



**NO. 22-CV-4337**

**DENNIS JACKSON**

**V.**

**CITY OF CHICAGO, ET AL.**

**DEPONENT:**

**PATRICK HIGGINS**

**DATE:**

**October 24, 2023**

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1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF ILLINOIS  
3                   EASTERN DIVISION  
4                   JUDGE ALONSO  
5                   NO. 22-CV-4337

6  
7                   DENNIS JACKSON,  
8                   Plaintiff

9  
10                  v.  
11

12                  CITY OF CHICAGO, ET AL.,  
13                  Defendants  
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18  
19  
20  
21  
22

23                  DEPONENT: PATRICK BOYLE  
24                  DATE: OCTOBER 24, 2023  
25                  REPORTER: KORTNEY CHASE

1	APPEARANCES	Page 2	1	STIPULATION	Page 4
2			2		
3	ON BEHALF OF THE PLAINTIFF, DENNIS JACKSON:		3	The deposition of PATRICK BOYLE was taken at KENNETH N.	
4	Joel Flaxman, Esquire		4	FLAXMAN P.C., 200 SOUTH MICHIGAN AVENUE, SUITE 201	
5	Kenneth N. Flaxman P.C.		5	CHICAGO, ILLINOIS 60604 on TUESDAY the 24TH day of	
6	200 South Michigan Avenue		6	OCTOBER 2023 at 10:07 a.m. (CT); said deposition was	
7	Suite 201		7	taken pursuant to the FEDERAL Rules of Civil Procedure.	
8	Chicago, Illinois 60604		8		
9	Telephone No.: (312) 427-3200		9	It is agreed that KORTNEY CHASE, being a Notary Public	
10	E-mail: jaf@kenlaw.com		10	and Digital Reporter for the State of ILLINOIS, may	
11			11	swear the witness and that the reading and signing of	
12	ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO:		12	the completed transcript by the witness is not waived.	
13	Alexander Michelini, Esquire		13		
14	Jordan Yurchich, Esquire		14		
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22			22		
23			23		
24			24		
25			25		
1	INDEX	Page 3	1	PROCEEDINGS	Page 5
2		Page	2	THE REPORTER: Okay. Please raise your right	
3	PROCEEDINGS	5	3	hand. Do you solemnly swear or affirm that the	
4	DIRECT EXAMINATION BY MR. FLAXMAN	5	4	testimony you're about to give will be the truth,	
5	CROSS-EXAMINATION BY MR. MICHELINI	51	5	the whole truth, and nothing but the truth?	
6			6	THE WITNESS: I do.	
7	EXHIBITS		7	THE REPORTER: Thank you.	
8	Exhibit	Page	8	DIRECT EXAMINATION	
9	1 - Original Case Incident Report -	28	9	BY MR. FLAXMAN:	
10	FCRL000013-000015		10	Q. All right. Can you please state and spell	
11	2 - Inventory Sheet for James McIntyre -	31	11	your name for the record?	
12	FCRL000025-000026		12	A. My name is Sergeant Patrick J. Boyle,	
13	3 - Inventory Sheet for Nathaniel Johnson -	36	13	B-O-Y-L-E.	
14	FCRL000162-000163		14	Q. Sergeant Boyle, my name's Joel Flaxman. I	
15	4 - Laboratory Report from November 15,	39	15	represent the plaintiff in a lawsuit called Jackson v.	
16	2017 - FCRL002365-002382		16	City of Chicago. Do you understand I'm going to ask you	
17			17	some questions related to that case today?	
18			18	A. Yes.	
19			19	Q. And have you ever had your deposition taken	
20			20	before?	
21			21	A. Yes.	
22			22	Q. How many times?	
23			23	A. I think three or four.	
24			24	Q. When was the last time?	
25			25	A. Two years ago.	

<p style="text-align: right;">Page 6</p> <p>1 Q. And was that in a case related to your duties 2 as a Chicago police officer?</p> <p>3 A. Yes.</p> <p>4 Q. How long have you been a sergeant?</p> <p>5 A. I've been a sergeant for over 18 years.</p> <p>6 Q. And where are you currently assigned?</p> <p>7 A. To the Chicago Police, 7th District.</p> <p>8 Q. What are your -- well, what shift do you work?</p> <p>9 A. I work day shift.</p> <p>10 Q. Okay. And what are your duties at the 7th 11 District?</p> <p>12 A. I am the Strategic Decision Center coordinator 13 AKA SDSC room.</p> <p>14 Q. You said S-D --</p> <p>15 A. SDSC. Strategic Decision Support Center.</p> <p>16 Q. And what is the Strategic Decision Support 17 Center?</p> <p>18 A. I supervise officers who monitor the police 19 pods cameras and shot spotter system as well as assist 20 detective division conducting investigations involving 21 video -- video evidence of crimes committed and other 22 incidents.</p> <p>23 Q. How long have you had that role?</p> <p>24 A. Just over two years.</p> <p>25 Q. What was your -- what was your position before</p>	<p style="text-align: right;">Page 8</p> <p>1 A. On occasion. We had one other gun team in the 2 area, and sometimes we would pool our resources, 3 depending on our missions for the day.</p> <p>4 Q. And does the Area South Gun Team still exist?</p> <p>5 A. No.</p> <p>6 Q. Okay. And why not?</p> <p>7 A. During -- at some point in 2020, the -- the 8 Chicago Police realigned how they were organized, and 9 they reorganized resources into what's known as 10 CST -- Communities, some -- something, Teams, I don't 11 know. They changed organization there.</p> <p>12 Q. And did -- after you -- so after the -- there 13 was a change to the organization, did you still lead a 14 team?</p> <p>15 A. No, I did not. As a matter of fact, I was 16 injured on duty while serving as a -- as the gun team 17 supervisor in January of 2020, and I was out of work for 18 over a year, so I missed all the changes.</p> <p>19 Q. And when you returned, is that when you 20 started in your current role?</p> <p>21 A. Yes.</p> <p>22 Q. And we don't need to go into detail about your 23 injury, but is it anything that affects your memory?</p> <p>24 A. No.</p> <p>25 Q. Okay. Is -- and is there anything other than</p>
<p style="text-align: right;">Page 7</p> <p>1 that?</p> <p>2 A. I was the supervisor of the Area South Gun 3 Team.</p> <p>4 Q. And how long were you the supervisor of the 5 Area South Gun Team?</p> <p>6 A. For over six years.</p> <p>7 Q. Okay. And what is the Area South Gun Team?</p> <p>8 A. The area has -- is the higher headquarters of 9 the Chicago Police districts, there's -- if you're 10 familiar with Chicago Police. Anyhow, Area 1 had two 11 gun teams, we were assigned to investigate, and our 12 focus was unlawful possession of firearms cases. And 13 that was our priority focus, to do gun and -- gun law 14 enforcement.</p> <p>15 Q. Okay. And how many officers were on the Area 16 South Gun Team?</p> <p>17 A. We were authorized eight, so at times I would 18 have eight, sometimes less than that, depending on the 19 attrition of officers moving on.</p> <p>20 Q. And were you the only Sergeant for the Area 21 South Gun Team?</p> <p>22 A. Of my team, yes.</p> <p>23 Q. So other teams had their own sergeant?</p> <p>24 A. Yes.</p> <p>25 Q. Did you work with other teams?</p>	<p style="text-align: right;">Page 9</p> <p>1 an injury or medication, something like that, that would 2 affect your ability to remember events of the past?</p> <p>3 A. No, just the time.</p> <p>4 Q. Okay. And is there anything else that might 5 make it difficult for you to tell the truth in today's 6 deposition?</p> <p>7 A. No.</p> <p>8 Q. Okay. As I said before, we're here about a 9 case, Jackson v. City of Chicago, and I want to ask you 10 questions about the arrest of Dennis Jackson on November 11 6th, 2017. Do you understand that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And do you remember the arrest of 14 Dennis Jackson on November 6th, 2017?</p> <p>15 A. Yes.</p> <p>16 Q. And what do you remember about the arrest?</p> <p>17 A. I remember that day, that Officers Carreno and 18 Garcia were going to conduct an investigation in -- in 19 that area -- in an area of the 5th District, and that 20 they may need support during their investigation. And 21 then later, we organized the team to enable -- to 22 support them while they conducted a surveillance on a 23 suspect narcotics sales operation. So from there, we 24 or -- we organized our team into whatever vehicles that 25 we had to best support them.</p>

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1 Q. And is -- are those things you remember from  
 2 reviewing reports about the incident, or is that  
 3 independent --

4 A. I --

5 Q. -- memory?

6 A. I have some independent memory of it, some is  
 7 more clear than others.

8 Q. Sure. And was it typical on the areas of gun  
 9 team that two officers would be leading an investigation  
 10 like that?

