

Exhibit B

Jim Stern Deposition

*Vargas v. Cook County
18 CV 1865
Exhibits to Defendants Statement of Facts*

Vargas

Stern Jim

9/11/2020

Condensed Transcript

Prepared by:

Bill Ragen
CCSAO

Tuesday, August 31, 2021

Page 1		1	IN D E X	Page 3
1	IN THE UNITED STATES DISTRICT COURT	2	WITNESS	EXAMINATION
2	NORTHERN DISTRICT OF ILLINOIS	3	JIM STERN	
3	EASTERN DIVISION	4	By Mr. Ragen	7, 41
4	LETICIA VARGAS, et al.,)	5	By Mr. Flaxman	26
5	Plaintiff,)	6	By Mr. Catania	38
6	-vs-) No. 18 CV 1865	7		
7	COOK COUNTY SHERIFF, et al.,)	8		
8	Defendant.)	9		
9				
10	The videoconference deposition of	10	E X H I B I T S	
11	JIM STERN, called for examination pursuant to the	11	NUMBER	IDENTIFICATION
12	Rules of Civil Procedure for the United States	12	Stern Deposition Exhibit	
13	District Courts pertaining to the taking of	13	No. 1	43
14	depositions, taken before Raelene Stamm, Certified	14	No. 2	43
15	Shorthand Reporter licensed by the State of	15		
16	Illinois, on the 11th day of September, 2020, at	16		
17	the hour of 8:00 a.m.	17		
18		18		
19		19		
20		20		
21		21		
22		22		
23	Reported by: RAELENE STAMM, CSR	23		
24	License No.: 084-004445	24		
Page 2				Page 4
1	APPEARANCES:	1	MR. RAGEN: So I was talking to Joel Flaxman,	
2		2	counsel for plaintiff, and I haven't talked to	
3	KENNETH FLAXMAN LAW OFFICES	3	Frank Catania about it, but I doubt he has an	
4	BY: MR. JOEL FLAXMAN (via video)	4	objection. But we were discussing stipulating to	
5	200 South Michigan Avenue	5	the authenticity of the Countryside Police	
6	Chicago, Illinois 60604	6	Department documents. Correct?	
7	(312) 427-3200	7	MR. FLAXMAN: Yes.	
8	On behalf of the Plaintiff;	8	MR. RAGEN: And so what will be used as an	
9		9	exhibit here as a -- and we can email it to	
10	COOK COUNTY STATE'S ATTORNEYS OFFICE	10	Raelene. Most of the time I'll be screen sharing	
11	BY: MR. WILLIAM RAGEN (via video)	11	it if we talk about it, but it is a -- how many	
12	302 Richard Daley Center	12	page document is it?	
13	Chicago, Illinois 60602	13	MR. FLAXMAN: I'll have to pull it up. It was	
14	william.ragen@cookcountyl.gov	14	attached to Sergeant Soak's deposition.	
15	On behalf of the Defendant,	15	MR. RAGEN: Correct. And that'll be probably	
16	Cook County;	16	95 percent of what we use. There's now an addendum	
17		17	that has eight extra pages, but the one I believe	
18	COOK COUNTY ATTORNEY GENERAL OFFICE	18	it was Exhibit A, but I think it was like 58 pages	
19	BY: MR. FRANCIS CATANIA (via video)	19	or so.	
20	MR. JOHN POWER (via video)	20	MR. CATANIA: 57.	
21	50 West Washington Street	21	MR. RAGEN: Sounds like you're looking at it.	
22	Chicago, Illinois 60602	22	MR. CATANIA: Yeah.	
23	francis.catania@cookcountyl.gov	23	MR. RAGEN: So that 57-page document which has	
24	On behalf of the Sheriff's office	24	been Bates-stamped by plaintiff to the	

<p>1 authenticity.</p> <p>2 MR. CATANIA: So stipulated for the sheriff.</p> <p>3 MR. FLAXMAN: So stipulated for the plaintiff.</p> <p>4 MR. RAGEN: Then there's four videos that are</p> <p>5 of witnesses. One of Joel Castillo and three of</p> <p>6 Leticia Vargas, and we'll stipulate to the</p> <p>7 authenticity of those videos.</p> <p>8 MR. FLAXMAN: So stipulated for the plaintiff.</p> <p>9 MR. CATANIA: So stipulated for the sheriff.</p> <p>10 MR. RAGEN: And there's a lot of videos in this</p> <p>11 case, so if we're trying to figure out what --</p> <p>12 where it comes from. They came from the</p> <p>13 Countryside Police Department. And in response to</p> <p>14 I believe plaintiff's subpoena, and Mr. Flaxman</p> <p>15 emailed us the link to those four videos in the</p> <p>16 last, you know, two weeks, correct, Joel?</p> <p>17 MR. FLAXMAN: Yes, that's correct.</p> <p>18 MR. RAGEN: Okay. And then, finally, there is</p> <p>19 a 8-page document that was emailed in that same</p> <p>20 email along with the links to the video by</p> <p>21 plaintiff's counsel, Joel Flaxman. Portions of</p> <p>22 that report were in the 57-page exhibit we just</p> <p>23 talked about that was used at Soak's dep. This is</p> <p>24 a new document, but basically what it does is</p>	Page 5	<p>1 MR. RAGEN: Let the record reflect that -- I</p> <p>2 don't know if there's a statement that you want to</p> <p>3 read, Raelene. I believe the parties have all</p> <p>4 agreed to conduct this deposition remotely and have</p> <p>5 the oath sworn remotely and that, you know, this</p> <p>6 deposition transcript can be used as if it was done</p> <p>7 in person and as if it was done in conformance with</p> <p>8 all the federal rules of civil procedure; is that</p> <p>9 correct?</p> <p>10 MR. FLAXMAN: Agree on behalf of plaintiff.</p> <p>11 MR. CATANIA: Agree on behalf of the sheriff.</p> <p>12 MR. RAGEN: Okay. Great.</p> <p>13 JIM STERN,</p> <p>14 called as a witness herein, having been first duly</p> <p>15 sworn, was examined and testified as follows:</p> <p>16 EXAMINATION</p> <p>17 BY MR. RAGEN:</p> <p>18 Q. Can you please state your name?</p> <p>19 A. My name is Jim Stern, S-t-e-r-n.</p> <p>20 Q. And currently you're a sergeant with the</p> <p>21 Countryside Police Department?</p> <p>22 A. Yes, that's correct.</p> <p>23 Q. And did you just get off your shift</p> <p>24 shortly?</p>	Page 7
<p>1 provides the backside of a log that was talked</p> <p>2 about in Soak's dep, and that will be talked about</p> <p>3 in this dep. And I believe the parties agree to</p> <p>4 stipulate to the authenticity of that document.</p> <p>5 MR. CATANIA: So stipulated for the sheriff.</p> <p>6 MR. FLAXMAN: So stipulated for the plaintiff.</p> <p>7 MR. RAGEN: I think we identified the documents</p> <p>8 with, you know --</p> <p>9 MR. FLAXMAN: Yeah, I think it's -- Bill, I</p> <p>10 just want to make sure that Sergeant Stern hears</p> <p>11 this. I believe so.</p> <p>12 THE WITNESS: I can hear you. Thank you. Can</p> <p>13 you hear me?</p> <p>14 MR. FLAXMAN: We can hear you. Are we done</p> <p>15 with the preliminaries, Bill?</p> <p>16 MR. RAGEN: Yeah does anyone else think we need</p> <p>17 any other stipulations, John, Frank, Joel?</p> <p>18 MR. FLAXMAN: Not at this time. Why don't we</p> <p>19 go off the record and make sure we can get started?</p> <p>20 MR. RAGEN: Yep.</p> <p>21 (WHEREUPON, a discussion</p> <p>22 was had off the record.)</p> <p>23 (WHEREUPON, the witness was</p> <p>24 duly sworn.)</p>	Page 6	<p>1 A. You cut off there.</p> <p>2 Q. I'm sorry.</p> <p>3 Did you just get off your shift in the</p> <p>4 last hour?</p> <p>5 A. I did.</p> <p>6 Q. And so what was that shift?</p> <p>7 A. That's our night shift. We work 6:00 p.m.</p> <p>8 to 6:00 a.m.</p> <p>9 Q. So I think I can speak for all of us. We</p> <p>10 appreciate that you are able to sit for this</p> <p>11 deposition, A, when you're not on the clock and, B,</p> <p>12 when you probably would really prefer to be</p> <p>13 sleeping.</p> <p>14 A. No problem. It's part of the job, but</p> <p>15 thank you.</p> <p>16 Q. We're here to talk about -- oh, so how</p> <p>17 long have you worked for Countryside Police</p> <p>18 Department?</p> <p>19 A. Coming up on it'll be 14 years in January.</p> <p>20 Q. Okay. We're gonna talk about your role in</p> <p>21 handling, you know, a case that involved Angel Cruz</p> <p>22 that occurred in March 2016. What was your role --</p> <p>23 A. I'm sorry. You cut out again.</p> <p>24 Q. Oh, really?</p>	Page 8

