



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

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10 V.

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12 CITY OF CHICAGO, ET AL.,
13 Defendants

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23 DEPONENT: PATRICK BOYLE

24 DATE: OCTOBER 24, 2023

25 REPORTER: KORTNEY CHASE

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">APPEARANCES</p> <p>1</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF, DENNIS JACKSON:</p> <p>4 Joel Flaxman, Esquire</p> <p>5 Kenneth N. Flaxman P.C.</p> <p>6 200 South Michigan Avenue</p> <p>7 Suite 201</p> <p>8 Chicago, Illinois 60604</p> <p>9 Telephone No.: (312) 427-3200</p> <p>10 E-mail: jaf@kenlaw.com</p> <p>11</p> <p>12 ON BEHALF OF THE DEFENDANTS, CITY OF CHICAGO:</p> <p>13 Alexander Michelini, Esquire</p> <p>14 Jordan Yurchich, Esquire</p> <p>15 City of Chicago, Department of Law</p> <p>16 30 North LaSalle</p> <p>17 Suite 700</p> <p>18 Chicago, Illinois 60602</p> <p>19 Telephone No.: (312) 744-8791</p> <p>20 E-mails: alexander.michelini@cityofchicago.org</p> <p>21 jordan.yurchich@cityofchicago.org</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">STIPULATION</p> <p>1</p> <p>2</p> <p>3 The deposition of PATRICK BOYLE was taken at KENNETH N.</p> <p>4 FLAXMAN P.C., 200 SOUTH MICHIGAN AVENUE, SUITE 201</p> <p>5 CHICAGO, ILLINOIS 60604 on TUESDAY the 24TH day of</p> <p>6 OCTOBER 2023 at 10:07 a.m. (CT); said deposition was</p> <p>7 taken pursuant to the FEDERAL Rules of Civil Procedure.</p> <p>8</p> <p>9 It is agreed that KORTNEY CHASE, being a Notary Public</p> <p>10 and Digital Reporter for the State of ILLINOIS, may</p> <p>11 swear the witness and that the reading and signing of</p> <p>12 the completed transcript by the witness is not waived.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">INDEX</p> <p>1</p> <p>2</p> <p>3 PROCEEDINGS</p> <p>4 DIRECT EXAMINATION BY MR. FLAXMAN</p> <p>5 CROSS-EXAMINATION BY MR. MICHELINI</p> <p>6</p> <p>7</p> <p style="text-align: center;">EXHIBITS</p> <p>8 Exhibit</p> <p>9 1 - Original Case Incident Report -</p> <p>10 FCRL000013-000015</p> <p>11 2 - Inventory Sheet for James McIntyre -</p> <p>12 FCRL000025-000026</p> <p>13 3 - Inventory Sheet for Nathaniel Johnson -</p> <p>14 FCRL000162-000163</p> <p>15 4 - Laboratory Report from November 15,</p> <p>16 2017 - FCRL002365-002382</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;">PROCEEDINGS</p> <p>1</p> <p>2 THE REPORTER: Okay. Please raise your right</p> <p>3 hand. Do you solemnly swear or affirm that the</p> <p>4 testimony you're about to give will be the truth,</p> <p>5 the whole truth, and nothing but the truth?</p> <p>6 THE WITNESS: I do.</p> <p>7 THE REPORTER: Thank you.</p> <p>8</p> <p style="text-align: center;">DIRECT EXAMINATION</p> <p>9 BY MR. FLAXMAN:</p> <p>10 Q. All right. Can you please state and spell</p> <p>11 your name for the record?</p> <p>12 A. My name is Sergeant Patrick J. Boyle,</p> <p>13 B-O-Y-L-E.</p> <p>14 Q. Sergeant Boyle, my name's Joel Flaxman. I</p> <p>15 represent the plaintiff in a lawsuit called Jackson v.</p> <p>16 City of Chicago. Do you understand I'm going to ask you</p> <p>17 some questions related to that case today?</p> <p>18 A. Yes.</p> <p>19 Q. And have you ever had your deposition taken</p> <p>20 before?</p> <p>21 A. Yes.</p> <p>22 Q. How many times?</p> <p>23 A. I think three or four.</p> <p>24 Q. When was the last time?</p> <p>25 A. Two years ago.</p>