11 A. Yes.

12 Q. Were there some officers who led more  
 13 investigations, or was it evenly distributed?

14 A. I -- it -- it was more or less evenly  
 15 distributed. I -- I -- I can probably explain it best  
 16 by saying that the officers -- whoever had information  
 17 that we could actually act on, or some that was more  
 18 viable, or something that -- that was dangerous for  
 19 other citizens, we would have to act on quickly. So we  
 20 kind of prioritized, as the supervisor, which -- which  
 21 we would go after, if we had a multitude of information  
 22 to act on. So that's how I organized the team.

23 Q. And in this instance, did officers -- did the  
 24 officers have information that you were acting on?

25 A. Yes.

Page 11

1 Q. And what was that information?

2 A. Well, there's -- there's quite a bit leading  
 3 up to the events of the date of the arrest. Just  
 4 generally my ge -- my knowledge of that area, there's  
 5 been shootouts, murders, and a lot of -- a lot of  
 6 fighting over drug territory in that immediate area,  
 7 which was only a couple blocks from our -- from where  
 8 our police station was. We could hear the gunfire  
 9 sometimes, so our supervisor -- my supervisor asked me  
 10 and the other officers to address that at some -- you  
 11 know, at some point. So we would -- I was fully aware  
 12 that there was a lot going on, I just didn't necessarily  
 13 know what.

14 Q. And the -- what I have on the report is that  
 15 the -- Mr. Jackson was arrested on the 300 block of East  
 16 120th Place. Are the reports of shootouts, murders, and  
 17 fighting over drugs from that block specifically or just  
 18 that area?

19 A. In part, and as a matter of fact, I helped  
 20 execute a search warrant on that block at some point  
 21 prior to this arrest incident.

22 Q. Okay. What was -- what do you recall about  
 23 that search warrant?

24 A. I think it was another -- it might've been our  
 25 other gun team had executed a warrant, and they needed

Page 12

1 our support with personnel on a house literally two or  
 2 three houses away from the address of this arrest, on  
 3 120th Street.

4 Q. And was the -- that arrest -- I'm sorry. Did  
 5 that search warrant execution lead to an arrest?

6 A. To the best of my memory, yes.

7 Q. Okay. Were there any other arrests in that  
 8 area that you recall from before the arrest of Mr.  
 9 Jackson?

10 A. Yes.

11 Q. And what are those?

12 A. I seem to remember having -- having another  
 13 gun arrest with one of the members of my team. And I  
 14 think there was also at least one or two  
 15 narcotics-related arrests in that immediate vicinity.

16 Q. What -- besides those arrests and any other  
 17 reports of crime in that area, were you aware of  
 18 specific information that led to this -- the  
 19 surveillance operation that we've been talking about?

20 A. The only thing I can recall is that Officers  
 21 Carreno and Garcia brought it to my attention at the  
 22 beginning of our tour that day that they had information  
 23 they wanted to work on in that area, and I asked them  
 24 what they needed for support and gave it to them.

25 Q. And what was that information that they

Page 13

1 brought to your attention?

2 A. It had something to do with selling drugs on  
 3 that block. They didn't know who was involved, but they  
 4 wanted to find out and see what we can learn about it.

5 Q. Do you know how they got information about  
 6 selling drugs on that block?

7 A. At what point in time?

8 Q. Before doing the operation. You said  
 9 that -- well, I'm sorry, I'll back up.

10 A. Okay.

11 Q. You said that Carreno and Garcia brought to  
 12 your attention that they had information about selling  
 13 drugs on that block at the start of your shift --

14 A. Yes.

15 Q. -- is that right? Okay. Do you know where  
 16 they got that information?

17 A. No, I don't.

18 Q. Did -- at the time, would they have told you?

19 A. They -- I -- they may have told me, I just  
 20 don't remember.

21 Q. And back in 2017, what shift were you working?

22 A. That was -- we would've been working our  
 23 afternoons.

24 Q. And what are the times for afternoon shift?

25 A. It's hard to say, we -- because it changes so

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1 frequently, our afternoon shift start times  
 2 changed -- or started anytime from 4:00 p.m. and  
 3 sometimes as late as 6:00 p.m., so I don't really  
 4 remember what our shift change -- our shift start time  
 5 was that day.

6 Q. And how long would it -- would the shift be?

7 A. We were working -- that's another good  
 8 question. I think -- because we -- we were working  
 9 ten-hour days at some point, we may have been on  
 10 ten-hour schedule by then, I just don't remember if  
 11 that's the case or not.

12 Q. But you said at the start of the shift,  
 13 Carreno and Garcia brought this information to your  
 14 attention, right?

15 A. Yes.

16 Q. And what -- what -- what happened next?

17 A. At some point, we had officers in positions to  
 18 where they can best perform an enforcement role while  
 19 they, meaning Officers Carreno and Garcia, conducted  
 20 surveillance on that block.

21 Q. And did you decide that they would conduct  
 22 [sic] surveillance on that block?

23 A. I told the team that we would support them,  
 24 and they kind of worked out among themselves who was  
 25 going to be where, and specifically -- it just -- as

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1 report. If they need a person or a car stopped, or  
 2 somebody arrested, or -- or what have you, that's the  
 3 duty of the enforcement car.

4 Q. And just so I'm clear, the -- you referred to  
 5 two things that were the duty of the enforcement  
 6 officers. One was security and the other was acting on  
 7 what the surveillance officers see?

8 A. Yes.

9 Q. Okay. And were you -- did you work as a  
 10 security officer on November 6th, 2017?

11 A. I -- I did work as -- as enforcement.

12 Q. Do you remember where -- well, yeah. Do you  
 13 remember where you first were, working as a enforcement?

14 A. I think -- I -- to the best of my memory, I  
 15 was maybe a block or two north of 120th Street and just  
 16 a little bit east of where Officers -- and Carreno and  
 17 Garcia were conducting surveillance.

18 Q. And were you in a vehicle?

19 A. I was.

20 Q. Was it marked or unmarked?

21 A. Unmarked.

22 Q. And were you in uniform?

23 A. That's another good question. I -- I  
 24 don't -- I don't know. Periodically -- we  
 25 would -- we're normally a plain-clothes unit, but

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1 long as it was happening and I knew as a supervisor that  
 2 those two officers were going to be supported while  
 3 they're in a surveillance role, that satisfied me that  
 4 we had a good plan.

5 Q. Okay. And can you tell me what you mean by  
 6 enforcement role and surveillance role?

7 A. Yes. A lot of times, when officers are on  
 8 surveillance, it could be either, you know, in a  
 9 unmarked vehicle or a covert vehicle or it could be on  
 10 foot, or it could be on a rooftop or some position  
 11 of -- of advantage, to where they can make observations  
 12 for whatever it is they're -- they're looking to  
 13 investigate. So it could be any number of things.  
 14 Officers, especially, are vulnerable if they're out on  
 15 foot in a neighborhood this is enduring as much violent  
 16 crime as -- as this neighborhood is. So it's imperative  
 17 to have backup, just for nothing else than officer  
 18 safety, to be immediately available to them.

19 Q. And when you say the backup is important, are  
 20 you referring to the enforcement officers as backup?

21 A. Yes. It's kind of a twofold thing. Number  
 22 one, for -- the first priority is the security of the  
 23 two officers on surveillance. And the second thing, the  
 24 enforcement role are officers to conduct enforcement on  
 25 whatever observations the surveillance officers can

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1 sometimes we would get assigned a working uniform. I  
 2 just don't remember.

