued Watts and other Defendants. SAC.

The Federal Bureau of Investigation (FBI) and the Chicago Police Department (CPD) began investigating allegations that Watts and Mohammed were extorting drug dealers in the Ida B. Wells housing project in 2004. SAC ¶ 101. As part of that joint investigation, the CPD’s Internal Affairs Division (IAD) was kept informed of the FBI investigation, and accordingly, City of Chicago officials were aware of allegations about the Defendant Officers’ wrongdoing. *Id.* ¶ 102. The City nonetheless allowed Watts and Mohammed to remain in their roles as tactical officers until federal law enforcement arrested them both in 2012. *Id.* ¶¶ 105–08, 137–38.

Plaintiffs and Defendants have both retained numerous experts. Plaintiffs have filed six motions to bar Defendants’ experts’ testimony, and Defendants have filed five⁵ motions to bar Plaintiffs’ experts’ testimony, all brought pursuant to Federal Rules of Evidence 702 and 703 and the Supreme Court’s decision in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). As stated above, this Order

⁵Two of Defendants’ motions attack the same expert witness, Dr. Shane, based on two different categories of opinions.

addresses Defendants' motion to bar Jeffrey Danik (Danik) and Plaintiffs' motion to bar Michael Brown. Plaintiffs retained Jeffrey Danik, a retired FBI agent, as one of their experts to opine on the City's alleged inaction regarding complaints against the Defendant Officers. Defendants retained former FBI agent Michael Brown to rebut Danik's opinions, as well as Plaintiffs' allegations about the joint FBI/IAD investigation of the Defendant Officers. Defendants have moved to bar Danik's opinions, R. 307, Defs.' Mot. Bar Danik,⁶ and Plaintiffs have moved to bar Brown's opinions, R. 301, Pls.' Mot. Bar Brown.⁷

Legal Standard

Rule 702 of the Federal Rules of Evidence governs the admissibility of expert testimony. Fed. R. Evid. 702⁸; *Artis v. Santos*, 95 F. 4th 518, 525 (7th Cir. 2024). Rule 702 allows the admission of testimony by an expert—that is, someone with the

⁶Defendants filed both a sealed version of its motion, R. 307, and a public, redacted version, R. 305-1. Similarly, Plaintiffs filed a sealed and redacted version of their response, R. 337, R. 342, and Defendants filed a sealed and redacted version of their reply, R. 350, R. 349.

⁷Plaintiffs filed a sealed and redacted version of their motion, R. 301, R. 300; Defendants filed a sealed and redacted version of their response, R. 339, R. 340, and Plaintiffs filed a sealed and redacted version of their reply, R. 354, R. 353.

⁸The operative version of Rule 702 came into effect on December 1, 2023. The Rule was amended "to clarify and emphasize that expert testimony may not be admitted unless the proponent demonstrates to the court that it is more likely than not that the proffered testimony meets the admissibility requirements set forth in the rule." Fed. R. Evid. 702 Advisory Committee Notes to 2023 Amendments. The Seventh Circuit has applied the preponderance standard for many years prior to the amendment, however. *See, e.g., Gopalratnam v. Hewlett-Packard Co.*, 877 F.3d 771, 782 (7th Cir. 2017). The Advisory Committee explained that the amendment was necessary in part because "many courts have held that the critical questions of the sufficiency of an expert's basis, and the application of the expert's methodology, are questions of weight and not admissibility," which is an "incorrect application" of the Rule. Fed. R. Evid. 702 Advisory Committee Notes to 2023 Amendments. However, noted the Committee "[n]othing in the amendment imposes any new, specific procedures." *Id.*

requisite “knowledge, skill, experience, training, or education”— to help the trier of fact “understand the evidence or [] determine a fact in issue.” Fed. R. Evid. 702. An expert witness is permitted to testify when (1) “the testimony is based on sufficient facts or data,” (2) “the testimony is the product of reliable principles and methods,” and (3) the expert has reliably applied “the principles and methods to the facts of the case.” *Id.*

The district court serves as the gate-keeper who determines whether proffered expert testimony is reliable and relevant before accepting a witness as an expert. *Daubert*, 509 U.S. 579. “[T]he key to the gate is not the ultimate correctness of the expert’s conclusions,” rather, “it is the soundness and care with which the expert arrived at her opinion[.]” *C.W. ex rel. Wood v. Textron, Inc.*, 807 F.3d 827, 834 (7th Cir. 2015) (cleaned up).⁹ Under Rule 702 and *Daubert*, the district court must “engage in a three-step analysis before admitting expert testimony. The court must determine (1) whether the witness is qualified; (2) whether the expert’s methodology is scientifically reliable; and (3) whether the testimony will assist the trier of fact to understand the evidence or to determine a fact in issue.” *EEOC v. AutoZone, Inc.*, 2022 WL 4596755, *13 (N.D. Ill. Sept. 30, 2022) (cleaned up). The focus of the district court’s *Daubert* inquiry “must be solely on principles and methodology, not on the conclusions they generate.” *Daubert*, 509 U.S. at 595. The expert’s proponent bears the burden of proving by a preponderance of the evidence the expert’s testimony

⁹This Order uses (cleaned up) to indicate that internal quotation marks, alterations, and citations have been omitted from quotations. See Jack Metzler, *Cleaning Up Quotations*, 18 Journal of Appellate Practice and Process 143 (2017).

satisfies Rule 702. *See United States v. Saunders*, 826 F.3d. 363, 368 (7th Cir. 2016). District courts have broad discretion in determining the admissibility of expert testimony. *Lapsley v. Xtek, Inc.*, 689 F. 3d 802, 810 (7th Cir. 2012).

Analysis

I. Defendants' Motion to Bar Jeffrey Danik

Plaintiffs have disclosed Jeffrey Danik, a retired FBI agent, as one of their experts to opine on the FBI and CPD's joint investigation into the Defendant Officers, and specifically as to the City's inaction relating to the Defendant Officers during the pendency of the joint investigation. *See* R. 337, Pls.' Danik Resp. at 2. Defendants have moved to bar Danik's testimony in total. R. 307, Defs.' Mot. Bar Danik. Defendants raise numerous reasons to bar Danik's testimony: (1) he is not qualified; (2) he employs no methodology (let alone reliable methodology); (3) his opinions are impermissibly speculative; (4) his opinions will confuse and be unhelpful to the jury; (5) he offers opinions against non-parties; and (6) his opinions are based on facts not in the record or that are contradicted by facts in the record. The Court addresses each argument in turn.

A. Sufficiency of Report

As an initial matter, and before turning to the substantive bases for exclusion identified above, the Court must address Defendants' issues with the structure of Danik's report. From Defendants' perspective, "[i]t is nearly impossible to sort out Danik's 'opinions' from his improper views on the facts of this case." Defs.' Mot. Bar Danik at 11. It should not be up to Defendants or the Court, posit Defendants, "to

perform the invasive surgery needed to extract a proper opinion out of a completely flawed report.” *Id.* The Court agrees with Defendants that at times it is hard to parse out the opinions in Danik’s report. To the extent that Danik simply summarizes the evidence or repeats Defendants’ version of the facts, such testimony is inadmissible. *See, e.g., Pursley v. City of Rockford*, 2024 WL 1050242, at *5 n.4 (N.D. Ill. Mar. 11, 2024), *reconsideration denied*, 2024 WL 1521451 (N.D. Ill. Apr. 8, 2024) (citing Fed. R. Evid. 702); *Wells v. City of Chicago*, 2012 WL 116040, at *12 (N.D. Ill. Jan. 16, 2012) (where expert merely summarized the evidence, the court found that he was “no better placed to review these facts than the jury; his opinion is not an expert opinion”). However, the Court disagrees with Defendants that the somewhat scattershot nature of Danik’s report warrants a wholesale barring of the report. Defs.’ Mot. Bar Danik at 2. Indeed, if Defendants could not discern Danik’s opinions from his report, they should have moved to strike his report for failure to comply with Federal Rule of Civil Procedure 26. *See, e.g., Steffy v. Cole Vision Corp.*, 2006 WL 8445128, at *3 (E.D. Wis. Aug. 16, 2006) (requiring expert to provide an amended report because original report was inadequate under Rule 26(a)(2)(B)).

Plaintiffs counter that Danik’s report contains three primary opinions: (1) “The City of Chicago was not prohibited from taking administrative action against Watts, Mohammed, or others during the eight-year FBI investigation,” Pls.’ Danik Resp. at 4 (citing Danik Report at 5–6, 9–12, 14–15); (2) “It would not be standard or typical for the FBI to prevent the City from taking any administrative action during that eight-year period, and the record does not indicate that the FBI imposed such a

prohibition,” *id.* (citing Danik Report at 5–6, 9–12); and (3) “It was not consistent with generally accepted practices in public corruption investigations for the Chicago Police Department to take no action to discipline, suspend, or transfer Watts and Mohammed during the 8-year FBI investigation,” *id.* at 5 (citing Danik Report at 17–20, 24). While this provides a helpful framing for the report, as Defendants point out, the report itself is interwoven with facts, opinions, and statements about Danik’s experience. Defs.’ Mot. Bar Danik at 2. The Court agrees with Defendants that it is not the Court’s job to “blue-pencil an expert report,” so it goes through only the opinions identified by the parties in their memoranda, and expects the parties to apply the Court’s holdings to any other similar opinions that may be present in Danik’s report.

The Court addresses one other preliminary, overarching matter before turning to the more substantive arguments Defendants raise: Danik’s tone and emphatic language. Defendants point out that Danik’s report is laden with “various pejorative descriptions,” such as the investigation “spectacularly failed,” that it was a “long bungled investigation,” that he was “shocked and saddened” by the investigation, and that there were at least six aspects of the investigation that were “stunning” to him. Defs.’ Mot. Bar Danik at 3 (citing Danik Report at 2, 12–13, 15–16, 23, 24, 28); *see also* Defs.’ Danik Reply at 7 n.3 (collecting examples of “inflammatory language more indicative of a closing argument”). Although the Court agrees with Defendants that such language is inappropriate in an expert report, it also agrees with Plaintiffs that such argumentative language is not a basis, in itself, to bar Danik’s opinions if they

otherwise satisfy Rule 702 and *Daubert*.¹⁰ Pls.’ Danik Resp. at 22. The Court now turns to Defendants’ arguments about Danik’s qualifications (or lack thereof) to offer his opinions.

B. Qualifications

Defendants do not question Danik’s experience with the FBI, but rather argue that he is unqualified to opine on how CPD should have handled this matter from a local police or internal affairs perspective. Defs.’ Mot. Bar Danik at 13. Danik, argue Defendants, never worked as a police officer or in an internal affairs capacity. *Id.* at 14 (citing *Catlin v. DuPage Cnty. Major Crimes Task Force*, 2007 WL 1772175, at *1 (N.D. Ill. June 19, 2007) (finding 18 years of experience working for the Cook County Department of Corrections to be “irrelevant” qualifications for determining proper amount of force during arrest)). Plaintiffs respond that Danik has experience with police agencies through his work at the FBI, as he was the primary evaluator of public corruption cases, including cases referred to internal affairs processes by local police agencies. Pls.’ Danik Resp. at 7 (citing R. 307-4, Danik Dep. at 18:21–20:7). Additionally, point out Plaintiffs, Danik investigated internal affairs complaints and took statements from FBI special agents during the course of his career. *Id.* (citing Danik Dep. at 38:9–39:10). Plaintiffs cite to Danik’s experience working together with local and state law enforcement agencies on major joint investigations. *Id.* (citing

¹⁰Defendants can move *in limine* to prevent Danik (or any other expert witness) from using such language at trial. To the extent the Court finds other testimony or opinions (of Danik or Brown) admissible in that they survive either side’s *Daubert* challenge, such a finding does not preclude other potential barriers to admissibility (such as unfair prejudice). *See Pursley*, 2024 WL 1050242, at *9 n.8.

Danik Dep. at 65:8–72:11; 79:13–82:6). Indeed, Danik testified that in his experience in investigating corruption within law enforcement agencies, once the FBI would tell the head of the agency that it was investigating an officer, the criminal investigation would need to conclude quickly so that the administrative process could proceed. *Id.* (citing Danik Dep. at 34:20–36:6; 181:8–182:8). Finally, Danik used, drafted, and supervised the execution of memorandums of understanding (MOUs) like the one at issue in this case. *Id.* (citing R. 307-1, Danik Report at 4).

The Court agrees with Plaintiffs that Danik has sufficient experience to render him qualified to opine on generally accepted law enforcement standards in public corruption investigations, FBI practices and procedures, MOUs, and internal investigations practices. *See* Pls.’ Danik Resp. at 7 (citing *Jimenez v. City of Chicago*, 732 F.3d 710, 719 (7th Cir. 2013); *id.*, Def. Appellant’s Br. 25 (2012 WL 7004409) (noting that expert in *Jimenez* was former FBI agent)). True, as Defendants point out in reply, the two investigations cited by Plaintiffs in support of Danik’s experience working with local law enforcement did not involve investigations into officers of the partner agency. Defs.’ Danik Reply at 3–4. However, the Court finds that Danik’s experience investigating public corruption, including police corruption, and attendant experience with balancing the criminal investigation with administrative processes, render him qualified. *See Chicago Painters & Decorators Pension, Health & Welfare, & Deferred Sav. Plan Tr. Funds v. Royal Int’l Drywall & Decorating, Inc.*, 493 F.3d 782, 787 (7th Cir. 2007) (“This court has recognized that while extensive academic and practical expertise in an area is certainly sufficient to qualify a potential witness

as an expert, Rule 702 specifically contemplates the admission of testimony by experts whose knowledge is based on experience.”) (cleaned up).

To the extent Defendants want to highlight Danik’s lack of experience investigating corrupt police officers jointly with the target officers’ agency, they may do so through cross-examination. *See Andersen v. City of Chicago*, 454 F. Supp. 3d 808, 813 (N.D. Ill. 2020) (citing *Sheldon v. Munford, Inc.*, 950 F.2d 403, 410 (7th Cir. 1991) (“Once the district court has found a sufficient foundation for an expert’s testimony, it properly leaves questions concerning his methodology, findings, and expertise to cross-examination.”)).

Qualification, however, is only the first step of the inquiry. The Court next turns to whether Danik’s methodology is reliable. *See Smith v. Ford Motor Co.*, 215 F.3d 713, 718 (7th Cir. 2000) (even a “supremely qualified expert cannot waltz into the courtroom and render opinions unless those opinions are based upon some recognized scientific method”).

C. Methodology, Helpfulness to the Jury, and Credibility Determinations

Defendants move to bar most, if not all, of Danik’s opinions because they: (1) are not based on a reliable methodology, (2) are unhelpful to the jury because they parrot counsel’s arguments or the facts, and (3) improperly make credibility determinations and weigh the evidence. Defs.’ Mot. Bar Danik at 2–13. After articulating the legal standards and pointing out generally how, from Defendants’ perspective, Danik’s report fails to satisfy those standards, Defendants then include a list of opinions that they posit are a “representative sample of Danik’s inadmissible

opinions from his report” because “they are unreliable, unsupported, and/or lack a basis in acceptable methodology or standard.” *Id.* at 2–9.

Plaintiffs contend that “Defendants’ discussion of that list is so cursory as to be waived; Defendants cannot expect Plaintiffs (or the Court) to sort out which opinions contain which supposed flaws with so little discussion.” Pls.’ Danik Resp. at 12 (citing *Wegbreit v. Comm’r of Internal Revenue*, 21 F.4th 959, 964 (7th Cir. 2021) (“unsupported, cursory argument is waived”)). Although the Court’s task would have been made easier had Defendants been more specific as to which of their arguments for exclusion applied to which listed opinion, the Court agrees with Defendants that they did enough to set forth the bases of their objections such that they did not waive the argument. R. 350, Defs.’ Danik Reply at 7–8. However, to the extent the Court disagrees with Defendants that any of the enumerated opinions are inadmissible, Defendants cannot later complain if the Court did not address the basis on which Defendants find the opinion objectionable, where they failed to identify said basis.

1. Methodology

First, as to methodology, Defendants contend that Danik fails to provide any explanation or application of professional standards that he applied to reach his opinions. Defs.’ Mot. Bar Danik at 2–10. In the context of experts in police practices and procedures, an expert should describe reasonable investigative procedures and departures from them. *See Jimenez*, 732 F.3d at 721; *Andersen*, 454 F. Supp. 3d at 814. Put another way, a police practices expert must “explain how he reaches his conclusions—either by linking them to generally accepted standards in the field or by

citing information within his own practical experience.” *Anderson*, 454 F. Supp. 3d at 814. Rule 702 requires a connection between the data employed and the opinion offered; it is the opinion connected to existing data “only by the *ipse dixit* of the expert, that is properly excluded under Rule 702.” *Manpower, Inc. v. Ins. Co. of Pennsylvania*, 732 F.3d 796, 806 (7th Cir. 2013) (cleaned up); *see also Potts v. Manos*, 2017 WL 4365948, at *5 (N.D. Ill. Sept. 29, 2017) (“A witness who offers expert testimony based on his experience must connect his experience to the facts of the case in order to meet the standard for reliability under *Daubert* and the Federal Rules of Evidence.”); *see also* Fed. R. Evid. 702 Advisory Committee Notes to 2000 Amendments (“If the witness is relying solely or primarily on experience, then the witness must explain how that experience leads to the conclusion reached, why that experience is a sufficient basis for the opinion, and how that experience is reliably applied to the facts. The trial court’s gatekeeping function requires more than simply ‘taking the expert’s word for it.’”).

Plaintiffs retort that Danik’s methodology is reliable because he compared the facts from the record he reviewed “to law enforcement standards gleaned from his experience and general guidelines, and describe[ed] the differences between the two.” Pls.’ Danik Resp. at 8 (citing Danik Report at 4–6, 12, 18; Danik Dep. at 105:16–106:18).

Plaintiffs argue that, in addition to applying his experience and the “documents providing standards that he cited,” Danik also pointed to published standards, including the Department of Justice’s “Standards and Guidelines for

Internal Affairs: Recommendations From a Community of Practice” (DOJ SGIA); the FBI’s Domestic Investigations and Operations Guidelines 2011 Version (DIOG); and the FBI’s Manual of Investigative Operations and Guidelines Part II; Section 18 (MIOG). Pls.’ Danik Resp. at 9 (citing Danik Report at 5–6, 85–86; Danik Dep. at 148:16–150:2; 152:7–153:15). Defendants insist Danik did not, in fact, rely on all three of those guides. Defs.’ Danik Reply at 5–6. Defendants cite to Danik’s testimony that, although his report cited the DIOG, he answered that he did “[n]ot really” rely on it in formulating his opinion. *Id.* at 6 (citing Danik Dep. at 149:21–23). Accordingly, since Danik admitted did not rely on the DIOG in forming his opinions, the Court does not consider it as a basis for those opinions. On the other hand, Danik testified that he relied on the MIOG in forming his opinions regarding the use of MOUs, as it had “most of the important [MOUs] with other federal agencies” during the relevant time period, and demonstrated how routine the MOUs were. Danik Dep. at 152:7–153:15. And, despite Defendants’ arguments to the contrary, Danik cites to the DOJ SGIA in his report and explains that the MOU is consistent with the DOJ SGIA’s standards “regarding conducting parallel or consecutive criminal and administrative inquiries.” Danik Report at 5–6. The Court will consider how Danik relied on the MIOG and the DOJ SGIA to form his opinions. The Court analyzes the opinions identified by the parties to determine whether Danik sufficiently explained how he reached each opinion.

2. Unhelpful to Jury

Second, Defendants argue that Danik simply “parrots Plaintiffs’ anticipated closing argument under the guise of ‘opinion’ testimony,” which is impermissible. Defs.’ Mot. Bar Danik at 6–7 (citing, *inter alia*, *United States v. Brownlee*, 744 F.3d 479, 482 (7th Cir. 2014)). Along the same lines, Defendants contend that Danik’s statements about the evidence are unhelpful because he does “not draw on any specialized knowledge or opine about anything ‘peculiar about law enforcement[.]’” *Id.* at 10 (quoting *Florek v. Vill. of Mundelein, Ill.*, 649 F.3d 594, 602–03 (7th Cir. 2011)). Such opinions are not beyond a layperson’s understanding and therefore should be barred, argue Defendants. *Id.* at 10–11. Predictably, Plaintiffs disagree on both points, arguing that Danik conducted his own analysis and investigations into the facts in dispute to form his own conclusions. Pls.’ Danik Resp. at 5 (citing, *inter alia*, *U.S. Gypsum Co. v. Lafarge N. Am. Inc.*, 670 F. Supp. 2d 748, 759 (N.D. Ill. 2009)). As stated above, any summary of evidence that does not rely on Danik’s expertise is inadmissible, and the same goes for repeating argumentative statements that are more properly included in counsel’s closing arguments.

3. Credibility Determinations

Third, Defendants maintain that Danik improperly makes credibility determinations and weighs the evidence, which is properly the province of the jury. Defs.’ Mot. Bar Danik at 6–7 (citing, *inter alia*, *Jordan v. City Chicago*, 2012 WL 254243, at *4 (N.D. Ill. Jan. 27, 2012); *Davis v. Duran*, 2011 WL 2277645, at *7 (N.D. Ill. 2011)). Specifically, according to Defendants, Danik impermissibly relies on

conclusions about disputed underlying facts, such as whether there was evidence of falsely arresting innocent people. *Id.* at 7. Plaintiffs retort that Danik will not testify that Plaintiffs were innocent, as that is a question for the jury, but rather that, based on his experience, high-tempo and thorough investigations of alleged police corruption are necessary to mitigate the risk of innocent people being falsely arrested. Pls.' Danik Resp. at 13. The Court will address the specific opinions identified by the parties to determine whether Danik impermissibly weighs evidence or makes credibility determinations.

4. Specific Opinions

The Court now addresses the opinions with which Defendants take issue, both included in the bulleted list, and those interspersed within the first section of their motion to bar. The Court labels each opinion so that it can cross-reference them where helpful.

- a. Opinion A: "Inexplicably, CPD took no ownership of the matter and allowed the targets to remain as officers in the very community they were known to be victimizing. Perhaps the most egregious thing is CPD then did nothing to identify and attempt to correct possible false arrests of the people the target officers had victimized during those previous years." Defs.' Mot. Bar Danik at 6 (quoting Danik Report at 3).

These statements are pulled from the introduction of Danik's report. Accordingly, it is not completely clear if these are opinions that Danik intends to offer at trial. If so, the Court agrees with Defendants that they are inadmissible because they are summaries of the evidence and not supported by reliable methodology. Defs.' Mot. Bar Danik at 6. As for the first sentence, Danik merely summarizes the evidence indicating that CPD allowed the Defendant Officers to remain in the community. He

is no better situated to review these facts than the jury, and as stated above, “opinions” that are merely factual summaries are inadmissible. *See Wells*, 2012 WL 116040, at *12 (citing *United States v. Hall*, 93 F.3d 1337, 1343 (7th Cir. 1996)). As to the second statement, Plaintiffs do not point to anywhere in Danik’s report or deposition testimony where he connects the need to correct possible false arrests to a standard for doing so (either in his experience of investigating police corruption or in any published standards). Accordingly, the Court finds that Plaintiffs have not met their burden of demonstrating that Danik’s opinion is based on reliable methodology. *See, e.g., Pursley*, 2024 WL 1050242, at *6 (plaintiff did not meet his burden of establishing reliability of police practices expert’s opinion where expert failed to explain “how” or “why” he reached conclusions). Therefore, the Court need not address Defendants’ alternative argument that Danik improperly concludes that, based on the evidence, innocent people were falsely arrested. Defs.’ Mot. Bar Danik at 9.

- b. Opinion B: “CPD IAD [was] the only law enforcement agency remaining between Watts, Mohammed, and citizens they were entrusted to protect but instead were victimizing.” Defs.’ Mot. Bar Danik at 6, 8 (quoting Danik Report at 20).

As with the first sentence of Opinion A, this opinion is merely a recitation of the facts and therefore does not employ Danik’s expertise. It is therefore inadmissible. *See, e.g., Wells*, 2012 WL 116040, at *13.

- c. Opinion C: “[T]he acts alleged to have been perpetrated were of such grave public safety concern, it is nearly incomprehensible any police department commander would not take immediate steps to intervene and protect the public but instead allow the activity to continue for several years.” Defs.’ Mot. Bar Danik at 7 (quoting Danik Report at 5).

Although a closer call, the Court find this opinion to be inadmissible, as well. In support of this opinion, Danik fails to identify which alleged acts should have caused the police commander to intervene immediately. As a result, he fails to explain how the CPD commander departed from a professional standard by failing to immediately intervene. *See Jimenez*, 732 F.3d at 721. Moreover, this opinion reads as if it is Danik's own personal opinion, which is also inadmissible under Rule 702. *See Vargas v. United States*, 2019 WL 10894119, at *5 (N.D. Ill. Jan. 15, 2019) ("Rule 702 requires that an expert witness provide testimony based on more than just 'personal beliefs.'") (citing *Dhillon v. Crown Controls Corp.*, 269 F.3d 865, 870 (7th Cir. 2001)). This argument is more appropriately made during counsel's closing arguments.

- d. Opinion D: "Special mention must be made of the failure by IAD to recognize or acknowledge three extreme alleged acts being perpetrated by Watts and Mohammed: a) stealing and then selling narcotics; b) planting narcotics on citizens then falsely arresting them, and c) Watts' use of firearms to commit violent acts (shooting at citizens, evidence that he may have been involved in one or more murders and statements that drug dealers would drop gun deliveries to him as part of their business arrangement). Any one of these three circumstances should have triggered an immediate "all-hands on deck" response reflex from CPD to ensure the safety of the public. Instead, evidence of these extreme acts surfaced time and again over several years without eliciting any sense that the public was potentially in imminent danger from Watts and Mohammed." Defs.' Mot. Bar Danik at 7–8 (quoting Danik Report at 12).

Unlike Opinion C, here Danik identifies specific acts that he contends should have elicited a response from CPD. The Court agrees with Plaintiffs that Danik has done enough, if barely, to explain that the failure to timely act when presented with certain "extreme alleged acts" violates generally accepted standards for conducting

an internal investigation, based on his experience in internal affairs and investigating public corruption. *See* Danik Dep. at 105:16–106:18; *see also* Danik Report at 6 (discussing his experience and how the MOU and DOJ SGIA do not displace a law enforcement agency’s determination in the face of serious allegations with an impact on public safety).

- e. Opinion E: “The key hallmark of any police corruption case is the timely, high-tempo resolution of allegations.” Defs.’ Mot. Bar Danik at 8 (quoting Danik Report at 9).

Similarly to Opinion D, the Court agrees with Plaintiffs that Danik has sufficiently connected this opinion to his experience investigating police corruption cases, as well as the DOJ SGIA. Pls.’ Resp. at 13.

- f. Opinion F: “Clear evidence of corruption by Watts and Mohammed was collected and known to agents/officers and command staff of CPD beginning in 2003.” Defs.’ Mot. Bar Danik at 8, 16 (quoting Danik Report at 10).

As with several of the above opinions, the Court finds that this statement is inadmissible as it is merely a summary of the facts, and “there is no indication that his assessment of that evidence involves application of his expertise.” *See, e.g., Wells*, 2012 WL 116040, at *13. The Court therefore need not engage with Defendants’ alternative argument that this opinion is not based on facts in the record. Defs.’ Mot. Bar Danik at 15–16.

- g. Opinion G: “A federal cooperator has almost no motivation to lie during the investigative phase because they know law enforcement is usually actively following up on their information and confronting them with the results.” Defs.’ Mot. Bar Danik at 8 (quoting Danik Report at 14).

The Court finds this statement admissible, as it is based on Danik's own experience working with informants and DOJ policy in general as to the consequences for a cooperator who lies. Danik Report at 14; Danik Dep. at 337:6–22.

- h. Opinion H: "Stunning statement detailing long-term corruption and violent acts by Watts." Defs.' Mot. Bar Danik at 8 (quoting Danik Report at 15).

This statement is a heading in Danik's report, so the Court is not sure it is even meant to be offered as an "opinion." Danik Report at 15. To the extent it is, it is merely a summary of the facts that does not employ Danik's expertise. And therefore, it is inadmissible.

- i. Opinion I: "No FBI presence is documented during the lengthy meeting during which Moore provides a sweeping, detailed account of the massive illicit drug market operated unfettered in the IBW's housing complex mostly because Watts is paid with cash and guns by dealers like him to allow it to thrive." Defs.' Mot. Bar Danik at 8 (quoting Danik Report at 15–16).

In context, the Court finds that this statement is admissible in support of Danik's opinion that "Moore was a crucial interview for the FBI to attend if CPD considered the FBI the lead agency and decision maker in the Watts corruption probe." Danik Report at 16. Defendants make no argument about the admissibility of that opinion, so the Court does not address it at this time.

- j. Opinion J: "It is extraordinary that the CPD did not locate the girlfriend or document numerous subsequent efforts to do so when taken against the high probability she could have very relevant information related to identifying the source of the cash." Defs.' Mot. Bar Danik at 8, 12 (quoting Danik Report at 19).

Although the Court does not question that Danik has experience in following up with corroborating witnesses in corruption investigations, as explained above, for

a law enforcement expert's opinion like the above to admissible, the expert must describe the professional standard and identify the departure from them. *See Jimenez*, 732 F.3d at 721. Here, Danik does not provide the professional standard regarding following up with corroborating witnesses nor the basis for it. *See* Danik Report at 19. Contrary to Plaintiffs' argument in response that Danik's opinion is admissible because he analyzed the facts of the joint CPD/FBI investigation using his extensive experience investigating corruption of this type, simply stating that an expert relied on his experience generally is insufficient to satisfy Rule 702. *See Pursley*, 2024 WL 1050242, at *6 (citing Fed. R. Evid. 702(d)). Accordingly, this opinion is inadmissible.

- k. Opinion K: "Yet, despite this overwhelming evidence of corruption, they failed to track any of Watts[]" cases for possible civil rights violations (false arrests)." Defs.' Mot. Bar Danik at 8 (quoting Danik Report at 20).

This opinion reads more like a summary of the evidence (that is, it simply lists certain things that CPD failed to do). Danik Report at 20. On that basis, it is unhelpful to the jury, as it does not employ Danik's expertise, as discussed in relation to Opinions A, B, F, and H. To the extent this is an opinion that CPD departed from generally acceptable standards by failing to do those things in the face of "overwhelming evidence of corruption," Danik does not identify the generally accepted standard that CPD departed from, and as such the opinion must be barred as unreliable. *See, e.g., Andersen v. City of Chicago*, 454 F. Supp. 3d 740, 744 (N.D. Ill. 2020). As with Opinion A, the Court does not address Defendants' alternative

argument regarding Danik's determination that individuals were falsely arrested.