<p>1 What was your role in March 2016?</p> <p>2 A. At that time I was assigned -- I was an 3 investigator assigned to the detective division. 4 So on this incidence I was contacted by the patrol 5 officers that initially responded to the scene, and 6 I took over that case once I arrived.</p> <p>7 Q. Okay. Do you remember this case?</p> <p>8 A. Yes.</p> <p>9 Q. And what do you remember about it?</p> <p>10 A. It was a violent domestic that occurred 11 between a mother and a son and the stepfather.</p> <p>12 Q. Okay. Do you recall anything else?</p> <p>13 A. In regards to the domestic, yeah, there 14 was a knife involved. Both the victims had been 15 stabbed by the son, Angel Cruz Junior, and were 16 transported to the hospital with injuries.</p> <p>17 Q. You've been provided a copy of the 18 Countryside Police Department records in this case?</p> <p>19 A. Yes.</p> <p>20 Q. And let's see here. I want to make 21 sure -- there's been a couple different copies. I 22 want to make sure I get the one that was 23 Bates-stamped, so give me a second while I pull it 24 up.</p>	<p>Page 9</p> <p>1 and maybe more, but --</p> <p>2 A. I believe it was just one.</p> <p>3 Q. Okay. Yeah. And that's on Pages 9 and 4 10. I'll scroll to them. I'll start at the back 5 of it so you can see it's yours.</p> <p>6 We're now looking at Countryside 0010, and 7 it appears that you wrote a report on March 12, 8 2016, at 16:27?</p> <p>9 A. Correct.</p> <p>10 Q. Okay. And it finishes on Page 10, but 11 starts on Page 9?</p> <p>12 A. Correct.</p> <p>13 Q. And in the paragraph, I'm looking down, 14 it's like the fourth or fifth paragraph, it starts, 15 I then proceeded to La Grange? Adventis Memorial 16 Hospital, do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And then that whole paragraph describes 19 the incident between Angel Cruz, Leticia Vargas and 20 Joel Castillo, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And all the information that comes after 23 the sentence, I then proceeded to La Grange 24 Adventis Memorial Hospital, and then before it</p>
<p>1 Okay. This was a password-protected 2 document that was Bates-stamped Countryside 001 all 3 the way to Countryside 0057; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. I'm going to -- okay. I'm sorry 6 about that. I'm gonna share the screen so we can 7 kind of look at it at the same time.</p> <p>8 For the record, right now we're sharing my 9 screen, and we're looking at the document we were 10 talking about moments ago which is the Countryside 11 Police Department record for Angel Cruz?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And you can see, I'm looking at the 14 first page. It says Countryside 001 on it. You 15 caused a number of -- as you can see the way this 16 record is set up, there are a number of 17 individual -- I'm scrolling down. I apologize. 18 It's taking a while.</p> <p>19 There are a number of different reports, 20 and at the end of them it lists who the reporting 21 officer is; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And so looking through the report it 24 appears that you caused one report to be entered</p>	<p>Page 10</p> <p>1 says, assigned consent to search form near the 2 bottom was placed in the file, everything between 3 that came from what Miss Vargas told you; is that 4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. I also want to turn to Page 10. If you 7 look at right above where it, you know, provides 8 your, you know, not signature, but shows where you 9 are the reporting officer, the last sentence, last 10 paragraph, it reads, I then proceeded back to 11 La Grange Adventis Memorial Hospital to speak with 12 Leticia. Leticia advised that she was being 13 released from the hospital shortly. I explained to 14 Leticia that we would need to speak with her 15 further about the incident which she advised after 16 she visited Joel at the hospital she visited the 17 police department. Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. So Leticia had mentioned to you that she 20 was planning on visiting Joel Castillo at the 21 hospital?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know if she ever advised you that 24 she was going to visit Angel Cruz?</p>