3 Q. Okay. When your team would be on an operation  
 4 like this, were you always with them in the field?

5 A. Yes.

6 Q. And do you recall if you were in the vehicle  
 7 with somebody else?

8 A. That -- that part of memory, I -- I don't  
 9 remember specifics on.

10 Q. Okay. And did you know where Officers Carreno  
 11 and Garcia were when they were doing surveillance?

12 A. Initially, no, but I later came to learn that  
 13 they had a -- a position in a yard just north of where  
 14 they -- we later arrested two individuals on 120th  
 15 Street.

16 Q. And when -- while Officers Carreno and Garcia  
 17 were doing the surveillance, were you in contact with  
 18 them over the radio?

19 A. Yes.

20 Q. Is there a name for the radio you use to be in  
 21 contact with them?

22 A. There's -- on the police radio, there's a  
 23 car-to-car channel and there's another TAC channel. I  
 24 just don't remember what we may have been using at the  
 25 time, whichever we got best reception with.

Page 18

1 Q. Okay. And I've heard people say car-to-car,  
 2 that doesn't mean you have to be in the car to hear it;  
 3 is that right?

4 A. No, it's actually -- it's actually labeled on  
 5 the radio, there's a ca -- channel called car-to-car.

6 Q. So you're -- you're -- you're holding the  
 7 radio that you keep on your belt, correct?

8 A. Yes.

9 Q. And that portable radio has a setting called  
 10 car-to-car?

11 A. Yes.

12 Q. Or is it a channel? Is that the right word?

13 A. A channel.

14 Q. Okay. And does it also -- it also has a  
 15 tactical channel; is that right?

16 A. Yes.

17 Q. And you don't know which one you were using,  
 18 but it -- you would've used whichever one had best  
 19 reception to communicate with Garcia and Carreno?

20 A. Yes.

21 Q. Okay. And were Garcia and Carreno stating  
 22 over the radio what they were observing?

23 A. Yes.

24 Q. And do you remember what they observed?

25 A. Not all the details.

Page 19

1 Q. What details do you remember?

2 A. I remember that they -- they observed  
 3 somebody, after making a hand-to-hand transaction with a  
 4 person we now know as Dennis Jackson, with another  
 5 unknown individual, and that individual got into a car,  
 6 and the car drove away, and they -- they wanted that  
 7 person stopped. And so we called for an enforcement car  
 8 to stop -- stop that car and -- and an arrest was made  
 9 subsequent to that stop.

10 Q. And were you involved in that arrest?

11 A. I -- I don't have every -- any memory of that  
 12 at all.

13 Q. You mean you don't remember -- have any memory  
 14 of that other arrest?

15 A. In terms of being present for that arrest.

16 Q. Right.

17 A. I -- I don't -- I don't have memory of that.

18 Q. Is it possible that you were involved in that  
 19 arrest, you don't remember it, or --

20 A. It's possible, I just don't remember.

21 Q. Okay. Okay. And it's -- it's a -- it's a  
 22 confusing question. I'll just move on. And at some  
 23 point, did Officers Carreno and Garcia request that  
 24 enforcement maker -- enforcement officers make another  
 25 arrest?

Page 20

1 A. Yes.

2 Q. And what do you remember about that?

3 A. Well, I remember after -- after hearing that  
 4 call from Carreno, he told us specifically physical  
 5 description, and -- and a vehicle description, prior to,  
 6 so I already knew, and he confirmed it, who he wanted  
 7 stopped, and where they were at the time. And which I  
 8 don't remember exactly where they -- where they might've  
 9 been, but I remember him saying, all right, come on now,  
 10 we need them stopped now. Whatever language he used to  
 11 express that. Whoever officers I was with, we all went  
 12 over there and -- and stopped two individuals.

13 Q. And that was the arrest that was made on 120  
 14 for -- excuse me, you're talking about the arrest on  
 15 120th Place?

16 A. Yes.

17 Q. And did you say that it was Officer Carreno  
 18 who gave the description?

19 A. It was either Carreno or Garcia, I just don't  
 20 remember.

21 Q. And do you remember what the physical  
 22 description they gave was?

23 A. Not at -- not at this time. I don't remember.

24 Q. Okay. Would it have been of the two men who  
 25 were in the car?

Page 21

1 A. Yes.

2 Q. And did you say that Officer Carreno or Garcia  
 3 also gave a description of the vehicle that the men were  
 4 in?

5 A. Yes.

6 Q. Okay. And were you involved -- well, I'm  
 7 sorry. Do you remember how much time passed from when  
 8 you arrived at the area where you were in the car near  
 9 the arrest, to the time that the -- Officer Carreno or  
 10 Garcia asked officers to make the arrest?

11 A. It was short, definitely less than a minute.

12 Q. Okay. That -- that's the time -- that's the  
 13 time it took you to get to the area; is that right?

14 A. Yes.

15 Q. Okay. And then, what about the time that you  
 16 were in that area -- well, I'm sorry, I'll start over.

17 The -- you told me you were in a car a block or two  
 18 north and a little bit east of the location where  
 19 Carreno and Garcia were doing surveillance, correct?

20 A. Yes.

21 Q. And you were sitting in that car for a while,  
 22 while they were doing surveillance; is that right?

23 A. Yes.

24 Q. Do you recall the total time that you were in  
 25 the car in that area while Carreno and Garcia were doing

<p>1 surveillance?</p> <p>2 A. No.</p> <p>3 Q. Was it more than half an hour?</p> <p>4 A. Yeah, it was more than half an hour, from what</p> <p>5 I can recall, but I -- I don't remember the specific</p> <p>6 duration.</p> <p>7 Q. Okay. Once you got the call to make the</p> <p>8 arrest, did you say it took less than a minute to get to</p> <p>9 the area?</p> <p>10 A. I think so.</p> <p>11 Q. Okay. Did you turn on your siren to the car?</p> <p>12 A. Probably not.</p> <p>13 Q. Did you turn on the lights, the flashing</p> <p>14 lights?</p> <p>15 A. No, not that I re -- I -- let me rephrase</p> <p>16 that. I don't remember doing that. I -- set practice,</p> <p>17 I would not have done that.</p> <p>18 Q. And did other enforcement officers also go to</p> <p>19 that area to make the arrest?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Do you remember who?</p> <p>22 A. To best of my memory, I -- I thought it was</p> <p>23 myself, Officer Burnistrz, Officer Lawson, but I</p> <p>24 don't -- I -- I can't recall if anybody else was there.</p> <p>25 Q. And what happened after you got to the</p>	Page 22	<p>1 wasn't -- it didn't seem to me like there was any</p> <p>2 question that we had the right people.</p> <p>3 Q. And when you say no additional people, you</p> <p>4 mean no one else was outside in the area?</p> <p>5 A. Yeah, no -- to the best of my knowledge, I</p> <p>6 just don't remember anybody else being there as if</p> <p>7 there'd be a question of, did we have the right people</p> <p>8 or not. That was confirmed once we -- when we got</p> <p>9 there. As soon as I got there, I feel like we knew we</p> <p>10 had the right people, and Carreno and Garcia confirmed.</p> <p>11 Q. Okay. So let me just ask you about that, what</p> <p>12 I see is two different steps of that. The first one,</p> <p>13 that when you got to the area and you observed two men</p> <p>14 in the car, you could tell that they matched the</p> <p>15 description you had heard from Carreno and Garcia over</p> <p>16 the radio; is that right?</p> <p>17 A. The first thing was the vehicle, yes.</p> <p>18 Q. And wha -- that was because they had been</p> <p>19 telling you about two men sitting in a car; is that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you also have information about the</p> <p>23 men's clothing?</p> <p>24 A. There was a -- a physical description of -- of</p> <p>25 the two men and probably clothing. I just don't</p>	Page 24
<p>1 location where the car was?</p> <p>2 A. Two of the subjects there in the car were</p> <p>3 detained. And then at some point, I met with both</p> <p>4 Carreno and Garcia, looking to see what else they needed</p> <p>5 in terms of help, what -- you know, and -- and more of</p> <p>6 the story, in terms of their observations.</p> <p>7 Q. Were you involved in detaining the two men in</p> <p>8 the car?</p> <p>9 A. I was involved, yes.</p> <p>10 Q. Do you know --</p> <p>11 A. I just don't remember specifically my</p> <p>12 involvement was.</p> <p>13 Q. Do you recall Officer Carreno or Garcia</p> <p>14 identifying the two men who were in the car?</p> <p>15 A. Yes.</p> <p>16 Q. And what did -- what did they say to identify</p> <p>17 those?</p> <p>18 A. Oh, we -- it was -- it was almost immediately</p> <p>19 apparent, once our enforcement officers got there to</p> <p>20 detain these two individuals, that we had the right</p> <p>21 people described by Officers Garcia and Carreno.</p> <p>22 Q. And why was that immediately apparent?</p> <p>23 A. It just -- from my memory, it just was -- we</p> <p>24 had the right -- there were no additional people that I</p> <p>25 can remember. I just think there were -- there</p>	Page 23	<p>1 remember the specifics.</p> <p>2 Q. Okay. And that -- and I think you also said</p> <p>3 that besides you observing that these men matched the</p> <p>4 description you had received, officers Carreno and</p> <p>5 Garcia gave some kind of confirmation that they were the</p> <p>6 right people to arrest?</p> <p>7 A. Yes.</p> <p>8 Q. And do you remember what they said when</p> <p>9 they --</p> <p>10 A. No.</p> <p>11 Q. -- gave that confirmation?</p> <p>12 A. No.</p> <p>13 Q. Do you remember where they were when they did</p> <p>14 that?</p> <p>15 A. No. I -- I -- the only thing I can vaguely</p> <p>16 remember is arriving there, the two individuals, whether</p> <p>17 they were both in the car at the time or not, I just</p> <p>18 remember them being detained by the officers I was with.</p> <p>19 And Carreno and Garcia appeared from -- from wherever</p> <p>20 they were conducting surveillance from, their -- I seem</p> <p>21 to remember that they -- we all came together at the</p> <p>22 same time. So they're -- they were right there and</p> <p>23 present, from what I remember.</p> <p>24 Q. Is there a name for the part of the operation</p> <p>25 where the surveillance officers confirm that the</p>	Page 25