Defs.' Mot. Bar Danik at 9.

1. Opinion L: "Having delayed another incredible four-years and despite documenting an extraordinary number of specific corrupt acts (discussed below), CPD again failed to take action to protect the public, attempt to redress past by arrests or attempt to mitigate the reasonable conclusion that innocent persons were either incarcerated or facing serious drug allegations which may have been fabricated." Defs.' Mot. Bar Danik at 8 (quoting Danik Report at 21).

Similar to Opinion K, this statement again appears to merely be a summary of the evidence, which is inadmissible. And similar to Opinions A and K, to the extent Danik opines that CPD departed from generally acceptable standards by failing to take action to protect the public or to redress harm to potentially innocent people, Danik fails to identify the generally accepted standard regarding what action CPD should have taken to protect the public or redress harms. *See, e.g., Pursley*, 2024 WL 1050242, at *6. Again, as with Opinions A and K, the Court need not address Defendants' alternative argument regarding Danik's conclusion that innocent people were being falsely arrested. Defs.' Mot. Bar Danik at 9.

- m. Opinion M: "This incident adds to an alarming and growing number of complete investigative missteps that should have sparked any responsible command staff officer to intervene and take action to improve quality or to use the evidence in an administrative proceeding instead because the extreme seriousness of the crimes being perpetrated by Watts and Mohammed." Defs.' Mot. Bar Danik at 8 (quoting Danik Report at 22).

For the same reasons discussed above, the Court finds that Danik offers no explanation regarding the professional standard he contends CPD failed to satisfy (that is, what is the generally accepted practice for when there is a misstep in an

internal investigation, and how did CPD fail to meet the standard?). The Court acknowledges that, at first glance, this opinion is similar to Opinion D, which the Court finds to be based on sufficiently reliable methodology. However, Opinion D pertains to actions CPD should have taken *based on evidence of corruption*, the standards for which are based on Danik's experience and the DOJ SGIA. Without an articulated standard regarding actions to be taken *based on investigative missteps*, the Court finds that Plaintiffs have failed to show that Danik's opinion is based on reliable methodology. *See, e.g., Pursley*, 2024 WL 1050242, at *6.

- n. Opinion N: "A spectacularly failed operation-CPD appears unconcerned. The investigation goes dark and CPD does nothing to protect the public." Defs.' Mot. Bar Danik at 9 (quoting Danik Report at 22).

As with Opinion H, this statement is a heading in Danik's report, so the Court is not sure it is even meant to be offered as an "opinion." Danik Report at 15. And again, if it is offered as an opinion, the Court finds it to be merely a recitation of the facts employing emphatic language and as such, inadmissible.

- o. Opinion O: "CPD command staff seems to have no reaction to this incredible operational failure, and it is inescapable that CPD now, on top of all the previous documented payments to Mohammed, have direct evidence via audio and possibly video, which could easily be utilized in an administrative proceeding take no action." Defs.' Mot. Bar Danik at 9 (quoting Danik Report at 24).

As to the first part of the opinion, that CPD command staff has no reaction to an operational failure, the Court finds that to be merely a recitation of the evidence. However, the second part of the opinion, which essentially is an opinion that CPD should have taken administrative action based on direct evidence in their possession, is based on sufficient methodology for the reasons discussed above as to Opinion D.

- p. Opinion P: “CPD did nothing to protest the lack of operational action, that no lead FBI agent was assigned nor move to mitigate the clear immediate public safety threat Watts posed to the public.” Defs.’ Mot. Bar Danik at 8 (quoting Danik Report at 25).

Like many of the above opinions, the Court finds this statement to simply be an inadmissible summary of the evidence.

- q. Opinion Q: “False arrest’ sensitivities . . . should have been the cornerstone and hallmark in every aspect of this police corruption investigation since its inception . . . and applied not only to police officers, but included all innocent citizens potentially victimized and incarcerated by Watts and Mohammed during the pendency of the 2004-2011, long bungled investigation. The citizens of Chicago deserved nothing less.” Defs.’ Mot. Bar Danik at 9 (quoting Danik Report at 27).

For the same reasons discussed above in relation to Opinion A, K, and L, Danik does not point to any professional standard—whether it be his experience or DOJ or FBI literature—regarding how a police department should have handled the risk of false arrests during an internal investigation. Moreover, the opinion that the citizens of Chicago “deserved nothing less” does not employ Danik’s expertise and will not be helpful to the jury. *See, e.g., Florek*, 649 F.3d at 602–03 (“[W]hen the testimony is about a matter of everyday experience, expert testimony is less likely to be admissible.”). Accordingly, this opinion is inadmissible.

D. Speculation

Next, Defendants argue that Danik impermissibly speculates throughout his report. Defs.’ Mot. Bar Danik at 11–13. It goes without saying that expert testimony cannot “be based on subjective belief or speculation.” *Metavante Corp. v. Emigrant Sav. Bank*, 619 F.3d 748, 761 (7th Cir. 2010); *DePaepe v. General Motors Corp.*, 141 F.3d 715, 720 (7th Cir. 1998) (“[T]he whole point of *Daubert* is that experts can’t

‘speculate.’ They need analytically sound bases for their opinions.”). Defendants list nine opinions and statements from Danik’s report that they contend, without citing to any cases, are “inadmissible conjecture of the type routinely barred by the courts.” Defs.’ Mot. Bar Danik at 11–13. For example, Defendants point to Danik’s statement that an “interview held great potential to be a critical break in the Watts case,” and in relation to a later time period, “CPD appears to take no action during this time.”¹¹ *Id.* at 12 (citing Danik Report at 16, 25).

Plaintiffs counter that the opinions cited by Defendants are not the type of speculation prohibited under *Daubert*. Pls.’ Danik Resp. at 14. In fact, argue

¹¹The full list of opinions Defendants contend are speculative (with the alleged speculation bolded) is: (1) “**A federal cooperator has almost no motivation to lie** during the investigative phase because they know law enforcement is usually actively following up on their information and confronting them with the results.” (2) “No FBI presence is documented during the lengthy meeting during which Moore provides a sweeping, detailed account of the massive illicit drug market operated unfettered in the IBW’s housing complex **mostly because Watts is paid with cash and guns by dealers like him to allow it to thrive.**” (3) “Gaddy was interviewed without notice to or participation by the FBI public corruption squad. Gaddy’s interview held **great potential** to be a critical break in the Watts case and is concerning a dangerous incident that **might have immediate impact** on CPD, such as Gaddy knowing of physical evidence corroborating his allegations or have an incriminating recording.” (4) “Incredibly, CPD IAD does not pursue using Gaddy further because he was cooperating with another investigation and **Holliday apparently never escalates this important issue** to the FBI.” (5) “Instead, CPD IAD and Holliday **appeared to unilaterally allow the potential significant benefit Gaddy represented** to the Watts investigation to slip away without asking the FBI (who they claimed was in charge) to assist.” (6) “It is extraordinary that the CPD did not locate the girlfriend or document numerous subsequent efforts to do so when taken against **the high probability she could have very relevant information** related to identifying the source of the cash.” (7) “April 18, 2008 CPD and FBI botch an attempt to record conversations with drug dealers after **a CPD informant apparently absconds and either sells or discards the recording devices** (FBI000460).” (8) “**CPD command staff seems to have no reaction to this incredible operational failure**, and it is inescapable that CPD now, on top of all the previous documented payments to Mohammed, have direct evidence via audio and possibly video, which could easily be utilized in an administrative proceeding take no action.” (9) “**CPD appears to take no action** during this time either to protect the public from Watts and Mohammed’s predatory behavior throughout the summer of 2011.” Defs.’ Mot. Bar Danik at 11–12 (citing Danik Report, *passim*).

Plaintiffs, the only case barring an expert opinion as speculative cited by Defendants, *DePaepe*, is inapposite. *Id.* The court in *DePaepe* barred an expert from opining that a company took an action to save money because the expert was not qualified to speculate that the company “had a particular motive.” 141 F.3d at 720. The Court agrees with Plaintiffs that Danik does not opine as to any motive or state of mind in any of the opinions listed by Defendants, which would certainly be inadmissible. *See DePaepe*, 141 F.3d at 720; *Lurry v. City of Joliet*, 2023 WL 2138763, at *16 (N.D. Ill. Feb. 21, 2023) (barring opinion that “Sgt. May was more concerned about preserving evidence in his criminal case than he was about Lurry’s safety” as speculation as to motive).

Instead, the listed opinions are based on Danik’s review of the investigative files and based on his experience investigating public corruption. True, Danik couches many of the listed opinions in language such as “apparently,” “appeared,” “seems,” and “high probability,” to name a few, but Defendants cite nothing requiring exclusion of opinions simply because the expert is less than certain about some facts. Indeed, the Seventh Circuit has stated that, “[o]ur system relies on cross-examination to alert the jury to the difference between good data and speculation.” *Manpower*, 732 F.3d at 809 (cleaned up). The Court finds that the opinions listed by Defendants are sufficiently grounded in the factual record and in Danik’s own experience such that they are not impermissibly speculative. *See Stollings v. Ryobi Techs., Inc.*, 725 F.3d 753, 768 (7th Cir. 2013) (“The fact that an expert’s testimony contains some vulnerable assumptions does not make the testimony irrelevant or inadmissible.”);

see also Jordan, 2012 WL 254243, at *9 (defense expert's opinion should not be barred simply because it does not mirror defendant officer's version of events so long as the opinion is "factually linked" to the case) (citing *United States v. Gallardo*, 497 F.3d 727, 733 (7th Cir. 2007)).

This goes for Danik's opinion that CPD should have taken administrative action against Watts and Mohammed before the end of the joint FBI/IAD criminal investigation, as well. Defendants contend that Danik admitted at his deposition that he did not know certain facts about the evidence the FBI had in 2007 and 2008, nor whether the FBI would have given the CPD access to use bribe payments at an administrative proceeding. Defs.' Mot. Bar Danik at 13 (citing Danik Dep. at 278, 281). As Plaintiffs argue in response, Danik did not base his opinions solely on whether he knew whether the FBI gave CPD access to evidence about Mohammed accepting bribe payments in 2007 and 2008, but rather based on the entirety of the facts he reviewed. Pls.' Resp. at 16. Simply because Danik did not know several facts related to the investigation in 2007 and 2008 does not make his entire opinion speculative. *See Manpower*, 732 F.3d at 809. As to Defendants' argument that Danik acknowledged that revealing the confidential criminal investigation at an administrative proceeding would have undermined the ability to prove any case against Watts, Defs.' Mot. Bar Danik at 13 (citing Danik Dep. at 30–31, 45, 181, 256–57), such an admission is certainly good fodder for Defendants on cross-examination, but it does not render his entire opinion speculative.

E. Opinions Against Non-Parties

Next, Defendants move to bar two opinion against non-parties, arguing that they do not relate to facts at issue in the case. Defs.' Mot. Bar Danik at 14–15 (citing Fed. R. Evid. 702 (expert testimony is admissible if it “will help the trier of fact to understand the evidence or to determine a fact in issue”)). Specifically, Defendants first move to bar Danik's opinion that misconduct by an FBI agent working on the joint investigation “might partially explain why the investigation had not been concluded by the FBI by that point” but “provides no reason and no excuse for CPD not taking administrative action against the officers.” *Id.* at 14 (citing Danik Report at 24, 28; Danik Dep. at 281 (testifying that it was “mainly the bureau's bungling” of the operation)). Second, Defendants move to bar Danik's opinion regarding a CPD officer's falsification of a report related to a traffic accident involving a police car, in which Watts intervened and ultimately had a known heroin dealer pay for the damage to a citizen's car caused by the police car. *Id.* at 15 (citing Danik Report at 13). Danik opined that the “incident contains two serious red-flags of corruption: 1) filing of false police reports and 2) that Watts had such a close familiarization with a known heroin dealer.” *Id.*

The Court agrees with Plaintiffs that, although Danik's opinions include mention of third parties, they relate at bottom to the CPD investigation (or failure to investigate further). Pls.' Resp. at 16–17. True, the opinion regarding the FBI agent's misconduct and the FBI's resulting “bungling” of the investigation relates more to the FBI's investigation than the CPD's; however, Danik does opine that the delay caused

by the FBI is not a basis or excuse for CPB not taking administrative action against the officers, which is certainly a fact at issue. As to the opinion relating to the traffic stop involving Watts, that even more clearly relates to a fact at issue, since it pertains to Watts' misconduct and CPD's failure to investigate further. They therefore are not inadmissible under Rule 702.

F. Opinions Without Factual Basis

Defendants also contend that Danik offers four opinions based on facts not found in the record or contradicted by the record. Defs.' Mot. Bar Danik at 15–18. Rule 702 requires expert testimony to be based on sufficient facts or data. Fed. R. Evid. 702. Experts may not offer opinions that are not supported or are contradicted by un rebutted evidence in the record. *See Queen v. W.I.C., Inc.*, 2017 WL 3872180, at *5 (S.D. Ill. Sept. 5, 2017).

The Court already addressed the first opinion with which Defendants take issue: that CPD command staff had clear evidence of Watts and Mohammed's corruption in 2003. *See supra* Section I.C.4.f. Accordingly, the Court need not address it here.

Turning to the second opinion, Defendants argue that Danik attempts to rewrite a 2004 memorandum written by former IAD Agent Calvin Holliday (the 2004 Memorandum) in which he summarized the initial meeting between IAD and the United States Attorney's Office (USAO) and other federal agencies. Defs.' Memo. Bar Danik at 16. The 2004 Memorandum states in relevant part, "The Cooperating Individual is to be prosecuted in federal court and the United States Attorneys office

believe they should be in control of everything that results from his cooperation.” R. 307-6, 2004 Memo. Danik opines that “[m]y experience is that it was more likely that the USAO would need to agree to be in control of any sentencing credit resulting from the cooperation.” Danik Report at 14. Defendants maintain that Danik’s opinion is contrary to the plain language of the 2004 Memorandum that the USAO should be in “control of everything” and therefore should be barred. Defs.’ Memo. Bar Danik at 16–17.

Plaintiffs respond that Danik relies on his experience to opine that the USAO likely wants to be in charge of sentencing benefits to the cooperator, not the entirety of the investigation. Pls.’ Danik Resp. at 17 (citing Danik Report at 14–15 (“My experience is that U.S. Attorneys and Assistant U.S. Attorneys explicitly in written agreements (limited Use Immunity letters) with cooperators caution them that the particular office in fact does not have authority to control the use of the source’s information by other offices.”)). Plaintiffs insist that, simply because Defendants’ interpretation is different, that does not mean that Danik’s opinion is conclusively refuted by the record. *Id.* The Court agrees.

True, Danik is not, and has never been, a federal prosecutor, and experts are limited to testifying as to the area of their expertise. *See, e.g., Blackmon v. City of Chicago*, 2022 WL 21296465, at *5 (N.D. Ill. Aug. 30, 2022) (barring police practices expert’s commentary on the implications of defense and government counsel’s trial methods and choices, as well as his opinion that he “concur[red] with the judge” to be “too far afield from any discrete police practice or investigatory technique to be

admissible”). Here, however, Danik has experience with investigations where the USAO is involved, so the Court finds that he may offer his opinion as to his interpretation of the 2004 Memorandum based on that experience. Of course, Defendants may vigorously cross-examine Danik on this point. *See Schultz v. Akzo Nobel Paints, LLC*, 721 F.3d 426, 432 (7th Cir. 2013).

Third, Defendants argue that Danik ignores evidence in the record that the FBI was aware of potential informant Willie Gaddy when he opines, “[i]ncredibly, CPD IAD does not pursue using Gaddy further because he was cooperating with another investigation and Holliday apparently never escalates this important issue to the FBI.” Defs.’ Mot. Bar Danik at 17 (citing Danik Report at 17; R. 307-7, 2004 Report; R. 307-8, 2008 FBI Report). Plaintiffs do not respond to this argument, and as such have waived a response. *See, e.g., Alioto v. Town of Lisbon*, 651 F.3d 715, 721 (7th Cir. 2011) (failure to address an argument resulted in “waiver”). Based on the information before the Court, and Plaintiffs’ failure to respond, the Court finds that Danik’s opinion ignores significant evidence that the FBI was already aware of Gaddy (*see* 2004 Report), and as such, is inadmissible. *See Empress Casino Joliet Corp. v. Johnston*, 2014 WL 6735529, at *11 (N.D. Ill. Nov. 28, 2014) (barring opinion where expert ignored significant relevant evidence).

Last, Defendants unsurprisingly take issue with Danik’s opinion, “Perhaps the most astounding allegation that was known by CPD, FBI and ATF about Watts was that he may have been involved in the targeted killing of an ATF informant to stop the informant from cooperating against Watts and other drug dealers.” Defs.’ Mot.

Bar Danik at 17 (citing Danik Report at 17). Defendants contend that this opinion is unsupported by the evidence, and Danik even admitted during his deposition that Watts did not have anything to do with the murder. *Id.* (citing Danik Dep. at 272–273 (Q. “It seems to me that you’re suggesting that Watts had something to do with Moore’s subsequent murder. Is that what you’re trying to say here? A. Absolutely not.”)). Indeed, argue Defendants, the victim, Moore, was murdered by the Hobos street gang, as established by a racketeering jury trial, which was affirmed by the Seventh Circuit. *Id.* at 17–18 (citing *United States v. Brown*, 973 F.3d 667 (7th Cir. 2020)). Moreover, Defendants argue that any reference to Moore’s murder would be unduly prejudicial. *Id.* at 18.

Plaintiffs argue that there is evidence in the record that CPD knew that Moore informed on Watts in April 2005, this information was leaked to Watts before Moore’s death in December 2005, and the City did nothing to investigate Watts’ involvement in Moore’s murder. Pls.’ Danik Resp. at 19; *see* Danik Report at 17–18. Although Danik admitted during his deposition that he knows *now* that Watts had nothing to do with Moore’s murder, he testified that, back at the time of the murder investigation, he would have expected CPD to investigate Watts’ potential involvement, whether as a suspect or a witness. Danik Dep. at 272–276. Whether the unfair prejudice outweighs any probative value, contend Plaintiffs, is more appropriate for a motion *in limine* than a *Daubert* motion. Pls.’ Danik Resp. at 19.

The Court agrees with Plaintiffs that there is evidentiary support for Danik’s opinion, and while sensational and, as Plaintiffs admit, prejudicial to Defendants,

such potential prejudice is better resolved on a motion *in limine* than the instant *Daubert* motion. *See supra* Section I.B. n.10.

G. MOUs

Finally, Defendants contend that Danik’s opinions relating to the MOU will not help the jury and as such must be barred. Defs.’ Mot. Bar Danik at 18–19. Citing to four opinions relating to the MOU, Defendants point out that Danik bases his opinions on the “plain language” of the MOUs and therefore his opinions will not help the jury understand the evidence, and indeed are not even expert testimony since any person can read plain language. *Id.* at 19 (citing Danik Report at 5–6, 11; *United States v. Gan*, 54 F.4th 467, 474–75 (7th Cir. 2022)). Additionally, argue Defendants, to the extent that Danik attempts to interpret the MOU, it is an impermissible legal conclusion. *Id.* (citing *Envy Branding, LLC v. William Gerard Grp., LLC*, 2024 WL 869156, at *8 (S.D.N.Y. Feb. 29, 2024)).

Plaintiffs counter that as an initial matter, Defendants have put the MOU at issue through their expert Michael Brown (Brown), who opines that the MOU indirectly prevented CPD from moving administratively against Watts or Mohammed, and also prevented CPD from conducting independent investigations into Watts or Mohammed. Pls.’ Danik Resp. at 20 (citing R. 342-2, Brown Report at 21; R. 342-8, Brown Dep. at 16:4–19:20). Brown also testified that the MOU reflected a mutual understanding between the CPD and FBI between 2004 and 2012. *Id.* (citing Brown Dep. at 91:25–97:23). The way Plaintiffs see it, Defendants put the interpretation of the MOU at issue but then argue that Danik’s experience with FBI

MOUs is irrelevant because he relies on the MOU's "plain language." *Id.* The Court agrees, and finds that Defendants are trying to have their cake and eat it too.

Moreover, as Plaintiffs argue, Danik does not simply parrot the plain language of the MOU, but interprets it in the context of his experience drafting and using MOUs in federal investigations, which is appropriate, especially where the MOU is a specialized document relating to FBI inter-agency investigations. Pls.' Danik Resp. at 20–21 (citing, *inter alia*, *Gan*, 54 F.4th at 476 (the "helpful decoding of jargon" by law enforcement experts is admissible); *WH Smith Hotel Servs., Inc. v. Wendy's Int'l, Inc.*, 25 F.3d 422, 429 (7th Cir. 1994) ("Evidence of custom and usage is relevant to the interpretation of ambiguous language in a contract.")). And unlike in *Envy Branding*, cited by Defendants, where the expert's testimony on the meaning of an MOU was barred because it would have resolved an ultimate issue (whether the contract was breached), here the interpretation of the MOU does not lead to a legal conclusion or resolution of an ultimate issue. *Id.* at 21–22 (citing *Envy Branding*, 2024 WL 869156, at *8). Finally, for the reasons discussed above, the Court finds Danik qualified to opine on MOUs based on his experience drafting and using MOUs in federal investigations. *See supra* Section I.B. Defendants are free to cross-examine him about his experience (or lack thereof) interpreting MOUs pertaining to joint investigations. *See* Defs.' Danik Reply at 13; *Andersen*, 454 F. Supp. 3d at 813 (citing *Sheldon*, 950 F.2d at 410).

II. Plaintiffs' Motion to Bar Michael Brown

Defendants have disclosed Michael Brown, a retired FBI agent to rebut Danik's opinions, as well as Plaintiffs' allegations about the joint FBI/IAD investigation of the Defendant Officers. R. 339, Defs.' Brown Resp. at 2. Plaintiffs' move to bar certain of Brown's opinions because: (1) they discuss witness credibility; (2) are speculative; and (3) exceed his expertise. The Court addresses each argument in turn. R. 301, Pls.' Mot. Bar Brown at 4.

A. Witness Credibility

Plaintiffs first take issue with certain statements Brown made during his deposition about Baker and other witnesses'—specifically Willie Gaddy and Wilbert Moore's—"credibility issues." Pls.' Mot. Bar Brown at 4 (citing R. 301-3, Brown Dep. at 136:1–3, 155:2–8, 161:1–16). As stated above, an expert witness may not opine on the credibility of witnesses, as those are within the province of the trier of fact. *See Goodwin v. MTD Prod., Inc.*, 232 F.3d 600, 609 (7th Cir. 2000); *United States v. Hall*, 165 F.3d 1095, 1107 (7th Cir. 1999).

Defendants contend, however, that Brown is not making credibility determinations with respect to the allegations in *this case*; rather, he was commenting on Brown and other witnesses' credibility *for purposes of how to proceed in a corruption investigation*, as made clear by his report. Defs.' Brown Resp. at 3 (citing R. 301-2, Brown Report at 18). The way Defendants see it, Brown opines on the necessity for FBI or IAD investigators in the underlying investigation to "verify[] and corroborat[e] information from drug dealer informants with credibility issues

before it is used in a criminal or administrative proceeding.” *Id.* at 4. Plaintiffs retort that “[t]his is a distinction without a difference,” and that when Brown opines on Baker and other witnesses’ credibility during the relevant time period, that is “tantamount to him doing so in the present case because Baker’s core allegations against Watts and his team are the same now as they were approximately 20 years ago.” R. 354, Pls.’ Baker Reply at 2.

Although Plaintiffs are correct that Defendants failed to cite any authority in their response in support of the proposition that Brown may opine on witnesses’ credibility as it relates to an underlying investigation, Pls.’ Baker Reply at 2, the Court finds a Seventh Circuit case cited by Plaintiffs in response to Defendants’ motion to bar Danik to be instructive. In *Jimenez v. City of Chicago*, the court found admissible a police practices expert’s testimony regarding “what a reasonable police investigator should have done when presented with these conflicting and/or inculpatory statements during the murder investigation” where the expert “did not tell the jury whether to believe what any witnesses had said during the civil trial.” 732 F.3d at 723. Recently, another court in this District, relying on *Jimenez*, allowed a police practices expert’s testimony that a witness was unreliable where he did so “from the perspective of a reasonable detective deciding how to handle that part of the investigation, not from the perspective of a factfinder.” *Pursley*, 2024 WL 1050242, at *7.

The Court finds that Brown’s opinions doing the same—that is, opining on how the credibility of informants like Gaddy and Moore, and those, like Baker, who

accused Watts of being “dirty” after being arrested by Watts, may be factored into the FBI or IAD’s investigation into the Defendant Officers. However, it goes without saying that Brown may *not* testify as to his opinions on any witness’s credibility as it relates to this case, which the Court find that he was doing in the testimony cited by Plaintiffs about Baker’s credibility. Pls.’ Mot. Bar Brown at 4; Brown Dep. at 135:22–136:3 (“Q. That extends to his specific allegations of planting evidence on him. Your opinion is what Baker says about it, drugs being planted on him, that’s not true, correct? A. I would say that Baker has credibility issues because of his denial about being involved in drug activity when the facts show otherwise.”). *See Davis v. Duran*, 277 F.R.D. 362, 370 (N.D. Ill. 2011) (“It is a fundamental premise of our trial system that determining the weight and credibility of witness testimony . . . belongs to the jury who are presumed to be fitted for it by their natural intelligence and their practical knowledge of men and the ways of men.”) (cleaned up). Nor may Brown testify as to which version of events should be believed, although, as discussed above, he of course may make factual assumptions in the face of conflicting testimony for the purpose of forming his opinions. *See Davis*, 277 F.R.D. at 370; *Richman v. Sheahan*, 415 F. Supp. 2d 929, 942 (N.D. Ill. 2006); *Andersen v. City of Chicago*, 2020 WL 1848081, at *4 (N.D. Ill. Apr. 13, 2020).

To the extent that Plaintiffs believe that Brown’s testimony regarding any witness’s credibility as it relates to the underlying investigation should be barred for

another reason, such as under Rule 403, they may raise those arguments in a motion *in limine*.

B. Speculation

Next, Plaintiffs take issue with three of Brown's opinions as unsupported speculation. Pls.' Mot. Bar Brown at 4–6. As stated above, expert testimony cannot “be based on subjective belief or speculation.” *Metavante Corp.*, 619 F.3d at 761; *DePaepe*, 141 F.3d at 720. Although an expert may offer a “hypothetical explanation of the possible or probable causes of an event,” the Seventh Circuit has cautioned that “these hypothetical alternatives must themselves have analytically sound bases so that they are more than mere speculation by the expert.” *Smith*, 215 F.3d at 718–19 (cleaned up).

First, Plaintiffs take issue with Brown's opinion on collateral damages to a CPD administrative proceeding occurring before the end of the criminal investigation, specifically that, if Watts was not successfully prosecuted, “[t]he public and the media could likely characterize the failure of Watts being criminally charged as an example of a police cover-up.” Pls.' Mot. Bar Brown at 5 (citing Brown Report at 14). From Plaintiffs' perspective, there is nothing in Brown's background or in his report suggesting that he is an expert in public relations, media relations, or in the way that the public reacts to decisions to prosecute (or not to prosecute) individuals, so his opinion about the public reaction to a hypothetical situation that never happened is “pure speculation.” *Id.* Defendants counter that Brown further supported this opinion during his deposition, testifying that if Watts was disciplined in a form

less than what could have resulted from a criminal investigation, the public could have concluded that CPD “was just trying to take care of their own,” that “[t]hey swept it under a rug,” or that “[t]hey had moved on” thereby creating an “image problem.” Defs.’ Brown Resp. at 8 (citing Brown Dep. at 233:23–234:13). Defendants also maintain that Brown’s opinion about the public and media’s likely characterization is based on his “training, experience, and background” in sensitive investigations, which is sufficient. *Id.* at 8–9.

The Court agrees with Plaintiffs that this opinion is speculative. Brown’s report does not explain how his experience in sensitive investigations provides him the expertise to opine about how the public or media would react to a failure to prosecute Watts (for example, by stating that, in his experience, IADs or police chiefs consider potential public backlash when determining whether to proceed administratively versus criminally against a corrupt officer). Defendants, as the proponent of the witness, fail to establish his qualifications to opine on this topic. That is, Defendants fail to establish that Brown has any expertise in public relations or with the media. Therefore, the Court finds this opinion to be speculative and unhelpful to the jury. *See Smith*, 215 F.3d at 719.

Second, Plaintiffs contend that Brown should be prohibited from testifying that the absence of documentation that internal affairs was involved in Wilbert Moore’s murder investigation means that Watts was excluded as a suspect in Moore’s murder. Pls.’ Mot. Bar Brown at 6 (citing Brown Dep. at 161:18–163:7). As discussed above, Moore was a cooperator in the Watts investigation who was later murdered;

Plaintiffs' expert Danik offers an opinion that Watts should have been investigated in Moore's murder. *See supra* Section I.F. Defendants disagree, noting that Brown did not testify that "a lack of documentation" excluded Watts as a suspect in Moore's murder, but rather opined that, based on his review of the police file of the investigation into Moore's murder, there's no information that Watts had any involvement. Defs.' Brown Resp. at 9 (citing Brown Dep. at 162:6–163:7); *see also* Brown Dep. at 163:22–25. The Court agrees with Defendants that Brown did not offer the opinion with which Plaintiffs take issue, so this is a non-issue.

Third, Plaintiffs argue that during his deposition, Brown offered various potential reasons for why there is no report or documentation of a meeting between Moore and law enforcement agencies, which Plaintiffs contend are speculative. Pls.' Mot. Bar Brown at 6 (citing Brown Dep. at 206:23–211:5). Not so, counter Defendants, pointing out that Brown was responding to Danik's incorrect assertion that the FBI did not meet with Moore, despite records showing that ATF and the FBI met with Moore. Defs.' Brown Resp. at 10 (citing R. 339-1, Apr. 2005 ATF Report; R. 339-2, 2005 ATF Log). The records demonstrate that Moore's April 2005 interview with ATF and CPD was memorialized in a detailed report, Apr. 2005 ATF Report, whereas there is no report beyond a log notification that Moore met with the FBI in May 2005, 2005 ATF Log. Brown testified, in response to Plaintiffs' counsel's question, that "you wouldn't write a report repeating what was already in the original report, because there's a possibility that something could be taken out of context or by slightly—differ slightly. And you open yourself up to problems." Brown Dep. at 210:2–6. He explained

that it was up to the “discretion of the agent to note Moore was a previous interview” and the absence of such notation was not an indication of “malfeasance.” *Id.* at 211:12–19.