<p style="text-align: right;">Page 6</p> <p>1 Q. And was that in a case related to your duties</p> <p>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</p> <p>11 District?</p> <p>12 A. I am the Strategic Decision Center coordinator</p> <p>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</p> <p>17 Center?</p> <p>18 A. I supervise officers who monitor the police</p> <p>19 pods cameras and shot spotter system as well as assist</p> <p>20 detective division conducting investigations involving</p> <p>21 video -- video evidence of crimes committed and other</p> <p>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</p> <p>2 area, and sometimes we would pool our resources,</p> <p>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</p> <p>8 Chicago Police realigned how they were organized, and</p> <p>9 they reorganized resources into what's known as</p> <p>10 CST -- Communities, some -- something, Teams, I don't</p> <p>11 know. They changed organization there.</p> <p>12 Q. And did -- after you -- so after the -- there</p> <p>13 was a change to the organization, did you still lead a</p> <p>14 team?</p> <p>15 A. No, I did not. As a matter of fact, I was</p> <p>16 injured on duty while serving as a -- as the gun team</p> <p>17 supervisor in January of 2020, and I was out of work for</p> <p>18 over a year, so I missed all the changes.</p> <p>19 Q. And when you returned, is that when you</p> <p>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</p> <p>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</p> <p>3 Team.</p> <p>4 Q. And how long were you the supervisor of the</p> <p>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</p> <p>9 the Chicago Police districts, there's -- if you're</p> <p>10 familiar with Chicago Police. Anyhow, Area 1 had two</p> <p>11 gun teams, we were assigned to investigate, and our</p> <p>12 focus was unlawful possession of firearms cases. And</p> <p>13 that was our priority focus, to do gun and -- gun law</p> <p>14 enforcement.</p> <p>15 Q. Okay. And how many officers were on the Area</p> <p>16 South Gun Team?</p> <p>17 A. We were authorized eight, so at times I would</p> <p>18 have eight, sometimes less than that, depending on the</p> <p>19 attrition of officers moving on.</p> <p>20 Q. And were you the only Sergeant for the Area</p> <p>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</p> <p>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</p> <p>5 make it difficult for you to tell the truth in today's</p> <p>6 deposition?</p> <p>7 A. No.</p> <p>8 Q. Okay. As I said before, we're here about a</p> <p>9 case, Jackson v. City of Chicago, and I want to ask you</p> <p>10 questions about the arrest of Dennis Jackson on November</p> <p>11 6th, 2017. Do you understand that?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And do you remember the arrest of</p> <p>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</p> <p>18 Garcia were going to conduct an investigation in -- in</p> <p>19 that area -- in an area of the 5th District, and that</p> <p>20 they may need support during their investigation. And</p> <p>21 then later, we organized the team to enable -- to</p> <p>22 support them while they conducted a surveillance on a</p> <p>23 suspect narcotics sales operation. So from there, we</p> <p>24 or -- we organized our team into whatever vehicles that</p> <p>25 we had to best support them.</p>