<p style="text-align: right;">Page 26</p> <p>1 enforcement officers arrested the right guy?</p> <p>2 A. In -- in practice?</p> <p>3 Q. Yeah.</p> <p>4 A. I'd say a lot of times in -- in practice we</p> <p>5 use the term positive. Like, if -- if -- if --</p> <p>6 hypothetically speaking, if an officer were on</p> <p>7 surveillance and didn't break surveillance, and called</p> <p>8 out an enforcement action, and the enforcement officers</p> <p>9 stopped whatever individuals described to be</p> <p>10 stopped -- there for -- you know,</p> <p>11 it's -- communication's everything. The surveillance</p> <p>12 officer could say, yeah, that's -- that's -- that's the</p> <p>13 guy, the guy in the blue hoodie, or -- or --</p> <p>14 Q. Yeah.</p> <p>15 A. -- or whatever, that's the right guy.</p> <p>16 Or -- and likewise, communication between the</p> <p>17 enforcement officers and the surveillance officer, okay,</p> <p>18 if he's stopped and detained, you know, and found to be</p> <p>19 in possession of a gun, narcotics, what -- you know,</p> <p>20 whatever it is, they would relate, okay, we're positive</p> <p>21 over here, so -- or something. That was -- that was a</p> <p>22 phrase, but other than that, I can't think of any other</p> <p>23 name.</p> <p>24 Q. Okay.</p> <p>25 A. Just plain language until we go.</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. That if they were doing surveillance on one</p> <p>2 block, they wouldn't have confirmed something, like, a</p> <p>3 few blocks away?</p> <p>4 A. Only surmising that, yeah.</p> <p>5 Q. Right. Okay. I -- going back to the arrests</p> <p>6 of Mr. Jackson and the other man, did you ever speak to</p> <p>7 either of them?</p> <p>8 A. I may have, I just don't remember.</p> <p>9 Q. Okay. Do you remember anything that Mr.</p> <p>10 Jackson said?</p> <p>11 A. No.</p> <p>12 Q. And did -- the other man, according to the</p> <p>13 report, his name's James McIntyre, do you remember</p> <p>14 anything that he said?</p> <p>15 A. No.</p> <p>16 Q. Let me show you a report, which we'll mark as</p> <p>17 Exhibit 1. Do you recognize Exhibit 1 as a Chicago</p> <p>18 Police Department original case incident report?</p> <p>19 (EXHIBIT 1 MARKED FOR IDENTIFICATION)</p> <p>20 A. Yes.</p> <p>21 BY MR. FLAXMAN:</p> <p>22 Q. And this is for the arrest of Dennis Jackson</p> <p>23 and James McIntyre on November 6th, 2017?</p> <p>24 A. Yes.</p> <p>25 Q. Would you review reports like this, prepared</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. Okay. And I think I -- everyone understands</p> <p>2 it better if I -- if we use plain language. The -- just</p> <p>3 going quickly to the other man who was arrested who they</p> <p>4 saw buying drugs, do you remember that we talked about</p> <p>5 that?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall if officers Carreno or Garcia</p> <p>8 gave an identification of him after he had been</p> <p>9 detained?</p> <p>10 A. No, I believe he was before he was detained,</p> <p>11 we were given information as to that physical</p> <p>12 description.</p> <p>13 Q. Okay. And then after he was detained, do you</p> <p>14 recall Officer Carreno or Officer Garcia confirming that</p> <p>15 he was the person they had observed by looking at him in</p> <p>16 person?</p> <p>17 A. No, I -- I don't -- I don't remember that at</p> <p>18 all.</p> <p>19 Q. Okay.</p> <p>20 A. Matter of fact, I -- and -- and just from what</p> <p>21 I remember, I -- I don't think -- yeah, I don't know</p> <p>22 that they could have, if they were on foot, I don't</p> <p>23 know. Yeah, because I think that person was arrested a</p> <p>24 little -- a little further away, so I don't know how</p> <p>25 they could've visually confirmed anything.</p>	<p style="text-align: right;">Page 29</p> <p>1 by members of your team?</p> <p>2 A. Yes.</p> <p>3 Q. What was your -- what would you do to review</p> <p>4 them?</p> <p>5 A. I would -- once the re -- electronic version</p> <p>6 of the report's submitted to me, I would review the</p> <p>7 report, and my role was -- was to approve them, or to</p> <p>8 reject them if there are any mistakes or -- or errors in</p> <p>9 the -- in the formatting or general information in</p> <p>10 the -- in the report required.</p> <p>11 Q. If there was something in there that you knew</p> <p>12 was inaccurate, would you tell the officer to correct</p> <p>13 it?</p> <p>14 A. Yes.</p> <p>15 Q. I -- my only question about this is all the</p> <p>16 way at the end of the narrative section on Page 3. In</p> <p>17 the middle of one of the lines, it begins, "James</p> <p>18 McIntyre" -- our offender -- "was transported." Do you</p> <p>19 see that?</p> <p>20 A. Not yet. Okay, I see it.</p> <p>21 Q. And does the report say that Mr. McIntyre was</p> <p>22 transported to the 5th District by you and by Officer</p> <p>23 Burmistrz?</p> <p>24 A. It does.</p> <p>25 Q. Okay. And for the court reporter's benefit,</p>