Importantly, he also stated that because he was not present at either meeting, he does not—and indeed cannot—opine on why a report was not written for the second meeting. *See id.* at 209:3–10. *That* would be speculation. However, the Court agrees with Defendants that, based on Brown’s experience, knowledge, and training, his hypothetical explanation as to why a report wasn’t authored as to the second meeting is not speculative. *See Smith*, 15 F.3d at 718–19 (experts can offer hypotheticals when they have a reliable basis); *Metavante Corp*, 619 F.3d at 761 (expert testimony can be founded on experience).

C. Opinions Beyond Expertise

Plaintiffs generally do not dispute that Brown is qualified to testify as an expert; however, they argue that he offers several opinions beyond the scope of his expertise. Pls.’ Mot. Bar Danik at 7–10. Specifically, Plaintiffs take issue with Brown’s opinions on IAD and Union contract issues. *Id.* Even if an expert “is qualified in general” he or she must still have expertise in the specific area about which they seek to offer testimony. *Gayton v. McCoy*, 593 F.3d 610, 617 (7th Cir. 2010) (“[S]imply because a doctor has a medical degree does not make him qualified to opine on all medical subjects.”); *see also* Fed. R. Civ. P. 702; *Fisher v. Ethicon, Inc.*, 624 F. Supp.

3d 972, 981 (C.D. Ill. 2022) (barring a pathologist from opining on specific risks of surgical tool and whether those risks appeared on instructions).

1. CPD's Internal Affairs

The way Plaintiffs see it, Brown is not qualified “to testify or comment about the policies, practices, and procedures of the CPD’s Internal Affairs Department or CPD’s internal investigation of Watts and his team.” Pls.’ Mot. Bar Brown at 7. Indeed, point out Plaintiffs, Brown specifically testified that he was not offering opinions about how CPD’s internal affairs systems works or doesn’t work, and that he is “not an expert on . . . how CPD conducts their internal affairs investigations.” *Id.* at 7–8 & n.1 (citing Brown Dep. at 74:9–17, 257–63). Despite this lack of expertise, Plaintiffs argue that Brown still improperly offers several opinions relating to police internal affairs operations, including those of CPD, in his report and during his deposition. *Id.* at 8. Defendants contend that “the context in which Mr. Brown’s opinions arise show that they are proper.” Defs.’ Brown Resp. at 11. The Court addresses each opinion in turn.

- a. Opinion A: “As to officers other than Watts and Mohammed, there was insufficient evidence to bring criminal or *administrative* charges.” Pls.’ Mot. Bar Brown at 8 (quoting Brown Report at 16 (emphasis in Plaintiffs’ motion); citing Brown Report at 28 (Brown similarly opining about the insufficient evidence to bring administrative charges)).

Plaintiffs contend that, without the requisite background in internal affairs, Brown has no basis to opine that there was insufficient evidence to bring administrative charges. Pls.’ Mot. Bar Brown at 8. According to Defendants, Brown based his opinion that no other officers were involved on the testimony of high-

ranking members of a police force and documents from the investigation from Superintendent McCarthy, IAD Chief Juan Rivera. Defs.’ Brown Resp. at 12 (citing Brown Report at 16). Notably, Defendants do not explain why this information allows Brown to testify about *administrative* charges, which he admits he has no experience in. He may testify as to the sufficiency of the evidence to bring *criminal* charges, but, without more from Defendants, the Court finds that they have failed to meet their burden of showing that Brown’s testimony regarding administrative charges is allowable under Rule 702.

- b. Opinion B: “CPD must include an analysis as to the sufficiency of any evidence when it decides to initiate an administrative action against its officers.” Pls.’ Mot. Bar Brown at 8 (quoting Brown Report at 19).

Similarly to the above, Plaintiffs argue that, without the requisite background in internal affairs (and especially CPD’s internal affairs), Brown has no basis to opine on what CPD had to do to initiate an administrative action against Watts or Mohammed. Pls.’ Mot. Bar Brown at 8. Defendants, on the other hand, point to Brown’s testimony that, in the context of an administrative proceeding, “[o]ther than my general knowledge that if some – from work experience and – and as a supervisor, that an accusation was being made against somebody, you would have to have some sort of basis for it rather than, you know, take action against someone just an accusation. So that, you know, I’m not an expert on human resources at all, but it’s – they’re afforded that.” Defs.’ Brown Resp. at 12 (quoting Brown Dep. at 171:15–22). The Court fails to see how this addresses Brown’s qualifications to opine on what CPD must include when initiating an administrative action, where Brown specifically

testified that he is “not an expert on . . . how CPD conducts their internal affairs investigations.” Brown Dep. at 258:17–20. And, even assuming Brown’s expertise in law enforcement, including as a supervisor, allows him to testify as to the need for evidentiary analysis before instigating any sort of proceeding, the Court find this to be the sort of opinion that a jury does not need expert testimony on to understand. *See, e.g., Florek*, 649 F.3d at 602–03.

- c. Opinion C: “These same risks are also present when conducting an administrative action against the targeted officers. Although the evidentiary burden is lower in such an action, certain portions of evidence will still have to be revealed. This revelation could cause irrevocable damage to the ongoing investigation or cause it to be shut down. Danik’s opinion that ‘nothing precludes the use of that evidence . . . in an administrative action,’ is far from reality. As outlined above, numerous reasons exist for not using this evidence in a premature administrative action against either Watts or Mohammed. Finally, since the evidence of the controlled bribe payments was not available for CPD IAD to use until the conclusion of the criminal investigation, it is likely that any such administrative proceeding would be unsuccessful, leaving those officers on the street and obstructing the criminal investigation at the same time.” Pls.’ Mot. Bar Brown at 8–9 (quoting Brown Report at 31).

Plaintiffs contend that again, with no internal affairs background, Brown has no basis to offer an opinion on the probability of success of an administrative proceeding against Watts or Mohammed. Pls.’ Mot. Bar Brown at 8–9. Defendants again point to Brown’s testimony about his work experience and experience as a supervisor that they insist qualifies him to opine on the need for competent evidence in an administrative disciplinary proceeding involving officers. Defs.’ Brown Resp. at 12 (citing Brown Dep. at 171:15–22). Defendants also argue that it is unclear what portion of Brown’s opinion Plaintiffs take issue with, and it is not up the Court or

Defendants to infer what they contest. *Id.* at 12–13 (citing, *inter alia*, *Nelson v. Napolitano*, 657 F.3d 586, 590 (7th Cir. 2011)). The Court understands Plaintiffs’ argument to be that they take issue only with the portion of Brown’s opinion regarding the probability of success of the administrative proceeding without the evidence of the controlled bribe payment. Pls.’ Mot. Bar Brown at 9. The Court agrees with Plaintiffs that, without experience with “lower . . . evidentiary burden” in administrative proceedings, Brown cannot testify about the probability of success of such a proceeding; moreover, such an opinion strikes the Court as speculative. To the extent Brown intends to testify that a failed administrative proceeding would leave officers on the street and obstruct the criminal investigation, that relates to his expertise in criminal investigations and thus is admissible.

- d. “Q. If it is your opinion that what the [CPD] did in 2006 when the FBI investigation was suspended that the [CPD’s] actions during that time were consistent with generally accepted standards, what’s the basis for that opinion? A. From the review of the record, it shows that CPD was in communication with the Cook County State’s Attorney’s Office. It should be noted that that was one of the reasons if not the main reason that the U.S. Attorney’s Office declined prosecution and therefore the FBI shut down the investigation, because of the parallel investigation that was being conducted by local authorities. The record showed that CPD was in communication with that office, and I also noted that the CPD IAD had reopened some of the CR complaints that formed the foundation. And also at the end of 2006, one of the CPD investigators was able to cultivate another -- another informant that was able to – I’ll just use the term go direct drag with the accused, and that information was then brought to the FBI and was the basis for the FBI reopening the investigation. So based upon those things that I just enumerated, it’s certainly demonstrated that CPD did not just sit on their hands, but

they were actively involved in the investigation.” Pls.’ Mot. Bar Brown at 9 (quoting Brown Dep. at 36:2–37:6).

Plaintiffs argue that Brown offers no basis for opining on what CPD did when the FBI’s joint investigation was suspended in 2006. Pls.’ Mot. Bar Brown at 10. Moreover, assert Plaintiffs, Brown was only disclosed to opine on the joint investigation, not any investigative steps CPD took independent of the FBI. *Id.* Defendants point to Brown’s report—which Plaintiffs do not challenge—where he states that Danik fails to acknowledge the steps taken by IAD when the joint investigation was suspended, and highlights the continued steps taken by IAD while the joint investigation was suspended, such as reopening Plaintiffs’ allegations. Defs.’ Brown Resp. at 13 (citing Brown Report at 28). Moreover, point out Defendants, Plaintiffs’ counsel explicitly asked for Brown’s opinion at his deposition, and Brown responded, so Plaintiffs cannot now complain about that responsive testimony. *Id.* at 14 (citing *Ezell*, 2023 WL 5287919, at *11 (“Plaintiffs cannot cry foul when an expert renders an opinion after being asked for one.”)). The Court agrees with Defendants that not only can Plaintiffs not complain about Brown’s responsive testimony, but also that Brown’s testimony is consistent with his disclosure and his report. Defs.’ Brown Resp. at 13–14.

2. Union/FOP Contract Issues

Finally, Plaintiffs argue that Brown has no experience with police union contracts, nor did he review the operative Fraternal Order of Police (FOP) contract between CPD and its officers. Pls.’ Mot. Bar Brown at 10 (citing Brown Dep. at 83:13–23, 171:2–172:20). Therefore, reason Plaintiffs, Brown is not qualified to opine on

whether a quicker investigation would violate labor contracts, and specifically cannot offer the following opinion: “Amongst the potential areas of concern for CPD could be possible due process claims and potential violations of labor contracts should CPD use information that was not reliable or validated. Just as in a criminal investigation, the administrative process requires an investment of time and resources, an investment that would most likely not take place in the expedited manner that is suggested by plaintiff’s expert.” *Id.* (quoting Brown Report at 28).

Defendants disagree, noting that Brown’s opinion is based on his experience in law enforcement and in internal investigations of employees, including his experience as a supervisory special agent in the FBI in charge of Office of Professional Responsibility Investigations. Defs.’ Brown Resp. at 15 (citing Brown Report at CITY-BG-062921). Indeed, point out Defendants, Brown testified that, based on his “work experience” including “as a supervisor,” that “you have some sort of basis” beyond “just an accusation” because “there’s a lot of things in place with the labor contracts with the police department, and that the officers are afforded some sort of protections from accusations.” *Id.* (quoting Brown Dep. at 171:15–172:4). The Court agrees with Defendants that Brown is qualified to testify that moving administratively on an expedited basis without competent evidence would likely violate union contracts, and that such an opinion is not speculative. *Id.*

Conclusion

For the foregoing reasons, the Court grants in part and denies in part Defendants' Motion to Bar Jeffrey Danik [305-1], [307] and grants in part and denies in part Plaintiffs' Motion to Bar Michael Brown [300], [301].

Dated: August 22, 2024


United States District Judge
Franklin U. Valderrama

EXHIBIT 9

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Watts Coordinated Pretrial Proceedings, et
al.

Plaintiff,

v.

Case No.: 1:19-cv-01717
Honorable Franklin U.
Valderrama

Kallatt Mohammed, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, September 6, 2024:

MINUTE entry before the Honorable Sheila M. Finnegan. Telephone hearing held on 9/6/2024 for ruling on Certain Defendants' Motion to Depose FBI Agents regarding Allegations of Agent Misconduct Proffered by Plaintiffs' Disclosed Witnesses [688/689]. For reasons stated on the record, the motion is denied. Because this ruling references confidential information that was submitted to the Court under seal, the transcript will be filed under seal on a provisional basis. The United States is to file a position statement by October 4, 2024, explaining what (if any) redactions are needed in the transcript, and why (bearing in mind the strict standard against secret filings, see generally *Mitze v. Saul*, 968 F.3d 689 (7th Cir. 2020)). That position statement may be filed under seal. After considering the proposed redactions, the Court will issue a public version of the transcript. Mailed notice (sxw)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE. WATTS COORDINATED,) Master Case No. 19 CV 01717
PRETRIAL PROCEEDINGS)
) Chicago, Illinois
) September 6, 2024
) 11:19 a.m.

TRANSCRIPT OF VIDEOCONFERENCE PROCEEDINGS

BEFORE THE HONORABLE SHEILA M. FINNEGAN

APPEARANCES VIA VIDEOCONFERENCE:

For the Plaintiffs: LOEVY & LOEVY
BY: MR. SCOTT R. RAUSCHER
311 North Aberdeen Street, Suite 300
Chicago Illinois 60607

LAW OFFICES OF KENNETH N. FLAXMAN,
P.C.
BY: MR. JOEL A. FLAXMAN
200 South Michigan Avenue, Suite 201
Chicago, Illinois 60604

For the Individual
Officer Defendants: HALE & MONICO LLC
BY: MR. ANTHONY E. ZECCHIN
53 West Jackson Boulevard, Suite 330
Chicago, Illinois 60604

For Defendants Cadman
and Spaargaren: LEINENWEBER DAFFADA & SANSONETTI LLC
BY: MR. JOHN R. STORTZ
120 North LaSalle Street, Suite 2000
Chicago, Illinois 60602

For Defendant Mohammed: MOHAN GROBLE SCOLARO P.C.
BY: MR. ERIC S. PALLES
55 West Monroe Street, Suite 1600
Chicago, Illinois 60603

Court Reporter: Judith A. Walsh, CSR, RDR, F/CRR
Official Court Reporter
219 South Dearborn Street, Room 2342
Chicago, Illinois 60604
(312) 702-8865
judith_walsh@ilnd.uscourts.gov

1 APPEARANCES VIA VIDEOCONFERENCE (Continued):

2 For Defendant Watts: JOHNSON & BELL LTD.
3 BY: MR. JACK A. GAINER
33 West Monroe Street, Suite 2700
Chicago, Illinois 60603

4 For Defendants City of BURNS NOLAND LLP
5 Chicago, Cline, Kirby, BY: MR. PAUL A. MICHALIK
and Rowan 311 South Wacker Drive, Suite 5200
6 Chicago, Illinois 60606

7 For Defendant Ridgell: BORKAN & SCAHILL, LTD.
8 BY: MR. TIMOTHY P. SCAHILL
20 South Clark Street, Suite 1700
Chicago, Illinois 60603

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (Proceedings heard via videoconference:)

2 THE CLERK: Case 19 CV 1717, Watts Coordinated
3 Pretrial Proceedings. May I have counsel for the Loevy
4 plaintiffs, please state your name.

5 MR. RAUSCHER: Good morning. Scott Rauscher for the
6 Loevy plaintiffs.

7 THE CLERK: Counsel for the Flaxman plaintiffs.

8 MR. FLAXMAN: Joel Flaxman.

9 THE CLERK: Counsel for the individual defendant
10 officers.

11 MR. ZECCHIN: Anthony Zecchin from Hale & Monico.

12 THE CLERK: Counsel for defendant Mohammed.

13 MR. PALLES: Eric Palles.

14 THE CLERK: Counsel for defendant Watts.

15 MR. GAINER: Brian Gainer.

16 THE CLERK: Counsel for City of Chicago.

17 MR. MICHALIK: Good morning. Paul Michalik for the
18 City.

19 THE CLERK: Counsel for defendant Ridgell.

20 MR. SCAHILL: Good morning. Timothy Scahill.

21 THE CLERK: Counsel for defendants Spaargaren and
22 Cadman.

23 MR. STORTZ: Good morning. Jake Stortz.

24 THE CLERK: Do we have the government's
25 representative on the line?

1 (No audio.)

2 THE COURT: All right. This is Judge Finnegan.
3 Apologies for the delay. I really did want government counsel
4 to be on the line mainly because of a lot of what you have
5 included in your briefs. And as you know, this hearing is for
6 the purpose of my ruling on the motion filed by certain
7 defendants to depose FBI agents regarding allegations of agent
8 misconduct proffered by plaintiffs' disclosed witnesses
9 docketed at 688 and 689 in the coordinated case.

10 Some of what was provided in your briefing and the
11 exhibits that were filed under seal, and I think that was
12 requested at the request of the United States, since I'm
13 ruling on the record, I do want to make sure that they can
14 hear what is being said so that they would have a chance to
15 comment on that or, you know, request sealing if necessary. I
16 don't know that we would need to, but they would need to be
17 privy to what's being said.

18 We did alert Mr. Lorenzen, so I'm not sure why he's
19 not on the line. And Mr. White has reached out to see if he
20 could get him.

21 Let me ask this. If I were to reset this for later
22 today, and I'm guessing there are a lot of tired individuals
23 because I saw some documents filed at -- in the middle of the
24 night in the Baker case, but if I were to -- assuming we can
25 reach Mr. Lorenzen, is there anybody who couldn't dial back in

1 this afternoon at, you know, 3:00 or 4:00 or whatever? If I
2 can't get him on this date, then I would ask the same question
3 as to Monday.

4 Let me just, anyone who wants to speak who is
5 unavailable either this afternoon between 3:00 and 4:00, let's
6 say, or unavailable on Monday, let me know right now if you
7 could.

8 MR. RAUSCHER: Judge, this is Scott Rauscher. This
9 afternoon would be fine with me. Monday from 3:00 to 4:00
10 would be difficult, although we could make it work, but if
11 there was other times Monday, I could -- if it was earlier on
12 Monday or even later, that would be okay.

13 THE COURT: Thank you.

14 MR. SCAHILL: Judge, today between 3:00 and 4:00 is
15 difficult. This is Timothy Scahill. It's difficult for me
16 because of some family issues that I have to attend to. I
17 could do earlier.

18 THE COURT: Do you have any -- okay. Thank you. Did
19 you designate any information as confidential? Because all I
20 would be doing is providing a ruling.

21 MR. SCAHILL: I don't think --

22 THE COURT: You should be able to read it.

23 MR. SCAHILL: Yes. Don't hold it up on my accord. I
24 just wanted to put that out there.

25 THE COURT: Thank you.

1 Anyone else want to speak up?

2 Okay. So Mr. White is going to reach out to probably
3 Tom Walsh at the U.S. Attorney's office to see if he can get
4 hold of Mr. Lorenzen. And we can reset this for you this
5 afternoon or sometime on Monday. And we won't do it between
6 3:00 and 4:00. He'll send an email out to everybody with the
7 new time. Thank you.

8 (Proceedings recessed from 11:23 a.m. to 4:00 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE. WATTS COORDINATED,) Master Case No. 19 CV 01717
PRETRIAL PROCEEDINGS)
) Chicago, Illinois
) September 6, 2024
) 4:00 p.m.

TRANSCRIPT OF VIDEOCONFERENCE PROCEEDINGS

BEFORE THE HONORABLE SHEILA M. FINNEGAN

APPEARANCES VIA VIDEOCONFERENCE:

For the Plaintiffs: LOEVY & LOEVY
BY: MS. GIANNA GIZZI
311 North Aberdeen Street, Suite 300
Chicago Illinois 60607

LAW OFFICES OF KENNETH N. FLAXMAN,
P.C.
BY: MR. JOEL A. FLAXMAN
200 South Michigan Avenue, Suite 201
Chicago, Illinois 60604

For the Individual
Officer Defendants: HALE & MONICO LLC
BY: MR. ANTHONY E. ZECCHIN
MR. WILLIAM E. BAZAREK
53 West Jackson Boulevard, Suite 330
Chicago, Illinois 60604

For Defendants Cadman
and Spaargaren: LEINENWEBER DAFFADA & SANSONETTI LLC
BY: MR. JOHN R. STORTZ
120 North LaSalle Street, Suite 2000
Chicago, Illinois 60602

For Defendant Mohammed: MOHAN GROBLE SCOLARO P.C.
BY: MR. ERIC S. PALLES
55 West Monroe Street, Suite 1600
Chicago, Illinois 60603

Court Reporter: Judith A. Walsh, CSR, RDR, F/CRR
Official Court Reporter
219 South Dearborn Street, Room 2342
Chicago, Illinois 60604
(312) 702-8865
judith_walsh@ilnd.uscourts.gov

1 APPEARANCES VIA VIDEOCONFERENCE (Continued):

2 For Defendant Watts: JOHNSON & BELL LTD.
3 BY: MR. JACK A. GAINER
33 West Monroe Street, Suite 2700
4 Chicago, Illinois 60603

5 For Defendants City of BURNS NOLAND LLP
Chicago, Cline, Kirby, BY: MR. PAUL A. MICHALIK
and Rowan 311 South Wacker Drive, Suite 5200
6 Chicago, Illinois 60606

7 For the United States: MR. MORRIS O. PASQUAL,
8 Acting United States Attorney
BY: MR. DONALD R. LORENZEN
9 Assistant United States Attorney
219 South Dearborn Street, Suite 500
10 Chicago, Illinois 60604

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (Proceedings heard via videoconference:)

2 THE CLERK: Case 19 CV 1717, In Re. Watts Coordinated
3 Pretrial Proceedings, here on motion hearing. Can I have
4 counsel for the Loevy plaintiffs, please state your name.

5 MS. GIZZI: Good afternoon. Gianna Gizzi on behalf
6 of the Loevy plaintiffs.

7 THE CLERK: Thank you.

8 Counsel for the Flaxman plaintiffs, please state your
9 name.

10 MR. FLAXMAN: Joel Flaxman.

11 THE CLERK: Counsel for the individual defendant
12 officers, please state your name.

13 MR. ZECCHIN: Anthony Zecchin from Hale Monico.

14 MR. BAZAREK: And William Bazarek.

15 THE CLERK: Counsel for the defendant City of
16 Chicago, please state your name.

17 MR. MICHALIK: Good afternoon. Paul Michalik for the
18 City.

19 THE CLERK: Counsel for defendant Mohammed, please
20 state your name.

21 MR. PALLES: Good afternoon, your Honor. Eric
22 Palles.

23 THE CLERK: Counsel for defendant Watts, please state
24 your name.

25 MR. GAINER: Good afternoon. Brian Gainer.

1 THE CLERK: And I believe defendant Ridgell's counsel
2 will not be attending.

3 Counsel for defendants Spaargaren and Cadman.

4 MR. STORTZ: Jake Stortz.

5 THE CLERK: Thank you.

6 THE COURT: Do we have counsel for the United States
7 on the line?

8 MR. LORENZEN: Yes, your Honor. Don Lorenzen from
9 the U.S. Attorney's office.

10 THE COURT: Thank you.

11 All right. I scheduled this hearing to provide my
12 ruling on the motion filed by certain defendants to depose FBI
13 agents regarding allegations of agent misconduct proffered by
14 plaintiffs' disclosed witnesses. It's motion 68 -- 688 and
15 689 in the coordinated cases.

16 I've reviewed the briefs including the opposition
17 brief of non-party United States on behalf of the Department
18 of Justice and the FBI -- that's docket 705 -- and the
19 defendant officers' reply at docket 716, and I've reviewed all
20 the exhibits.

21 The movants -- and I'll refer to them generally as
22 "defendants" in this ruling rather than "certain defendants."
23 Movants seek to depose four current and former FBI witnesses
24 regarding allegations of FBI agent misconduct during the joint
25 investigation conducted by the FBI and internal affairs

1 division, also known as IAD, of the Chicago Police Department.
2 And that investigation was of defendant Ronald Watts and
3 members of his tactical team.

4 The joint investigation began in 2004 and was ongoing
5 for about eight years though it wasn't formally closed until
6 2014. Defendants argue in the motion that the evidence that
7 they seek, the testimony about FBI agent misconduct, is highly
8 relevant for reasons that we'll discuss in a minute.

9 The non-party United States opposes the motion. It
10 notes that the defendants previously sought disclosure of this
11 testimony from the Department of Justice pursuant to DOJ's
12 *Touhy* regulations. The disclosure on this particular topic as
13 opposed to some others was not authorized because defendants
14 did not demonstrate, in United States' view, the relevancy of
15 the requested information to these coordinated civil actions.

16 The United States argues that the pending motion now
17 similarly fails to proffer a legitimate basis for testimony on
18 this topic consistent with the Federal Rules of Civil
19 Procedure, arguing that courts have broad discretion to limit
20 discovery to protect a party or person from annoyance,
21 embarrassment, oppression, undue burden, or expense.

22 At the crux of the government's argument -- or, I
23 should say, the United States' argument, is that the
24 defendants have failed to demonstrate any relevancy of
25 testimony about alleged misconduct by FBI agents, and it would

1 be a waste of DOJ law enforcement resources to allow a fishing
2 expedition that appears, in its view, designed only to harass
3 or embarrass the FBI and its personnel.

4 The United States also points to Rule 26(c)(1)
5 allowing entry of a protective order to limit discovery upon a
6 showing of good cause; and in the context of information
7 subpoenaed from a nonparty to litigation, good cause can be
8 satisfied by demonstrating that the discovery exceeds the
9 permitted scope of Rule 26(b)(1). So for this reason, the
10 United States argues that DOJ's response to the *Touhy* request
11 was proper and the Court should deny the motion.

12 I'm going to first turn to the standard of review.
13 As the parties recognize, the courts are divided on what the
14 standard is to apply when assessing challenges to a federal
15 agency's withholding of documents or testimony in response to
16 a Rule 45 subpoena pursuant to the agency's *Touhy* regulations.
17 Some courts apply the arbitrary and capricious standard under
18 the Administrative Procedure Act. Others have held that an
19 agency's response to a federal, as opposed to state, subpoena
20 is more properly assessed using the relevance and
21 proportionality standards found in the Federal Rules of Civil
22 Procedure.

23 The Seventh Circuit has not yet decided what the
24 standard is. So here, defendants as well as the United States
25 argued the issues under both standards. Defendants assert

1 that under either standard, the Court should grant the motion
2 and require testimony on topic 17 about FBI agent misconduct.
3 The United States argues the opposite: Under either standard,
4 the discovery should be denied.

5 I'm not going to spend time delving into the
6 intricacies and debate over the proper standard. Let me just
7 say that I find persuasive and agree with the reasoning in
8 *FDIC v. Crowe Horwath LLP*, that's No. 17 C 4384, and it's
9 found at 2018 Westlaw 3105987, a Northern District of Illinois
10 decision dated June 25th, 2018. Since I find that case
11 persuasive, I'm applying the Federal Rules of Civil Procedure,
12 namely Rules 45 and 26, to decide the motion, but even if I
13 were to apply the "arbitrary and capricious" standard under
14 the APA, my ruling would be the same.

15 As noted earlier, the government pointed out that
16 Rule 26(c)(1) should be considered. In addition, under
17 Federal Rule 45, courts are required to quash or modify a
18 subpoena to a nonparty if it subjects a person to undue
19 burden. And courts consider a number of factors including
20 whether the burden of the proposed discovery outweighs its
21 likely benefit and whether the discovery is cumulative or
22 duplicative or could be obtained from a more convenient and
23 less burdensome but equally reliable source. And there, I'm
24 citing *Mosely v. City of Chicago*, 252 F.3d 421 at Page 427, a
25 Northern District case in 2008, and it's citing *Northwestern*

1 *Memorial Hospital v. Ashcroft*, 362 F.3d at Page 927. The
2 Seventh Circuit decided that in 2004.

3 In addition, the relevance and proportionality limits
4 in Rule 26 apply with equal force to nonparty discovery under
5 Rule 45 that while -- (inaudible) --

6 THE COURT REPORTER: Judge, you are breaking up.

7 THE COURT: Thanks for letting me know that. Let me
8 go back to that last cite, and I'll pick up from there.

9 *DeLeon-Reyes v. Guevara*, No. 18 C 1028, found at 2020
10 Westlaw 3050230 at Page 3. And that's a Northern District
11 case dated June 8, 2020. It also cites Charles Alan Wright &
12 Arthur R. Miller, *Federal Practice and Procedure*, Section 2459
13 at Pages 26 and 27 of the third edition, indicating the scope
14 of production under subpoena is co-extensive with the
15 limitations of scope prescribed in Rule 26(b)(1), all a long
16 way of saying that the discovery sought must be relevant to a
17 party's claim or defense and proportional to the needs of the
18 case considering the factors described in that rule. As with
19 any discovery matter, the Court has wide discretion in
20 resolving disputes before it.

21 So let's turn to relevancy first. Let's talk about
22 the relevancy of the testimony by the four current, former FBI
23 agents on topic 17 which again is -- regards allegations of
24 investigatory misconduct by FBI agents during the
25 investigation --

1 (Brief interruption.)

2 THE COURT: As noted, the joint FBI/IAD investigation
3 began in 2004. Sometimes it was referred to as Operation
4 Brass Tax. Former CPD officers Shannon Spaulding and Daniel
5 Echeverria worked on the investigation, at first informally
6 and then as official members of the team beginning in about
7 August of 2008.

8 Ultimately, only Watts and Mohammed, both defendants
9 in this case, were charged with crimes. In 2011, they stole
10 cash from an undercover operative who was pretending to be
11 carrying drug proceeds, but the cash had really been supplied
12 by the FBI. In 2012, Watts and Mohammed were charged with
13 theft of government property. Both pled guilty to certain
14 charges and were sentenced to terms of imprisonment.

15 So why do defendants seek to depose the current and
16 former FBI agents regarding their knowledge of alleged agent
17 misconduct during this approximately eight-year joint
18 investigation? Defendants say they do so, quote, "based upon
19 the allegations lodged by plaintiffs' witnesses, Shannon
20 Spaulding and Daniel Echeverria, during their respective
21 depositions, public comments, and media appearances to date,"
22 closed quote.

23 Defendants say they anticipate plaintiffs using the
24 testimony of those two individuals at trial to argue that the
25 joint investigation was corrupt and that both the FBI and the

1 CPD covered up what they found in the investigation in order
2 to protect FBI Agent Smith's misconduct. Smith is one of
3 the -- he was the first case agent and is one of the FBI
4 witnesses who they seek to depose about FBI misconduct.

5 Defendants say they further expect plaintiffs to
6 argue that had this alleged coverup not occurred, members of
7 Watts' tactical team, that is, other than Watts and Mohammed,
8 would have been indicted or disciplined, and allegations of
9 framing innocent people would have been proven and plaintiffs'
10 convictions either would not have occurred or would have been
11 revealed to be wrongful earlier. And I'm quoting from the
12 brief at docket 688 at Page 3.

13 Defendants say they're not crediting any allegations
14 of misconduct made by Spaulding and Echeverria but they
15 require the testimony to, quote, "dispel plaintiffs' theory
16 that misconduct by FBI personnel was, in part, why police
17 officer misconduct and criminal acts went unchecked for
18 approximately a decade and also needed to rebut plaintiffs'
19 theory on why Watts and Mohammed were indicted at the
20 conclusion of the investigation and not any members of his
21 team. And there I'm quoting from docket 716 at Page 3.
22 That's the reply brief.