<p>1 A. I don't recall.</p> <p>2 Q. Okay. If we turn to Page 8 of this</p> <p>3 document, and we're still on screen sharing. So do</p> <p>4 you see that this is a report issued by Ryan Venem?</p> <p>5 A. Yes.</p> <p>6 Q. And did it appear that this report was</p> <p>7 issued in the common practice as what you'd expect</p> <p>8 for a reporting officer for the Countryside Police</p> <p>9 Department report?</p> <p>10 A. Yes. Supplemental narrative is quite</p> <p>11 common in a case.</p> <p>12 Q. Thank you.</p> <p>13 And is this something that you would have</p> <p>14 relied on if you, you know, in providing -- would</p> <p>15 you have relied on this report?</p> <p>16 A. At some point, yes.</p> <p>17 Q. So this -- on this page it indicates that</p> <p>18 on March 14, 2016, Angel Cruz -- well, take a</p> <p>19 second and read that first paragraph.</p> <p>20 A. Okay.</p> <p>21 Q. And so that first paragraph, does that</p> <p>22 indicate that on March 14, 2016, at approximately</p> <p>23 06:00 hours Mr. Cruz was placed into four-point</p> <p>24 restraints?</p>	<p>Page 13</p> <p>1 8:30 a.m. on March 14, 2016, Mr. Cruz was</p> <p>2 discharged from Hinsdale Hospital and transported</p> <p>3 to Countryside Police Department?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And do you know if you were working</p> <p>6 on March 14, 2016?</p> <p>7 A. Yes, I was I believe. I think we</p> <p>8 conducted a few interviews that day.</p> <p>9 Q. Okay. And you would have been at the</p> <p>10 Countryside Police Department at that time?</p> <p>11 A. I don't know if I was there at that exact</p> <p>12 time that he -- Mr. Cruz was brought back to the</p> <p>13 police department, but at some point I was.</p> <p>14 Q. Yeah, that was my --</p> <p>15 MR. FLAXMAN: Bill, I think we lost you. I</p> <p>16 think you cut out for a moment.</p> <p>17 MR. RAGEN: If this continues I guess maybe</p> <p>18 I'll go to my phone. I really shouldn't be cutting</p> <p>19 out, but thanks for letting me know when I'm</p> <p>20 cutting out because I can't tell.</p> <p>21 BY MR. RAGEN:</p> <p>22 Q. So on March 14, 2016, somewhere around</p> <p>23 8:30 a.m. is the time that Mr. Cruz was transported</p> <p>24 to Countryside Police Department?</p>
<p>1 A. Yes.</p> <p>2 Q. And the fact that he was placed into</p> <p>3 four-point restraints, would that --</p> <p>4 A. You're cutting out.</p> <p>5 Q. So the fact that it indicates that</p> <p>6 Mr. Cruz was placed in four-point restraints, does</p> <p>7 that mean that shortly before that he was not in</p> <p>8 any restraints?</p> <p>9 MR. FLAXMAN: Objection, foundation.</p> <p>10 BY MR. RAGEN:</p> <p>11 Q. You can answer.</p> <p>12 A. It appears that he was handcuffed at the</p> <p>13 time prior to being placed in the four-point</p> <p>14 restraints.</p> <p>15 Q. Okay. Right. And then so as you can tell</p> <p>16 it's a narrative, so it starts at indicating that</p> <p>17 he was handcuffed to his hospital bed, correct?</p> <p>18 A. Yes.</p> <p>19 Q. And that's the -- why you say that that</p> <p>20 was the -- his condition in terms of restraints</p> <p>21 before he was placed in the four-point restraints;</p> <p>22 is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And then it shows that at approximately</p>	<p>Page 14</p> <p>1 A. Correct.</p> <p>2 Q. And at this point in time I'll turn to</p> <p>3 that other exhibit which is a -- well, actually,</p> <p>4 no, I'll stay here. It's easier. It's gonna take</p> <p>5 forever to pull that up.</p> <p>6 Okay. So what I'm pulling up is marked</p> <p>7 Countryside 0040, correct?</p> <p>8 A. Appears so, yes.</p> <p>9 Q. Okay. And is this like -- can you tell me</p> <p>10 what this document is?</p> <p>11 A. That's the standard form that we use upon</p> <p>12 an intake of somebody that's in custody at the</p> <p>13 police department, and it's used to just document</p> <p>14 their condition periodically as they're inside the</p> <p>15 cell.</p> <p>16 Q. Okay. And on this one it is dated</p> <p>17 March 14, March 14, 2016, and the first entry is</p> <p>18 08:58 by officer Venem?</p> <p>19 A. Correct.</p> <p>20 Q. And that's the reporting officer who wrote</p> <p>21 that last report we discussed briefly, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And it says that the time prisoner was</p> <p>24 originally placed in the cell was 08:58 a.m.,</p>

<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And then you can see -- I'm gonna</p> <p>4 scroll through, and we're missing a couple pages.</p> <p>5 I'm sure we will go to the other document, but I</p> <p>6 just want to stay on this one just because it takes</p> <p>7 me long enough to get from one document to another</p> <p>8 virtually.</p> <p>9 But you can see on the left these</p> <p>10 documents that are running time log, and right here</p> <p>11 we have a -- it's a 3-page document, ends at</p> <p>12 Countryside 0042. And the last time entry is 08:36</p> <p>13 again by Officer Venem where Mr. Cruz was</p> <p>14 transported to the Bridgeview Courthouse.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. So it appears that Mr. Cruz was in, you</p> <p>18 know, Countryside Police Department custody for not</p> <p>19 quite 24 hours, but pretty close?</p> <p>20 A. Correct.</p> <p>21 Q. And I don't -- when he was -- now turning</p> <p>22 to -- bounce around here. Okay. Now turn to</p> <p>23 Page Countryside 0036. I'm going to -- and this</p> <p>24 right now you may not -- well, starting at Page --</p>	<p>Page 17</p> <p>1 2016?</p> <p>2 A. Yes, absolutely.</p> <p>3 Q. So you'd been made aware that he had</p> <p>4 psychotic symptoms, correct?</p> <p>5 A. Correct.</p> <p>6 Q. You also would have -- I now move to</p> <p>7 Page Countryside 0036 which is further on in the</p> <p>8 document which says in contra diagnoses acute</p> <p>9 febrile illness, homicidal ideation and psychosis?</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. So you guys would have been made aware of</p> <p>13 that as well?</p> <p>14 A. Suicidal ideation, yes.</p> <p>15 Q. Well, it says homicidal ideation?</p> <p>16 A. Yeah, I'm sorry.</p> <p>17 Q. Right. No, I didn't think it was, too, in</p> <p>18 this case. You know, do you know that he expressed</p> <p>19 any suicidal ideations?</p> <p>20 A. Not to my knowledge, no.</p> <p>21 Q. Okay. And you'd have to look at the</p> <p>22 records one way or the other?</p> <p>23 A. Yeah.</p> <p>24 Q. Okay. But here it says homicidal</p>
<p>Page 18</p> <p>1 I want to come back to this Countryside 0036. I</p> <p>2 just want to start at the beginning of the record</p> <p>3 so we're all clear what this is.</p> <p>4 So starting on Page Countryside 0032, this</p> <p>5 is a document called the clinical discharge</p> <p>6 summary, and it was created by Adventis Hinsdale</p> <p>7 Hospital, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And is this like the type of document</p> <p>10 you'd expect to receive when you receive a pretrial</p> <p>11 detainee who has been hospitalized before they can</p> <p>12 be processed?</p> <p>13 A. Yeah. Anytime they're released from</p> <p>14 hospital we include the discharge paperwork along</p> <p>15 for the courthouse.</p> <p>16 Q. And it says, if you look at like the</p> <p>17 personal information, it says in the visit reason,</p> <p>18 it says, psychotic symptoms and lactic acidosis?</p> <p>19 A. Yes, I see that here.</p> <p>20 Q. Okay. And then would these -- this</p> <p>21 document, would that have accompanied Mr. Cruz from</p> <p>22 Hinsdale Hospital to the Countryside Police</p> <p>23 Department at the same time he was transferred, you</p> <p>24 know, between -- around 8:30 a.m. on March 14,</p>	<p>Page 20</p> <p>1 ideation, correct?</p> <p>2 A. Correct.</p> <p>3 Q. It also say psychosis, correct?</p> <p>4 A. Correct.</p> <p>5 Q. And psychosis is at least as far as it</p> <p>6 goes -- you know, to keep someone in custody,</p> <p>7 it's a serious mental illness?</p> <p>8 MR. FLAXMAN: Object to foundation.</p> <p>9 BY MR. RAGEN:</p> <p>10 Q. You can answer.</p> <p>11 A. Some form of mental illness, yes.</p> <p>12 Q. Okay. And it shows earlier that</p> <p>13 Officer Venem, you know, was apprised or not was</p> <p>14 apprised -- strike that.</p> <p>15 Earlier on Page 8 of this document, and if</p> <p>16 you want we can go back to it, but it shows that</p> <p>17 Mr. Cruz was restrained at Hinsdale Hospital,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. And that would have been the decision of</p> <p>21 someone at Hinsdale Hospital and not anyone at</p> <p>22 Countryside Police Department, correct?</p> <p>23 MR. FLAXMAN: Objection, foundation.</p> <p>24</p>