<p style="text-align: right;">Page 30</p> <p>1 Burmistrz is B-U-R-M-I-S-T-R-Z; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. Am I saying the name right?</p> <p>4 A. Burmistrz is how we've been instructed to</p> <p>5 pronounce --</p> <p>6 Q. Okay.</p> <p>7 A. -- that name.</p> <p>8 Q. Do you recall transporting Mr. McIntyre to the</p> <p>9 5th District?</p> <p>10 A. No, not really.</p> <p>11 Q. And the -- reviewing the report doesn't help</p> <p>12 you remember any conversation you may have had with Mr.</p> <p>13 McIntyre?</p> <p>14 A. I still don't remember a conversation at all</p> <p>15 with him.</p> <p>16 Q. Okay. Does the -- does the report's reference</p> <p>17 to you and Officer Burmistrz transporting McIntyre</p> <p>18 refresh your recollection about Officer Burmistrz being</p> <p>19 with you earlier in the operation?</p> <p>20 A. Yes.</p> <p>21 Q. And did -- was it -- meaning that Officer</p> <p>22 Burmistrz was with you in the car when you were working</p> <p>23 as the enforcement officers?</p> <p>24 A. Yeah. From what I remember, I thought I was</p> <p>25 with -- with Officer Burmistrz and Officer Lawson when</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Yes.</p> <p>2 BY MR. FLAXMAN:</p> <p>3 Q. And what is a property inventory sheet?</p> <p>4 A. It's a printed record of items of evidence</p> <p>5 which were submitted to the Chicago Police evidence and</p> <p>6 recovered property section.</p> <p>7 Q. Okay. And this is a -- Exhibit number 2 is</p> <p>8 for narcotic drug, knotted bag of a tan powder</p> <p>9 substance, suspect heroin; is that right? Oh, no --</p> <p>10 A. This --</p> <p>11 Q. Yeah, I -- I'm looking at the wrong one.</p> <p>12 Sorry. Okay. Give me a second to get the right sheet</p> <p>13 in front of you.</p> <p>14 MR. YURCHICH: Sargeant, this was Bates stamped</p> <p>15 25 -- FCR25 on the lower right-hand side.</p> <p>16 THE WITNESS: Yes.</p> <p>17 MR. YURCHICH: Yeah.</p> <p>18 MR. FLAXMAN: Yeah, sorry about that.</p> <p>19 MR. YURCHICH: It's not an issue.</p> <p>20 MR. FLAXMAN: Let's just do a do-over here.</p> <p>21 BY MR. FLAXMAN:</p> <p>22 Q. You are looking at Exhibit number 2, and that</p> <p>23 is a property inventory sheet, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And it lists two items that are</p>
<p style="text-align: right;">Page 31</p> <p>1 McIntyre and Mr. Jackson were stopped.</p> <p>2 Q. All right. And you -- this report lists a few</p> <p>3 other officers, right?</p> <p>4 A. Yes.</p> <p>5 Q. And -- oh, just make sure we have it right.</p> <p>6 That -- it lists one, two, three, four, five, six,</p> <p>7 seven, eight officers, including yourself, right?</p> <p>8 A. Yes.</p> <p>9 Q. Are those all members of your -- of the Area</p> <p>10 South Gun Team?</p> <p>11 A. Yes.</p> <p>12 Q. And aside from yourself, Burmistrz, and</p> <p>13 Lawson, do you recall anyone else being present when you</p> <p>14 detained Mr. McIntyre and Mr. Jackson?</p> <p>15 A. No.</p> <p>16 Q. Do you recall officers arriving after those</p> <p>17 two men were detained?</p> <p>18 A. No. Only -- only recollection, like I said,</p> <p>19 Officer Burmistrz, Officer Lawson, Carreno, and Garcia,</p> <p>20 are the ones I remember.</p> <p>21 Q. All right. Let me show you another exhibit.</p> <p>22 This one, I marked as Exhibit 2. Now, do you recognize</p> <p>23 that as a Chicago Police Department property inventory</p> <p>24 sheet?</p> <p>25 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p>	<p style="text-align: right;">Page 33</p> <p>1 Narco -- listed, the first words are "Narcotic/Drug" for</p> <p>2 those two items, right?</p> <p>3 A. No, there's an item number and quantity before</p> <p>4 that.</p> <p>5 Q. Okay. What -- how would you de -- what would</p> <p>6 you describe this inventory sheet as showing was</p> <p>7 inventoried?</p> <p>8 A. This is a narcotics-related inventory with</p> <p>9 two -- two separate items, and the description of the</p> <p>10 items are -- are listed in detail on each line.</p> <p>11 Q. Okay. And one's a bag containing nine knotted</p> <p>12 bags containing a white rock-like substance, suspect</p> <p>13 crack cocaine, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And the second one is a clear knotted bag</p> <p>16 containing 13 knotted bags, containing a white</p> <p>17 rock-like substance, suspect crack cocaine?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And the -- according to the report, the</p> <p>20 owner of those items is James McIntyre, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And the officer who found the items is Efrain</p> <p>23 Carreno, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And that's E-F-R-A-I-N C-A-R-R-E-N-O,</p>

<p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. And I see your name listed at the bottom as</p> <p>4 the approving desk sergeant; is that right?</p> <p>5 A. Yes.</p> <p>6 Q. And that's your star number, 975?</p> <p>7 A. Yes.</p> <p>8 Q. And the date is November 7th, 2017, and the</p> <p>9 time is 01:49 hours?</p> <p>10 A. Yes.</p> <p>11 Q. That's the date and time when you approved it,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. What do you do when you approve a</p> <p>15 property inventory sheet?</p> <p>16 A. First of all, there's -- there's two things.</p> <p>17 One is viewing the electronic inventory in its submitted</p> <p>18 status. I review it for completeness. But</p> <p>19 before -- before I do that, I actually examine</p> <p>20 each -- each item submitted in an evidence bag to make</p> <p>21 sure there's consistency between the items described on</p> <p>22 the bag, that they match what's physically in the bag,</p> <p>23 in terms of its description and quantities.</p> <p>24 Q. So in this case, would you have counted the</p> <p>25 nine knotted bags?</p>	<p>Page 34</p> <p>1 Q. Do you know if there's a record made of when</p> <p>2 you do that?</p> <p>3 A. There is. I don't have access to it, but I</p> <p>4 know there's -- especially on the computer, if there's</p> <p>5 any kind of reject or return and changes to it -- to a</p> <p>6 document, it's -- it's saved and maintained by the</p> <p>7 police department somewhere. So I've been told.</p> <p>8 Q. Okay. And when you're -- and just so I</p> <p>9 completely understand that, when you're reviewing an</p> <p>10 inventory sheet or another report, are you doing it on a</p> <p>11 computer where you're logged in under your account?</p> <p>12 A. Yes.</p> <p>13 MR. FLAXMAN: All right. Okay. All right, let</p> <p>14 me take a quick break off the record.</p> <p>15 (OFF THE RECORD)</p> <p>16 MR. FLAXMAN: All right. I'm handing you</p> <p>17 another inventory sheet marked as Exhibit 3.</p> <p>18 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>19 BY MR. FLAXMAN:</p> <p>20 Q. Do you recognize that as an inventory sheet</p> <p>21 for inventory number 14037616?</p> <p>22 A. Yes.</p> <p>23 Q. And this is for a narcotic/drug knotted bag of</p> <p>24 a tan powder substance, suspect heroin?</p> <p>25 A. Yes.</p>
<p>1 A. Yes.</p> <p>2 Q. Would you have counted the 13 knotted bags?</p> <p>3 A. Yes.</p> <p>4 Q. And when you said you review for completeness,</p> <p>5 that's something you do on the computer; is that right?</p> <p>6 A. Well, twofold. One, review the evidence bag</p> <p>7 for completeness and -- and an accurate description and</p> <p>8 a consistent description of what's -- what's contained</p> <p>9 in it, as well as on the computer, on the submitted</p> <p>10 evidence by the officer in the electronic format.</p> <p>11 Q. And -- oh, go ahead. Is there something else?</p> <p>12 A. No, sorry.</p> <p>13 Q. And do you review the inventory sheets at the</p> <p>14 same time you review the other reports?</p> <p>15 A. I -- not necessarily. It -- it -- it depends</p> <p>16 on the sequence of events. Every case could be</p> <p>17 different, a -- a little bit different, but generally</p> <p>18 speaking, you know, items of evidence could be completed</p> <p>19 before arrest reports and case reports can be completed,</p> <p>20 in -- in -- in a lot of cases, it just depends.</p> <p>21 Q. And if there was something that needed to be</p> <p>22 corrected on an inventory sheet that you discovered</p> <p>23 while reviewing it, what would you do?</p> <p>24 A. I would return it to the officer to make the</p> <p>25 necessary and required corrections.</p>	<p>Page 35</p> <p>1 Q. And does the report say that it -- the owner</p> <p>2 of that bag was Nathaniel Johnson?</p> <p>3 A. Yes.</p> <p>4 Q. And it was found by Officer Lau, L-A-U?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Is that Officer Lau a member of your</p> <p>7 team?</p> <p>8 A. Yes.</p> <p>9 Q. Or he was in 2017, right?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Did I say his name right?</p> <p>12 A. Lau, yes.</p> <p>13 Q. And did you -- do you recall that Nathaniel</p> <p>14 Johnson is the man who Officers Carreno and Garcia</p> <p>15 identified as the buyer?</p> <p>16 A. I learned that later, after -- his name later,</p> <p>17 but yes, this was that person.</p> <p>18 Q. Okay. That -- I had -- sorry. Yeah. Sorry,</p> <p>19 if I meant to say -- if I was -- it sounded like I was</p> <p>20 saying something else. You ultimately learned that</p> <p>21 this -- that Nathaniel Johnson was the buyer who was</p> <p>22 identified by Officers Garcia and Carreno, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And you approved this inventory sheet,</p> <p>25 correct?</p>