23 The United States challenges the relevancy of the
24 testimony, observing that plaintiffs have never alleged
25 misconduct by the FBI. That's page -- 705 at Page 2 of the

1 United States' brief. And in response to that assertion,
2 defendants argue in the reply that the United States is
3 mistaken, and they point to statements of plaintiffs' counsel
4 in a podcast that is also referred in their opening brief to
5 explicit allegations in plaintiffs' complaints as a reason for
6 believing plaintiffs intend to argue FBI agent misconduct at
7 trial, and so they need testimony from these FBI agents to
8 rebut it. And that's at docket 688 at Page 13.

9 I listened to the podcast, and I examined the
10 allegations in plaintiffs' complaints, and I don't agree that
11 the plaintiffs have alleged misconduct by FBI agents. The
12 podcast is *The Ben Joravsky Show* and specifically an episode
13 entitled "Ronald Watts" that was released on January 11, 2022.
14 Plaintiffs' counsel Joshua Tepfer was the guest on that
15 program.

16 Focusing on the portions that defendants highlight in
17 their reply brief, Mr. Tepfer said -- and I'm not quoting
18 here -- that Watts wasn't alone and had roughly 15 or so
19 officers writing his false reports and testifying falsely in
20 court for a decade. Mr. Tepfer said none of those other
21 officers have gotten any accountability and remain on the
22 force continuing to be paid while on desk duty. And there,
23 defendants' reply cites this at Page 3.

24 Later in the program, the host asked if the, quote,
25 feds had recordings of Watts admitting to what he was doing.

1 Mr. Tepfer responded that he knew a confidential informant had
2 been used and made recordings, and he assumed one of those
3 wiretaps was used to prosecute Watts and Mohammed for a 2011
4 case. He added that they now know the investigation was
5 ongoing for a decade, and Mr. Tepfer said he had no idea what
6 the feds have because they won't give it to him or share it
7 with the public, and so that remains very unclear.

8 He then turned to what he described as the code of
9 silence in the Chicago Police Department and remarked that
10 whistle blowers in the Watts case, Shannon Spaulding and
11 Daniel Echeverria, had sued the City of Chicago for
12 retaliating against them for their work in exposing Watts' and
13 his team's corruption. Mr. Tepfer's statements in this
14 podcast do not indicate that plaintiffs intend to offer
15 evidence from Spaulding and Echeverria about FBI agent
16 misconduct to argue that the FBI was corrupt or covered up
17 evidence.

18 I did, as I said, also look at the allegations in
19 plaintiffs' complaints that defendants said caused them to
20 believe that this would be an issue raised by the plaintiffs
21 that they would need to rebut. I examined first the most
22 recent complaint filed in the coordinated proceedings on
23 October 2nd, 2023, by plaintiff Perry, 23 C 14364. I looked
24 at that filing because it was filed about four months after
25 the depositions of Spaulding and Echeverria.

1 The complaint references both of these individuals
2 but not in connection with any allegations of misconduct by
3 FBI agents. The complaint alleges that Spaulding and
4 Echeverria endured mistreatment and retaliation at the hands
5 of members of the CPD after they began cooperating with the
6 FBI and actively assisting the investigation of Watts and his
7 team. That's docket 1, Paragraphs 75 through 78 of the
8 complaint.

9 A little later in paragraphs 90 to 92, the complaint
10 alleges, as City officials were aware, the purpose of the FBI
11 investigation was to investigate and prosecute criminal
12 activity, not to impose discipline and control of the CPD.
13 Nothing about the FBI investigation relieved the City of its
14 fundamental responsibility to supervise, discipline, and
15 control its officers. Nevertheless, the City completely
16 abdicated this responsibility, allowing the widespread
17 misconduct to continue undeterred throughout the FBI's
18 criminal investigation of Watts and his crew.

19 Defendants specifically directed the Court to the
20 second amended complaint filed in the earliest case, *Baker, et*
21 *al., v. City of Chicago, et al.*, 19 C 1101, in particular
22 Paragraphs 99 through 106. So I also reviewed those and
23 again, they talk about Spaulding and Echeverria. There are no
24 allegations of FBI misconduct, very much similar to what's
25 alleged in the *Perry* case.

1 So what we're left with as the reason why defendants
2 believe plaintiffs will be offering testimony of FBI agent
3 misconduct that they need to rebut is the fact that plaintiffs
4 disclosed former CPD officers Spaulding and Echeverria as
5 witnesses in the cases. That doesn't necessarily mean
6 plaintiffs will ask them to testify about FBI agent
7 misconduct.

8 As noted, the complaint allegations suggest that
9 there are other reasons for naming them as witnesses such as
10 the allegations I just read from the complaints about alleged
11 misconduct by CPD officers who retaliated against them for
12 cooperating with the investigation. So it's speculative as to
13 whether plaintiffs even intend to try to elicit testimony from
14 these two individuals about FBI agent misconduct. This seems
15 even more doubtful based on what I reviewed about this
16 testimony and allegations.

17 The potential allegations that I'm aware of are those
18 contained in the materials that the defendants gave me with
19 the motion. They referred in the briefing to public
20 statements and media appearances of the two individuals. I'll
21 call them "the whistle blowers" for short. But I was given
22 one document, a four-part series entitled "The Code of
23 Silence" that appeared in an online publication called *The*
24 *Intercept* in October 2016 which is about one month after the
25 first lawsuit was filed by Baker and others in September.

1 This document is 688-5 in the docket, and it's not
2 under seal. It's apparent from how the story was written that
3 the reporter interviewed Spaulding and Echeverria about the
4 joint investigation. Spaulding in particular is quoted often.

5 Fast forward more than six years to spring and summer
6 of 2023. The defendants deposed Echeverria in May 2023 and
7 Spaulding in June 2023, so they had an opportunity to ask and
8 did ask about statements made for the *Intercept* series and
9 otherwise to explore any allegations of FBI agent misconduct.
10 In their briefing defendants did not, in my view, identify any
11 specific allegations made by Echeverria about FBI agent
12 misconduct, and that was an argument made by the United
13 States.

14 In the one page of deposition testimony provided with
15 the motion, Echeverria described a conversation with an IAD
16 liaison officer embedded with the FBI on the joint
17 investigation "who agreed that the investigation shouldn't be
18 as long as it's taken, but they're not the governing agency
19 over the investigation." And that was cited at the deposition
20 at Page 29. The United States argues this was not an
21 allegation of misconduct by an FBI agent but just Echeverria
22 stating that a City employee stated or opined that the
23 investigation was taking a long time.

24 In their reply brief, defendants said the government
25 misses the mark in saying this, noting that Echeverria's

1 deposition has yet to be completed. But during the hearing on
2 August 7, 2024, I asked the parties whether I should wait to
3 rule on this motion until they completed the deposition of the
4 whistle blowers. I was told that this was not necessary
5 because the parties had completed their questioning at least
6 on the topics at issue in this motion.

7 Defendants also argue that Echeverria's statement
8 about what the City employee told him is linked to FBI
9 misconduct based on Spaulding's deposition that they say
10 indicates that the reason the investigation took too long was
11 FBI misconduct. Defendants didn't give me a specific cite,
12 referring generally to all 65 pages of Spaulding's deposition
13 testimony or at least excerpts of deposition testimony that
14 they provided.

15 I closely reviewed all of those excerpts, and I did
16 not see testimony linking Echeverria's statement and FBI
17 misconduct that in turn led to the long investigation and, of
18 course, Echeverria was simply repeating a statement made by
19 someone else.

20 But let's turn to Spaulding's allegations because
21 that, I think, is the focus here mainly. Defendants provided
22 examples, I assume the most salient, of her allegations about
23 FBI agent misconduct made in the code of silence or *Intercept*
24 series that was published as well as in her deposition
25 testimony.

1 Defendants wrote, quote, "Spaulding's testimony at
2 her deposition thus far includes but is not limited to
3 allegations that Smith was using a confidential informant to
4 purchase prescription drugs on the street and also gave
5 Spaulding his password to his FBI interface so that Spaulding
6 could draft his FBI 302 reports/memorandums for Smith," closed
7 quote.

8 Elsewhere in the brief, defendants give the example
9 that Spaulding also alleged that "Agent Smith failed to
10 prepare necessary paperwork which led to the destruction of
11 Operation Brass Tax evidence that had been located inside a
12 rental van used by Spaulding and Echeverria during the joint
13 FBI/IAD investigation," closed quote. And that's docket 688
14 at 8. Again, I'm assuming these are the most salient examples
15 of misconduct, and that's why defendants opted to highlight
16 them in the briefing. I want to talk about them or look at
17 them a little more closely.

18 Turning to the misconduct about Spaulding drafting
19 302 reports for Smith using his password, here's what
20 Spaulding said in her deposition: Smith sometimes wrote the
21 FBI reports himself based on the information that she gave
22 him, but sometimes he didn't want to do it himself because it
23 was too long of a report or there was too much detail or he
24 was too busy and so he would let her log in and draft the 302
25 under his name. She testified that it was better if she did

1 it herself because the information was accurate and specific
2 and all there.

3 Turning to the alleged, Spaulding's allegations about
4 the failure to prepare the necessary paperwork for the rental
5 van, let me read from some of Spaulding's testimony to give
6 the flavor of that. And I'm looking at Page 27 of her
7 deposition.

8 She said:

9 "We had filled out packages for our credentials for
10 the FBI for our parking passes for our credentials.
11 There was one thing after the other why we didn't get
12 them, one delay after the other. A year and a half
13 later, the packet was still sitting on his desk" -- "his
14 desk" being Smith's -- "that he never even turned it in.
15 And then our car was confiscated two years into it, or a
16 year and a half into it, with a lot of evidence that we
17 had for Operation Brass Tax in it, was returned back to
18 the rental agency because Patrick Smith never properly
19 completed the paperwork for us to even be driving an FBI
20 vehicle. So what Patrick Smith did with paperwork is
21 very questionable."

22 She continues, a little later she's asked:

23 "So when you got reassigned from the FBI to CPD the
24 first time, there was some testimony from your partner
25 about the lost audio device in the van, and Kelly asked

1 you about that before. Do you remember those questions?

2 "I do.

3 "Okay. Is it your testimony that the reason that the
4 audio device was lost and surplussed is because Patrick
5 Smith didn't properly fill out the paperwork for that
6 car? Is that what your testimony was today?"

7 And she responds:

8 "So on that day, I recall wondering why we didn't
9 have a vehicle. So when it was time -- time to go, I
10 went and inquired to another two FBI agents, and we
11 didn't have the vehicle, well, where's our vehicle? It
12 was -- it was gone. So okay. Well, we need another one.
13 And they said, well, we can't give you one because
14 Patrick Smith never completed that paperwork properly.
15 That's why the vehicle was taken. Like, it was gone.
16 And we can't give you another one. Like, the paperwork
17 was never -- never done properly."

18 And then she said:

19 "Ken Samuels was there, and that's when he indicated,
20 like anybody else, if the paperwork would have been done
21 properly, and you wouldn't be having this issue. They
22 could not issue us another vehicle because it all stemmed
23 from Patrick Smith not completing the paperwork properly,
24 and we weren't authorized to even have the vehicle in the
25 beginning."

1 THE CLERK: Judge, I believe you've cut off.

2 (Pause from 4:35 p.m. to 4:38 p.m.)

3 THE COURT: Ms. Court Reporter, can you read off
4 where I left off?

5 (Record read.)

6 THE COURT: So let me finally look at the allegation
7 that Agent Smith used a CI to buy prescription drugs on the
8 street. According to *The Intercept* series which is public,
9 the whistle blowers learned from the confidential informant
10 that in their absence, Agent Smith had been deploying the CI
11 on questionable assignments such as buying prescription drugs
12 and Viagra on the street and also that Smith had not paid the
13 CI for his work.

14 During her deposition, Spaulding also testified that
15 she concluded that this conduct was probably illegal, and she
16 also concluded from Smith's mistakes, the frequency of them,
17 that he was corrupt and that his -- in fact, when he didn't
18 fill out the paperwork for the van, it was her opinion that he
19 intentionally did not fill out the proper paperwork for the
20 van.

21 Spaulding testified to a lot of other -- had a lot of
22 other criticisms of Smith and the FBI. It's not entirely
23 clear what qualifies as misconduct. For one example,
24 Spaulding testified that there were a lot of things done by
25 FBI agents that she felt were unprofessional and gave the

1 example of a female FBI agent who looked in her purse for a
2 gun as they were going to a project building. I looked up the
3 dictionary definition of "misconduct," and it includes
4 unprofessional conduct.

5 Spaulding also said that the same agent once went to
6 lunch in the middle of a scenario or surveillance, and Smith
7 was on a bathroom break once at a key time. She also said the
8 FBI reports were very lacking and never done on time. She
9 felt the FBI agents were lacking in street knowledge. They
10 included some targets who she felt should not have been
11 included. She noted that one of her first tasks working with
12 the FBI was to re-listen to the wiretaps and re-transcribe
13 everything for six months since she found mistakes and which
14 she corrected.

15 She also was critical that the investigation moved
16 painfully slowly, sometimes due to circumstances beyond their
17 control such as when Watts went on medical leave but mostly
18 due to the FBI. The example given was that someone in prison
19 was prepared to give a statement, but it took Agent Smith a
20 year before having him brought in from prison to do so.

21 So in sum, there's no question that Spaulding has
22 many bad things to say or criticisms or allegations to make
23 about Agent Smith and his conduct and other FBI agents and the
24 FBI generally. She has expressed the opinions. Sometimes
25 they're based on her knowledge like when she used his password

1 to write the reports. Other times she is just basing it on
2 what she heard someone else say such as the information from
3 the CI to her or, you know, why the car had been taken back to
4 the rental facility.

5 So defendants believe that plaintiffs will offer
6 Spaulding's testimony about, I guess, FBI misconduct even
7 though the complaints do not include such allegations. And
8 obviously, Spaulding couldn't testify about anything she knows
9 about only from hearing it from others.

10 But I really want to focus on this theory of
11 relevancy here which is that the testimony of misconduct by
12 FBI agents, now that you've heard the feel of what she is
13 testifying about, that plaintiffs would argue at trial from --
14 you know, first, be allowed to offer that testimony but
15 assuming they did, wanted to, and were allowed to that this
16 would allow -- it's relevant because it would show that the --
17 or allow an argument that the investigation was corrupt and
18 the FBI covered up what they found in the investigation to
19 protect Agent -- Agent Smith's misconduct and then had the
20 coverup not happened, other members of the team besides Watts
21 and Mohammed would have been indicted or would have been
22 disciplined, and the allegations of framing people would have
23 been proven.

24 So obviously, my mind is spinning when I try and
25 connect the dots with all this. It's hard to follow the train

1 of logic of how FBI agent misconduct bears on the plaintiffs'
2 claims. That may be because plaintiffs aren't the ones
3 articulating the theory and explaining the relevancy.
4 Instead, it's the defendants describing what they think
5 plaintiffs might argue based on Spaulding's testimony.

6 I checked the other day, and plaintiffs have not
7 disclosed Spaulding or Echeverria in the Baker case as
8 offering opinions about FBI misconduct or FBI corruption or
9 FBI coverups. In the unlikely event that they were to do so
10 in a future case, of course, the parties would need to brief
11 the issue, provide the precise factual information that would
12 be offered and admissible, what opinions would be drawn from
13 that information and tie up the relevancy to see if it would
14 actually be admitted.

15 Based on the record before me, I find that the United
16 States did not -- properly did deny testimony on this topic.
17 I don't think it's sufficiently relevant. If it were
18 relevant, I would find and I do find that the discovery
19 results in an undue burden on the non-party and is not
20 proportional when I consider the importance of this discovery
21 in resolving the issues in the case and whether the burden of
22 the proposed discovery outweighs its likely benefit.

23 And here, the burden is on a non-party to have its
24 witnesses deposed about misconduct while working for the FBI.
25 And one of those witnesses is former Agent Smith who will be

1 asked about the conduct that Spaulding alleges was probably
2 unlawful, among other things.

3 It's not surprising that the United States objects to
4 the testimony on this particular topic as not only not being
5 relevant but that it involves a fishing expedition, and they
6 view it as questioning that would -- is designed to harass or
7 embarrass the FBI and its personnel.

8 So the bottom line is that I'm denying defendants'
9 motion to depose the four FBI witnesses on topic 17 regarding
10 allegations of FBI agent misconduct during the joint
11 investigation for the reasons I've stated. And perhaps at
12 some point, the plaintiffs will actually seek to offer such
13 testimony and disclose opinions or testimony, and there will
14 be motions in limine and it would be very focused.

15 And if that were to happen, and I would be doubtful
16 that it would, where this whole case is going to devolve into
17 trying to decide over an eight-year period, you know, specific
18 acts of misconduct by FBI agents and whether it did or did not
19 occur and witnesses testifying to that so the jury can decide
20 that.

21 I would not expect that to happen but if it does, of
22 course, the parties can always ask the district judge on a
23 very focused basis to allow a deposition of an FBI witness in
24 that event because I denied it.

25 Let me ask if anyone needs clarification on my

1 ruling. And I apologize for the bad technical problems we had
2 today. We did just get a new sound system installed, so I'm a
3 little surprised.

4 Let me ask on the plaintiffs' side first, let's say
5 for -- from the Loevy firm, any questions?

6 THE CLERK: One moment, Judge. I need to unmute
7 everybody here.

8 THE COURT: Oh, okay.

9 (Pause.)

10 MS. GIZZI: Gianna Gizzi for the Loevy plaintiffs.
11 No, we don't have any questions. Thank you.

12 THE COURT: And from the Flaxman firm?

13 MR. FLAXMAN: Nothing from me. Thank you.

14 THE COURT: All right. And counsel for the defendant
15 officers?

16 MR. BAZAREK: No, your Honor.

17 THE COURT: Counsel for the City of Chicago?

18 MR. MICHALIK: I have no questions. Thank you.

19 THE COURT: And counsel for any of the other parties,
20 speak up if you have a question.

21 MR. GAINER: No, your Honor.

22 THE COURT: Okay. I'll give a minute just in case.

23 All right. Thank you, everyone. So the reason I
24 wanted to make sure Mr. Lorenzen was on the call is I did, as
25 you heard, reference some deposition testimony. Some of the

1 information may have been under seal. It didn't strike me
2 that anything had to remain under seal in this ruling, but to
3 the extent the United States feels something needs to be
4 sealed and I agree with that, if I agree with it, then I would
5 have Mr. White designate portions of this recording as sealed.
6 And so I will give the United States time to get back to me
7 about that. Of course, you'd have to meet the test for
8 sealing.

9 Mr. Lorenzen, how much time are you asking for to
10 decide whether you want any portion of the ruling to be under
11 seal?

12 MR. LORENZEN: Judge, would a week be okay with the
13 Court?

14 THE COURT: Yes, that's fine.

15 MR. BAZAREK: Your Honor, William Bazarek. I do have
16 a question I wanted to go back to.

17 THE COURT: Go ahead.

18 MR. BAZAREK: In -- and I understand the Court's
19 ruling. My question is if, say, Spaulding is saying something
20 happened, would one of the agents, even just say Smith, would
21 he be able to respond to what the allegations were against
22 him, or it just shouldn't be brought up at the dep? That's my
23 question, how that would work. Right, she --

24 THE COURT: Well, at the deposition --

25 MR. BAZAREK: -- she definitely -- yes, Judge.

1 THE COURT: At the deposition, you're not going to be
2 asking him any questions about allegations of FBI misconduct.
3 I know there are other topics that have been agreed and you'll
4 be asking about that, but it doesn't matter what Spaulding
5 brought up at her deposition or in an *Intercept* piece about
6 FBI agent misconduct. It's not -- it's not allowed for you to
7 ask questions about it of the FBI witnesses.

8 MR. BAZAREK: Right. Right.

9 THE COURT: Okay.

10 MR. BAZAREK: I think the issue that I saw, Judge,
11 was that the agent may deny that, that it's not true, what was
12 being said. So she can just -- she gets to say it and then --

13 THE COURT: I don't know that she gets to say
14 anything.

15 MR. BAZAREK: Okay.

16 THE COURT: A lot of the testimony was based on, it
17 was opinion, sometimes opinion premised on hearing something
18 from someone else. And as I said, this will all -- if they --
19 if Spaulding is going to testify to any of this, and I would
20 be doubtful of that for a lot of reasons, then maybe there
21 will be something very focused. And you could ask the
22 district judge or the trial judge at that point to allow a
23 last-minute, you know, late deposition of an FBI agent on a
24 very focused piece of testimony from Spaulding.

25 All right. Let me just then wish everybody a good

1 weekend, and I hope you get some rest. I know it was a late
2 night for many of you working on the filings. So enjoy the
3 weekend if you can. Thank you.

4 THE CLERK: This hearing is adjourned.

5 (Proceedings adjourned at 4:50 p.m.)

6 * * * * *

7 C E R T I F I C A T E

8 I, Judith A. Walsh, do hereby certify that the
9 foregoing is a complete, true, and accurate transcript of the
10 proceedings had in the above-entitled case before the
11 Honorable SHEILA M. FINNEGAN, one of the judges of said court,
12 at Chicago, Illinois, on September 6, 2024.

13
14 /s/ Judith A. Walsh, CSR, RDR, F/CRR November 8, 2024

15 Official Court Reporter

16 United States District Court

17 Northern District of Illinois

18 Eastern Division
19
20
21
22
23
24
25

EXHIBIT 11

OFFICE OF THE SUPERINTENDENT
Internal Affairs Division

21 SEPTEMBER 2004

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin Holliday, Star 10865
Internal Affairs Division
Confidential Investigation Section

SUBJECT: Status Report

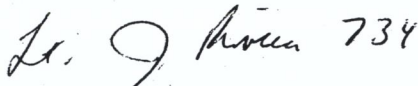
ALLEGATION: It is alleged officers in the Public Housing Unit are accepting money from drug dealers, allowing them to continue to sell narcotics.

On 20 September 2004, a meeting occurred with the purpose of implementing some type of strategy for the investigation of this case. After meeting with representatives from the United States Attorneys Office, Federal Bureau of Investigations, Drug Enforcement Administration, Alcohol, Tobacco and Firearms and the Chicago Police Department, it was determined this would be a federally prosecuted investigation. The Co-operating Individual is to be prosecuted in federal court and the United States Attorneys office believe they should be in control of everything thing that results from his cooperation.



Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigation Section

APPROVED:



Commanding Officer
Confidential Investigation Section

Complaint Register # 300778
Confidential # 259476
Attachment # _____

GROUP EXHIBIT 12

OFFICE OF THE SUPERINTENDENT
Internal Affairs Division

17 SEPTEMBER 2004

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

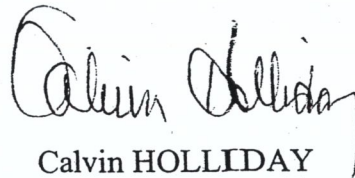
FROM: Police Agent Calvin HOLLIDAY, Star 10865
Internal Affairs Division
Confidential Investigation Section

SUBJECT: Case Initiation

Complaint Register Number: 300778
Confidential Number: 259476

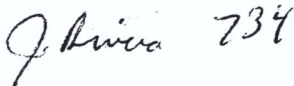
On 16 September 2004, the undersigned agent was made aware of unknown Public Housing Unit officers taking (tax) money from drug dealers, allowing them to sell their product. The information was obtained from Sergeant Henry HARRIS, Star 2602, of HIDTA. In the debriefing of a Cooperating Individual, this information was obtained.

The C.I. told Lieutenant Juan RIVERA, Star 734, Sergeant Kenneth BIGG, Star 1135 and Police Agent Calvin HOLLIDAY, Star 10865 the officers had approached him and requested payment for his doing business, selling drugs, in their area. Allegedly, one of the officers had shot at him in the year 2003 because he ran away from the officer. They later returned to speaking terms. The C.I. said this is an on going incident and many of the larger drug dealers in the area are paying tax (money) to these officers. Given this information, a Confidential Complaint Register Number is requested.



Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigation Section

APPROVED:



Lieutenant Juan RIVERA
Commanding Officer

INTERNAL AFFAIRS DIVISION
Confidential Investigation Section

28 JUNE 2005

TO: Commanding Officer
Internal Affairs Division
Confidential Investigation Section

FROM: Police Agent Calvin HOLLIDAY, Star 10865
Internal Affairs Division
Confidential Investigations Section

SUBJECT: Case Information

REFERENCE: Complaint Register Number 300778
Confidential Number 259476

ACCUSED: Sergeant Ronald WATTS, Star 2640

It is alleged Sergeant Ronald WATTS is taking drugs and money from high ranking drug dealers and allowing them to remain in business. It is also alleged that Sergeant WATTS takes drugs and then tells that person they owe him the total street value of the seized drugs or they will go to jail for possession.

The undersigned, in May 2005, met with Assistant States Attorney David NAVARRO (773 869 2897), private attorney Matthew MAHONEY, his client, gang member and drug dealer, Ben BAKER (IR # 901905), his wife, and Sergeants Ray BRODERDORF and Kenneth BIGG at 2650 South California. BAKER spoke of WATTS wanting BAKER to pay WATTS to stay in business and of BAKER'S resisting to do so. BAKER alleged his present case in court was placed on him by Sergeant WATTS. BAKER pledged his co-operation in our investigation and to work as a CI. BAKER stated he would immediately contact the undersigned if he had any contact with Sergeant WATTS. BAKER also spoke of Sergeant WATTS having shot at Willie GADDY for not paying him protection money. BAKER spoke of others selling drugs in the Ida B Wells Housing Projects and that these individuals paid Sergeant WATTS in order to continue to deal drugs. BAKER'S allegations against Sergeant WATTS are essentially the same as those told by two other known drug dealers at the Ida B Wells Housing Projects, Willie GADDY and Wilbert MOORE. These three men had no knowledge the other was talking to a Law Enforcement Agents.

To date, the undersigned has heard nothing from Ben BAKER or his attorney. Another method of investigation, possibly an integrity check, will be sought.

Previously, the undersigned had interviewed drug dealer Willie GADDY, IR # 974447. GADDY was brought in by HIDTA and made available to other Chicago Police Department sections. He was working off a case. He spoke of having been shot at by Sergeant WATTS for not paying protection money while GADDY was selling drugs. He

Complaint Register # 300778

Confidential # 259476

Attachment # _____

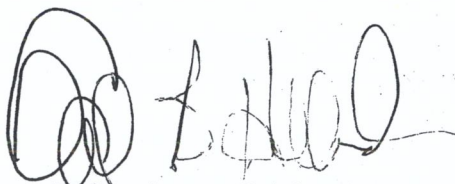
! Pz

spoke of other drug dealers in the Ida B Wells Housing Projects who are selling drugs and paying WATTS to remain in business. GADDY was never able to assist the undersigned as he was being worked by the Narcotic and Gang Investigation Section.

On 07 April 2005, Wilbert MOORE, a.k.a. Big Shorty, was interviewed by HIDTA and NAGIS personnel. The undersigned also had a conversation with MOORE. In his statement to HIDTA and NAGIS personnel and in his statement to the undersigned, MOORE told of Sergeant WATTS taking money from the drug dealers in the Ida B Wells Housing Projects to allow them to remain in business. He also told of Sergeant WATTS having shot at GADDY for not paying him. MOORE told of other drug dealers who had a financial relationships with Sergeant WATTS and Officer Alvin JONES, Star 19462. MOORE said both took money from drug dealers. He mentioned Officer Kallatt MOHAMMED, Star 14122 but did not accused him of taking money. MOORE was unable to assist the undersigned. He was identified by an officer who worked for Sergeant WATTS on his tactical team, who was detailed to NAGIS. This officer told Sergeant WATTS of MOORE's co-operation. MOORE said that when he was in Ida B Wells, Sergeant WATTS would see him and not speak. MOORE stated if he were with other persons, Sergeant WATTS would make the others get out of the car and go through them, but MOORE had to remain in the vehicle. MOORE would not be searched.

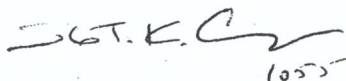
It should be noted, that Sergeant WATTS, Officer Alvin JONES, and Officer Kallatt MOHAMMED were previously assigned to Public Housing South, which has since been deactivated. Sergeant WATTS, Officers JONES and MOHAMMED, all went to the 2nd District. The agent spoke with Commander Walter GREEN of the 2nd District. He told the agent that due to Sergeant WATTS having come from the Public Housing Section, he was under the impression it would be prudent to assign Sergeant WATTS to work with a tactical unit as he was knowledgeable of the area. Commander GREEN said there was no negative information received when he contacted the Internal Affairs Division as to the history of Sergeant WATTS.

The investigation continues...



Police Agent Calvin HOLLIDAY
Internal Affairs Division
Confidential Investigations Section

APPROVED:



Acting Commanding Officer
Confidential Investigation Section



2 of 2

Complaint Register # 300778

Confidential # 259476

Attachment # _____

EXHIBIT 13

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/18/2008

To: Chicago

From: Chicago
WC3

Contact: Patrick L. Smith (312) 829-8819

Approved By: Cullen Peter B. *pk*

Drafted By: Smith Patrick L:pls *pk*

Case ID #: 194D-CG-122761 (Pending) -41

Title: OPERATION BRASS TAX;
CSLPO-LAW ENFORCEMENT

Synopsis: To provide a case update.

Details:

BACKGROUND SUMMARY

The above titled case is targeting Sergeant Ronald Watts, a Chicago Police Department Sergeant responsible for the supervision of nine police officers in the Ida B. Wells housing complex. Watts is accused of extorting payments from drug dealers in the Ida B. Wells complex in exchange for police protection. Watts is considered a high level target due to his position as a ranking officer in the Chicago Police Department and the suspected influence he has had on developing a atmosphere of corruption within the ranks he is charged with supervising.

In addition to Watts, the following police officer under Watts' supervision have been accused of participating in the extortion scheme:

Kallatt Mohammed
LaMonica Lewis
Alvin Jones
Brian Bolton

The investigation has developed through the efforts of Case Agents SA Matthew Kern, 2004-2006, SA Kenneth Samuel, 2007, and SA Patrick L. Smith, 2008 - present, as well as the efforts .

CONFIDENTIAL SOURCES

To: Chicago From: Chicago
Re: 194D-CG-122761, 03/18/2008

SA Matthew Kern initiated the above investigation through information provided by (E). (E). Subsequent to a debriefing by SA Kern, (E) provided information implicating Watts and Jones in the extortion of payments from drug dealers in the Wells complex. SA Kern determined that (E) provided inconsistent statements regarding the manner of the extortion which prevented using (E) for future attempts. SA Kern secured two (2) recordings from (E) dated October 5, 2004 and September 16, 2004.