<p style="text-align: right;">Page 10</p> <p>1 Q. And is -- are those things you remember from</p> <p>2 reviewing reports about the incident, or is that</p> <p>3 independent --</p> <p>4 A. I --</p> <p>5 Q. -- memory?</p> <p>6 A. I have some independent memory of it, some is</p> <p>7 more clear than others.</p> <p>8 Q. Sure. And was it typical on the areas of gun</p> <p>9 team that two officers would be leading an investigation</p> <p>10 like that?</p> <p>11 A. Yes.</p> <p>12 Q. Were there some officers who led more</p> <p>13 investigations, or was it evenly distributed?</p> <p>14 A. I -- it -- it was more or less evenly</p> <p>15 distributed. I -- I -- I can probably explain it best</p> <p>16 by saying that the officers -- whoever had information</p> <p>17 that we could actually act on, or some that was more</p> <p>18 viable, or something that -- that was dangerous for</p> <p>19 other citizens, we would have to act on quickly. So we</p> <p>20 kind of prioritized, as the supervisor, which -- which</p> <p>21 we would go after, if we had a multitude of information</p> <p>22 to act on. So that's how I organized the team.</p> <p>23 Q. And in this instance, did officers -- did the</p> <p>24 officers have information that you were acting on?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 12</p> <p>1 our support with personnel on a house literally two or</p> <p>2 three houses away from the address of this arrest, on</p> <p>3 120th Street.</p> <p>4 Q. And was the -- that arrest -- I'm sorry. Did</p> <p>5 that search warrant execution lead to an arrest?</p> <p>6 A. To the best of my memory, yes.</p> <p>7 Q. Okay. Were there any other arrests in that</p> <p>8 area that you recall from before the arrest of Mr.</p> <p>9 Jackson?</p> <p>10 A. Yes.</p> <p>11 Q. And what are those?</p> <p>12 A. I seem to remember having -- having another</p> <p>13 gun arrest with one of the members of my team. And I</p> <p>14 think there was also at least one or two</p> <p>15 narcotics-related arrests in that immediate vicinity.</p> <p>16 Q. What -- besides those arrests and any other</p> <p>17 reports of crime in that area, were you aware of</p> <p>18 specific information that led to this -- the</p> <p>19 surveillance operation that we've been talking about?</p> <p>20 A. The only thing I can recall is that Officers</p> <p>21 Carreno and Garcia brought it to my attention at the</p> <p>22 beginning of our tour that day that they had information</p> <p>23 they wanted to work on in that area, and I asked them</p> <p>24 what they needed for support and gave it to them.</p> <p>25 Q. And what was that information that they</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. And what was that information?</p> <p>2 A. Well, there's -- there's quite a bit leading</p> <p>3 up to the events of the date of the arrest. Just</p> <p>4 generally my ge -- my knowledge of that area, there's</p> <p>5 been shootouts, murders, and a lot of -- a lot of</p> <p>6 fighting over drug territory in that immediate area,</p> <p>7 which was only a couple blocks from our -- from where</p> <p>8 our police station was. We could hear the gunfire</p> <p>9 sometimes, so our supervisor -- my supervisor asked me</p> <p>10 and the other officers to address that at some -- you</p> <p>11 know, at some point. So we would -- I was fully aware</p> <p>12 that there was a lot going on, I just didn't necessarily</p> <p>13 know what.</p> <p>14 Q. And the -- what I have on the report is that</p> <p>15 the -- Mr. Jackson was arrested on the 300 block of East</p> <p>16 120th Place. Are the reports of shootouts, murders, and</p> <p>17 fighting over drugs from that block specifically or just</p> <p>18 that area?</p> <p>19 A. In part, and as a matter of fact, I helped</p> <p>20 execute a search warrant on that block at some point</p> <p>21 prior to this arrest incident.</p> <p>22 Q. Okay. What was -- what do you recall about</p> <p>23 that search warrant?</p> <p>24 A. I think it was another -- it might've been our</p> <p>25 other gun team had executed a warrant, and they needed</p>	<p style="text-align: right;">Page 13</p> <p>1 brought to your attention?</p> <p>2 A. It had something to do with selling drugs on</p> <p>3 that block. They didn't know who was involved, but they</p> <p>4 wanted to find out and see what we can learn about it.</p> <p>5 Q. Do you know how they got information about</p> <p>6 selling drugs on that block?</p> <p>7 A. At what point in time?</p> <p>8 Q. Before doing the operation. You said</p> <p>9 that -- well, I'm sorry, I'll back up.</p> <p>10 A. Okay.</p> <p>11 Q. You said that Carreno and Garcia brought to</p> <p>12 your attention that they had information about selling</p> <p>13 drugs on that block at the start of your shift --</p> <p>14 A. Yes.</p> <p>15 Q. -- is that right? Okay. Do you know where</p> <p>16 they got that information?</p> <p>17 A. No, I don't.</p> <p>18 Q. Did -- at the time, would they have told you?</p> <p>19 A. They -- I -- they may have told me, I just</p> <p>20 don't remember.</p> <p>21 Q. And back in 2017, what shift were you working?</p> <p>22 A. That was -- we would've been working our</p> <p>23 afternoons.</p> <p>24 Q. And what are the times for afternoon shift?</p> <p>25 A. It's hard to say, we -- because it changes so</p>