<p style="text-align: right;">Page 38</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And did you learn at some point that</p> <p>3 this bag of powder substance also had a pill inside of</p> <p>4 it?</p> <p>5 A. Pardon me?</p> <p>6 Q. Did you learn that the bag that's identified</p> <p>7 on this inventory sheet as containing tan powder</p> <p>8 substance, suspect heroin, also contained a pill?</p> <p>9 A. No. No.</p> <p>10 Q. Is that something that should have been on the</p> <p>11 inventory sheet?</p> <p>12 MR. MICHELINI: Objection to form. You can</p> <p>13 answer.</p> <p>14 THE WITNESS: That -- that should have been on</p> <p>15 the sheet?</p> <p>16 BY MR. FLAXMAN:</p> <p>17 Q. Yeah.</p> <p>18 A. If there's more than one -- I -- I don't know</p> <p>19 about a pill. It says a tan powder -- I'm sorry, a</p> <p>20 clear knotted -- or knotted bag of a tan powder</p> <p>21 substance, suspect heroin.</p> <p>22 Q. And if the bag also contained a pill in</p> <p>23 addition to that powder substance, should that have been</p> <p>24 recorded on the inventory sheet?</p> <p>25 MR. MICHELINI: Objection to speculation. Calls</p>	<p style="text-align: right;">Page 40</p> <p>1 BY MR. FLAXMAN:</p> <p>2 Q. Do you see at the bottom of this page it says,</p> <p>3 "FCRL002365"?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Do you know that FCRL stands for</p> <p>6 federal civil rights litigation?</p> <p>7 A. I do not.</p> <p>8 Q. Okay. Did you know that this is a document</p> <p>9 that your attorneys produced to me in this litigation?</p> <p>10 A. I don't know.</p> <p>11 Q. Okay. As a leader of a gun team, would you</p> <p>12 ever review laboratory reports from the Illinois State</p> <p>13 Police?</p> <p>14 A. Periodically, if they were sent -- if they</p> <p>15 were sent to me.</p> <p>16 Q. Okay.</p> <p>17 A. Yes.</p> <p>18 Q. This one was sent to Officer Carreno, right?</p> <p>19 A. Yes.</p> <p>20 Q. Would you expect him to review it?</p> <p>21 MR. MICHELINI: Objection to -- calls for</p> <p>22 hypothetical speculation. You can answer.</p> <p>23 THE WITNESS: What -- just generally speaking</p> <p>24 about these lab reports, this has been</p> <p>25 a -- a -- just, about the lab reports from the</p>
<p style="text-align: right;">Page 39</p> <p>1 for hypothetical. You can answer.</p> <p>2 THE WITNESS: If there's something other than</p> <p>3 what was described on the inventory sheet in the</p> <p>4 actual package, then yes. You know, there can't</p> <p>5 be -- as I described before, we can't have a</p> <p>6 discrepancy of what's on the -- on the plastic bag</p> <p>7 evidence bag as well as on the electronic report and</p> <p>8 later the printed report. It's got to be consistent</p> <p>9 with what -- what -- what's contained in that</p> <p>10 inventory package.</p> <p>11 MR. FLAXMAN: I'm going to show you Exhibit</p> <p>12 number 4.</p> <p>13 (EXHIBIT 4 MARKED FOR IDENTIFICATION)</p> <p>14 BY MR. FLAXMAN:</p> <p>15 Q. The -- do you recognize the first page of this</p> <p>16 as a letter from the Illinois State Police with the</p> <p>17 heading "Laboratory Report"?</p> <p>18 A. Yes.</p> <p>19 Q. And is it -- was it general practice in 2017,</p> <p>20 that narcotics would be submitted to the Illinois State</p> <p>21 Police to get a laboratory report?</p> <p>22 A. Yes.</p> <p>23 MR. MICHELINI: Standing objection to this</p> <p>24 exhibit for foundation, for Exhibit 4. And you</p> <p>25 already answered. You can answer it.</p>	<p style="text-align: right;">Page 41</p> <p>1 Illinois State Police has been a point of contention</p> <p>2 for us when we make appearances in -- in a</p> <p>3 wri -- in -- in, like, probable cause hearings. A</p> <p>4 lot of times we don't have a lab report to -- they</p> <p>5 did at some point make them available to -- to us</p> <p>6 online, searching by the inventory number, I think,</p> <p>7 through the CLEAR system. But I -- I -- I just</p> <p>8 remember it being a -- a thing. We didn't always go</p> <p>9 to court necessarily with a lab report. The -- this</p> <p>10 has been an ongoing thing for years. I don't know</p> <p>11 where we currently stand on that.</p> <p>12 BY MR. FLAXMAN:</p> <p>13 Q. And this laboratory report has a line that</p> <p>14 says "Offense: Violation of Controlled Substances Act."</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Underneath that it says, "Suspect: Nathaniel</p> <p>18 Johnson," correct?</p> <p>19 A. Yes.</p> <p>20 Q. And underneath that, it says, "The following</p> <p>21 evidence was received by the Forensic Science Center at</p> <p>22 Chicago on November" -- 13th -- "2017: Inventory#</p> <p>23 14037616." Did I read that right?</p> <p>24 A. Yeah.</p> <p>25 Q. And that's the inventory that we marked as</p>