In addition to attempting to use (E), SA Kern attempted to secure the cooperation of, Wilbur Moore, a/k/a "Big Shorty," a high level drug dealer in the Ida B. Wells housing complex ("Wells complex"). Moore was arrested in a joint DEA/ATF sting targeting drug dealers in the Wells complex. Prior to SA Kern's attempt to debrief Moore, Moore was shot and killed. SA Kern later discovered that a task force officer assigned to ATF revealed the cooperation of Moore to an individual later believed to be associated with Watts.

In 2006, (E) approached SA Kern regarding the corrupt activities of Sergeant Ronald Watts. (E) (E) claimed that Watts manufactured a case against (E) and herself because (E) would not pay Watts an extortion payment. (E) offered to act as a liaison between SA Kern and Jamar Lewis, a drug dealer in the Wells complex.

SA Kern interviewed Lewis with the assistance of CPD IAD officer Joseph Barnes. SA Kern determined that Watts directly extorted payments from Lewis. In addition, Watts used Kallatt Mohammed to extort payments from Lewis and his associate (E). SA Kern attempted to secure the cooperation of Lewis prior to SA Kern's transfer in 2006.

SA Samuel was assigned the Watts case following the transfer of SA Kern. SA Samuel coordinated an attempt to work with DEA in a parallel drug investigation targeting the same drug dealers allegedly paying extortion payments to Watts. During this period of time, Lewis failed to contact the FBI.

Following the transfer of SA Samuel, SA Smith was assigned the Watts matter. SA Smith contacted (E) in an attempt to determine the likelihood of securing the cooperation of Lewis as previously pursued by SA Kern. (E) (E)

EXHIBIT 14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: WATTS COORDINATED	)	No. 19 C 1717
PRETRIAL PROCEEDINGS	)	
	)	Judge Valderrama
	)	
	)	Magistrate Judge Finnegan

DECLARATION OF CRAIG HENDERSON

I, Craig Henderson, hereby state and declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am a Special Agent assigned to the Chicago Division of the Federal Bureau of Investigation ("FBI"). I entered on duty with the FBI on or about May 7, 1989, and was appointed a Special Agent of the FBI on or about July 10, 1994. During my tenure as a Special Agent, I have worked on numerous investigative matters in the FBI Headquarters Laboratory Division and in the FBI's Chicago Division, including within the areas of organized crime and public corruption. I am currently assigned to the Public Corruption Squad in the Chicago Division.
2. This Declaration is based upon my personal knowledge, upon information provided to me in my official capacity, and upon conclusions and determinations reached and made in accordance therewith.
3. The purpose of this Declaration is to provide the Court with information concerning material maintained as electronic evidence by the FBI Chicago Division.
4. Specifically, on or about September 26, 2004, an investigation concerning Chicago Police Department Sergeant Ronald Watts was initiated by the Public Corruption Squad in the FBI Chicago Division. The investigation was predicated on information shared with the FBI by an Assistant U.S. Attorney concerning a pending joint investigation by the Chicago Police

14. During my review of the items of electronic material collected by the FBI in its investigation of Mr. Watts and Mr. Mohammed, I did not perceive anything that indicated that the subjects of the investigation were engaged in falsification of criminal charges against any individual.

15. Per FBI protocol and my standard practice, if I had perceived anything that indicated that a subject of the investigation was engaged in falsification of criminal charges against an individual, I would have documented that information into the existing investigative file and either incorporated that information into the existing investigation or referred the information to the appropriate investigative squad in the FBI Chicago Division for initiation of a separate investigation. As stated, I did not perceive such information in my review of the electronic material collected by the FBI in the Public Corruption investigation of Mr. Watts and Mr. Mohammed, and I did not make any such record or referral.

16. The electronic material collected by the FBI in the Public Corruption investigation of Mr. Watts and Mr. Mohammed did, however, evidence that Mr. Watts and Mr. Mohammed were engaged in the bribe taking which was the subject of the investigation, as well as theft of government funds that they believed to be drug courier proceeds.

17. Based upon evidence collected by the FBI during the course of its investigation, including some of the above-referenced electronic evidence, in 2012, Mr. Watts and Mr. Mohammed were federally charged with theft of government property in violation of 18 U.S.C. §§ 641 and 642 in the Northern District of Illinois, and both subsequently entered guilty pleas.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of March 2023.

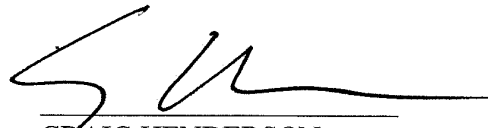

CRAIG HENDERSON
Special Agent
Federal Bureau of Investigation
Chicago, Illinois

EXHIBIT 15



**Audio Transcription of
FBI/DEA Surveillance Recordings - File ID-30.wav**

**Case: In Re: Watts Coordinated Pretrial
Proceedings**

**CONFIDENTIAL- SUBJECT TO THE PRIVACY ACT
ORDER ENTERED IN 19-CV-1717**

Royal Reporting Services, Inc.
Phone: 312.361.8851
Email: info@royalreportingservices.com
Website: royalreportingservices.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

)
) Master Docket
) Case No. 19-cv-01717
)
In Re: WATTS COORDINATED)
PRETRIAL PROCEEDINGS)

CONFIDENTIAL - SUBJECT TO THE PRIVACY ACT
ORDER ENTERED IN 19-CV-1717

Transcription of an audio-recorded
File ID-30.wav, stenographically transcribed on
July 3, 2024, by Jennifer A. Seastrom, Certified
Shorthand Reporter in the State of Illinois.

SPEAKERS:

Speaker 1

Speaker 2

Speaker 3

1 SPEAKER 1: What's your name?
2 SPEAKER 2: (Inaudible).
3 SPEAKER 1: Okay. What's your last name
4 again?
5 SPEAKER 2: H-O-P.
6 SPEAKER 1: Hopkins.
7 SPEAKER 2: Common spelling. Okay.
8 SPEAKER 3: Chewbacca. A/k/a Chewbacca,
9 right?
10 SPEAKER 1: Who gave you that nickname?
11 UNKNOWN SPEAKER: We did.
12 SPEAKER 1: Somebody called you
13 Chewbacca one time, and I said that's not right.
14 SPEAKER 3: Okay. So hold on. Now,
15 about 575, you're saying the main dope line in
16 there --
17 SPEAKER 1: Is what?
18 SPEAKER 3: Is what?
19 SPEAKER 2: The main one is Obama.
20 SPEAKER 1: Obama.
21 SPEAKER 3: Obama. And you're saying
22 it's in pink bags, right?
23 SPEAKER 2: Purple.
24 SPEAKER 1: Purple bags.

1 SPEAKER 3: Purple bags.

2 SPEAKER 1: Who runs Obama?

3 SPEAKER 2: I don't know the name, man,
4 but I know the ones that's over there, and that is
5 all they do is pick up money.

6 SPEAKER 3: Who are they?

7 SPEAKER 2: Pink packets.

8 SPEAKER 3: Who?

9 SPEAKER 2: K-Dog.

10 SPEAKER 1: K-Dog.

11 SPEAKER 2: He has dreadlocks
12 (inaudible) an inch over me, dark-skinned and
13 stocky. Okay. Since Watts and them was so hot on
14 them they (inaudible).

15 SPEAKER 1: Whose Watts?

16 SPEAKER 2: Watts is a detective.

17 SPEAKER 1: Okay.

18 SPEAKER 3: He's a police detective?

19 SPEAKER 2: Yeah.

20 SPEAKER 3: What's his name?

21 SPEAKER 2: Watts.

22 SPEAKER 3: Watts, W-A-T-T-S.

23 SPEAKER 2: Yeah. But Watts, you would
24 think -- well, I'm gonna lay it out to you.

1 SPEAKER 1: Okay. You lay it out.

2 SPEAKER 3: So tell us.

3 SPEAKER 2: You would think that he used
4 drugs.

5 SPEAKER 3: Why?

6 SPEAKER 1: Why?

7 SPEAKER 2: Because he'll take the
8 drugs, but he won't take you.

9 SPEAKER 3: So you're telling me this
10 detective --

11 SPEAKER 2: He already under
12 investigation. You know that, don't you?

13 SPEAKER 3: No.

14 SPEAKER 1: No.

15 SPEAKER 2: For robbing drug dealers.
16 You-all don't know that?

17 SPEAKER 3: No.

18 SPEAKER 1: No.

19 SPEAKER 3: We don't have --

20 SPEAKER 2: For two years. And you-all
21 the police. What?

22 SPEAKER 3: We don't -- we're the
23 police.

24 SPEAKER 2: He's under another

1 investigation with his wife.

2 SPEAKER 3: His wife? He ain't got no
3 wife. I don't know who you're talking about even.

4 SPEAKER 2: His name is Watts. He's
5 been around a long time.

6 SPEAKER 3: Okay. So hold on. You're
7 saying he's under investigation for two years?

8 SPEAKER 2: Yeah.

9 SPEAKER 3: By who? Who's investigating
10 him?

11 SPEAKER 2: I don't know all of that.
12 But he's under investigation for robbing the drug
13 dealers.

14 SPEAKER 3: So this detective --

15 SPEAKER 2: Let me tell you what he
16 do --

17 SPEAKER 3: -- robs the drug dealers?

18 SPEAKER 2: I got locked over there for
19 trespassing, right?

20 SPEAKER 3: Is that the day we found
21 you?

22 SPEAKER 2: He had somebody -- he had --
23 he had -- I think so.

24 He had some of the head guys,

1 right? Okay. But he know he don't get no drugs
2 off of them, so he'll take them, he know they got
3 money. (Inaudible) three of them was Obama's

4 SPEAKER 3: Three? So three guys were
5 from Obama --

6 SPEAKER 1: Let him talk.

7 SPEAKER 2: This is what he say, mmm,
8 say, for instance, he found a couple of packs up
9 in the walls or whatever, over the doors. He'd
10 say, mmm, I wonder who going to ride this train
11 that they're going to put this on.

12 So I used to hear it, but I never
13 really saw it then. He'd say, mmm, which of one
14 of these -- and they started talking. Can I talk
15 to you? And he would stick them in the next room.
16 Come out. And he'd say, write him a -- what do
17 you call it -- contact. Ain't that the name of
18 it?

19 SPEAKER 1: Contact card?

20 SPEAKER 3: Yeah, contact card.

21 SPEAKER 2: Contact card. And he always
22 let them out the back door.

23 SPEAKER 3: Oh.

24 SPEAKER 2: And then the little guy with

1 USDA, he's young.

2 SPEAKER 1: That's another dope line?

3 SPEAKER 2: Yeah. That's another dope
4 line.

5 SPEAKER 1: USDA. Okay.

6 SPEAKER 2: Let me tell you about the
7 big boy, USDA, right?

8 He got caught with a pack bringing
9 it to one of the workers.

10 SPEAKER 3: What's his nickname?

11 SPEAKER 2: Watts caught. I don't know.
12 All's I know is USDA.

13 SPEAKER 3: Okay.

14 SPEAKER 2: He's a short one, young
15 looking, stocky, long braids. Always wear white
16 T-shirts.

17 SPEAKER 3: Okay. He's over USDA at
18 575?

19 SPEAKER 2: Right.

20 SPEAKER 3: He got caught -- Watts
21 caught him with a pack?

22 SPEAKER 2: Yeah. Watts catch them --

23 SPEAKER 3: Okay. So what happened?

24 SPEAKER 2: He takes the pack, but he

1 tell him, mmm, you want to bond out now? \$500
2 could bond you out right now. And they give it to
3 him. And he let them out the back door. See
4 that's why he's under --

5 SPEAKER 3: So.

6 SPEAKER 2: -- Watts --

7 SPEAKER 3: So you mean to tell me --

8 SPEAKER 2: Watts is nothing nice.

9 SPEAKER 3: Okay. Watts is nothing
10 nice.

11 So you mean to tell me Watts will
12 catch the drug boy with a pack of dope?

13 SPEAKER 2: You-all really don't know
14 about it?

15 SPEAKER 3: No, I swear to God.

16 SPEAKER 1: No.

17 SPEAKER 3: And then what will happen,
18 Chewbacca --

19 SPEAKER 2: Watts is on 51st, you from
20 51st?

21 SPEAKER 3: No.

22 SPEAKER 2: Oh, that's why.

23 SPEAKER 3: You know, we're down by the
24 Ickes.

1 SPEAKER 2: Okay. Well, that's why you
2 don't know Watts.

3 SPEAKER 3: That's why I know. So then
4 he'll tell the guy that he just caught that --
5 he's like he caught the big guy with the USDA --

6 SPEAKER 2: Say, you want to bond out
7 now with no paperwork, 500.

8 SPEAKER 3: And then the guy handed him
9 \$500 --

10 SPEAKER 1: Yeah, they'll -- they'll
11 give it to him.

12 SPEAKER 3: -- and the police officer
13 took it and then left again?

14 SPEAKER 2: 500 ain't nothing to them.
15 That ain't nothing to them.

16 SPEAKER 1: How much money do you think
17 Obama makes a day?

18 SPEAKER 2: They make about 1500 an
19 hour.

20 SPEAKER 1: 1500 an hour.

21 SPEAKER 3: Okay. Hold on.

22 SPEAKER 2: Obama got the biggest bags,
23 no mix, no nothing on their stuff.

24 SPEAKER 3: Okay.

1 SPEAKER 2: Let me tell you something.

2 You know the park across the street from 575?

3 SPEAKER 3: Yeah, right.

4 SPEAKER 1: Right.

5 SPEAKER 2: Say, for instance, you-all
6 pull over there, let's say for instance. And
7 okay, they will say "cleanup." That means stop
8 everything.

9 SPEAKER 3: Right. We know that.

10 SPEAKER 1: Right.

11 SPEAKER 2: Okay. Everybody go to the
12 park.

13 SPEAKER 3: Right.

14 SPEAKER 2: Okay. Say, for instance,
15 you-all sit there 15, 20 minutes, just, you know.

16 SPEAKER 3: Uh-huh.

17 SPEAKER 2: Nothing going to move.

18 You-all pull off. They'll say, search the
19 building. They're going to search the building.

20 SPEAKER 3: Right. It's just like they
21 do in the Ickes.

22 SPEAKER 2: Okay. Then they'll say,
23 'bama, 'bama, 'bama working. You will see that
24 park --

1 SPEAKER 3: Empty?

2 SPEAKER 2: -- people come from
3 everywhere. You'll be like --

4 SPEAKER 3: Okay.

5 SPEAKER 2: The line be so long it will
6 be out of the door, okay?

7 SPEAKER 3: Um-hum.

8 SPEAKER 2: They be like one (inaudible)
9 on 'bama. Because they -- they give 50 in a pack.
10 They (inaudible) that hundred.

11 SPEAKER 3: Oh, wow, 50 packs, huh?

12 SPEAKER 2: Fifty packs, okay.

13 Now, I'd say out of that one --
14 that one time with that park, they done went
15 through like six packs.

16 SPEAKER 3: Wow, 1500.

17 Let me ask you this: You just made
18 a statement, you said Watts just got popping
19 off -- just got done popping off that girl in 574.
20 What are you talking about?

21 SPEAKER 2: Yeah, that's the cleanup
22 girl.

23 SPEAKER 3: The cleanup girl?

24 SPEAKER 1: What's her name?

1 SPEAKER 2: Little T.

2 SPEAKER 3: Little T.

3 SPEAKER 1: Little T.

4 SPEAKER 2: She's young. Little T.

5 SPEAKER 3: What happened -- what
6 happened? He arrested her?

7 SPEAKER 2: No. No. You give him the
8 work and he let you go.

9 SPEAKER 3: So she just gave him work
10 right now?

11 SPEAKER 2: He already know who the
12 cleanup. No, this was about two hours ago.

13 SPEAKER 3: Okay.

14 SPEAKER 1: So two hours ago?

15 SPEAKER 3: So two hours ago on today's
16 date?

17 SPEAKER 2: He already know who --

18 SPEAKER 3: Today, on Tuesday?

19 SPEAKER 2: (Inaudible) say, for
20 instance, Watts gets a pack from you.

21 SPEAKER 3: Uh-huh.

22 SPEAKER 2: Okay. Like, like, I know
23 everything, you have a lot of people that's been
24 over here for years and know a lot.

1 SPEAKER 3: Uh-huh.

2 SPEAKER 2: And a lot of them on dope.

3 SPEAKER 3: Uh-huh.

4 SPEAKER 2: And Watts give him four or
5 five dopes; you owe me one.

6 SPEAKER 3: So --

7 SPEAKER 2: If -- if you don't payoff
8 this week, this going to be yours.

9 SPEAKER 3: So Watts will actually take
10 dope out of the bundle he found around give it to
11 some of the people?

12 SPEAKER 2: Yes. Anybody tell you that,
13 that's why --

14 SPEAKER 3: Watts was handing --

15 SPEAKER 2: (Inaudible) everybody get
16 caught by Watts (inaudible).

17 SPEAKER 3: -- Watts was handing dope
18 out to the people in the building?

19 SPEAKER 1: Okay. Hold on a second.

20 SPEAKER 3: A free pack?

21 SPEAKER 2: To the homeless, the drug
22 people. The people that --

23 SPEAKER 3: Why?

24 SPEAKER 1: Let me ask you a question.

1 SPEAKER 2: (Inaudible) information.

2 That's why he pays for information --

3 SPEAKER 1: Let me ask you a question.

4 SPEAKER 2: -- because he get paid off
5 of them.

6 SPEAKER 1: Because this is something I
7 don't know. All right.

8 Let's say -- okay. What -- have
9 you ever seen that with your own eyes?

10 SPEAKER 2: Yes.

11 SPEAKER 3: How many times?

12 SPEAKER 2: Plenty.

13 SPEAKER 3: Plenty? Guess; five times,
14 20, a hundred?

15 SPEAKER 2: Since I left 22nd.

16 SPEAKER 3: Uh-huh.

17 SPEAKER 2: I've been here.

18 SPEAKER 1: Okay.

19 SPEAKER 2: So you know how long that
20 been.

21 SPEAKER 3: How long -- two years.

22 SPEAKER 2: So you know I see -- I see
23 everything.

24 SPEAKER 1: Right.

1 SPEAKER 3: It's been about two years?

2 SPEAKER 2: It'd be so many people would
3 be like, ooh, Watts gave me a break (inaudible)
4 you know, because you know Watts is thirsty, as
5 long as you give him some, he don't care.

6 SPEAKER 3: So you have personally
7 witnessed Watts do this approximately how many
8 times?

9 SPEAKER 2: Over 40 or 50.

10 SPEAKER 3: Over 40 or 50 times.

11 SPEAKER 2: He do it every day.

12 SPEAKER 3: He does it -- so every day
13 he comes in the building and these drug dealers
14 pay him?

15 SPEAKER 2: Yes, it's his spot.

16 SPEAKER 3: Is he running the dope line?

17 SPEAKER 2: No.

18 SPEAKER 3: He's just getting paid for
19 it?

20 SPEAKER 2: You know what, they keep
21 saying Watts on drugs or Watts got a drug line
22 because when Watts come through all he want is the
23 packs. And when he catch the big boys, all he
24 wants is some money.

1 SPEAKER 3: So what does he do with the
2 packs then?

3 SPEAKER 2: Who knows. Do you hear what
4 I am saying?

5 SPEAKER 3: I hear what you're saying.

6 SPEAKER 2: They say he's using them
7 or -- he ain't using that much.

8 SPEAKER 3: We stopped -- (inaudible) we
9 stopped somebody down about the Ickes before, we
10 caught -- we caught somebody, and they told us
11 that there was a police officer over in the Wells
12 that was --

13 SPEAKER 2: Taking drugs from them?

14 SPEAKER 3: -- that would come in --

15 SPEAKER 2: That's Watts.

16 SPEAKER 3: -- that would come in on
17 certain days and lock the buildings down and go
18 through and collect money.

19 SPEAKER 2: That's Watts.

20 SPEAKER 3: That is Watts? We didn't --
21 we didn't believe a word -- we were like --

22 SPEAKER 2: Yeah. Whoever told you that
23 is not lying.

24 SPEAKER 3: It was a heist trying to

1 get --

2 SPEAKER 2: Watts is running it all.

3 SPEAKER 3: They said they don't go down
4 there no more because they (inaudible).

5 SPEAKER 2: If they don't give him
6 something, you're going down.

7 SPEAKER 3: So, like, if -- okay, so say
8 I was in the building as a customer buying Obama,
9 what would Watts do to me?

10 SPEAKER 2: You ain't nothing. He don't
11 want you. You ain't got nothing.

12 SPEAKER 3: So he would just lock me up
13 for trespassing?

14 SPEAKER 2: Yeah. Right. Right. There
15 you go.

16 SPEAKER 3: For his numbers?

17 SPEAKER 2: No. Just trespassing.

18 SPEAKER 3: Right. So that it looks
19 like he got some arrests, and let's the real --

20 SPEAKER 2: No. What they call it? His
21 quota or something.

22 SPEAKER 3: His quota.

23 SPEAKER 1: Who's that -- who's that
24 young boy down there?

1 SPEAKER 2: Down where?

2 SPEAKER 1: Right there by that red car.

3 SPEAKER 3: Yes, you do know him.

4 SPEAKER 1: He's from --

5 SPEAKER 3: The Ickes.

6 SPEAKER 1: The Ickes.

7 SPEAKER 3: He just came over here from
8 the Ickes.

9 SPEAKER 1: Price.

10 SPEAKER 2: Him, he ain't got nothing to
11 do --

12 SPEAKER 1: His name is Price.

13 SPEAKER 2: -- (inaudible).

14 SPEAKER 1: You don't know him?

15 SPEAKER 2: (Inaudible).

16 SPEAKER 3: You okay sitting in the car
17 with --

18 SPEAKER 2: You know Obama is from State
19 Street, from the projects.

20 SPEAKER 3: Okay. Who runs Obama?

21 SPEAKER 2: He's a young boy. He's
22 24 years old, you wouldn't believe it.

23 SPEAKER 3: What's his name?

24 SPEAKER 2: That's the head. I don't

1 know his name.

2 SPEAKER 3: K -- K-Dog?

3 SPEAKER 2: They were -- they were
4 chasing him. No K-Dog. K-Dog (inaudible), K-Dog
5 and them that's over there now.

6 SPEAKER 3: Okay. What -- you -- I
7 have -- you just told me K-Dog, what is K-Dog's
8 part in Obama?

9 SPEAKER 2: Collect money.

10 SPEAKER 3: He collects money?

11 SPEAKER 2: Right.

12 SPEAKER 3: And brings him the cash?

13 SPEAKER 2: They have runs. Right.

14 They have -- they bring like 30 jabs.

15 SPEAKER 1: How many in a jab?

16 SPEAKER 3: Fifty?

17 SPEAKER 2: Fifty.

18 SPEAKER 1: Okay.

19 SPEAKER 2: Okay. But, see, Watts and
20 them got so tough on them -- see, they the main
21 one Watts want. Because Watts know they got the
22 most money. He might catch one of them, right,
23 bringing in two jabs. He takes it anyway, but he
24 said, mmm.

1 SPEAKER 3: What's the nickname of
2 whoever that owns Obama? Anybody -- you don't
3 know anything, name, nothing?

4 SPEAKER 2: When I first met him the
5 other day the police was chasing him. He came
6 (inaudible) --

7 SPEAKER 3: The police was chasing him?

8 SPEAKER 2: Yeah. They got stuck up,
9 right. And one of the guys was named Big Mike.

10 SPEAKER 3: Big Mike.

11 SPEAKER 2: They stuck him up.

12 SPEAKER 1: Um-hum.

13 SPEAKER 2: And he come over there to
14 kill. That's the only time. That's how I first
15 met him. I had heard about him, but (inaudible).
16 But I'm like (inaudible) young. He's like, man,
17 that little young nigger is filthy rich.

18 SPEAKER 3: Twenty-four, huh? Now,
19 who --

20 SPEAKER 2: And when he came -- when he
21 came there was so many people behind him, so many.

22 SPEAKER 3: Right.

23 SPEAKER 2: You know, I mean.

24 SPEAKER 1: He came deep.

1 SPEAKER 2: I said -- no, that's --
2 every -- all -- everybody over there was like, he
3 had to leave to live with the dogs.

4 SPEAKER 3: Right.

5 SPEAKER 2: And I mean, it was like, I'm
6 like, that's the young boss? They like, man --
7 they like, man, he drive Rolls-Royces. He got
8 Rolls-Royce for every day of the week.

9 SPEAKER 3: Really? So now you say
10 Obama comes from 24th and State. So somebody from
11 24th --

12 SPEAKER 1: No, Stateway --

13 SPEAKER 2: No, no, not --

14 SPEAKER 3: So Stateway.

15 SPEAKER 2: -- (inaudible).

16 SPEAKER 3: Well, there ain't no more
17 Stateway.

18 SPEAKER 2: Oh, that's where he come
19 from.

20 SPEAKER 3: Right. So the old Bottom
21 Line crew?

22 SPEAKER 2: Okay. But see, they got
23 spots everywhere now.

24 SPEAKER 3: Right.

1 SPEAKER 2: They got one on 36th, you
2 know, that.

3 SPEAKER 3: Uh huh. 36th and what?

4 SPEAKER 1: And what?

5 SPEAKER 2: Right down from McDonald's.

6 SPEAKER 1: Oh, in the little row
7 houses?

8 SPEAKER 2: Yeah. That's all their
9 stuff.

10 SPEAKER 3: So that's (inaudible).

11 SPEAKER 2: Okay. The one in the Ickes
12 is theirs too. Obama is big.

13 SPEAKER 3: Where else? Where else do
14 they got them?

15 SPEAKER 2: Obama is big.

16 The only thing I thought, I said,
17 well, you know what, (inaudible) the guy that's
18 going to be president using his name, I thought
19 maybe that's why they was after him. But no,
20 Obama got big money.

21 SPEAKER 3: Is it down on Vincennes or
22 anything?

23 SPEAKER 2: People that sell their
24 packs -- say your pack is 500.

1 SPEAKER 3: Uh-huh.

2 SPEAKER 2: You got 500 packs.

3 SPEAKER 3: Uh-huh.

4 SPEAKER 2: Each person that -- their
5 pack go in two minutes. So you hold a pack and
6 you sell it, you get \$50 off of each pack.

7 SPEAKER 3: Okay. So now, Watts -- like
8 today, Watts -- what did Watts do today? He came
9 in and did what?

10 SPEAKER 2: Watts, he'll come in and
11 he'll say -- he'll grab T.

12 SPEAKER 3: He grabbed T today, right?

13 SPEAKER 2: I already know he used the
14 cleanup.

15 SPEAKER 1: So Little T.

16 SPEAKER 2: Little T.

17 SPEAKER 1: Female?

18 SPEAKER 2: Yeah. She (inaudible) me
19 that shit.

20 SPEAKER 3: You said she's young. About
21 how old?

22 SPEAKER 2: Give me that shit. Okay.
23 The people that work with her, heard her say --
24 they were talking about getting 11. They said T

1 gave him everything, the rock, the dope,
2 everything. But now nobody seen her. She didn't
3 get in the car. So you know Watts don't even take
4 her to jail for that, so he must have gave her one
5 of those jabs by herself.

6 SPEAKER 3: So he took all her work, the
7 blow and the rocks?

8 SPEAKER 2: Okay. Cleanup mean like
9 this.

10 SPEAKER 3: I know.

11 SPEAKER 2: Say there's six people --

12 SPEAKER 1: It means shut it down?

13 SPEAKER 2: Right -- no, no. Six people
14 working.

15 SPEAKER 3: Okay.

16 SPEAKER 2: Okay. I'm the cleanup.

17 SPEAKER 3: Okay.

18 SPEAKER 2: They say, "Cleanup."
19 Everybody run and give you their packs. You might
20 have a pack with 40 in it, you might have a pack
21 with 20 in it, you might have a fresh pack, you
22 might have a pack with three in it.

23 SPEAKER 3: Um-hum.

24 SPEAKER 2: But everybody give you their

1 pack.

2 SPEAKER 3: And then the runner runs to
3 (inaudible) spot.

4 SPEAKER 2: Everybody runs towards the
5 way the police coming, so right in there the
6 police are going to stop everybody.

7 SPEAKER 3: Right.

8 SPEAKER 2: So they give her elbow room.

9 SPEAKER 3: Right.

10 SPEAKER 2: See, Watts so smart, as long
11 as he know who the cleanup is, Watts --

12 SPEAKER 3: Goes for that person.

13 SPEAKER 2: Right.

14 SPEAKER 3: So Little T was the cleanup
15 person. She's the one everyone was giving the
16 packs to.

17 SPEAKER 2: She's not in jail.

18 SPEAKER 3: No, no. She's the one that
19 everyone would hand the packs to --

20 SPEAKER 2: Right.

21 SPEAKER 3: -- and then she was the
22 runner that ran to the cleanup spot?

23 SPEAKER 2: Right.

24 SPEAKER 3: Okay. And the cleanup --

1 SPEAKER 2: Nobody knows her cleanup
2 spot but her.

3 SPEAKER 3: No. Right. I was going to
4 say, the cleanup spot changes, just like every --
5 every day or -- in the Ickes.

6 SPEAKER 2: It all depend on what
7 position they catch you in. Say, for instance, if
8 they on the first floor working.

9 SPEAKER 3: Uh-huh.

10 SPEAKER 2: By her looking like a little
11 kid, she could have stuff, put it in a little bag
12 or something and walk right out of the building.

13 SPEAKER 3: Right.

14 SPEAKER 2: You-all grab the dope
15 dealers.

16 SPEAKER 3: Right.

17 SPEAKER 2: And she walk right past you.

18 SPEAKER 3: Right.

19 SPEAKER 2: Because she look like a
20 little kid.

21 SPEAKER 3: Okay. So today Watts came
22 in and took all of her work, even the rock --

23 SPEAKER 2: He already know. Let's say
24 he told her, he say, Come on, Little T, I know you

1 the cleanup. Give it up. Because if I have to
2 search you -- if I have to search and find it, I'm
3 putting it all on you. They say she say, come on.
4 And they say she gave him everything.

5 SPEAKER 3: So he threatened to find
6 all -- to take all of the dope that he found,
7 throughout the whole building --

8 SPEAKER 2: (Inaudible).

9 SPEAKER 3: -- throughout the whole
10 building and put all of that work just on her?

11 SPEAKER 2: Yeah.

12 SPEAKER 3: That's what he threatened to
13 do?

14 SPEAKER 2: Yeah. But he not going to
15 that do that. He might have put one pack on her,
16 one jab on her.

17 SPEAKER 3: But either way he's going to
18 take --

19 SPEAKER 2: Watts going to -- Watts
20 going to take that and the money to (inaudible) --

21 SPEAKER 3: Either way, Watts will take
22 a pack, a jab, or some of -- some weight and put
23 it on somebody?

24 SPEAKER 2: Yeah. He'll do that.

1 SPEAKER 3: I'm surprised I don't know
2 none of this shit. (Inaudible).

3 SPEAKER 2: Whoever that was that told
4 you to come over there.

5 SPEAKER 3: Uh-huh.

6 SPEAKER 2: They named Watts -- they
7 didn't tell you the name, that's why.

8 SPEAKER 3: No. There was just someone
9 that said they can't buy over here no more, so
10 they started going to buying in Ickes because they
11 didn't like this dirty police officer.