<p>1 BY MR. RAGEN:</p> <p>2 Q. If you know.</p> <p>3 A. I would assume. I mean, the police are</p> <p>4 not gonna restrain somebody in four-point</p> <p>5 restraints. That would be a decision made by the</p> <p>6 hospital staff or a doctor.</p> <p>7 Q. Right. And so you guys are not trained to</p> <p>8 implement four-point restraints, correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And, you know, you'd -- I think the way</p> <p>11 you answered it is perfectly the way it should be</p> <p>12 is like a medical or mental health provider you'd</p> <p>13 expect the ones to implement four-point restraints?</p> <p>14 A. Correct.</p> <p>15 Q. And Mr. Cruz was, again going back to the</p> <p>16 log, was sent from Countryside Police Department on</p> <p>17 March 15 at 08:36; is that correct?</p> <p>18 A. Correct.</p> <p>19 Q. And so he was with Countryside Police</p> <p>20 Department as a pretrial detainee for almost a day,</p> <p>21 right?</p> <p>22 A. Correct.</p> <p>23 Q. And it appears to me that all the care and</p> <p>24 treatment he received at Countryside Police</p>	<p>Page 21</p> <p>1 Q. No. I'm trying to think of the question.</p> <p>2 I appreciate the assist there.</p> <p>3 Do you have any nurses on staff that can</p> <p>4 evaluate a pretrial detainee who's got psychiatric</p> <p>5 issues?</p> <p>6 A. No.</p> <p>7 Q. Do you guys have a psychiatrist at</p> <p>8 Countryside Police Department who is available to</p> <p>9 see a patient with psychiatric issues?</p> <p>10 A. Unfortunately we do not.</p> <p>11 Q. And if someone developed the type of</p> <p>12 psychiatric issues that you felt needed some type</p> <p>13 of intervention, would you have sent him to another</p> <p>14 healthcare or mental health facility?</p> <p>15 A. Correct.</p> <p>16 Q. Have you done that at times?</p> <p>17 A. Yes. Yeah. We would transport them to</p> <p>18 whatever appropriate hospital or facility needed to</p> <p>19 be.</p> <p>20 Q. When you receive information from the</p> <p>21 hospital, do you expect that everything you need</p> <p>22 about a pretrial detainee has been told to you</p> <p>23 that's important?</p> <p>24 A. Yes.</p>
<p>1 Department was reasonable. I would take it you</p> <p>2 also agree with that?</p> <p>3 A. We treated him exceptionally, yes.</p> <p>4 Q. Yes. Thank you.</p> <p>5 And do you have any policies and</p> <p>6 procedures as to how to manage a patient who's got</p> <p>7 mental health illness at Countryside Police</p> <p>8 Department?</p> <p>9 A. We try to increase our observations of the</p> <p>10 subjects usually, you know, as often as we can,</p> <p>11 usually 15-minute intervals if it allows.</p> <p>12 Q. Right. But my point is, you don't have a</p> <p>13 written policy and procedure, do you?</p> <p>14 A. No, not that I'm aware of.</p> <p>15 Q. Ultimately, you know, that's why I wanted</p> <p>16 to start with the care -- I mean, the care and</p> <p>17 treatment you provided to Mr. Cruz was reasonable,</p> <p>18 correct?</p> <p>19 A. Absolutely.</p> <p>20 Q. At least reasonable. You said</p> <p>21 exceptional, and I'm not quibbling but, you know --</p> <p>22 and do you have any policies and procedures, you</p> <p>23 know, if --</p> <p>24 A. Did we lose you?</p>	<p>Page 22</p> <p>1 Q. Are you aware anywhere in this report that</p> <p>2 or in any other source that Hinsdale Hospital told</p> <p>3 you that Mr. Cruz was administered heparin?</p> <p>4 A. No, no, sir.</p> <p>5 Q. Okay. And besides Mr. Venem's statement</p> <p>6 that he observed Mr. Cruz to be restrained, did</p> <p>7 Hinsdale hospital advise you that Mr. Cruz was</p> <p>8 restrained in any way?</p> <p>9 A. No. I had no other contact with the</p> <p>10 hospital.</p> <p>11 Q. Okay. Did Hinsdale Hospital ever tell you</p> <p>12 or anyone at Countryside Police Department that you</p> <p>13 can see from this report that he was at risk for</p> <p>14 developing a pulmonary embolus?</p> <p>15 MR. FLAXMAN: Objection, foundation.</p> <p>16 THE WITNESS: No.</p> <p>17 BY MR. RAGEN:</p> <p>18 Q. Okay. I take it there's no licensed</p> <p>19 clinical professional counsel at Countryside Police</p> <p>20 Department who can evaluate a pretrial detainee</p> <p>21 such as Mr. Cruz for psychiatric issues; is that</p> <p>22 correct?</p> <p>23 A. Not at our station, no, sir.</p> <p>24 Q. And again to the same effect, you know</p>