<p style="text-align: right;">Page 42</p> <p>1    Exhibit number 3, correct?</p> <p>2    A.    Yes.</p> <p>3    Q.    Okay. And the items it lists here are, "Less</p> <p>4    than 0.01 gram of powder from one plastic bag" and "0.2</p> <p>5    gram of one tablet." Do you see that?</p> <p>6    A.    Yes.</p> <p>7    Q.    Okay. And the 0.2 gram of one tablet is not</p> <p>8    listed on the inventory sheet, Exhibit number 3, right?</p> <p>9    A.    Yes.</p> <p>10   Q.    Okay. Do you know why the 0.2 gram of one</p> <p>11   tablet was not on the original inventory sheet?</p> <p>12   MR. MICHELINI: Objection. Speculation. You</p> <p>13   can answer.</p> <p>14   THE WITNESS: No, I have no idea. Unless -- I</p> <p>15   could speculate that there could have been chunks</p> <p>16   of -- what's -- the -- the powder could've been a</p> <p>17   partially -- a chunk, or -- or a solid substance</p> <p>18   within the powder. I don't -- I don't know. I</p> <p>19   don't examine -- when I'm approving inventories, I</p> <p>20   don't handle it that closely to manipulate it, to</p> <p>21   get exposed to fentanyl. I -- if it's consistent</p> <p>22   with the -- what -- if what -- what is presented to</p> <p>23   me to -- to approve an inventory, if it's consistent</p> <p>24   as the officer described it on his</p> <p>25   electronic-submitted inventory as well as his</p>	<p style="text-align: right;">Page 44</p> <p>1    them. So that's not a difficult thing to -- to -- to</p> <p>2    observe. And if there's anything else besides a -- a</p> <p>3    small crack rock in that bag, like a rock or a piece of</p> <p>4    sand or something, I co -- I -- I couldn't I -- I'm not</p> <p>5    going to examine it that closely. If it looks like</p> <p>6    crack cocaine, it's what we describe as suspect crack</p> <p>7    cocaine. That's why we state it that way.</p> <p>8    Whereas -- and again, hypothetically speaking, a bag of</p> <p>9    heroin, in my experience, there's tan and white powders</p> <p>10   in them -- it's in a -- in, like, a bag usually bigger</p> <p>11   than a postage stamp. And it just appears as power in</p> <p>12   the bag. If there's some other -- if there's a solid</p> <p>13   substance in the bag that I can detect, then it is what</p> <p>14   it is. It's still a bag of suspect heroin to me.</p> <p>15   Q.    Can you recall ever getting a report back from</p> <p>16   the Illinois State Police lab that lets you know that</p> <p>17   something inventoried was not what you or the officer</p> <p>18   inventorying it believed it to be?</p> <p>19   A.    Yes and no. In -- in -- in one case</p> <p>20   specifically, I had a giant bag of pills that we</p> <p>21   recovered and inventoried. We had to give a numeric</p> <p>22   count. Some of the pills were -- there were tablets in</p> <p>23   a whole form, and some were in cracked, and some were at</p> <p>24   various degree of crumbs. So we submitted the whole</p> <p>25   thing and gave a count as best we could. And so there</p>
<p style="text-align: right;">Page 43</p> <p>1    evidence bag for the narcotic evidence, that's fine</p> <p>2    by me. But I don't take apart fentanyl or heroin</p> <p>3    bags to see if there's a chunk of something in</p> <p>4    there.</p> <p>5    BY MR. FLAXMAN:</p> <p>6    Q.    Okay. Going back to --</p> <p>7    A.    Apparently there was something in there,</p> <p>8    according to this.</p> <p>9    Q.    Sure. Going back to Exhibit number 2, which</p> <p>10   was the other inventory sheet.</p> <p>11   A.    Uh-huh.</p> <p>12   Q.    Are you looking at that now?</p> <p>13   A.    Inventory, Exhibit 2?</p> <p>14   Q.    Yeah. And I -- and I think you said, looking</p> <p>15   at that, that you would look closely enough to count the</p> <p>16   smaller bags inside the bigger bags; is that right?</p> <p>17   A.    Oh, yeah.</p> <p>18   Q.    Okay. But you wouldn't look within those</p> <p>19   smaller bags to check on what item is in them?</p> <p>20   A.    Well, I -- I don't want to speculate to make a</p> <p>21   general statement like that, but just in my experience,</p> <p>22   these -- these clear knotted plastic bags containing</p> <p>23   crack cocaine are -- are very small. I -- I don't</p> <p>24   even -- they're actually -- the knots on the plastic</p> <p>25   bags are typically bigger than the crack cocaine within</p>	<p style="text-align: right;">Page 45</p> <p>1    was a discrepancy in the lab findings with the number of</p> <p>2    items, and it -- it was just a nightmare. I don't know</p> <p>3    how else to describe it or overcome it.</p> <p>4    Q.    Okay.</p> <p>5    A.    At the end of the day, it was still analyzed</p> <p>6    to be the suspect narcotics that we reported it to be.</p> <p>7    Q.    What kind of pills were they?</p> <p>8    A.    It was some kind of methamphetamine.</p> <p>9    Q.    And how did you learn that there was -- that</p> <p>10   the lab believed there was a discrepancy?</p> <p>11   A.    The discrepancy wasn't about necessarily</p> <p>12   the -- the items submitted, it was about the count. It</p> <p>13   was -- it was about the numeric count of them was off.</p> <p>14   And I had to write a report explaining the discrepancy.</p> <p>15   And -- and -- and -- because it could lead to misconduct</p> <p>16   if there was -- reported missing, if it -- it could've</p> <p>17   been missing, but in this case there was more items than</p> <p>18   we submitted, because it broke, a lot of the pills broke</p> <p>19   apart. So -- so I was mindful of that when approving</p> <p>20   inventories.</p> <p>21   Q.    And what year was that incident with broken</p> <p>22   pills?</p> <p>23   A.    Oh, that was -- that one was probably</p> <p>24   2006-ish.</p> <p>25   Q.    Let me ask you to look at the second to last</p>

<p style="text-align: right;">Page 46</p> <p>1 page in this packet of documents that's Exhibit 3.</p> <p>2 A. "Discrepancy Notification."</p> <p>3 Q. Yeah. So that's --</p> <p>4 MR. YURCHICH: What exhibit number is this?</p> <p>5 MR. FLAXMAN: 4. I'm sorry, did I say 4? Did</p> <p>6 I say it correctly?</p> <p>7 BY MR. FLAXMAN:</p> <p>8 Q. So you're looking at the second to last page</p> <p>9 of Exhibit number 4. You see the bottom right, it says</p> <p>10 "FCRL002381"?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And at the top it says "Discrepancy</p> <p>13 Notification"?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Have you ever seen this document</p> <p>16 before?</p> <p>17 A. No.</p> <p>18 Q. Have you ever seen any discrepancy</p> <p>19 notification from the Illinois State Police?</p> <p>20 A. Yes.</p> <p>21 Q. And was that in the case you just told us</p> <p>22 about with the pills?</p> <p>23 A. Yes.</p> <p>24 Q. Can you remember any other times that you got</p> <p>25 a discrepancy notification?</p>	<p style="text-align: right;">Page 48</p> <p>1 speculation. You can answer.</p> <p>2 THE WITNESS: Like I said, I -- I don't</p> <p>3 remember how -- how I came to receive the previously</p> <p>4 mentioned ones that I had experienced, other than I</p> <p>5 was, at -- at some point notified of the</p> <p>6 discrepancy.</p> <p>7 BY MR. FLAXMAN:</p> <p>8 Q. Yeah.</p> <p>9 A. I don't remember how I got it.</p> <p>10 Q. All right. At some point after the -- you can</p> <p>11 put aside the exhibits. At some point after the arrest</p> <p>12 of Mr. Jackson, officers on your team went to court to</p> <p>13 testify for the state's attorneys; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. And do you recall anything about their</p> <p>16 testimony?</p> <p>17 A. No, I wasn't there. No, I -- I don't think I</p> <p>18 was at any other court for any of these individuals.</p> <p>19 Q. Okay. Did you ever talk to any of the</p> <p>20 officers about their testimony in a case related to Mr.</p> <p>21 Jackson?</p> <p>22 A. No.</p> <p>23 Q. If state's attorneys requested that one of</p> <p>24 your officers come to testify, would you get</p> <p>25 notification of that?</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Yes. I think it had to do with cannabis.</p> <p>2 Again, a -- a package -- packaging -- quantity of</p> <p>3 packages, some of the packages which fell apart during</p> <p>4 transport or something, which consequently resulted in</p> <p>5 loose cannabis being in an evidence bag.</p> <p>6 Q. Do you remember when -- what year that was?</p> <p>7 A. Oh, I -- 2008, '9, somewhere in there.</p> <p>8 Q. For the two discrepancy incidents that we</p> <p>9 discussed, were you the sergeant for the gun team at</p> <p>10 that time?</p> <p>11 A. No, I was -- during those years, 2006 --</p> <p>12 Q. Yeah.</p> <p>13 A. -- through 2014, I was the 7th District</p> <p>14 tactical team supervisor.</p> <p>15 Q. And were those -- in those instances, were</p> <p>16 those items that members of your tactical team had</p> <p>17 inventoried?</p> <p>18 A. Yes.</p> <p>19 Q. And do you remember how you came to receive</p> <p>20 the discrepancy notification in those two cases?</p> <p>21 A. No, I don't remember how that happened.</p> <p>22 Q. Would you expect the team member who -- whose</p> <p>23 name was on the inventory to receive a copy of the</p> <p>24 discrepancy notification?</p> <p>25 MR. MICHELINI: Objection. Calls for</p>	<p style="text-align: right;">Page 49</p> <p>1 A. No, not -- not necessarily. There is a court</p> <p>2 notification system in the CLEAR system, and as my</p> <p>3 supervisor duty, I would have to inform officers of</p> <p>4 their assigned court appearances. So that's how I</p> <p>5 became aware of what courts they were assigned to and</p> <p>6 which dates they had to make appearances.</p> <p>7 Q. So the notification would come to you, and</p> <p>8 then you would tell the officers?</p> <p>9 A. It's -- it's -- it's available to me as a</p> <p>10 supervisor within the CLEAR system. It was my duty to</p> <p>11 find anything assigned to any of our officers under my</p> <p>12 charge and let them know and inform them of the court</p> <p>13 dates they're scheduled for.</p> <p>14 Q. And could the officers find out themselves or</p> <p>15 would it have to come through you?</p> <p>16 A. They could -- they could also find it</p> <p>17 themselves. It is made available to them, but our</p> <p>18 department requires that officers need to be notified</p> <p>19 formally by a supervisor. And there's a -- there's</p> <p>20 a -- a -- a way to do that using the CLEAR system in the</p> <p>21 computer.</p> <p>22 Q. And what -- can you tell me what that way is</p> <p>23 through the CLEAR system?</p> <p>24 A. Sure. There's a -- there's -- in the CLEAR</p> <p>25 system, there's a -- there's a court notification</p>