12 SPEAKER 2: That's Watts.

13 SPEAKER 3: I don't know that.

14 SPEAKER 2: That's Watts.

15 SPEAKER 3: I thought they were lying.

16 Make yourself little.

17 SPEAKER 2: What?

18 SPEAKER 3: Make yourself little. Oh,
19 forget it. It's 21st district.

20 Okay. Lar (phonetic), listen, when
21 the day when you got arrested, it was like last
22 Saturday, right?

23 SPEAKER 2: Um-hum.

24 SPEAKER 3: He would have locked you up

1 for trespassing?

2 SPEAKER 2: Yeah.

3 SPEAKER 3: But you witnessed him on
4 that day get paid \$500?

5 SPEAKER 2: That was -- that was just
6 from one person.

7 SPEAKER 3: Oh, yeah. But you witnessed
8 multiple people pay him?

9 SPEAKER 2: I done saw him in the
10 hallway do it.

11 SPEAKER 3: Damn.

12 SPEAKER 2: He'll take cuffs off of
13 (inaudible) and say, get out of here.

14 SPEAKER 3: Maybe we're doing the wrong
15 job, Danny.

16 SPEAKER 2: And we know it.

17 Let me tell you something, Watts
18 should be a millionaire.

19 SPEAKER 3: Watts should be a
20 millionaire.

21 SPEAKER 2: They don't know if Watts got
22 a drug line or he's using it. I say he's not
23 using that much drugs.

24 SPEAKER 3: Lar.

1 SPEAKER 2: He take drugs every day.

2 SPEAKER 3: Ain't no way.

3 Who's with him when he does this?

4 He does this by himself?

5 SPEAKER 2: His crew.

6 SPEAKER 3: His whole -- his whole crew?

7 How --

8 SPEAKER 1: Name the crew.

9 SPEAKER 3: (Inaudible).

10 SPEAKER 1: Name the crew.

11 SPEAKER 2: I don't know their name. I

12 know his main man is -- what's -- ooh, it's a

13 Muslim name.

14 SPEAKER 3: A Muslim name?

15 SPEAKER 1: A Muslim name?

16 SPEAKER 2: What is his name? God.

17 Mohammed.

18 SPEAKER 3: Mohammed?

19 SPEAKER 2: Ooh, you said it.

20 SPEAKER 3: Mohammed?

21 SPEAKER 2: You know what you're talking

22 about. Mohammed, short dark-skinned Mohammed is

23 the one that's always hitting on people.

24 SPEAKER 1: Mohammed?

1 SPEAKER 3: What do you mean hitting on
2 them?

3 SPEAKER 1: Hitting on the women?

4 SPEAKER 2: No, not the women.

5 SPEAKER 3: Like hitting, slapping?

6 SPEAKER 2: Say, for instance, Mohammed
7 know you got the stuff.

8 SPEAKER 1: Right.

9 SPEAKER 2: You broke upstairs and ran.

10 SPEAKER 3: When you say stuff, you mean
11 work, dope?

12 SPEAKER 2: Right.

13 SPEAKER 3: Okay.

14 SPEAKER 2: Okay. Okay. Now, to be --
15 I'm to keep it real with you?

16 SPEAKER 3: Keep it real.

17 SPEAKER 1: Keep it real.

18 SPEAKER 2: I went downstairs and got a
19 (inaudible) one time. Say, for instance, they
20 can't make it to the house, they dropped some down
21 the incinerators.

22 SPEAKER 3: So you went downstairs for
23 who, Watts?

24 SPEAKER 2: No, no. For the guy.

1 SPEAKER 3: Okay.

2 SPEAKER 2: You know, I'm not going to
3 lie to you.

4 SPEAKER 3: That's okay. That's okay.

5 SPEAKER 2: When you go down there, they
6 tell you, it's in a white plastic bag tied up in
7 two knots.

8 SPEAKER 3: And that's nasty, because
9 I've been in the incinerator myself.

10 SPEAKER 2: So I go down there, and I
11 dig through the garbage for 30, 40 dollars. And I
12 did do it, and I gave it to him. They'd be like,
13 I know how to get in there (inaudible)
14 incinerator, because by me being small.

15 SPEAKER 3: Right.

16 SPEAKER 2: That back door is locked.
17 You can slide down.

18 SPEAKER 3: Right. Right. I know
19 exactly what you're talking about.

20 SPEAKER 2: It's smelling bad, but --

21 SPEAKER 3: Right. You can get down in
22 there, that's true.

23 SPEAKER 2: Yeah.

24 SPEAKER 3: So then what happens? So

1 you got it out of the incinerator for him?

2 SPEAKER 2: Yeah. Watts made me go down
3 there when them guns --

4 SPEAKER 3: What guns?

5 SPEAKER 2: -- but I couldn't find them.

6 SPEAKER 3: What guns?

7 SPEAKER 2: Because somebody told them
8 that, okay, since they've been stuck up often,
9 they start having guns now.

10 SPEAKER 3: You mean the workers for the
11 Obama line?

12 SPEAKER 2: The workers -- for the line,
13 they might have two people.

14 SPEAKER 3: In 575?

15 SPEAKER 2: Right. See, at first it was
16 no guns.

17 SPEAKER 3: Right.

18 SPEAKER 2: (Inaudible).

19 SPEAKER 3: Now, they're tooled up?

20 SPEAKER 2: Right. Because they got
21 stuck up three times in a row.

22 SPEAKER 3: How long ago?

23 SPEAKER 2: In the last three weeks.

24 SPEAKER 3: In the last three weeks. So

1 they've been robbed once a week?

2 SPEAKER 2: Yeah, you can put it like
3 that.

4 SPEAKER 3: Somebody from inside or
5 somebody from outside?

6 SPEAKER 2: Who knows.

7 SPEAKER 3: Okay.

8 SPEAKER 2: All they -- all they know is
9 about is Big Mike. Because Big Mike sent
10 (inaudible) them up. Big Mike (inaudible) he at
11 74 first.

12 SPEAKER 3: Okay.

13 SPEAKER 2: And then gave came over and
14 hit them. I was there when he hit them. Because
15 me and my girl was standing right there by the
16 elevator. And he said, get up them fucking stairs
17 before I pop your ass too. Me and her ran
18 upstairs. Everybody ran upstairs.

19 SPEAKER 3: Shit. And what, you see the
20 gun?

21 SPEAKER 2: Yeah. That's a big old --
22 he's a big man.

23 SPEAKER 3: Okay. So then what
24 happened? Watts thought that they threw the guns

1 down the incinerator?

2 SPEAKER 2: Somebody told -- see, Watts
3 have a lot of people that tell you stuff that
4 shoot dope, and Watts give them dope. And they --
5 they going to keep in touch with Watts and show --

6 SPEAKER 3: Hell yeah.

7 SPEAKER 2: -- because --

8 SPEAKER 1: They got to have it.

9 SPEAKER 2: Right.

10 SPEAKER 3: And he's -- he's enabling.

11 SPEAKER 2: And he don't give you no one
12 or two bags. The more you get him -- the more
13 that you can get to him, the more you're going to
14 get.

15 SPEAKER 3: Really?

16 SPEAKER 2: So you know they
17 (inaudible).

18 SPEAKER 3: So he might give somebody a
19 whole jab?

20 SPEAKER 2: No, never that much.

21 SPEAKER 3: How much?

22 SPEAKER 2: The most, the most is ten.

23 SPEAKER 3: Ten. So he'll give someone
24 ten?

1 SPEAKER 2: I ain't never heard nobody
2 say over ten.

3 SPEAKER 3: So he'll give somebody ten
4 bags of heroin for information?

5 SPEAKER 2: Yeah, but they then gave him
6 200 bags. They then put him up on 200 bags.

7 SPEAKER 3: Okay. So somebody --
8 somebody that he supplies drugs to told him the
9 guns were in the incinerator?

10 SPEAKER 2: Yeah.

11 SPEAKER 3: And Watts asked you to go
12 down?

13 SPEAKER 2: Yeah (inaudible).

14 SPEAKER 3: And you (inaudible) -- you
15 couldn't find them?

16 SPEAKER 2: Yeah.

17 SPEAKER 3: How about when was this?

18 SPEAKER 2: Last week.

19 SPEAKER 3: Last week?

20 SPEAKER 2: Yeah. As a matter of fact,
21 it ain't even been a week.

22 SPEAKER 3: It ain't been a week?

23 SPEAKER 2: Uhn-uhn.

24 SPEAKER 3: So what happened -- when you

1 couldn't find them, what happened?

2 SPEAKER 2: And -- and Mohammed picked
3 up a bat, told me, said you don't find them
4 because you know, you worked in this building with
5 the janitors, you know about everything in the
6 incinerator room. Where would they stash them at?
7 I said, would you look around? You have -- look
8 at all of these holes up in these ceilings.
9 Look -- look at all of this garbage. How would
10 you know?

11 SPEAKER 3: Ah.

12 SPEAKER 2: When I pulled out with the
13 rake, pulled a little out, you know, in case they
14 (inaudible) they always put shit in something.

15 SPEAKER 3: Right.

16 SPEAKER 2: Cause I know when I went
17 down there before they tell you what it is in.

18 SPEAKER 3: Right.

19 SPEAKER 2: Now you just throw it down
20 like that, of course you're going to find it.

21 SPEAKER 3: Right.

22 So what happened then? Mohammed
23 picked up the bat, and he told you you better find
24 it. And then what happened?

1 SPEAKER 2: I said, don't hit me. And I
2 started crying. I thought he was serious, I ain't
3 gonna lie.

4 SPEAKER 3: Did he hit you? Did he ever
5 hit you?

6 SPEAKER 2: No. All the time it was
7 just pressure.

8 SPEAKER 3: Have you ever seen Mohammed
9 hit anybody?

10 SPEAKER 2: No. I just heard about it.

11 SPEAKER 3: You heard? People told you,
12 but you never witnessed it?

13 SPEAKER 2: Right. They said Mohammed
14 is the one. They say, Watts talk a lot of shit,
15 but Mohammed is the hit man. Mohammed
16 (inaudible) --

17 SPEAKER 3: Mohammed is the enforcer?

18 SPEAKER 2: Right. Mohammed will fuck
19 you up. They say -- on their off days there would
20 only be Mohammed and him.

21 SPEAKER 3: So they come down there on
22 their off days?

23 SPEAKER 2: Yeah. See, cause --

24 SPEAKER 3: In what, their personal

1 cars?

2 SPEAKER 2: -- Wednesday and Thursday is
3 their off days.

4 SPEAKER 3: Every Wednesday and
5 Thursday?

6 SPEAKER 2: I don't know. All I know is
7 just Wednesday and Thursday.

8 And when they come, see, everybody
9 feel relaxed, you know, Watts is off. They
10 feel -- so really they let their guards down, and
11 that's when he pop up out of nowhere.

12 SPEAKER 3: Okay. Maybe it was
13 Wednesday and Thursday last week. Because the
14 police officers don't have the same days off every
15 week, do they?

16 SPEAKER 2: Well, no, no. This was
17 Wednesday and Thursday (inaudible) all I know is
18 Wednesday and Thursday everybody feel happy.

19 SPEAKER 3: Oh. Every Wednesday and
20 Thursday?

21 SPEAKER 2: Everybody feel more
22 comfortable.

23 SPEAKER 3: Okay.

24 SPEAKER 2: If Watts out from in the

1 morning to 5:00 o'clock, everybody is nervous.

2 Nervous because if he gets you -- you ain't going
3 to jail.

4 SPEAKER 3: Where are you going?

5 SPEAKER 2: You're going to spend some
6 money.

7 SPEAKER 1: What if you don't spend no
8 money?

9 SPEAKER 2: Then he going to put
10 something on you.

11 SPEAKER 3: So then you're going to go
12 to jail?

13 SPEAKER 2: He might let you slide -- he
14 might let you slide once or twice and tell you,
15 you better get me something.

16 SPEAKER 1: What if you don't?

17 SPEAKER 2: Then there's a lot of guys
18 in there right now.

19 SPEAKER 1: In where?

20 SPEAKER 2: In jail.

21 SPEAKER 1: Because of what?

22 SPEAKER 2: There's a guy on the first
23 floor on house arrest right now. He was on the
24 front --

1 SPEAKER 1: What's his name?

2 SPEAKER 2: Troy.

3 SPEAKER 1: Troy?

4 SPEAKER 2: Not Troy. Trey.

5 SPEAKER 1: Trey?

6 SPEAKER 2: Yeah. He's tall,
7 light-skinned. He -- e live on the first floor.
8 He don't have (inaudible) --

9 SPEAKER 1: First floor.

10 SPEAKER 2: -- right now because, look,
11 he wouldn't tell Watts what he wanted him to tell
12 him. So Watts put the stuff on him.

13 SPEAKER 1: What's his name, Troy?

14 SPEAKER 2: Trey.

15 SPEAKER 1: Trey.

16 SPEAKER 2: Trey.

17 SPEAKER 1: Trey what?

18 SPEAKER 2: Trey. He work -- he lives
19 on the first floor.

20 SPEAKER 3: In what, 575?

21 SPEAKER 2: Yes.

22 SPEAKER 3: What door? Okay. You walk
23 in 575, left or right?

24 SPEAKER 2: (Inaudible) just put it like

1 this: We're investigating -- say, the word was
2 you didn't have nothing on you. Why would Watts
3 do that to you like that? He mad at you? You
4 done something (inaudible)? And watch how he
5 bring it out, you just a (inaudible).

6 SPEAKER 3: Hold on. When you walk in
7 the front door of 57 -- when you walk in the front
8 door, is it the door straight in front of you?

9 SPEAKER 2: There's only one apartment
10 on the first --

11 SPEAKER 3: Okay.

12 SPEAKER 2: There's two apartments on
13 the first floor.

14 SPEAKER 3: To the left or the right?

15 SPEAKER 2: Okay. You got the back
16 door, not that door.

17 SPEAKER 3: Okay.

18 SPEAKER 2: So when you come through the
19 front door --

20 SPEAKER 3: Right.

21 SPEAKER 2: -- all the way at the end.

22 SPEAKER 3: To the right?

23 SPEAKER 2: I can't tell like that. But
24 it's all the way in the corner.

1 SPEAKER 1: Well, there's only two
2 apartment on the first floor, right?

3 SPEAKER 2: Okay. One when --

4 SPEAKER 1: So it's one or the other.

5 SPEAKER 2: -- you walk in you're
6 looking at one. You walk in the front door, you
7 looking at one.

8 SPEAKER 3: Right, that one?

9 SPEAKER 2: But no, this one is all the
10 way like in the narrow corner.

11 SPEAKER 3: Right.

12 SPEAKER 2: All the way at the end. So
13 the lady (inaudible) his grandma there.

14 SPEAKER 3: How old is Trey about?

15 SPEAKER 2: Maybe 17, 18.

16 SPEAKER 1: So a young kid?

17 SPEAKER 3: So what happened -- what was
18 the story? Watts -- tell me the story with Trey,
19 how come he's on house arrest? What happened?

20 SPEAKER 2: Watts -- Watts mainly want
21 Obama, okay?

22 SPEAKER 3: Is Trey with Obama?

23 SPEAKER 2: And -- and one of the people
24 told -- he had got everything but Obama from

1 everybody. Watts would come to you and say, give
2 me that shit. And you have -- I done witnessed
3 this a hundred times. They give it to him, Watts
4 would take the cuff out and let them go.

5 SPEAKER 3: Wow.

6 SPEAKER 2: So he got everything but
7 Obama. And somebody told him -- they caught Trey
8 sitting on -- sitting on the front porch.
9 Somebody told him the guy with the red hat is the
10 one who is working for Obama. And he didn't come
11 up with Obama; he put it all on him.

12 SPEAKER 3: How much did they put on
13 him?

14 SPEAKER 2: Three jabs.

15 SPEAKER 3: Three 50 packs?

16 SPEAKER 2: Three -- two -- no, I ain't
17 gonna say 50. All I know is three. The three
18 that they caught that was on the ground, and they
19 put it on him. And he wasn't even in the
20 building.

21 SPEAKER 3: Oh. And you witnessed this?

22 SPEAKER 2: (Inaudible). Go talk to
23 him.

24 SPEAKER 3: How long ago -- how long ago

1 did that happen?

2 SPEAKER 2: He been on house arrest now,
3 what, two, maybe three weeks, if that long. Yeah,
4 he put it on him.

5 Everybody else, they came home the
6 next day from trespassing, they was like, who
7 they -- who they -- who they put it on? They say,
8 Trey.

9 SPEAKER 3: You think Trey would be
10 willing to talk to us if we knock on the door?

11 SPEAKER 2: Watts got -- got everybody
12 so scared. That's why I --

13 SPEAKER 3: So.

14 SPEAKER 2: -- say act like you-all.
15 Everybody know he's under investigation.

16 SPEAKER 3: Really?

17 SPEAKER 2: We trying to stop him from
18 doing you-all like this. And your name came up.

19 SPEAKER 3: Whose name?

20 SPEAKER 1: That's what he's saying
21 (inaudible) --

22 SPEAKER 3: Oh, okay.

23 SPEAKER 2: Your name came up that you
24 might go to the penitentiary (inaudible) for

1 sitting on the front porch. But you telling him
2 like you really know this.

3 SPEAKER 3: Right. Right.

4 SPEAKER 2: See, this is exactly what
5 happened.

6 SPEAKER 3: And then you think he will
7 talk?

8 SPEAKER 2: Oh, yes. If he thinks
9 there's a way out, yes.

10 THE WITNESS: Lar, if we want to talk to
11 you tomorrow or we talk to you again, where would
12 we find you?

13 SPEAKER 2: Tell me what time to meet
14 you.

15 SPEAKER 1: Okay. What about this
16 Jewel? Let me make a call.

17 SPEAKER 3: Go make a call.

18 SPEAKER 1: You know what, you want
19 something from Jewel, right?

20 SPEAKER 2: No, I'll get it.

21 SPEAKER 1: Cold cuts?

22 SPEAKER 2: I'll get it. Give me the
23 money.

24 SPEAKER 1: Okay. Hold on a second.

1 SPEAKER 3: No. We'll walk into Jewel.

2 Hold on a second.

3 Hold on. Wait. I'm not done
4 talking with him real quick.

5 SPEAKER 2: (Inaudible).

6 SPEAKER 3: No, no, no.

7 SPEAKER 1: No, no, no. I'm gonna go
8 right here.

9 SPEAKER 3: Just stay there where you
10 are.

11 SPEAKER 1: I am going to hit the shade
12 over here.

13 SPEAKER 3: Okay.

14 SPEAKER 1: That's okay. We're going to
15 go -- I'm going to park over here.

16 SPEAKER 3: I'm going to ask you a
17 couple of more questions, Lar, before you go.

18 SPEAKER 2: Okay.

19 SPEAKER 3: And then -- okay. So now
20 (inaudible).

21 UNKNOWN SPEAKER: (Inaudible) I seen him
22 because of the motorcycle, I think he drives. And
23 I like this bike. Here. Hold this up
24 (inaudible).

1 SPEAKER 3: Okay. (Inaudible).

2 Lar, okay. So if we wanted to meet
3 you tomorrow.

4 SPEAKER 2: Just tell me what time.

5 SPEAKER 3: You would tell us?

6 Now, what time did Watts take
7 Little T today? When did he take all her work
8 from her today? What time did he hit -- hit him
9 up today?

10 SPEAKER 2: (Inaudible).

11 SPEAKER 3: You said a couple of hours
12 ago. We rode around in there. We rode around in
13 there, but.

14 SPEAKER 2: He got help from 74.

15 SPEAKER 3: Oh, he got it from --

16 SPEAKER 2: (Inaudible) the cleanup
17 lady, 74.

18 SPEAKER 3: Okay. We saw a car in front
19 of 511, but we never saw a car in front of 575.

20 SPEAKER 2: Yeah, you-all saw blue and
21 white in front of 11.

22 SPEAKER 3: No, we saw a -- a gold
23 unmarked.

24 What does he drive?

1 SPEAKER 2: Today they -- he got on a
2 uniform.

3 SPEAKER 3: Oh, he has on a uniform?

4 SPEAKER 2: Yeah.

5 SPEAKER 3: Oh, I didn't -- well, I
6 wouldn't know him if I saw him.

7 SPEAKER 2: Yeah. You seen him
8 (inaudible) --

9 SPEAKER 3: I did see him?

10 SPEAKER 2: By 11 (inaudible).

11 SPEAKER 3: Yeah. See, I wouldn't know
12 him if I saw him.

13 So this is fucked up if what you're
14 telling me is true, Lar.

15 SPEAKER 2: Let me tell you something,
16 (inaudible) don't let him go (inaudible).

17 SPEAKER 3: I am not (inaudible). I am
18 working with you with Ickes. We know that. Don't
19 you -- you know, you remember. But we had
20 (inaudible) over here.

21 SPEAKER 2: (Inaudible) they don't care.

22 SPEAKER 3: No, you know what it is,
23 Lar, because they don't know. They just --
24 they'll figure you just, you know, minding your

1 own business. Yeah, I know from the Ickes.

2 SPEAKER 2: (Inaudible) talking about

3 Watts --

4 SPEAKER 3: What makes you --

5 SPEAKER 2: -- I mean, he got them so
6 scared.

7 SPEAKER 3: Really?

8 What makes you think that he's
9 under investigation? Because I mean, you've been
10 down here what, two years?

11 SPEAKER 2: Everybody heard about he's
12 under investigation.

13 SPEAKER 3: Is that a rumor, though?
14 Because you've been here two years.

15 SPEAKER 2: No. No. I done hear it --
16 I done hear it plenty of places.

17 SPEAKER 3: Don't you think that
18 after -- you've been down here two years
19 witnessing this hundreds of times, if there was an
20 investigation, why would he still be on the
21 street?

22 SPEAKER 2: Let me tell you something.
23 Watts is so smart.

24 SPEAKER 3: He is?

1 SPEAKER 2: He's so smart.

2 SPEAKER 3: Is he?

3 SPEAKER 2: I think his crew is scared
4 of him.

5 SPEAKER 3: You think his crew is scared
6 of him? Now, when you say his crew, how many --

7 SPEAKER 2: Watts been -- Watts has been
8 in the game a long time.

9 SPEAKER 3: He's in a gang?

10 SPEAKER 2: No, in the game.

11 SPEAKER 3: In the game.

12 SPEAKER 2: Let me tell you something,
13 there ain't no drug dealer that's a heavyweight
14 that don't know Watts.

15 SPEAKER 3: Right. Oh, really?

16 SPEAKER 2: Watts ain't nothing nice.

17 SPEAKER 3: He ain't nothing nice. Is
18 he dangerous? I mean, will he do some harm?

19 SPEAKER 2: No. He can put you behind
20 bars.

21 SPEAKER 3: Yeah.

22 SPEAKER 2: With his --

23 SPEAKER 3: With his --

24 SPEAKER 2: -- his name alone.

1 SPEAKER 3: Right.

2 SPEAKER 2: And he deal with drugs.

3 SPEAKER 3: Now, you said his crew --

4 SPEAKER 2: (Inaudible).

5 SPEAKER 3: -- how many -- how many are
6 in his crew?

7 SPEAKER 2: About eight of them.

8 SPEAKER 3: Eight of them?

9 SPEAKER 2: Um-hum.

10 SPEAKER 3: And they're all -- they all
11 know what's going on with Watts?

12 SPEAKER 2: Who don't know?

13 SPEAKER 3: I don't know.

14 SPEAKER 2: Anytime -- anytime that he
15 say give me this stuff and he takes a jab, and he
16 say uncuff me.

17 SPEAKER 3: Okay. So his crew is there
18 when he does this?

19 SPEAKER 2: Yeah.

20 SPEAKER 3: Is his crew there when he
21 takes the money from the other people?

22 SPEAKER 2: No. He takes you in a room.

23 SPEAKER 3: Okay. So just him and
24 Mohammed or just him?

1 SPEAKER 2: Him and Mohammed. Him and
2 Mohammed.

3 SPEAKER 3: So the only one there when
4 he is getting paid is --

5 SPEAKER 2: Is him and Mohammed.

6 SPEAKER 3: -- is Mohammed. So
7 Mohammed --

8 SPEAKER 2: Sometimes Mohammed will take
9 you in the back. Okay. Me and you talk --

10 SPEAKER 3: Uh-huh.

11 SPEAKER 2: -- and I'll tell you, you
12 tell me what you want.

13 SPEAKER 3: Okay.

14 SPEAKER 2: Okay. You go sit down.
15 Three minutes later Mohammed say, come here.

16 SPEAKER 3: Okay.

17 SPEAKER 2: (Inaudible). Come here.
18 Take you in this room.

19 SPEAKER 3: Um-hum.

20 SPEAKER 2: Next thing you know
21 (inaudible) he say, you know what -- that's when
22 he say (inaudible) like (inaudible) he do got a
23 court date. (Inaudible). Let you go to court.
24 (Inaudible) three hundred dollars.

1 SPEAKER 3: Who?

2 SPEAKER 2: The young boy from USDA.

3 SPEAKER 3: USDA gave him 300?

4 SPEAKER 2: Yeah, he said, I gave him

5 300.

6 SPEAKER 3: And then he got to walk?

7 SPEAKER 2: Yes.

8 SPEAKER 3: And he'll come by and

9 collect this kind of money every single day? And

10 he's still working?

11 SPEAKER 2: Okay. I ain't gonna say

12 every single day. It's that if he -- if he catch

13 some drugs.

14 SPEAKER 3: Um-hum.

15 SPEAKER 2: Somebody is going to pay for

16 them drugs, and he keep them drugs.

17 SPEAKER 3: Right. But even you -- you

18 said --

19 SPEAKER 2: And if you lie to him,

20 (inaudible).

21 SPEAKER 3: Wow. And then he'll even

22 come here with Mohammed on his day off?

23 SPEAKER 2: Yes. That (inaudible) all

24 of them.

1 SPEAKER 3: Cause you-all thought he was
2 off and then you saw him down here?

3 SPEAKER 2: Right. That's when
4 everybody feels comfortable --

5 SPEAKER 3: Right.

6 SPEAKER 2: -- and relaxed.

7 SPEAKER 3: And then what did he do when
8 he got down here on his day off? What did he do?
9 The same thing?

10 SPEAKER 2: Did what he do regular,
11 right.

12 SPEAKER 3: So how much money do you
13 think Watts makes in a week getting paid off by
14 the dope dealers?

15 SPEAKER 2: Woo-wee.

16 SPEAKER 3: A couple thousand? A couple
17 hundred?

18 SPEAKER 2: Couple? How about, about 20
19 grand. Okay. No exaggerating, (inaudible) in a
20 week time 10,000.

21 SPEAKER 3: He gets -- okay -- he --
22 Watts -- Watts and Mohammed -- and Mohammed or
23 just Watts gets \$10,000 a week from the boys in
24 Ida -- in Ida B. Wells?

1 SPEAKER 2: Watts (inaudible) yeah,
2 okay, before they closed the other part down, he
3 was doing that too to (inaudible) and all of them.

4 SPEAKER 3: Wow.

5 SPEAKER 2: But see, that's closed down.

6 SPEAKER 3: So he's making 10 grand a
7 week.

8 SPEAKER 2: Maybe.

9 SPEAKER 3: So is he splitting this
10 money with Mohammed or?

11 SPEAKER 2: See, nobody knows that.

12 SPEAKER 3: Shit. I need a part-time
13 job.

14 SPEAKER 2: You know what his name is
15 now?

16 SPEAKER 3: Huh?

17 SPEAKER 2: They call him Thirsty Bird.

18 SPEAKER 3: Thirsty Bird?

19 SPEAKER 2: Here comes Thirsty Bird.

20 SPEAKER 3: Thirsty Bird.

21 SPEAKER 2: Cause --

22 SPEAKER 3: You know.

23 SPEAKER 2: As long as you give him
24 something, he going to let you go.

1 SPEAKER 3: Right. Right.

2 SPEAKER 2: He know who got what and who
3 don't. So the rest of them he gets for
4 trespassing.

5 SPEAKER 3: Right.

6 SPEAKER 2: You-all look at his record,
7 he got so many people trespassing (inaudible) if
8 you're a detective, why would you want
9 trespassing?

10 SPEAKER 3: Does he -- right. Right.
11 You would want the drug boy.

12 So does he ever lock up any of the
13 drug dealers?

14 SPEAKER 2: No.

15 SPEAKER 3: Never?

16 SPEAKER 2: They got money.

17 SPEAKER 3: Does he ever go at war with
18 these drug dealers? Like, do they get pissed off
19 at him, like, fuck this, we ain't gonna deal with
20 this bullshit no more?

21 SPEAKER 2: There's nothing they can do.

22 SPEAKER 3: Nothing they can do because
23 he's the police?

24 SPEAKER 2: With the money they

1 making --

2 SPEAKER 3: Right.

3 SPEAKER 2: -- (inaudible) this shit.

4 SPEAKER 3: Right. Because you know
5 what, if they're making --

6 SPEAKER 2: But he's constantly doing
7 it, he's constantly doing it.

8 SPEAKER 3: If he's making -- if they're
9 making 15 -- if there's six dope lines in there --

10 SPEAKER 2: See, that's what he's doing.

11 SPEAKER 3: Huh?

12 SPEAKER 2: Because he don't get every
13 dope line every day.

14 SPEAKER 3: No. But I mean, it's
15 nothing to him, because if Obama makes \$1,500 an
16 hour --

17 SPEAKER 2: Obama is (inaudible).

18 SPEAKER 3: -- and there's -- right. To
19 give Watts a few hundred dollars, they're like, no
20 big deal.

21 SPEAKER 2: Yeah.

22 SPEAKER 3: Because they're making --
23 they're making \$150,000 themselves.

24 SPEAKER 2: Easy. Easy.

1 SPEAKER 3: 150,000.

2 SPEAKER 2: Easy. I mean, a piece of --

3 SPEAKER 3: How much do you think --

4 remember when -- when all that fentanyl --

5 SPEAKER 2: They got like -- they got
6 ten workers there, everybody else got two, maybe
7 three.

8 SPEAKER 3: Okay. Remember when all of
9 the fentanyl was going around the Ickes two years
10 ago, and the 2400, and Bottom Line --

11 SPEAKER 2: (Inaudible) Obama had some
12 of it before.

13 SPEAKER 3: Oh, fentanyl is an Obama
14 line. Well, remember Bottom Line was making
15 easily \$50,000 a day, Bottom Line? Is Obama
16 bigger than Bottom Line?