<p style="text-align: right;">Page 14</p> <p>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.</p> <p>6 Q. And how long would it -- would the shift be?</p> <p>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.</p> <p>12 Q. But you said at the start of the shift, 13 Carreno and Garcia brought this information to your 14 attention, right?</p> <p>15 A. Yes.</p> <p>16 Q. And what -- what -- what happened next?</p> <p>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.</p> <p>21 Q. And did you decide that they would consuct 22 [sic] surveillance on that block?</p> <p>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</p>	<p style="text-align: right;">Page 16</p> <p>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.</p> <p>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?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And were you -- did you work as a 10 security officer on November 6th, 2017?</p> <p>11 A. I -- I did work as -- as enforcement.</p> <p>12 Q. Do you remember where -- well, yeah. Do you 13 remember where you first were, working as a enforcement?</p> <p>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.</p> <p>18 Q. And were you in a vehicle?</p> <p>19 A. I was.</p> <p>20 Q. Was it marked or unmarked?</p> <p>21 A. Unmarked.</p> <p>22 Q. And were you in uniform?</p> <p>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</p>
<p style="text-align: right;">Page 15</p> <p>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.</p> <p>5 Q. Okay. And can you tell me what you mean by 6 enforcement role and surveillance role?</p> <p>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.</p> <p>19 Q. And when you say the backup is important, are 20 you referring to the enforcement officers as backup?</p> <p>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</p>	<p style="text-align: right;">Page 17</p> <p>1 sometimes we would get assigned a working uniform. I 2 just don't remember.</p> <p>3 Q. Okay. When your team would be on an operation 4 like this, were you always with them in the field?</p> <p>5 A. Yes.</p> <p>6 Q. And do you recall if you were in the vehicle 7 with somebody else?</p> <p>8 A. That -- that part of memory, I -- I don't 9 remember specifics on.</p> <p>10 Q. Okay. And did you know where Officers Carreno 11 and Garcia were when they were doing surveillance?</p> <p>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.</p> <p>16 Q. And when -- while Officers Carreno and Garcia 17 were doing the surveillance, were you in contact with 18 them over the radio?</p> <p>19 A. Yes.</p> <p>20 Q. Is there a name for the radio you use to be in 21 contact with them?</p> <p>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.</p>

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 style="text-align: right;">Page 22</p> <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 Burmistrz, 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>	<p style="text-align: right;">Page 24</p> <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>
<p style="text-align: right;">Page 23</p> <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>	<p style="text-align: right;">Page 25</p> <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>

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1 enforcement officers arrested the right guy?

2 A. In -- in practice?

3 Q. Yeah.

4 A. I'd say a lot of times in -- in practice we
5 use the term positive. Like, if -- if -- if --
6 hypothetically speaking, if an officer were on
7 surveillance and didn't break surveillance, and called
8 out an enforcement action, and the enforcement officers
9 stopped whatever individuals described to be
10 stopped -- there for -- you know,
11 it's -- communication's everything. The surveillance
12 officer could say, yeah, that's -- that's -- that's the
13 guy, the guy in the blue hoodie, or -- or --

14 Q. Yeah.

15 A. -- or whatever, that's the right guy.
16 Or -- and likewise, communication between the
17 enforcement officers and the surveillance officer, okay,
18 if he's stopped and detained, you know, and found to be
19 in possession of a gun, narcotics, what -- you know,
20 whatever it is, they would relate, okay, we're positive
21 over here, so -- or something. That was -- that was a
22 phrase, but other than that, I can't think of any other
23 name.