<p>1 that if you feel it's necessary, you can transfer 2 him to another facility which would likely be a 3 hospital or a mental health facility that has a 4 level of meant health or medical care?</p> <p>5 A. Yes.</p> <p>6 Q. If you look here on Page Countryside 0037, 7 again, this is a continuation of those Hinsdale 8 records we were talking about?</p> <p>9 A. Sure.</p> <p>10 Q. And you can see that here Hinsdale is 11 indicating that it's discharging Mr. Cruz to law 12 enforcement/forensics/custody, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And you're indicating -- it's also -- this 15 record is also indicating that the patient's 16 condition at discharge was stable; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. In the end can you tell me the charge that 19 was -- so it says here that you're one of the 20 prosecuting witnesses in this case. I'm looking at 21 Countryside 0038.</p> <p>22 A. Yes. Detective Sodt was the lead 23 investigator, and I was assisting him.</p> <p>24 Q. Okay. Can you tell me what that means</p>	<p>Page 25</p> <p>1 A. I was a detective assigned to the 2 investigations unit.</p> <p>3 Q. And when did you make sergeant?</p> <p>4 A. Oh, it's been about two years now, so just 5 maybe a little -- little while after that case that 6 had taken place.</p> <p>7 Q. And so the last thing that Mr. Ragen asked 8 you about was the charges against Mr. Cruz.</p> <p>9 Do you remember that?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So after Mr. Cruz left Countryside, 12 what's your understanding of where he was taken?</p> <p>13 A. After we bring the detainee down -- 14 depending on the day of the week, it would be 15 either be the Bridgeview Courthouse, the sheriff's 16 office or down to 26th and California if it was on 17 the weekend. And then he would go before a judge.</p> <p>18 Q. And did you understand that he was later 19 processed into the Cook County Jail?</p> <p>20 A. Yes.</p> <p>21 Q. And did you learn that he died after being 22 processed through the of Cook County Jail?</p> <p>23 A. I did learn that at some point, yes.</p> <p>24 Q. How did you learn that?</p>
<p>1 when it says you're a prosecuting witness?</p> <p>2 A. Just that, you know, we have interviewed 3 witnesses. There's testimony that we can provide. 4 You know, we participated in the investigation that 5 took place.</p> <p>6 Q. And then when what was the charge that was 7 brought against Angel Cruz?</p> <p>8 A. The state's attorney approved two counts 9 of attempted murder against Mr. Cruz.</p> <p>10 Q. Okay. And as a prosecuting witness, 11 that's something that you would have been available 12 to go to, you know, court and provide evidence in 13 support of that charge?</p> <p>14 A. Yes.</p> <p>15 MR. RAGEN: Okay. I have no further questions.</p> <p>16 MR. FLAXMAN: I have a few questions.</p> <p>17 MR. RAGEN: I'll stop my share.</p> <p>18 MR. FLAXMAN: You'll stop your share, okay.</p> <p>19 EXAMINATION</p> <p>20 BY MR. FLAXMAN:</p> <p>21 Q. Sir, my name is Joel Flaxman. I represent 22 the estate of Mr. Cruz. At the time, the report 23 that we were looking at, what was your rank at that 24 time? I'm sorry if I missed that.</p>	<p>Page 26</p> <p>1 A. I don't recall if it was from the state's 2 attorney office that called. I'm not sure.</p> <p>3 Q. Okay. Do you remember what you learned 4 about Mr. Cruz's death?</p> <p>5 A. Just that he had passed away while in the 6 custody of the sheriff's department.</p> <p>7 Q. Did the person who told you about that 8 tell you the cause of the death?</p> <p>9 MR. RAGEN: Objection, form, foundation.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MR. FLAXMAN:</p> <p>12 Q. Did you ask what the cause of his death 13 was?</p> <p>14 A. I did not.</p> <p>15 Q. What did you mean when you said he was 16 treated exceptionally while he was at the 17 Countryside Police Department?</p> <p>18 A. Just as we would have treat anybody else 19 that comes in our doorway, you know, we try to 20 treat everybody with respect. You know, we don't 21 abuse people.</p> <p>22 Q. Okay. Did you mean that he was treated 23 better than anybody else who was in custody at the 24 Countryside Police Department?</p> <p>Page 28</p>

Page 29	Page 31
1 A. No. We treat everybody fair was my point.	1 the hospital?
2 Q. Okay. That's what I was asking.	2 MR. CATANIA: Objection, form.
3 Mr. Ragen asked you about whether you	3 THE WITNESS: If somebody's in custody, then
4 learned that Mr. Cruz had been given heparin. Do	4 they should be in handcuffs, but there obviously
5 you remember that?	5 are situations that would prevent that sometimes
6 A. He did ask that, yes.	6 from happening.
7 Q. Do you know what heparin is?	7 BY MR. FLAXMAN:
8 A. I do not.	8 Q. You mean if there's a treatment need they
9 Q. Mr. Ragen also looked at some medical	9 wouldn't --
10 records with you that came from the hospital where	10 A. Treatment need or injury or something that
11 Mr. Cruz was held before being taken to the	11 would prevent that from being . . .
12 Countryside Police Department.	12 Q. Let me show you one more document, and
13 Do you remember that?	13 then I will be done.
14 A. Yes.	14 All right. Can you see on your screen a
15 Q. Did you look at those records in 2016?	15 copy of that prison log you looked at before?
16 A. I believe we would have looked at them,	16 A. I can.
17 you know, prior to interviewing Mr. Cruz.	17 Q. Okay. And I will scroll down for the
18 Q. Okay. Do you have a recollection of	18 record. You see at the bottom we put a page number
19 having done that or are you just relying on your	19 on it that says Countryside PD 9/4/20 0002?
20 practice?	20 A. Yes.
21 A. Relying on practice. I mean, this case is	21 Q. Okay. Mr. Ragen asked you a little bit
22 over, what, four years ago.	22 about this. The first thing on here is an entry
23 Q. Sure.	23 that says checked by V-e-n-e-m. Do you see that?
24 There was also some questioning about	24 A. No, sir. Where are you at.
Page 30	Page 32
1 Mr. Cruz being restrained at the hospital.	1 Q. Sorry. I can make it a little bigger.
2 Do you remember that?	2 I'm just look looking at the first entry with the
3 A. Yes.	3 time of 08:58.
4 Q. And you talked about something called	4 A. Okay.
5 four-point restraints; is that right?	5 Q. And there's a name in the box for checked
6 A. Yes.	6 by?
7 Q. What are four-point restraints?	7 A. Yes. Okay. Now I see it.
8 A. Typically it's a restraint that the	8 Q. Okay. Does the name in the box for check
9 hospital staff has on hand, you know, if they need	9 by mean that Officer Venem is the one who made that
10 to restrain somebody for their safety or the	10 entry?
11 patient's safety. It would be basically a strap	11 A. No, it does not. Typically the person
12 that would secure their legs and also their hands	12 filling out this form would be our CSO's we call
13 or wrists.	13 them, community service officers, and that's the
14 Q. Is that something that's ever used at the	14 person that's tasked with monitoring the cameras.
15 Countryside Police Department?	15 And they'll document any interaction an officer or
16 A. We don't have those, sir.	16 another individual has with a person in custody.
17 Q. When a person in custody of the	17 Q. How would you figure out who the CSO is
18 Countryside Police Department is taken to the	18 who made these entries?
19 hospital, are they kept in handcuffs while they're	19 A. I suppose we would have to go back into
20 being treated at the hospital?	20 their, you know, their personnel records and see
21 A. I guess that would depend on the	21 who was working that day. But typically we're a
22 situation.	22 small department. We can kind of tell based on
23 Q. So there's not a uniform policy for	23 handwriting who it would have been.
24 somebody in police custody who's being treated at	24 Q. Do you know whose handwriting it is on