17 SPEAKER 2: Yes.

18 SPEAKER 3: How much bigger? Two times,
19 three times?

20 SPEAKER 2: Obama is the biggest.

21 SPEAKER 3: Okay. So they're probably
22 making \$150,000 a day?

23 SPEAKER 2: (Inaudible) you know they
24 got three spots in the neighborhood.

1 SPEAKER 3: Right. You were saying.
2 You were saying over there on 36th and Giles, and
3 then the Ickes.

4 SPEAKER 2: And the Ickes.

5 SPEAKER 3: What about on Vincennes, are
6 they -- is Obama on Vincennes?

7 SPEAKER 2: (Inaudible) I don't know
8 about that.

9 SPEAKER 3: So you think Obama is making
10 about \$150,000 a day maybe? I know Bottom Line
11 was making 50 grand a day in the 2420 building.

12 SPEAKER 2: Okay. Put it like this
13 (inaudible) yeah, they're beating Obama.

14 SPEAKER 3: They're beating -- Obama is
15 at least two, three times bigger?

16 SPEAKER 2: Obama (inaudible).

17 SPEAKER 3: Oh, yeah? Oh, they sell
18 weights?

19 SPEAKER 2: (Inaudible) guy that worked
20 for Obama and made like -- got about a thousand
21 dollars an (inaudible) Obama.

22 SPEAKER 3: Oh. So does Watts ever take
23 the weights from the people, like -- like
24 (inaudible).

1 SPEAKER 2: (Inaudible).

2 SPEAKER 3: Because you would think --
3 that's fucked up. Larry, that's fucked up. If
4 what you're telling me -- I'm not saying it ain't.
5 I am just -- you know, I didn't know this. Watts
6 ain't (inaudible).

7 SPEAKER 2: Watts ain't not nice.

8 SPEAKER 3: I gotta figure out who he
9 is.

10 SPEAKER 2: (Inaudible).

11 SPEAKER 3: That's messed up. Because
12 I'm going to go to the Wells, they ain't gonna
13 like me too much, because they don't like the
14 police coming now, do they?

15 SPEAKER 2: Watts is going to find a way
16 to get rid of (inaudible).

17 SPEAKER 3: Me? Watts will find a way
18 to get rid of me?

19 SPEAKER 2: (Inaudible).

20 SPEAKER 3: Tell me about that. So
21 like, if I was -- if I were going coming down --

22 SPEAKER 2: If you get in Watts way,
23 Watts is going to get you out of the way.

24 SPEAKER 3: How would he get me out of

1 the way?

2 SPEAKER 2: I don't know how, but

3 Watts --

4 SPEAKER 3: Would he -- would he kill

5 me?

6 SPEAKER 2: I don't know.

7 SPEAKER 3: But you know -- you know

8 first (inaudible) --

9 SPEAKER 2: If you get in Watts'

10 business and get in Watts way, Watts is going to

11 make sure you out of his way (inaudible).

12 SPEAKER 3: Okay.

13 SPEAKER 2: Anybody will tell you that

14 (inaudible).

15 SPEAKER 3: Has he ever -- has he ever

16 done that before, gotten like a rival out of his

17 way?

18 SPEAKER 2: No. But he got a lot of

19 people (inaudible).

20 SPEAKER 3: Yeah. I could see why.

21 SPEAKER 2: (Inaudible), but when the

22 Thirsty Bird comes.

23 SPEAKER 3: Thirsty Bird.

24 SPEAKER 2: (Inaudible).

1 SPEAKER 3: Now, here's the thing --

2 SPEAKER 2: So he knows who got what
3 (inaudible).

4 SPEAKER 3: Right.

5 SPEAKER 2: (Inaudible).

6 SPEAKER 3: Right.

7 SPEAKER 2: (Inaudible).

8 SPEAKER 3: Lar, what happens if I'm
9 working a dope line in there and he gives me a
10 play once or twice? Have you ever run across
11 somebody that has never paid him ever?

12 SPEAKER 2: Yeah. The boy on the first
13 floor.

14 SPEAKER 3: Okay. So the boy on the
15 first floor was --

16 SPEAKER 2: And he got -- he got
17 (inaudible) case.

18 SPEAKER 3: House arrest. Okay.

19 SPEAKER 2: He got a case right now.

20 SPEAKER 3: Okay. You know this guy --

21 SPEAKER 2: (Inaudible).

22 SPEAKER 3: Larry, look, you know this
23 guy walking towards us at all? You know him?

24 SPEAKER 2: Oh, he ain't (inaudible).

1 SPEAKER 3: Who is he? Make yourself
2 little.

3 SPEAKER 2: (Inaudible).

4 SPEAKER 3: He is right here with the
5 Rocky T-shirt on.

6 SPEAKER 2: (Inaudible).

7 SPEAKER 3: He looks awfully clean with
8 some \$200 shoes on for being homeless.

9 SPEAKER 2: (Inaudible).

10 SPEAKER 3: Okay. I'm just -- I'm just
11 check --

12 SPEAKER 2: (Inaudible).

13 SPEAKER 3: Right. I'm just -- I'm just
14 making sure that we don't run into nobody over
15 here.

16 Okay. So -- so now if I go down
17 there and start policing down there, because I'm
18 trying to find out about Watts, if I get in his
19 way, he'll -- he'll make sure that I ain't. Is
20 he -- is he -- he's just a detective?

21 SPEAKER 2: He's the head.

22 SPEAKER 3: He's the head?

23 SPEAKER 2: (Inaudible).

24 SPEAKER 3: He's the boss?

1 SPEAKER 2: (Inaudible).

2 SPEAKER 3: So is he -- is he a boss
3 then? A white shirt or no?

4 SPEAKER 2: Yeah. White shirt.

5 SPEAKER 3: He's a white shirt.

6 SPEAKER 2: Yeah.

7 SPEAKER 3: So do you know what he is,
8 is he a sergeant?

9 SPEAKER 2: (Inaudible) uniform.

10 SPEAKER 3: Uh-huh.

11 SPEAKER 2: He's the only one that got a
12 white shirt on.

13 SPEAKER 3: Okay. So he is a white
14 shirt?

15 SPEAKER 2: Yeah.

16 SPEAKER 3: Do you know if he's a
17 sergeant, if he's a lieutenant, if he's a captain?

18 SPEAKER 2: I heard him say sarge.

19 SPEAKER 3: Okay. You heard him say
20 Sarge. So then it would be Sergeant Watts. Out
21 of 51st Street? Was that the guy that had you
22 when I saw you in the hallway and I was talking to
23 you? Who was that?

24 SPEAKER 2: That's Mohammed.

1 SPEAKER 3: That was Mohammed?

2 SPEAKER 2: That's Mohammed.

3 SPEAKER 3: That was --

4 SPEAKER 2: Right.

5 SPEAKER 3: Okay. That was Mohammed
6 that had you?

7 SPEAKER 2: Yeah (inaudible).

8 SPEAKER 3: So you couldn't --

9 SPEAKER 2: I'm not getting involved
10 (inaudible).

11 SPEAKER 3: So did he let you go or did
12 he lock you up?

13 SPEAKER 2: He locked me up (inaudible).

14 SPEAKER 3: Ain't that a bitch?

15 SPEAKER 2: (Inaudible).

16 SPEAKER 3: Ain't that a bitch, huh?

17 SPEAKER 2: Yeah.

18 SPEAKER 3: Wow. So, like, if you
19 were -- so he came through today. So now they
20 know that they're good. So if he comes through
21 once, he won't come through again?

22 SPEAKER 2: Who Watts?

23 SPEAKER 3: Yeah.

24 SPEAKER 2: Watts (Inaudible).

1 SPEAKER 3: So he doesn't just come down
2 there once, he might come down there once, two,
3 three, four times a day?

4 SPEAKER 2: That's his main spot.

5 SPEAKER 3: 575 is his main spot?

6 SPEAKER 2: Main spot (inaudible) 575,
7 574.

8 SPEAKER 3: 575, 574.

9 SPEAKER 2: Eleven (inaudible).

10 SPEAKER 3: Nothing.

11 SPEAKER 2: (Inaudible) nickel dime.

12 SPEAKER 3: Do they ever come at
13 nighttime?

14 SPEAKER 2: (Inaudible).

15 SPEAKER 3: No. Just during the day?

16 SPEAKER 2: He just got off of night
17 shift.

18 SPEAKER 3: So he's on days.

19 SPEAKER 2: (Inaudible).

20 SPEAKER 3: So when he's working --
21 okay. So he rotates then?

22 SPEAKER 2: Yeah.

23 SPEAKER 3: He does rotate. So when he
24 does rotate and he's on nights, does he go down

1 there at nighttime or no?

2 SPEAKER 2: Yeah.

3 SPEAKER 3: Whatever happened to -- you
4 know, I -- I used to be down here a long time ago.
5 There was a guy named Wilbur Moore, they called
6 him Big Shorty. He's dead, right? They killed
7 him?

8 And what about Alan Jackson, AJ?

9 SPEAKER 2: (Inaudible) AJ.

10 SPEAKER 3: AJ, is he still down there?

11 SPEAKER 2: (Inaudible).

12 SPEAKER 3: He -- now, he used to be
13 working with AJ. Now, he used to run 575 with Big
14 Shorty. He lets Watts come in and do all of this?

15 SPEAKER 2: (Inaudible).

16 SPEAKER 3: He don't -- because AJ was
17 nobody -- they were nobody to mess around with
18 either.

19 SPEAKER 2: (Inaudible).

20 SPEAKER 3: Is he still in the game or
21 he's not?

22 SPEAKER 2: (Inaudible).

23 SPEAKER 3: Oh.

24 SPEAKER 2: (Inaudible).

1 SPEAKER 3: Watts ain't not nice. But
2 okay, now does Alan Jackson still wheel and deal
3 over there?

4 SPEAKER 2: (Inaudible), like I say
5 (inaudible) he just (inaudible) he might have
6 something in it, but you don't see him
7 (inaudible).

8 SPEAKER 3: He's not street level? He's
9 not like in the building doing all that every --

10 SPEAKER 2: Right. Right.

11 SPEAKER 3: No, okay.

12 SPEAKER 2: You don't -- put it like
13 this, when they get big like that, you don't see
14 them do nothing.

15 SPEAKER 3: Okay. So Alan Jackson is
16 big?

17 SPEAKER 2: Right. You don't see him
18 doing nothing.

19 SPEAKER 3: Now is he still -- does he
20 still --

21 SPEAKER 2: Of course he's big. How
22 long he been around.

23 SPEAKER 3: Yeah, he's been around. I
24 been -- I was chasing that kid when he was

1 14 years old when he was at 636.

2 SPEAKER 2: (Inaudible) killer.

3 SPEAKER 3: He's a killer?

4 SPEAKER 2: (Inaudible).

5 SPEAKER 3: Who did he kill?

6 SPEAKER 2: Nobody. He's a -- when you

7 (inaudible) blowing a person's brains out

8 (inaudible).

9 SPEAKER 3: Right. Oh, he will.

10 SPEAKER 2: (Inaudible).

11 SPEAKER 3: Here, let me -- does -- does

12 Alan Jackson still drive his little Lexus?

13 SPEAKER 2: Yep.

14 SPEAKER 3: He does? He still got the

15 same one?

16 SPEAKER 2: (Inaudible).

17 SPEAKER 3: Where he stay now?

18 SPEAKER 2: (Inaudible).

19 SPEAKER 3: Do you see him around there

20 lately?

21 SPEAKER 2: Yeah. You might see him

22 once a week.

23 SPEAKER 3: Really?

24 SPEAKER 2: Stop by, holler at a couple

1 of guys --

2 SPEAKER 3: At 575?

3 SPEAKER 2: -- (inaudible) 75 and 74.

4 SPEAKER 3: And then he (inaudible).

5 SPEAKER 2: (Inaudible).

6 SPEAKER 3: So he got some fancy crib
7 somewhere.

8 SPEAKER 2: Right. See, when you see a
9 guy that comes through like that.

10 SPEAKER 3: Um-hum.

11 SPEAKER 2: They all big talkers.

12 SPEAKER 3: Now, you know who Alan
13 Jackson is?

14 SPEAKER 2: (Inaudible).

15 SPEAKER 3: Do you think you could get
16 the plate off that car for me?

17 SPEAKER 2: Okay, I'll check that --

18 SPEAKER 3: Like, you see it, you think
19 you will remember it?

20 SPEAKER 2: Ain't no thing to it.

21 SPEAKER 3: No, ain't no thing.

22 SPEAKER 2: (Inaudible).

23 SPEAKER 3: Ain't no thing, chicken
24 wing.

1 SPEAKER 2: (Inaudible) he'll tell you
2 that (inaudible).

3 SPEAKER 3: (Inaudible).

4 SPEAKER 2: (Inaudible).

5 SPEAKER 3: So that -- be careful. Be
6 careful with that. That's something we don't even
7 want (inaudible).

8 SPEAKER 2: (Inaudible).

9 SPEAKER 3: Oh, really? Well, I ain't
10 gonna tell him.

11 SPEAKER 2: They say there's no one
12 never got in Watts way.

13 SPEAKER 3: I am surprised he's still
14 running around here doing this the way the
15 department is.

16 SPEAKER 2: He's under investigation.

17 SPEAKER 3: But yeah, maybe he is. I
18 wonder who's investigating him.

19 SPEAKER 2: I don't know (inaudible).

20 SPEAKER 3: Is Mohammed under
21 investigation?

22 SPEAKER 2: That I don't know.

23 SPEAKER 3: That's a damn shame. That's
24 a damn shame, Lar.

1 So if we wanted to meet you
2 tomorrow, should we meet you --

3 SPEAKER 2: All you got to do is tell me
4 a time (inaudible).

5 SPEAKER 3: Danny, you want to meet him
6 right here, right here by this -- right here where
7 it says the open house sign?

8 SPEAKER 1: Yeah.

9 SPEAKER 2: Give me a time.

10 SPEAKER 3: We'll pick you up right here
11 tomorrow at say, what, 10:00 in the morning?

12 SPEAKER 1: You tell me what time is
13 good for you.

14 SPEAKER 3: Is 10 good?

15 SPEAKER 1: What time is good for you?

16 SPEAKER 2: (Inaudible).

17 SPEAKER 1: Twelve?

18 SPEAKER 3: Twelve? We'll be here at 12
19 then. You going to be here for sure?

20 SPEAKER 2: (Inaudible).

21 SPEAKER 3: Fine by me (inaudible).

22 SPEAKER 2: (Inaudible).

23 SPEAKER 1: So Sarge came to see you,
24 huh?

1 SPEAKER 2: Yeah, he came. Yeah. Yeah

2 (inaudible).

3 SPEAKER 1: I had -- I had --

4 SPEAKER 2: (Inaudible) the sidewalk.

5 (End of recording.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 REPORTER CERTIFICATE

2 Jennifer A. Seastrom, being first
3 duly sworn, on oath says that she is a Certified
4 Shorthand Reporter doing business in the State of
5 Illinois;

6 That she reported in shorthand
7 Audio File ID-30.wav, as a disinterested person;

8 And that the foregoing is a true
9 and correct transcript of her shorthand notes so
10 taken as aforesaid and contains all the
11 proceedings had on said recording.

12 IN WITNESS WHEREOF, I do hereunto
13 set my hand on this 10th day of July, 2024.



17 
Jennifer Seastrom
18 C.S.R. No. 084-003293
19
20
21
22
23
24

A	asked 36:11	boss 21:6 64:24	case 1:4 37:13	42:18 43:19
A/k/a 2:8	ass 34:17	65:2	63:17,19	44:1,10 53:15
act 1:8 45:14	Audio 75:7	Bottom 21:20	cash 19:12	53:17 54:8,22
aforesaid 75:10	audio-recorded	59:10,14,15,16	catch 7:22 8:12	66:21 67:1,2
ago 12:12,14,15	1:11	60:10	15:23 19:22	67:12 68:14
33:22 44:24,24	awfully 64:7	boy 7:7 8:12	26:7 54:12	comes 15:13
48:12 59:10	B	17:24 18:21	caught 7:8,11,20	21:10 56:19
68:4	B 55:24	54:2 57:11	7:21 9:4,5	62:22 66:20
Ah 37:11	back 6:22 8:3	63:12,14	13:16 16:10,10	71:9
ain't 5:2 6:17	32:16 42:15	boys 15:23	44:7,18	comfortable
9:14,15 16:7	53:9	55:23	cause 37:16	39:22 55:4
17:10,11 18:10	bad 32:20	braids 7:15	38:23 55:1	coming 25:5
21:16 30:2	bag 26:11 32:6	brains 70:7	56:21	61:14,21
36:1,21,22	bags 2:22,24 3:1	break 15:3	ceilings 37:8	Common 2:7
38:2 40:2	9:22 35:12	bring 19:14 42:5	certain 16:17	CONFIDENT...
44:16 51:13,16	36:4,6,6	bringing 7:8	CERTIFICA...	1:8
51:17 54:11	bama 10:23,23	19:23	75:1	constantly 58:6
57:19 61:4,6,7	10:23 11:9	brings 19:12	Certified 1:13	58:7
61:12 63:24	bars 51:20	broke 31:9	75:3	contact 6:17,19
64:19 66:14,16	bat 37:3,23	building 10:19	changes 26:4	6:20,21
69:1 71:20,21	beating 60:13,14	10:19 13:18	chasing 19:4	contains 75:10
71:23 72:9	believe 16:21	15:13 17:8	20:5,7 69:24	COORDINA...
AJ 68:8,9,10,13	18:22	26:12 27:7,10	check 64:11	1:5
68:16	better 37:23	37:4 44:20	71:17	corner 42:24
Alan 68:8 69:2	40:15	60:11 69:9	Chewbacca 2:8	43:10
69:15 70:12	big 7:7 9:5 15:23	buildings 16:17	2:8,13 8:18	correct 75:9
71:12	20:9,10 22:12	bullshit 57:20	chicken 71:23	couple 6:8 47:17
All's 7:12	22:15,20 34:9	bundle 13:10	clean 64:7	48:11 55:16,16
anybody 13:12	34:9,10,21,22	business 50:1	cleanup 10:7	55:18 70:24
20:2 38:9	58:20 68:6,13	62:10 75:4	11:21,23 12:12	course 37:20
62:13	69:13,16,21	buy 28:9	23:14 24:8,16	69:21
anytime 52:14	71:11	buying 17:8	24:18 25:11,14	court 1:1 53:23
52:14	bigger 59:16,18	28:10	25:22,24 26:1	53:23
anyway 19:23	60:15	C	26:4 27:1	crew 21:21 30:5
apartment 42:9	biggest 9:22	C.S.R 75:17	48:16	30:6,8,10 51:3
43:2	59:20	call 6:17 17:20	closed 56:2,5	51:5,6 52:3,6
apartments	bike 47:23	46:16,17 56:17	Cold 46:21	52:17,20
42:12	Bird 56:17,18	called 2:12 68:5	collect 16:18	crib 71:6
approximately	56:19,20 62:22	captain 65:17	19:9 54:9	crying 38:2
15:7	62:23	car 18:2,16 24:3	collects 19:10	cuff 44:4
arrest 40:23	bitch 66:14,16	48:18,19 71:16	come 6:16 11:2	cuffs 29:12
43:19 45:2	blow 24:7	card 6:19,20,21	15:22 16:14,16	customer 17:8
63:18	blowing 70:7	care 15:5 49:21	20:13 21:18	cuts 46:21
arrested 12:6	blue 48:20	careful 72:5,6	23:10 26:24	D
28:21	bond 8:1,2 9:6	cars 39:1	27:3 28:4	damn 29:11
arrests 17:19			38:21 39:8	

72:23,24 dangerous 51:18 Danny 29:15 73:5 dark-skinned 3:12 30:22 date 12:16 53:23 day 5:20 9:17 15:11,12 20:5 21:8 26:5 28:21 29:4 30:1 45:6 54:9 54:12,22 55:8 58:13 59:15,22 60:10,11 67:3 67:15 75:13 days 16:17 38:19,22 39:3 39:14 67:18 dead 68:6 deal 52:2 57:19 58:20 69:2 dealer 51:13 dealers 4:15 5:13,17 15:13 26:15 55:14 57:13,18 deep 20:24 department 72:15 depend 26:6 detective 3:16 3:18 4:10 5:14 57:8 64:20 dig 32:11 dime 67:11 dirty 28:11 disinterested 75:7 district 1:1,1 28:19 DIVISION 1:2 Docket 1:3 dogs 21:3 doing 29:14	45:18 56:3 58:6,7,10 69:9 69:18 72:14 75:4 dollars 32:11 53:24 58:19 60:21 door 6:22 8:3 11:6 32:16 41:22 42:7,8,8 42:16,16,19 43:6 45:10 doors 6:9 dope 2:15 7:2,3 8:12 13:2,10 13:17 15:16 24:1 26:14 27:6 31:11 35:4,4 55:14 58:9,13 63:9 dopes 13:5 downstairs 31:18,22 dreadlocks 3:11 drive 21:7 48:24 70:12 drives 47:22 dropped 31:20 drug 4:15 5:12 5:17 8:12 13:21 15:13,21 29:22 51:13 57:11,13,18 drugs 4:4,8 6:1 15:21 16:13 29:23 30:1 36:8 52:2 54:13,16,16 duly 75:3	eight 52:7,8 either 27:17,21 68:18 elbow 25:8 elevator 34:16 Eleven 67:9 Empty 11:1 enabling 35:10 enforcer 38:17 ENTERED 1:9 everybody 10:11 13:15 21:2 24:19,24 25:4,6 34:18 39:8,18,21 40:1 44:1 45:5 45:11,15 50:11 55:4 59:6 exactly 32:19 46:4 exaggerating 55:19 eyes 14:9	34:11 40:22 41:7,9,19 42:10,13 43:2 62:8 63:12,15 75:2 five 13:5 14:13 floor 26:8 40:23 41:7,9,19 42:13 43:2 63:13,15 foregoing 75:8 forget 28:19 found 5:20 6:8 13:10 27:6 four 13:4 67:3 free 13:20 fresh 24:21 front 40:24 42:7 42:7,8,19 43:6 44:8 46:1 48:18,19,21 fuck 38:18 57:19 fucked 49:13 61:3,3 fucking 34:16	52:15 56:23 58:19 73:9 gives 63:9 giving 25:15 go 10:11 12:8 16:17 17:3,15 23:5 32:5,10 33:2 36:11 40:11 44:4,22 45:24 46:17 47:7,15,17 49:16 53:14,23 56:24 57:17 61:12 64:16 66:11 67:24 God 8:15 30:16 Goes 25:12 going 6:10,11 10:17,19 13:8 17:6 22:18 25:6 26:3 27:14,17,19,20 28:10 32:2 35:5,13 37:20 40:2,4,5,9,11 47:11,14,15,16 52:11 54:15 56:24 59:9 61:12,15,21,23 62:10 73:19 gold 48:22 gonna 3:24 38:3 44:17 47:7 54:11 57:19 61:12 72:10 good 66:20 73:13,14,15 gotta 61:8 gotten 62:16 grab 23:11 26:14 grabbed 23:12 grand 55:19 56:6 60:11 grandma 43:13 ground 44:18
		F		
		fact 36:20 fancy 71:6 feel 39:9,10,18 39:21 feels 55:4 Female 23:17 fentanyl 59:4,9 59:13 Fifty 11:12 19:16,17 figure 49:24 61:8 File 1:12 75:7 filthy 20:17 find 27:2,5 33:5 36:15 37:1,3 37:20,23 46:12 61:15,17 64:18 Fine 73:21 first 20:4,14 26:8 33:15	G	
			game 51:8,10,11 68:20 gang 51:9 garbage 32:11 37:9 getting 15:18 23:24 53:4 55:13 66:9 Giles 60:2 girl 11:19,22,23 34:15 give 8:2 9:11 11:9 12:7 13:4 13:10 15:5 17:5 23:22 24:19,24 25:8 27:1 35:4,11 35:18,23 36:3 44:1,3 46:22	

guards 39:10	50:15,16	hundreds 50:19	62:14,19,21,24	71:13
Guess 14:13	heard 20:15		63:3,5,7,17,21	jail 24:4 25:17
gun 34:20	23:23 36:1	I	63:24 64:3,6,9	40:3,12,20
guns 33:3,4,6,9	38:10,11 50:11	Ickes 8:24 10:21	64:12,23 65:1	janitors 37:5
33:16 34:24	65:18,19	16:9 18:5,6,8	65:9 66:7,10	Jennifer 1:13
36:9	heavyweight	22:11 26:5	66:13,15,24	75:2,17
guy 6:24 9:4,5,8	51:13	28:10 49:18	67:6,9,11,14	Jewel 46:16,19
22:17 31:24	heist 16:24	50:1 59:9 60:3	67:19 68:9,11	47:1
40:22 44:9	Hell 35:6	60:4	68:15,19,22,24	job 29:15 56:13
60:19 63:20,23	help 48:14	ID-30.wav 1:12	69:4,5,5,7 70:2	July 1:13 75:13
65:21 68:5	hereunto 75:12	75:7	70:4,7,8,10,16	
71:9	heroin 36:4	Ida 55:24,24	70:18 71:3,4,5	K
guys 5:24 6:4	hit 34:14,14	Illinois 1:1,14	71:14,22 72:1	K 19:2
20:9 40:17	38:1,4,5,9,15	75:5	72:2,3,4,7,8,19	K-Dog 3:9,10
71:1	47:11 48:8,8	inaudible 2:2	73:4,16,20,21	19:2,4,4,4,7
	hitting 30:23	3:12,14 6:3	73:22 74:2,4	K-Dog's 19:7
H	31:1,3,5	11:8,10 12:19	inch 3:12	keep 15:20
H-O-P 2:5	hold 2:14 5:6	13:15,16 14:1	incinerator 32:9	31:15,16,17
hallway 29:10	9:21 13:19	15:3 16:8 17:4	32:14 33:1	35:5 54:16
65:22	23:5 42:6	18:13,15 19:4	35:1 36:9 37:6	kid 26:11,20
hand 25:19	46:24 47:2,3	20:6,15,16	incinerators	43:16 69:24
75:13	47:23	21:15 22:10,17	31:21	kill 20:14 62:4
handed 9:8	holes 37:8	23:18 25:3	information	70:5
handing 13:14	holler 70:24	27:8,20 28:2	14:1,2 36:4	killed 68:6
13:17	home 45:5	29:13 30:9	inside 34:4	killer 70:2,3
happen 8:17	homeless 13:21	31:19 32:13	instance 6:8	kind 54:9
45:1	64:8	33:18 34:10,10	10:5,6,14	knock 45:10
happened 7:23	Hopkins 2:6	35:17 36:13,14	12:20 26:7	knots 32:7
12:5,6 34:24	hot 3:13	37:14 38:16	31:6,19	know 3:3,4 4:12
36:24 37:1,22	hour 9:19,20	39:17 41:8,24	investigating	4:16 5:3,11 6:1
37:24 43:17,19	58:16	42:4,5 43:13	5:9 42:1 72:18	6:2 7:11,12
46:5 68:3	hours 12:12,14	44:22 45:21,24	investigation	8:13,23 9:2,3
happens 32:24	12:15 48:11	47:5,20,21,24	4:12 5:1,7,12	10:2,9,15
63:8	house 31:20	48:1,10,16	45:15 50:9,12	12:11,17,22,24
happy 39:18	40:23 43:19	49:8,10,16,16	50:20 72:16,21	14:7,19,22
harm 51:18	45:2 63:18	49:17,20,21	involved 66:9	15:4,4,20 18:3
hat 44:9	73:7	50:2 52:4	It'd 15:2	18:14,18 19:1
he'll 4:7 6:2 9:4	houses 22:7	53:17,21,22,22		19:21 20:3,23
23:10,11,11	huh 11:11 20:18	53:23,24 54:20	J	22:2,17 23:13
27:24 29:12	22:3 56:16	54:23 55:19	jab 19:15 27:16	24:3,10 25:11
35:23 36:3	58:11 66:16	56:1,3 57:7	27:22 35:19	26:23,24 28:1
54:8,21 64:19	73:24	58:3,17 59:11	52:15	28:13 29:16,21
64:19 72:1	hundred 11:10	59:23 60:7,13	jabs 19:14,23	30:11,12,21
head 5:24 18:24	14:14 44:3	60:16,19,21,24	24:5 44:14	31:7 32:2,13
64:21,22	53:24 55:17	61:1,6,10,16	Jackson 68:8	32:18 34:8
hear 6:12 16:3,5	58:19	61:19 62:8,11	69:2,15 70:12	35:16 37:4,5