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1 portion, and one of the dropdown items is "making  
 2 notifications." In there I can look at -- you can  
 3 search by date range or whatever, or see any of  
 4 the -- any of the officers that haven't been notified of  
 5 their court yet. And that I can make the notification  
 6 to the officer, but also annotate the -- the date that I  
 7 made the notification to the officer for that  
 8 appearance.

9 Q. Yeah.

10 A. And -- and like I said, that -- it's also  
 11 available to view by the individual officers. When they  
 12 log into the CLEAR system, they can find their own court  
 13 assignments only. I can see -- I -- I can see our whole  
 14 unit. The officers can only see what's assigned to them  
 15 as individuals.

16 Q. And you said that you would make the  
 17 notification to the officer. Is that something you  
 18 would do in person?

19 A. Yes.

20 Q. Okay. There wasn't a way to -- for you to  
 21 electronically send them a message?

22 A. No, it might change what they view when they  
 23 log in. I just -- I don't remember how that works.  
 24 Yeah, actually, it does. If -- if the officer logs in,  
 25 they could see if they've been notified by a supervisor.

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1 And if so, the time and date and who the supervisor was.  
 2 Q. But that notification would be something you  
 3 would do in-person?

4 A. Yes.

5 Q. Okay. Would you give them something on paper  
 6 or just tell them?

7 A. Sometimes I would just print it -- I would  
 8 just print it out. I'd say, here's yours. Here's  
 9 yours. Here's yours. Other times I would just tell  
 10 them, hey, you got this? You have court on whatever  
 11 date --

12 Q. Yeah.

13 A. -- and if they acknowledged, then I would  
 14 update the -- the CLEAR system.

15 MR. FLAXMAN: Okay. I don't have any other  
 16 questions for you. Thank you for your time.

17 MR. MICHELINI: Let's take a quick break and I  
 18 shouldn't have too many questions.

19 (OFF THE RECORD)

20 MR. MICHELINI: Okay. You ready?

21 THE REPORTER: Yep.

22 CROSS-EXAMINATION

23 BY MR. MICHELINI:

24 Q. All right, Officer Boyle -- or Sergeant Boyle,  
 25 I just have a few questions. Previously in your

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1 testimony, you made references to 120th Street. Do you

2 remember that?

3 A. Yes.

4 Q. Okay. And this arrest of Mr. Jackson and Mr.  
 5 McIntyre, it occurred on 120th Place; is that right?

6 A. Yes.

7 Q. Okay. 120th Street is a block north of 120th  
 8 Place?

9 A. Yes.

10 Q. Okay. And so when you're referring earlier to  
 11 120th Street, did you mean 120th Place?

12 A. Yes, I did.

13 Q. Okay. And then I want to direct your  
 14 attention to Exhibit 4, the Illinois State Police  
 15 lab -- laboratory report. Do you see it?

16 A. Yes.

17 Q. Okay. Have you ever seen this document prior  
 18 to today?

19 A. No.

20 MR. MICHELINI: I have nothing further.

21 MR. FLAXMAN: Nothing else. Thank you.

22 THE REPORTER: Before we go off the record, I  
 23 do just want to get orders really quick. Joel,  
 24 would you like a copy of the transcript?

25 MR. FLAXMAN: Yes, I'll take a copy.

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1 THE REPORTER: And how would you like it?

2 MR. FLAXMAN: Everything electronic, please.

3 THE REPORTER: Got it. And --

4 MR. MICHELINI: I'll take a PDF, please.

5 THE REPORTER: Yep. Okay, perfect. Thank you.

6 MR. YURCHICH: Can we reserve --

7 MR. MICHELINI: Yeah, is reserve available?

8 MR. YURCHICH: -- reserve signature?

9 MR. MICHELINI: Yes.

10 THE REPORTER: Oh, right, sorry.

11 MR. MICHELINI: Yeah.

12 THE REPORTER: Yeah, sounds good. Do you want  
 13 me to send it to one of you or --

14 MR. MICHELINI: You can send it to me --

15 THE REPORTER: -- you too? Okay.

16 MR. MICHELINI: Yep.

17 THE REPORTER: Okay, perfect.

18 (DEPOSITION CONCLUDED AT 11:23 A.M. CT)

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## 1 CERTIFICATE OF REPORTER

## 2 STATE OF ILLINOIS

3  
4 I do hereby certify that the witness in the foregoing  
5 transcript was taken on the date, and at the time and  
6 place set out on the Title page here of by me after  
7 first being duly sworn to testify the truth, the whole  
8 truth, and nothing but the truth; and that the said  
9 matter was recorded digitally by me and then reduced to  
10 type written form under my direction, and constitutes a  
11 true record of the transcript as taken, all to the best  
12 of my skill and ability. I certify that I am not a  
13 relative or employee of either counsel, and that I am in  
14 no way interested financially, directly or indirectly,  
15 in this action.



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21  
22 KORTNEY CHASE,  
23 COURT REPORTER / NOTARY  
24 MY COMMISSION EXPIRES ON: 09/24/2025  
25 SUBMITTED ON: 11/01/2023

<b>Exhibits</b>	<b>2014</b> 47:13	<b>access</b> 36:3	<b>appears</b> 44:11	<b>aware</b> 11:11
	<b>2017</b> 9:11,14	<b>account</b> 36:11	<b>approve</b> 29:7	12:17 49:5
	13:21 16:10		34:14 42:23	
<b>Exhibit 1</b> <b>Boyle</b> 28:17,19	28:23 34:8 37:9	<b>accurate</b> 35:7	<b>approved</b> 34:11 37:24	
<b>Exhibit 2</b> <b>Boyle</b> 31:22,25	39:19 41:22	<b>acknowledged</b> 51:13	<b>approving</b> 34:4 42:19	<b>B</b>
	32:7,22 43:9,13	<b>act</b> 10:17,19,22	45:19	<b>B-O-Y-L-E</b>
<b>Exhibit 3</b> <b>Boyle</b> 36:17,18	41:14	16:6	5:13	<b>B-U-R-M-I-S-T-</b>
42:1,8 46:1	<b>3</b>	<b>acting</b> 10:24		<b>R-Z</b> 30:1
<b>Exhibit 4</b> <b>Boyle</b> 39:11,	29:16 36:17,	12:6	<b>area</b> 7:2,5,7,8,	<b>back</b> 13:9,21
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