<p>1 this form?</p> <p>2 A. At the top?</p> <p>3 Q. Sure.</p> <p>4 A. That actually looks like Officer Venem's</p> <p>5 handwriting in the first box and then CSO Little</p> <p>6 John's documentation on the end.</p> <p>7 Q. So did I understand right that the entry</p> <p>8 at 8:58 looks like it was made by Officer Venem?</p> <p>9 A. Yes.</p> <p>10 Q. And I'm now -- I think you should be able</p> <p>11 to see the rest of the entries on this first page.</p> <p>12 Does it look like those other entries were made by</p> <p>13 CSO Little John?</p> <p>14 A. Yes.</p> <p>15 Q. And what I'll do is go to the next page.</p> <p>16 We're on -- this one's marked</p> <p>17 Countryside PD 9/4/20 0003. Can you tell which who</p> <p>18 made the entries on this page?</p> <p>19 A. Looks like there's a few different people.</p> <p>20 If you want to point to one specifically, I can try</p> <p>21 to help you, but . . .</p> <p>22 Q. Well, how about let's start -- what's the</p> <p>23 one? Can you tell that one?</p> <p>24 A. Little John, so that would have been</p>	<p>Page 33</p> <p>1 entries from 19:45 to 22:45?</p> <p>2 A. Yes, it appears that way.</p> <p>3 Q. Okay. And do you know who made the</p> <p>4 entries starting at 23:00 hours?</p> <p>5 A. I can try to pronounce her name, but I</p> <p>6 know I'll have arm hard time.</p> <p>7 Q. Feel free to spell it?</p> <p>8 A. Which is terrible, I work with her.</p> <p>9 CSO Hervieux.</p> <p>10 Q. And that H-e-r-v-i-e-u-x?</p> <p>11 A. That's correct. Yes.</p> <p>12 Q. What is that CSO 's first name?</p> <p>13 A. Nicole.</p> <p>14 Q. And are the entries on this page from 2:00</p> <p>15 hours to 01:00 hours appear to be made by</p> <p>16 CSO Hervieux?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And I'm gonna go to Page 4 of 5</p> <p>19 which we marked Countryside PD 9/4/20 0005. Are</p> <p>20 the entries on these page, excuse me, are the</p> <p>21 entries on this page also appear to be made by</p> <p>22 CSO Hervieux.</p> <p>23 A. It appears that way. Yes.</p> <p>24 MR. POWER: Apologies, Joel. I have another</p>
<p>1 CSO Little John. That's her documenting her own</p> <p>2 observation of Mr. Cruz.</p> <p>3 Q. Okay. And what's CSO Little John's first</p> <p>4 name?</p> <p>5 A. Patricia.</p> <p>6 Q. Is she still employed at the Countryside</p> <p>7 Police Department?</p> <p>8 A. Yes.</p> <p>9 Q. Can you tell whose handwriting is on the</p> <p>10 next line 13:59?</p> <p>11 A. Looks the same.</p> <p>12 Q. What about the line at 14:13?</p> <p>13 A. I would assume it would be her all the way</p> <p>14 up to 15:15.</p> <p>15 Q. Okay. And then who is that at 15:15?</p> <p>16 A. That would have been CSO Elizabeth</p> <p>17 Cordova.</p> <p>18 Q. Okay. And starting at 15:15 going to the</p> <p>19 bottom of the page, does that appear to be entries</p> <p>20 by CSO Cordova?</p> <p>21 A. Yes.</p> <p>22 Q. I'm now on the next page which is Page3 of</p> <p>23 5 of the log. It's marked as Page 0004 on this</p> <p>24 document. Does it appear that CSO Cordova made the</p>	<p>Page 34</p> <p>1 call to jump on. For the record, this is John</p> <p>2 Power. I'm getting off this call. I might be back</p> <p>3 later.</p> <p>4 BY MR. FLAXMAN:</p> <p>5 Q. I'm now on page 5 of 5 Countryside</p> <p>6 9/4/20 006. Do the entries on this page from 07:49</p> <p>7 to 06:49 appear to be made by CSO Hervieux?</p> <p>8 A. Yes.</p> <p>9 Q. Can you read the last entry that's made by</p> <p>10 CSO Hervieux which is timed 6:49 in the check by</p> <p>11 box? It says Hervieux and then slash, and there's</p> <p>12 another name?</p> <p>13 A. Goluszka would have been an officer at the</p> <p>14 time. He's since retired.</p> <p>15 Q. What's officer Goluszka's first name?</p> <p>16 A. Kenneth.</p> <p>17 Q. And why would somebody put two names in</p> <p>18 that box?</p> <p>19 A. Could be a possibility that the officer</p> <p>20 was in that same room with her during the time she</p> <p>21 was making the observation or he could have been in</p> <p>22 the area of Mr. Cruz in the actual lockup itself.</p> <p>23 Q. Okay. It looks like different handwriting</p> <p>24 made the entry at 07:05. Do you see that?</p>