24 Q. Okay.

25 A. Just plain language until we go.

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1 Q. Okay. And I think I -- everyone understands
2 it better if I -- if we use plain language. The -- just
3 going quickly to the other man who was arrested who they
4 saw buying drugs, do you remember that we talked about
5 that?

6 A. Yes.

7 Q. Do you recall if officers Carreno or Garcia
8 gave an identification of him after he had been
9 detained?

10 A. No, I believe he was before he was detained,
11 we were given information as to that physical
12 description.

13 Q. Okay. And then after he was detained, do you
14 recall Officer Carreno or Officer Garcia confirming that
15 he was the person they had observed by looking at him in
16 person?

17 A. No, I -- I don't -- I don't remember that at
18 all.

19 Q. Okay.

20 A. Matter of fact, I -- and -- and just from what
21 I remember, I -- I don't think -- yeah, I don't know
22 that they could have, if they were on foot, I don't
23 know. Yeah, because I think that person was arrested a
24 little -- a little further away, so I don't know how
25 they could've visually confirmed anything.

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1 Q. That if they were doing surveillance on one
2 block, they wouldn't have confirmed something, like, a
3 few blocks away?

4 A. Only surmising that, yeah.

5 Q. Right. Okay. I -- going back to the arrests
6 of Mr. Jackson and the other man, did you ever speak to
7 either of them?

8 A. I may have, I just don't remember.

9 Q. Okay. Do you remember anything that Mr.
10 Jackson said?

11 A. No.

12 Q. And did -- the other man, according to the
13 report, his name's James McIntyre, do you remember
14 anything that he said?

15 A. No.

16 Q. Let me show you a report, which we'll mark as
17 Exhibit 1. Do you recognize Exhibit 1 as a Chicago
18 Police Department original case incident report?

19 (EXHIBIT 1 MARKED FOR IDENTIFICATION)

20 A. Yes.

21 BY MR. FLAXMAN:

22 Q. And this is for the arrest of Dennis Jackson
23 and James McIntyre on November 6th, 2017?

24 A. Yes.

25 Q. Would you review reports like this, prepared

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1 by members of your team?

2 A. Yes.

3 Q. What was your -- what would you do to review
4 them?

5 A. I would -- once the re -- electronic version
6 of the report's submitted to me, I would review the
7 report, and my role was -- was to approve them, or to
8 reject them if there are any mistakes or -- or errors in
9 the -- in the formatting or general information in
10 the -- in the report required.

11 Q. If there was something in there that you knew
12 was inaccurate, would you tell the officer to correct
13 it?

14 A. Yes.

15 Q. I -- my only question about this is all the
16 way at the end of the narrative section on Page 3. In
17 the middle of one of the lines, it begins, "James
18 McIntyre" -- our offender -- "was transported." Do you
19 see that?

20 A. Not yet. Okay, I see it.

21 Q. And does the report say that Mr. McIntyre was
22 transported to the 5th District by you and by Officer
23 Burmistrz?

24 A. It does.

25 Q. Okay. And for the court reporter's benefit,

<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 style="text-align: right;">Page 34</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 style="text-align: right;">Page 36</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 style="text-align: right;">Page 35</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 style="text-align: right;">Page 37</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>

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1 Exhibit number 3, correct?

2 A. Yes.

3 Q. Okay. And the items it lists here are, "Less

4 than 0.01 gram of powder from one plastic bag" and "0.2

5 gram of one tablet." Do you see that?

6 A. Yes.

7 Q. Okay. And the 0.2 gram of one tablet is not

8 listed on the inventory sheet, Exhibit number 3, right?

9 A. Yes.

10 Q. Okay. Do you know why the 0.2 gram of one

11 tablet was not on the original inventory sheet?

12 MR. MICHELINI: Objection. Speculation. You

13 can answer.