37:10,13,16 39:6,6,9,17 44:17 45:15 46:2,18 49:6 49:11,18,19,22 49:23,24 50:1 51:14 52:11,12 52:13 53:20,21 56:14,22 57:2 58:4 59:23 60:7,10 61:5,5 62:2,6,7,7 63:20,22,23 65:7,16 66:20 68:4 71:12 72:19,22 knows 16:3 26:1 34:6 56:11 63:2	59:10,14,14,15 59:16 60:10 63:9 lines 58:9 listen 28:20 little 6:24 12:1,2 12:3,4 20:17 22:6 23:15,16 25:14 26:10,11 26:20,24 28:16 28:18 37:13 48:7 64:2 70:12 live 21:3 41:7 lives 41:18 lock 16:17 17:12 57:12 66:12 locked 5:18 28:24 32:16 66:13 long 5:5 7:15 11:5 14:19,21 15:5 25:10 33:22 44:24,24 45:3 51:8 56:23 68:4 69:22 look 26:19 37:7 37:7,9,9 41:10 57:6 63:22 looking 7:15 26:10 43:6,7 looks 17:18 64:7 lot 12:23,24 13:2 35:3 38:14 40:17 62:18 lying 16:23 28:15	58:23 59:14,22 60:9,11 64:14 man 3:3 20:16 21:6,7 30:12 34:22 38:15 Master 1:3 matter 36:20 McDonald's 22:5 mean 8:7,11 20:23 21:5 24:8 31:1,10 33:10 50:5,9 51:18 58:14 59:2 means 10:7 24:12 meet 46:13 48:2 73:1,2,5 mess 68:17 messed 61:11 met 20:4,15 Mike 20:9,10 34:9,9,10 millionaire 29:18,20 minding 49:24 minutes 10:15 23:5 53:15 mix 9:23 mmm 6:7,10,13 8:1 19:24 Mohammed 30:17,18,20,22 30:22,24 31:6 37:2,22 38:8 38:13,15,15,17 38:18,20 52:24 53:1,2,5,6,7,8 53:15 54:22 55:22,22 56:10 65:24 66:1,2,5 72:20 money 3:5 6:3 9:16 15:24 16:18 19:9,10	19:22 22:20 27:20 40:6,8 46:23 52:21 54:9 55:12 56:10 57:16,24 Moore 68:5 morning 40:1 73:11 motorcycle 47:22 move 10:17 multiple 29:8 Muslim 30:13 30:14,15	nights 67:24 nighttime 67:13 68:1 NORTHERN 1:1 notes 75:9 numbers 17:16
L			N	O
lady 43:13 48:17 Lar 28:20 29:24 46:10 47:17 48:2 49:14,23 63:8 72:24 Larry 61:3 63:22 lately 70:20 lay 3:24 4:1 leave 21:3 left 9:13 14:15 41:23 42:14 let's 10:6 14:8 17:19 26:23 level 69:8 Lexus 70:12 lie 32:3 38:3 54:19 lieutenant 65:17 light-skinned 41:7 line 2:15 7:2,4 11:5 15:16,21 21:21 29:22 33:11,12 58:13			name 2:1,3 3:3 3:20 5:4 6:17 11:24 18:12,23 19:1 20:3 22:18 28:7 30:8,10,11,13 30:14,15,16 41:1,13 45:18 45:19,23 51:24 56:14 named 20:9 28:6 68:5 narrow 43:10 nasty 32:8 need 56:12 neighborhood 59:24 nervous 40:1,2 never 6:12 35:20 36:1 38:12 48:19 57:15 63:11 72:12 nice 8:8,10 51:16,17 61:7 69:1 nickel 67:11 nickname 2:10 7:10 20:1 nigger 20:17 night 67:16	o'clock 40:1 oath 75:3 Obama 2:19,20 2:21 3:2 6:5 9:17,22 17:8 18:18,20 19:8 20:2 21:10 22:12,15,20 33:11 43:21,22 43:24 44:7,10 44:11 58:15,17 59:11,13,15,20 60:6,9,13,14 60:16,20,21 Obama's 6:3 officer 9:12 16:11 28:11 officers 39:14 Oh 6:23 8:22 11:11 21:18 22:6 28:18 29:7 39:19 44:21 45:22 46:8 48:15 49:3,5 51:15 59:13 60:17,17 60:22 63:24 68:23 70:9 72:9 okay 2:3,7,14 3:13,17 4:1 5:6 6:1 7:5,13,17 7:23 8:9 9:1,21 9:24 10:7,11 10:14,22 11:4 11:6,12 12:13 12:22 13:19
	M			
	mad 42:3 main 2:15,19 19:20 30:12 67:4,5,6 making 56:6 58:1,5,8,9,22			

14:8,18 17:7 18:16,20 19:6 19:18,19 21:22 22:11 23:7,22 24:8,15,16,17 25:24 26:21 28:20 31:13,14 31:14 32:1,4,4 33:8 34:7,12 34:23 36:7 39:12,23 41:22 42:11,15,17 43:3,21 45:22 46:15,24 47:13 47:14,18,19 48:1,2,18 52:17,23 53:9 53:13,14,16 54:11 55:19,21 56:2 59:8,21 60:12 62:12 63:14,18,20 64:10,16 65:13 65:19 66:5 67:21 69:2,11 69:15 71:17 old 18:22 21:20 23:21 34:21 43:14 70:1 once 34:1 40:14 63:10 66:21 67:2,2 70:22 ones 3:4 ooh 15:3 30:12 30:19 open 73:7 ORDER 1:9 outside 34:5 owe 13:5 owns 20:2	24:20,20,21,22 25:1 27:15,22 packets 3:7 packs 6:8 11:11 11:12,15 15:23 16:2 22:24 23:2 24:19 25:16,19 44:15 paid 14:4 15:18 29:4 53:4 55:13 63:11 paperwork 9:7 park 10:2,12,24 11:14 47:15 part 19:8 56:2 part-time 56:12 pay 15:14 29:8 54:15 payoff 13:7 pays 14:2 penitentiary 45:24 people 11:2 12:23 13:11,18 13:22,22 15:2 20:21 22:23 23:23 24:11,13 29:8 30:23 33:13 35:3 38:11 43:23 52:21 57:7 60:23 62:19 person 23:4 25:12,15 29:6 75:7 person's 70:7 personal 38:24 personally 15:6 phonetic 28:20 pick 3:5 73:10 picked 37:2,23 piece 59:2 pink 2:22 3:7 pissed 57:18 places 50:16 plastic 32:6	plate 71:16 play 63:10 plenty 14:12,13 50:16 police 3:18 4:21 4:23 9:12 16:11 20:5,7 25:5,6 28:11 39:14 57:23 61:14 policing 64:17 pop 34:17 39:11 popping 11:18 11:19 porch 44:8 46:1 position 26:7 president 22:18 pressure 38:7 PRETRIAL 1:5 Price 18:9,12 PRIVACY 1:8 probably 59:21 proceedings 1:5 75:11 projects 18:19 pull 10:6,18 pulled 37:12,13 Purple 2:23,24 3:1 put 6:11 26:11 27:10,15,22 34:2 36:6 37:14 40:9 41:12,24 44:11 44:12,19 45:4 45:7 51:19 60:12 69:12 putting 27:3	R rake 37:13 ran 25:22 31:9 34:17,18 real 17:19 31:15 31:16,17 47:4 really 6:13 8:13 21:9 35:15 39:10 45:16 46:2 50:7 51:15 70:23 72:9 record 57:6 recording 74:5 75:11 red 18:2 44:9 regular 55:10 relaxed 39:9 55:6 remember 49:19 59:4,8 59:14 71:19 reported 75:6 Reporter 1:14 75:1,4 rest 57:3 rich 20:17 rid 61:16,18 ride 6:10 right 2:9,13,22 5:19 6:1 7:7,19 8:2 10:3,4,9,10 10:13,20 12:10 14:7,24 17:14 17:14,18 18:2 19:11,13,22 20:9,22 21:4 21:20,24 22:5 23:12 24:13 25:5,7,9,13,20 25:23 26:3,12 26:13,16,17,18 28:22 31:8,12 32:15,18,18,21 33:15,17,20 34:15 35:9	37:15,18,21 38:13,18 40:18 40:23 41:10,23 42:14,20,22 43:2,8,11 46:3 46:3,19 47:8 51:15 52:1 54:17 55:3,5 55:11 57:1,1,5 57:10,10 58:2 58:4,18 60:1 63:4,6,19 64:4 64:13 66:4 68:6 69:10,10 69:17 70:9 71:8 73:6,6,6 73:10 rival 62:16 robbed 34:1 robbing 4:15 5:12 robs 5:17 rock 24:1 26:22 rocks 24:7 Rocky 64:5 rode 48:12,12 Rolls-Royce 21:8 Rolls-Royces 21:7 room 6:15 25:8 37:6 52:22 53:18 rotate 67:23,24 rotates 67:21 row 22:6 33:21 rumor 50:13 run 24:19 63:10 64:14 68:13 runner 25:2,22 running 15:16 17:2 72:14 runs 3:2 18:20 19:13 25:2,4
P pack 7:8,21,24 8:12 11:9 12:20 13:20 22:24 23:5,5,6		Q question 13:24 14:3 questions 47:17 quick 47:4 quota 17:21,22		S

sarge 65:18,20 73:23 Saturday 28:22 saw 6:13 29:9 48:18,19,20,22 49:6,12 55:2 65:22 saying 2:15,21 5:7 15:21 16:4 16:5 45:20 60:1,2 61:4 says 73:7 75:3 scared 45:12 50:6 51:3,5 search 10:18,19 27:2,2 Seastrom 1:13 75:2,17 second 13:19 46:24 47:2 see 8:3 10:23 14:22,22 19:19 19:20 21:22 25:10 33:15 34:19 35:2 38:23 39:8 46:4 49:9,11 56:5,11 58:10 62:20 69:6,13 69:17 70:19,21 71:8,8,18 73:23 seen 14:9 24:2 38:8 47:21 49:7 sell 22:23 23:6 60:17 sent 34:9 sergeant 65:8,17 65:20 serious 38:2 set 75:13 shade 47:11 shame 72:23,24 shift 67:17 shirt 65:3,4,5,12	65:14 shit 23:19,22 28:2 34:19 37:14 38:14 44:2 56:12 58:3 shoes 64:8 shoot 35:4 short 7:14 30:22 shorthand 1:14 75:4,6,9 Shorty 68:6,14 show 35:5 shut 24:12 sidewalk 74:4 sign 73:7 single 54:9,12 sit 10:15 53:14 sitting 18:16 44:8,8 46:1 six 11:15 24:11 24:13 58:9 slapping 31:5 slide 32:17 40:13,14 small 32:14 smart 25:10 50:23 51:1 smelling 32:20 somebody 2:12 5:22 16:9,10 21:10 27:23 33:7 34:4,5 35:2,18 36:3,7 36:8 44:7,9 54:15 63:11 Speaker 1:16,17 1:18 2:1,2,3,5 2:6,7,8,10,11 2:12,14,17,18 2:19,20,21,23 2:24 3:1,2,3,6 3:7,8,9,10,11 3:15,16,17,18 3:19,20,21,22 3:23 4:1,2,3,5	4:6,7,9,11,13 4:14,15,17,18 4:19,20,22,24 5:2,4,6,8,9,11 5:14,15,17,18 5:20,22 6:4,6,7 6:19,20,21,23 6:24 7:2,3,5,6 7:10,11,13,14 7:17,19,20,22 7:23,24 8:5,6,7 8:8,9,13,15,16 8:17,19,21,22 8:23 9:1,3,6,8 9:10,12,14,16 9:18,20,21,22 9:24 10:1,3,4,5 10:9,10,11,13 10:14,16,17,20 10:22 11:1,2,4 11:5,7,8,11,12 11:16,21,23,24 12:1,2,3,4,5,7 12:9,11,13,14 12:15,17,18,19 12:21,22 13:1 13:2,3,4,6,7,9 13:12,14,15,17 13:19,20,21,23 13:24 14:1,3,4 14:6,10,11,12 14:13,15,16,17 14:18,19,21,22 14:24 15:1,2,6 15:9,10,11,12 15:15,16,17,18 15:20 16:1,3,5 16:6,8,13,14 16:15,16,19,20 16:22,24 17:2 17:3,5,7,10,12 17:14,16,17,18 17:20,22,23 18:1,2,3,4,5,6 18:7,9,10,12 18:13,14,15,16	18:18,20,21,23 18:24 19:2,3,6 19:9,10,11,12 19:13,15,16,17 19:18,19 20:1 20:4,7,8,10,11 20:12,13,18,20 20:22,23,24 21:1,4,5,9,12 21:13,14,15,16 21:18,20,22,24 22:1,3,4,5,6,8 22:10,11,13,15 22:21,23 23:1 23:2,3,4,7,10 23:12,13,15,16 23:17,18,20,22 24:6,8,10,11 24:12,13,15,16 24:17,18,23,24 25:2,4,7,8,9,10 25:12,13,14,17 25:18,20,21,23 25:24 26:1,3,6 26:9,10,13,14 26:16,17,18,19 26:21,23 27:5 27:8,9,11,12 27:14,17,19,21 27:24 28:1,3,5 28:6,8,12,13 28:14,15,17,18 28:23,24 29:2 29:3,5,7,9,11 29:12,14,16,19 29:21,24 30:1 30:2,5,6,8,9,10 30:11,14,15,16 30:18,19,20,21 30:24 31:1,3,4 31:5,6,8,9,10 31:12,13,14,16 31:17,18,22,24 32:1,2,4,5,8,10 32:15,16,18,20 32:21,23,24	33:2,4,5,6,7,10 33:12,14,15,17 33:18,19,20,22 33:23,24 34:2 34:4,6,7,8,12 34:13,19,21,23 35:2,6,7,8,9,10 35:11,15,16,18 35:20,21,22,23 36:1,3,5,7,10 36:11,13,14,16 36:17,18,19,20 36:22,23,24 37:2,11,12,15 37:16,18,19,21 38:1,4,6,8,10 38:11,13,17,18 38:21,23,24 39:2,4,6,12,16 39:19,21,23,24 40:4,5,7,9,11 40:13,16,17,19 40:20,21,22 41:1,2,3,4,5,6 41:9,10,13,14 41:15,16,17,18 41:20,21,22,24 42:6,9,11,12 42:14,15,17,18 42:20,21,22,23 43:1,3,4,5,8,9 43:11,12,14,15 43:16,17,20,22 43:23 44:5,6 44:12,14,15,16 44:21,22,24 45:2,9,11,13 45:14,16,17,19 45:20,22,23 46:3,4,6,8,13 46:15,17,18,20 46:21,22,24 47:1,5,6,7,9,11 47:13,14,16,18 47:19,21 48:1 48:4,5,10,11

48:14,15,16,18	63:2,4,5,6,7,8	25:22 26:2,4	23:11,12,15,16	63:1 71:20,21
48:20,22 49:1	63:12,14,16,18	67:4,5,6	23:24 25:14	71:23
49:3,4,5,7,9,10	63:19,20,21,22	spots 21:23	26:24 48:7	think 3:24 4:3
49:11,15,17,21	63:24 64:1,3,4	59:24	T-shirt 64:5	5:23 9:16 45:9
49:22 50:2,4,5	64:6,7,9,10,12	stairs 34:16	T-shirts 7:16	46:6 47:22
50:7,11,13,15	64:13,21,22,23	standing 34:15	take 4:7,8 6:2	50:8,17 51:3,5
50:17,22,24	64:24 65:1,2,4	start 33:9 64:17	13:9 24:3 27:6	55:13 59:3
51:1,2,3,5,7,9	65:5,6,7,9,10	started 6:14	27:18,20,21	60:9 61:2
51:10,11,12,15	65:11,13,15,16	28:10 38:2	29:12 30:1	71:15,18
51:16,17,19,21	65:18,19,24	stash 37:6	44:4 48:6,7	thinks 46:8
51:22,23,24	66:1,2,3,4,5,7	State 1:14 18:18	53:8,18 60:22	thirsty 15:4
52:1,2,3,4,5,7	66:8,9,11,13	21:10 75:4	taken 75:10	56:17,18,19,20
52:8,9,10,12	66:14,15,16,17	statement 11:18	takes 7:24 19:23	62:22,23
52:13,14,17,19	66:18,22,23,24	STATES 1:1	52:15,21,22	thought 22:16
52:20,22,23	67:1,4,5,6,8,9	Stateway 21:12	talk 6:6,14	22:18 28:15
53:1,3,5,6,8,10	67:10,11,12,14	21:14,17	38:14 44:22	34:24 38:2
53:11,13,14,16	67:15,16,18,19	stay 47:9 70:17	45:10 46:7,10	55:1
53:17,19,20	67:20,22,23	stenographica...	46:11 53:9	thousand 55:16
54:1,2,3,4,6,7	68:2,3,9,10,11	1:12	talkers 71:11	60:20
54:8,11,14,15	68:12,15,16,19	stick 6:15	talking 5:3 6:14	threatened 27:5
54:17,19,21,23	68:20,22,23,24	stocky 3:13 7:15	11:20 23:24	27:12
55:1,3,5,6,7,10	69:1,4,8,10,11	stop 10:7 25:6	30:21 32:19	three 6:3,4,4
55:12,15,16,18	69:12,15,17,19	45:17 70:24	47:4 50:2	24:22 33:21,23
55:21 56:1,4,5	69:21,23 70:2	stopped 16:8,9	65:22	33:24 44:14,15
56:6,8,9,11,12	70:3,4,5,6,9,10	story 43:18,18	tall 41:6	44:16,17,17
56:14,16,17,18	70:11,13,14,16	straight 42:8	tell 4:2 5:15 7:6	45:3 53:15,24
56:19,20,21,22	70:17,18,19,21	street 10:2 18:19	8:1,7,11 9:4	59:7,19,24
56:23 57:1,2,5	70:23,24 71:2	50:21 65:21	10:1 13:12	60:15 67:3
57:6,10,14,15	71:3,4,5,6,8,10	69:8	28:7 29:17	threw 34:24
57:16,17,21,22	71:11,12,14,15	stuck 20:8,11	32:6 35:3	throw 37:19
57:24 58:2,3,4	71:17,18,20,21	33:8,21	37:17 40:14	Thursday 39:2,5
58:6,8,10,11	71:22,23 72:1	stuff 9:23 22:9	41:11,11 42:23	39:7,13,17,18
58:12,14,17,18	72:3,4,5,8,9,11	26:11 31:7,10	43:18 46:13	39:20
58:21,22,24	72:13,16,17,19	35:3 41:12	48:4,5 49:15	tied 32:6
59:1,2,3,5,8,11	72:20,22,23	52:15	50:22 51:12	time 2:13 5:5
59:13,17,18,20	73:3,5,8,9,10	SUBJECT 1:8	53:11,12 61:20	11:14 20:14
59:21,23 60:1	73:12,14,15,16	supplies 36:8	62:13 72:1,10	31:19 38:6
60:4,5,7,9,12	73:17,18,20,21	sure 62:11 64:14	73:3,12	46:13 48:4,6,8
60:14,16,17,19	73:22,23 74:1	64:19 73:19	telling 4:9 46:1	51:8 55:20
60:22 61:1,2,7	74:3,4	surprised 28:1	49:14 61:4	68:4 73:4,9,12
61:8,10,11,15	SPEAKERS	72:13	ten 35:22,23,24	73:15
61:17,19,20,22	1:15	swear 8:15	36:2,3 59:6	times 14:11,13
61:24 62:2,4,6	spelling 2:7	sworn 75:3	theirs 22:12	15:8,10 33:21
62:7,9,12,13	spend 40:5,7	T	They'd 32:12	44:3 50:19
62:15,18,20,21	splitting 56:9	T 12:1,2,3,4	thing 22:16	59:18,19 60:15
62:23,24 63:1	spot 15:15 25:3		53:20 55:9	67:3

today 12:18 23:8 23:8,12 26:21 48:7,8,9 49:1 66:19 today's 12:15 told 16:10,22 19:7 26:24 28:3 33:7 35:2 36:8 37:3,23 38:11 43:24 44:7,9 tomorrow 46:11 48:3 73:2,11 tooled 33:19 touch 35:5 tough 19:20 train 6:10 transcribed 1:12 transcript 75:9 Transcription 1:11 trespassing 5:19 17:13,17 29:1 45:6 57:4,7,9 Trey 41:4,5,14 41:15,16,17,18 43:14,18,22 44:7 45:8,9 Troy 41:2,3,4,13 true 32:22 49:14 75:8 trying 16:24 45:17 64:18 Tuesday 12:18 Twelve 73:17,18 Twenty-four 20:18 twice 40:14 63:10 two 4:20 5:7 12:12,14,15 14:21 15:1 19:23 23:5 32:7 33:13 35:12 42:12	43:1 44:16 45:3 50:10,14 50:18 59:6,9 59:18 60:15 67:2 U Uh 22:3 Uh-huh 10:16 12:21 13:1,3 14:16 23:1,3 26:9 28:5 53:10 65:10 Uhn-uhn 36:23 Um-hum 11:7 20:12 24:23 28:23 52:9 53:19 54:14 71:10 uncuff 52:16 uniform 49:2,3 65:9 UNITED 1:1 UNKNOWN 2:11 47:21 unmarked 48:23 upstairs 31:9 34:18,18 USDA 7:1,5,7 7:12,17 9:5 54:2,3 V Vincennes 22:21 60:5,6 W W-A-T-T-S 3:22 Wait 47:3 walk 26:12,17 41:22 42:6,7 43:5,6 47:1 54:6 walking 63:23	walls 6:9 want 8:1 9:6 15:22 17:11 19:21 43:20 46:10,18 53:12 57:8,11 72:7 73:5 wanted 41:11 48:2 73:1 wants 15:24 war 57:17 wasn't 44:19 watch 42:4 Watts 1:5 3:13 3:15,16,21,22 3:23 5:4 7:11 7:20,22 8:6,8,9 8:11,19 9:2 11:18 12:20 13:4,9,14,16 13:17 15:3,4,7 15:21,21,22 16:15,19,20 17:2,9 19:19 19:21,21 23:7 23:8,8,10 24:3 25:10,11 26:21 27:19,19,21 28:6,12,14 29:17,19,21 31:23 33:2 34:24 35:2,4,5 36:11 38:14 39:9,24 41:11 41:12 42:2 43:18,20,20 44:1,3 45:11 48:6 50:3,23 51:7,7,14,16 52:11 55:13,22 55:22,23 56:1 58:19 60:22 61:5,7,15,17 61:22,23 62:3 62:10,10 64:18 65:20 66:22,24	68:14 69:1 72:12 Watts' 62:9 way 25:5 27:17 27:21 30:2 42:21,24 43:10 43:12 46:9 61:15,17,22,23 62:1,10,11,17 64:19 72:12,14 We'll 47:1 73:10 73:18 we're 4:22 8:23 29:14 42:1 47:14 wear 7:15 Wednesday 39:2,4,7,13,17 39:18,19 week 13:8 21:8 34:1 36:18,19 36:21,22 39:13 39:15 55:13,20 55:23 56:7 70:22 weeks 33:23,24 45:3 weight 27:22 weights 60:18 60:23 Wells 16:11 55:24 61:12 went 11:14 31:18,22 37:16 wheel 69:2 WHEREOF 75:12 white 7:15 32:6 48:21 65:3,4,5 65:12,13 wife 5:1,2,3 Wilbur 68:5 willing 45:10 wing 71:24 WITNESS 46:10 75:12	witnessed 15:7 29:3,7 38:12 44:2,21 witnessing 50:19 women 31:3,4 wonder 6:10 72:18 Woo-wee 55:15 word 16:21 42:1 work 12:8,9 23:23 24:6 26:22 27:10 31:11 41:18 48:7 worked 37:4 60:19 workers 7:9 33:10,12 59:6 working 10:23 24:14 26:8 44:10 49:18 54:10 63:9 67:20 68:13 wouldn't 18:22 41:11 49:6,11 wow 11:11,16 44:5 54:21 56:4 66:18 write 6:16 wrong 29:14 X Y yeah 3:19,23 5:8 6:20 7:3,22 9:10 10:3 11:21 16:22 17:14 20:8 22:8 23:18 27:11,14,24 29:2,7 32:23 33:2 34:2,21 35:6 36:5,10 36:13,16,20

38:23 41:6	18:2,4,6,9,12	10:1,5,11,14	36:18,20,23	64:3,6,9,12,21
45:3 48:20	18:14 19:15,18	10:17,22 11:2	37:2,12,16,19	64:23 65:1,4,6
49:4,7,11 50:1	20:12,24 21:12	11:5,8,12,21	38:1,6,10,13	65:9,11,15,18
51:21 52:19	22:4,6 23:15	12:1,4,7,11,17	38:18,23 39:2	65:24 66:2,4,7
54:4 56:1	23:17 24:12	12:19,22 13:2	39:6,16,21,24	66:9,13,15,17
58:21 60:13,17	30:8,10,15,24	13:4,7,12,15	40:5,9,13,17	66:22,24 67:4
62:20 63:12	31:3,8,17 35:8	13:21 14:1,4	40:20,22 41:2	67:6,9,11,14
65:4,6,15 66:7	40:7,16,19,21	14:10,12,15,17	41:4,6,10,14	67:16,19,22
66:17,23 67:22	41:1,3,5,9,13	14:19,22 15:2	41:16,18,21,24	68:2,9,11,15
68:2 69:23	41:15,17 43:1	15:9,11,15,17	42:9,12,15,18	68:19,22,24
70:21 72:17	43:4,16 45:20	15:20 16:3,6	42:21,23 43:3	69:4,10,12,17
73:8 74:1,1,1	46:15,18,21,24	16:13,15,19,22	43:5,9,12,15	69:21 70:2,4,6
years 4:20 5:7	47:7,11,14	17:2,5,10,14	43:20,23 44:6	70:10,13,16,18
12:24 14:21	73:8,12,15,17	17:17,20 18:1	44:14,16,22	70:21,24 71:3
15:1 18:22	73:23 74:3	18:10,13,15,18	45:2,11,14,17	71:5,8,11,14
50:10,14,18	1,500 58:15	18:21,24 19:3	45:23 46:4,8	71:17,20,22
59:9 70:1	10 56:6 73:14	19:9,11,13,17	46:13,20,22	72:1,4,8,11,16
Yep 70:13	10,000 55:20,23	19:19 20:4,8	47:5,18 48:4	72:19,22 73:3
you-all 4:16,20	10:00 73:11	20:11,13,20,23	48:10,14,16,20	73:9,16,20,22
8:13 10:5,15	10th 75:13	21:1,5,13,15	49:1,4,7,10,15	74:1,4
10:18 26:14	11 23:24 48:21	21:18,22 22:1	49:21 50:2,5	20 10:15 14:14
45:14,18 48:20	49:10	22:5,8,11,15	50:11,15,22	24:21 55:18
55:1 57:6	12 73:18	22:23 23:2,4	51:1,3,7,10,12	200 36:6,6 64:8
young 7:1,14	14 70:1	23:10,13,16,18	51:16,19,22,24	2024 1:13 75:13
12:4 17:24	15 10:15 58:9	23:22 24:8,11	52:2,4,7,9,12	21st 28:19
18:21 20:16,17	150,000 58:23	24:13,16,18,24	52:14,19,22	22nd 14:15
21:6 23:20	59:1,22 60:10	25:4,8,10,13	53:1,5,8,11,14	24 18:22
43:16 54:2	1500 9:18,20	25:17,20,23	53:17,20 54:2	2400 59:10
	11:16	26:1,6,10,14	54:4,7,11,15	2420 60:11
Z	17 43:15	26:17,19,23	54:19,23 55:3	24th 21:10,11
	18 43:15	27:8,11,14,19	55:6,10,15,18	
0	19-cv-01717 1:4	27:24 28:3,6	56:1,5,8,11,14	3
084-003293	19-CV-1717 1:9	28:12,14,17,23	56:17,19,21,23	3 1:13,18 2:8,14
75:17		29:2,5,9,12,16	57:2,6,14,16	2:18,21 3:1,6,8
	2	29:21 30:1,5	57:21,24 58:3	3:18,20,22 4:2
1	2 1:17 2:2,5,7,19	30:11,16,19,21	58:6,10,12,17	4:5,9,13,17,19
1 1:16 2:1,3,6,10	2:23 3:3,7,9,11	31:4,6,9,12,14	58:21,24 59:2	4:22 5:2,6,9,14
2:12,17,20,24	3:16,19,21,23	31:18,24 32:2	59:5,11,17,20	5:17,20 6:4,20
3:2,10,15,17	4:3,7,11,15,20	32:5,10,16,20	59:23 60:4,7	6:23 7:10,13
4:1,6,14,18 6:6	4:24 5:4,8,11	32:23 33:2,5,7	60:12,16,19	7:17,20,23 8:5
6:19 7:2,5 8:16	5:15,18,22 6:7	33:12,15,18,20	61:1,7,10,15	8:7,9,15,17,21
9:10,16,20	6:21,24 7:3,6	33:23 34:2,6,8	61:19,22 62:2	8:23 9:3,8,12
10:4,10 11:24	7:11,14,19,22	34:13,21 35:2	62:6,9,13,18	9:21,24 10:3,9
12:3,14 13:19	7:24 8:6,8,13	35:7,9,11,16	62:21,24 63:2	10:13,16,20
13:24 14:3,6	8:19,22 9:1,6	35:20,22 36:1	63:5,7,12,16	11:1,4,7,11,16
14:18,24 17:23	9:14,18,22	36:5,10,13,16	63:19,21,24	11:23 12:2,5,9

12:13,15,18,21	42:14,17,20,22	69:8,11,15,19		
13:1,3,6,9,14	43:8,11,14,17	69:23 70:3,5,9		
13:17,20,23	43:22 44:5,12	70:11,14,17,19		
14:11,13,16,21	44:15,21,24	70:23 71:2,4,6		
15:1,6,10,12	45:9,13,16,19	71:10,12,15,18		
15:16,18 16:1	45:22 46:3,6	71:21,23 72:3		
16:5,8,14,16	46:17 47:1,6,9	72:5,9,13,17		
16:20,24 17:3	47:13,16,19	72:20,23 73:5		
17:7,12,16,18	48:1,5,11,15	73:10,14,18,21		
17:22 18:3,5,7	48:18,22 49:3	30 19:14 32:11		
18:16,20,23	49:5,9,11,17	300 54:3,5		
19:2,6,10,12	49:22 50:4,7	36th 22:1,3 60:2		
19:16 20:1,7	50:13,17,24			
20:10,18,22	51:2,5,9,11,15	4		
21:4,9,14,16	51:17,21,23	40 15:9,10 24:20		
21:20,24 22:3	52:1,3,5,8,10	32:11		
22:10,13,21	52:13,17,20,23	5		
23:1,3,7,12,20	53:3,6,10,13	5:00 40:1		
24:6,10,15,17	53:16,19 54:1	50 11:9,11 15:9		
24:23 25:2,7,9	54:3,6,8,14,17	15:10 23:6		
25:12,14,18,21	54:21 55:1,5,7	44:15,17 60:11		
25:24 26:3,9	55:12,16,21	50,000 59:15		
26:13,16,18,21	56:4,6,9,12,16	500 8:1 9:7,9,14		
27:5,9,12,17	56:18,20,22	22:24 23:2		
27:21 28:1,5,8	57:1,5,10,15	29:4		
28:13,15,18,24	57:17,22 58:2	511 48:19		
29:3,7,11,14	58:4,8,11,14	51st 8:19,20		
29:19,24 30:2	58:18,22 59:1	65:21		
30:6,9,14,18	59:3,8,13,18	57 42:7		
30:20 31:1,5	59:21 60:1,5,9	574 11:19 67:7,8		
31:10,13,16,22	60:14,17,22	575 2:15 7:18		
32:1,4,8,15,18	61:2,8,11,17	10:2 33:14		
32:21,24 33:4	61:20,24 62:4	41:20,23 48:19		
33:6,10,14,17	62:7,12,15,20	67:5,6,8 68:13		
33:19,22,24	62:23 63:1,4,6	71:2		
34:4,7,12,19	63:8,14,18,20			
34:23 35:6,10	63:22 64:1,4,7	6		
35:15,18,21,23	64:10,13,22,24	636 70:1		
36:3,7,11,14	65:2,5,7,10,13			
36:17,19,22,24	65:16,19 66:1	7		
37:11,15,18,21	66:3,5,8,11,14	74 34:11 48:14		
38:4,8,11,17	66:16,18,23	48:17 71:3		
38:21,24 39:4	67:1,5,8,10,12	75 71:3		
39:12,19,23	67:15,18,20,23			
40:4,11 41:20	68:3,10,12,16			
41:22 42:6,11	68:20,23 69:1			