<p>1 A. Yeah. It looks like CSO Little John's 2 handwriting again.</p> <p>3 Q. And are the entries at 07:13 and 07:30 4 also made by Little John?</p> <p>5 A. It looks like it, yes.</p> <p>6 Q. Okay. And then at 07:44 can you tell 7 whose entry that is?</p> <p>8 A. Looks like hers as well.</p> <p>9 Q. Little John's right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And same for 08:00 and 08:13?</p> <p>12 A. Yes.</p> <p>13 Q. What about 08:28, can you tell whose entry 14 that is?</p> <p>15 A. It's tough, but I would assume it would be 16 her. I mean, she normally work at that time, so it 17 would be reasonable to assume that.</p> <p>18 Q. And by her you mean Little John, right?</p> <p>19 A. Yes.</p> <p>20 Q. And would you assume 8:36 is also 21 Little John's entry?</p> <p>22 A. Yes.</p> <p>23 MR. FLAXMAN: I don't have any other questions.</p> <p>24 Thanks for your time.</p>	<p>Page 37</p> <p>1 not me that described that event --</p> <p>2 Q. I understand that.</p> <p>3 A. But yes.</p> <p>4 Q. In that same section of the report on 5 Page 8 where somebody was describing the reason for 6 being placed in four-point restraints, that 7 documented the reason as being he tried to get out 8 of his cuffs; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. So he was doing something to defeat the 11 security placed on him while he was in custody, and 12 that's one of the reasons why medical staff 13 determined to put him new four-point restraints; is 14 that correct?</p> <p>15 MR. FLAXMAN: Objection, foundation.</p> <p>16 THE WITNESS: Absolutely sounds like it.</p> <p>17 MR. RAGEN: I join in that objection.</p> <p>18 MR. CATANIA: Thank you.</p> <p>19 BY MR. CATANIA:</p> <p>20 Q. The police department was -- brought him 21 to the hospital for care and treatment in the first 22 instance; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. And then the police department was granted</p>
<p>1 THE WITNESS: Thank you.</p> <p>2 EXAMINATION</p> <p>3 BY MR. CATANIA:</p> <p>4 Q. I just have a couple of questions. This 5 is ASA Frank Catania. Sergeant you were asked 6 questions earlier about a conversation you recorded 7 in the report with Miss Leticia Vargas.</p> <p>8 Do you remember the kind of questions 9 about that?</p> <p>10 A. The initial interview in the hospital?</p> <p>11 Q. Yes.</p> <p>12 A. Yes.</p> <p>13 Q. Okay. You described in that section of 14 your report Angel Cruz Junior as the subject of 15 that investigation, the man that was in custody, 16 right?</p> <p>17 A. Correct.</p> <p>18 Q. Did you ever speak with Angel Cruz Senior?</p> <p>19 A. No.</p> <p>20 Q. Okay. On Page 8 of the report you were 21 describing how he was placed in four-point 22 restraints. You describe that as something that 23 the hospital did; is that right?</p> <p>24 A. That was not me. Just to clarify that was</p>	<p>Page 38</p> <p>1 custody back and took him to the police station 2 after being examined and treated by physicians and 3 nurses and physician assistants; is that right?</p> <p>4 A. Yes.</p> <p>5 Q. In your experience has it ever occurred 6 where you've brought someone to the hospital, and 7 they have not been returned to police custody?</p> <p>8 A. Can you say that again? I'm sorry.</p> <p>9 Q. Sure.</p> <p>10 In your experience have you ever had a 11 situation where some arrestee was brought to a 12 hospital and then not returned to police department 13 custody; is that right?</p> <p>14 A. In cases of serious injury, but it's 15 pretty rare.</p> <p>16 Q. Okay. So but that has happened; is that 17 right?</p> <p>18 A. Yeah, yeah.</p> <p>19 Q. In this instance the hospital discharged 20 the patient; is that right?</p> <p>21 A. That's correct.</p> <p>22 Q. So would you conclude from that that he 23 was not in serious medical or mental distress at 24 the time when he was returned to police custody?</p>

<p>1 MR. FLAXMAN: Objection, foundation.</p> <p>2 THE WITNESS: A hundred percent, yes.</p> <p>3 BY MR. CATANIA:</p> <p>4 Q. So you relied on the hospital to only</p> <p>5 release somebody who was fit to be released to</p> <p>6 police custody; is that right?</p> <p>7 A. Correct.</p> <p>8 MR. CATANIA: No further questions.</p> <p>9 FURTHER EXAMINATION</p> <p>10 BY MR. RAGEN:</p> <p>11 Q. I just have a few and again my technical</p> <p>12 difficulties may take a second for me to bring it</p> <p>13 up. Okay. While I'm pulling it up, can you tell</p> <p>14 me what a CSO is? I know you answered it in part a</p> <p>15 little bit.</p> <p>16 A. No problem.</p> <p>17 Q. Yeah.</p> <p>18 A. A CSO is a community service officer.</p> <p>19 It's a civilian position. We use them to do a</p> <p>20 number of tasks, but one of them in particular is</p> <p>21 to monitor anybody that's in custody in our holding</p> <p>22 facility as well as put together court paperwork</p> <p>23 and things of that nature that need to go down to</p> <p>24 court.</p>	<p>Page 41</p> <p>1 you assume that a CSO is not required to have any</p> <p>2 training in psychology?</p> <p>3 A. Correct.</p> <p>4 Q. Same question as to psychiatry, would you</p> <p>5 assume that a CSO does not need to -- is not</p> <p>6 required to have any training in psychiatry?</p> <p>7 A. Yes.</p> <p>8 MR. RAGEN: Okay. I'm going to try to do that</p> <p>9 thing where I screen share. Let's hope this goes</p> <p>10 all right. I'll turn to you to -- we looked at a</p> <p>11 couple of iterations of this document. So for the</p> <p>12 court reporter, I'm going to email you the 57-page</p> <p>13 Bates-stamped document. We'll mark it as</p> <p>14 Exhibit A. And then this document that we're</p> <p>15 looking at and you can see it says the Bates is</p> <p>16 Countryside PD 9/4/20. This particular page is</p> <p>17 004, but I believe it's an 8-page document. I'll</p> <p>18 email that to you, and we'll mark that Exhibit 2,</p> <p>19 if that's okay.</p> <p>20 (WHEREUPON, Exhibit No. 1 and 2</p> <p>21 were marked for identification.)</p> <p>22 BY MR. RAGEN:</p> <p>23 Q. I want to go through a couple of these</p> <p>24 entries. It appears that 2:10 CSO Hervieux is</p>
<p>1 Q. Are you aware of what type of level or</p> <p>2 training someone has to acquire to become a CSO?</p> <p>3 A. No, I don't.</p> <p>4 Q. Okay. Who would know if we wanted to ask</p> <p>5 someone what level -- I mean, do you have any idea</p> <p>6 of like say, for example, Miss Little John, do you</p> <p>7 know what level of education she's obtained?</p> <p>8 A. I don't. I would probably point you to</p> <p>9 the direction of the human resources person, but,</p> <p>10 you know, obviously everybody's background checked</p> <p>11 and all of that. So I would assume at least a high</p> <p>12 school diploma, but I could be wrong.</p> <p>13 Q. Okay. And you do you have any</p> <p>14 understanding one way or the other whether a CSO</p> <p>15 has any medical training?</p> <p>16 A. No.</p> <p>17 Q. Would you assume that they don't have any</p> <p>18 medical training; is that fair?</p> <p>19 A. Yes, that's fair.</p> <p>20 Q. Okay. Same thing for mental health</p> <p>21 training, would you assume that a CSO doesn't need</p> <p>22 to have any particular mental health education?</p> <p>23 A. I would agree, yes.</p> <p>24 Q. Okay. Same thing from psychology, would</p>	<p>Page 42</p> <p>1 saying that Mr. Cruz is standing on the toilet with</p> <p>2 hands on top bunk?</p> <p>3 A. Okay. Yes.</p> <p>4 Q. And then after at 2:18 Hervieux mentions</p> <p>5 Mr. Cruz is using the bunk mattress, the top bunk</p> <p>6 mattress to hide?</p> <p>7 A. Uh-huh.</p> <p>8 Q. And Hervieux decided to put -- I'm looking</p> <p>9 at the left side, from 2:00 -- well, from 2:10 to</p> <p>10 2:22 there are four different entries for</p> <p>11 Mr. Cruz's condition?</p> <p>12 A. Uh-huh.</p> <p>13 Q. And does it appear that he as you can see</p> <p>14 was acting abnormally?</p> <p>15 A. She obviously indicated that he was -- his</p> <p>16 behavior was strange enough for her to document</p> <p>17 that on the form, yeah.</p> <p>18 Q. Okay. And then at 2:45 Hervieux indicates</p> <p>19 that Mr. Cruz won't move from under the bunk?</p> <p>20 A. Yes. I see that.</p> <p>21 Q. And then two minutes later, 2:47, Cruz,</p> <p>22 this is an entry by Hervieux, that he did move from</p> <p>23 under the bunk and now standing?</p> <p>24 A. Uh-huh.</p>