14 THE WITNESS: No, I have no idea. Unless -- I

15 could speculate that there could have been chunks

16 of -- what's -- the -- the powder could've been a

17 partially -- a chunk, or -- or a solid substance

18 within the powder. I don't -- I don't know. I

19 don't examine -- when I'm approving inventories, I

20 don't handle it that closely to manipulate it, to

21 get exposed to fentanyl. I -- if it's consistent

22 with the -- what -- if what -- what is presented to

23 me to -- to approve an inventory, if it's consistent

24 as the officer described it on his

25 electronic-submitted inventory as well as his

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1 evidence bag for the narcotic evidence, that's fine

2 by me. But I don't take apart fentanyl or heroin

3 bags to see if there's a chunk of something in

4 there.

5 BY MR. FLAXMAN:

6 Q. Okay. Going back to --

7 A. Apparently there was something in there,

8 according to this.

9 Q. Sure. Going back to Exhibit number 2, which

10 was the other inventory sheet.

11 A. Uh-huh.

12 Q. Are you looking at that now?

13 A. Inventory, Exhibit 2?

14 Q. Yeah. And I -- and I think you said, looking

15 at that, that you would look closely enough to count the

16 smaller bags inside the bigger bags; is that right?

17 A. Oh, yeah.

18 Q. Okay. But you wouldn't look within those

19 smaller bags to check on what item is in them?

20 A. Well, I -- I don't want to speculate to make a

21 general statement like that, but just in my experience,

22 these -- these clear knotted plastic bags containing

23 crack cocaine are -- are very small. I -- I don't

24 even -- they're actually -- the knots on the plastic

25 bags are typically bigger than the crack cocaine within

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1 them. So that's not a difficult thing to -- to -- to

2 observe. And if there's anything else besides a -- a

3 small crack rock in that bag, like a rock or a piece of

4 sand or something, I co -- I -- I couldn't I -- I'm not

5 going to examine it that closely. If it looks like

6 crack cocaine, it's what we describe as suspect crack

7 cocaine. That's why we state it that way.

8 Whereas -- and again, hypothetically speaking, a bag of

9 heroin, in my experience, there's tan and white powders

10 in them -- it's in a -- in, like, a bag usually bigger

11 than a postage stamp. And it just appears as power in

12 the bag. If there's some other -- if there's a solid

13 substance in the bag that I can detect, then it is what

14 it is. It's still a bag of suspect heroin to me.

15 Q. Can you recall ever getting a report back from

16 the Illinois State Police lab that lets you know that

17 something inventoried was not what you or the officer

18 inventorying it believed it to be?

19 A. Yes and no. In -- in -- in one case

20 specifically, I had a giant bag of pills that we

21 recovered and inventoried. We had to give a numeric

22 count. Some of the pills were -- there were tablets in

23 a whole form, and some were in cracked, and some were at

24 various degree of crumbs. So we submitted the whole

25 thing and gave a count as best we could. And so there

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1 was a discrepancy in the lab findings with the number of

2 items, and it -- it was just a nightmare. I don't know

3 how else to describe it or overcome it.

4 Q. Okay.

5 A. At the end of the day, it was still analyzed

6 to be the suspect narcotics that we reported it to be.

7 Q. What kind of pills were they?

8 A. It was some kind of methamphetamine.

9 Q. And how did you learn that there was -- that

10 the lab believed there was a discrepancy?

11 A. The discrepancy wasn't about necessarily

12 the -- the items submitted, it was about the count. It

13 was -- it was about the numeric count of them was off.

14 And I had to write a report explaining the discrepancy.

15 And -- and -- and -- because it could lead to misconduct

16 if there was -- reported missing, if it -- it could've

17 been missing, but in this case there was more items than

18 we submitted, because it broke, a lot of the pills broke

19 apart. So -- so I was mindful of that when approving

20 inventories.

21 Q. And what year was that incident with broken

22 pills?

23 A. Oh, that was -- that one was probably

24 2006-ish.

25 Q. Let me ask you to look at the second to last

<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 rab -- 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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CERTIFICATE OF REPORTER

STATE OF ILLINOIS

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



A handwritten signature in cursive script that reads "Kortney J. Chase".

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

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