	Page 45		Page 47
1	Q. At 2:50, now this would be Officer Durell	1	again.
2	told Angel to put the mattress down?	2	MR. CATANIA: His camera's off anyway.
3	A. Uh-huh.	3	THE WITNESS: I guess we lost him.
4	Q. Is that correct?	4	MR. CATANIA: Looks like it.
5	A. Yes.	5	MR. FLAXMAN: Give him a minute to log back on.
6	Q. And the only reason in we understand	6	(WHEREUPON, a discussion was had
7	uh-huh or uh-uh but --	7	off the record.)
8	A. I'm sorry.	8	(WHEREUPON, the record was read
9	Q. It's okay. It's all right. It's the	9	as requested.)
10	first time you did it.	10	MR. RAGEN: That might have been like the
11	And at 3:18 a.m. Mr. Cruz indicated, I'm	11	last -- I'll go back there. I appreciate that.
12	sorry, Hervieux indicated Mr. Cruz is drawing on	12	Thank you very much.
13	the wall.	13	BY MR. RAGEN:
14	A. Yes.	14	Q. Yeah, okay. And then all those entries we
15	Q. Would he have had any like writing	15	just went through, those are entries made onto the
16	implements in there? Would you know one way or the	16	officer log to assess how the pretrial detainee is
17	other?	17	doing. In this case it's for Angel Cruz on March
18	A. No, he would not.	18	14 and 15; is that correct?
19	Q. So that's why perhaps it's in --	19	A. Yes.
20	A. In quotes.	20	MR. RAGEN: That is all I have.
21	Q. -- quotes?	21	MR. FLAXMAN: I have nothing else from me.
22	Sorry. I don't know if I cut out.	22	MR. CATANIA: No questions from the sheriff.
23	A. Yes, yes.	23	Thank you.
24	Q. Okay. So that would be probably why	24	MR. RAGEN: So you can either decide to waive
	Page 46		Page 48
1	Hervieux wrote drawing in quotes?	1	signature in this case or you can look at it and
2	A. That would be my assumption, yeah.	2	then, you know, correct any typographical errors
3	Q. Okay. And then at 3:27 a.m. Hervieux	3	that you think Raelene would make which she would
4	wrote that Mr. Cruz is asking for mom to bail him	4	never. You'll waive?
5	out?	5	THE WITNESS: Yes.
6	A. Correct.	6	MR. RAGEN: Okay. Sergeant Stern, we can go off
7	Q. And I don't -- I don't know. But I don't	7	the record.
8	know if he was available to be bailed out at that	8	FURTHER DEPONENT SAITH NAUGHT.
9	time; is that fair?	9	
10	A. Yes.	10	
11	Q. At 3:38 a.m., Mr. Cruz is dancing and/or	11	
12	running in place?	12	
13	A. Correct.	13	
14	Q. He at 5:53 he's making grunting and	14	
15	yelling noises?	15	
16	A. Correct.	16	
17	Q. And at 6:08 a.m. he's standing in holding	17	
18	cell -- no. He's standing and holding the cell	18	
19	bars?	19	
20	A. Correct.	20	
21	Q. At 6:19 a.m. he's hiding behind a bunk	21	
22	mattress?	22	
23	A. Yes.	23	
24	MR. FLAXMAN: I think Bill might be frozen	24	

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1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF C O O K)
 4 I, RAELENE STAMM, Certified Shorthand
 5 Reporter, licensed by the State of Illinois, do
 6 hereby certify that heretofore, to-wit, on the 11th
 7 day of September 2020, personally appeared before
 8 me JIM STERN, a witness in a certain cause now
 9 pending and undetermined in the United States
 10 District Court, Northern District of Illinois,
 11 Eastern Division, wherein LETICIA VARGAS, et al.,
 12 is the Plaintiff and COOK COUNTY SHERIFF, et al.,
 13 are the Defendants.
 14 I further certify that the said JIM STERN
 15 was by me first duly sworn to testify the truth,
 16 the whole truth, and nothing but the truth in the
 17 cause aforesaid; that the testimony then given by
 18 said witness was reported stenographically by me in
 19 the presence of said witness and afterwards reduced
 20 to typewriting by Computer-Aided Transcription, and
 21 the foregoing is a true and correct transcript of
 22 the testimony so given by said witness as
 23 aforesaid.
 24 I further certify that the signature to

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1 the foregoing deposition was waived by counsel for
 2 the respective parties.
 3 I further certify that the taking of this
 4 deposition was pursuant to Notice and that there
 5 were present at the deposition the attorneys
 6 hereinbefore mentioned.
 7 I further certify that I am not counsel
 8 for nor in any way related to the parties to this
 9 suit, nor am I in any way interested in the outcome
 10 thereof.
 11 IN TESTIMONY WHEREOF: I have hereunto set
 12 my hand this 7th day of October, 2020.
 13
 14
 15
 16

CERTIFIED SHORTHAND REPORTER

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