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8 -and-

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17 appeared on behalf of the plaintiff
18 Antonio LeGrier, individually and as
19 Special Administrator of the Estate
20 of Quintonio LeGrier, deceased;

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appeared on behalf of the plaintiff
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Special Administrator of the Estate of
Bettie Ruth Jones, deceased, and
Latisha Jones;

HALE LAW, by
MS. BARRETT BOUDREAUX
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appeared on behalf of the defendant
City of Chicago.

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ALSO PRESENT:

Judge James N. O'Hara
Ms. Naomi Avendano, Law Department
Ms. Steffanie N. Garrett, Deputy
Corporation Counsel
Ms. Charise Valente, General Counsel,
Office of Legal Affairs
Mr. Joe Beile, Video Technician.

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I N D E X

Witness: Page

EDDIE TYRONE JOHNSON

Examination by:

Mr. Foutris..... 6
Mr. Thomas..... 144

E X H I B I T S

No.	Description	Marked/Referenced
1	04/05/2017 To/From.....	112
2	Summary Report.....	135
3	02/21/2018 Letter Bates No. IPRA-LG-8030.....	137
4	02/21/2018 Letter Bates No. IPRA-LG-8031.....	137

(Exhibits 1 and 2 attached/scanned.)
(Exhibits 3 and 4 retained by Mr. Foutris.)

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1 THE VIDEO TECHNICIAN: Recording. For the
2 record, my name is Joe Beile with Video Instanter.
3 I'm the video recording device operator for this
4 deposition. Our business address is 134 North
5 LaSalle Street, Suite 1400, Chicago, Illinois,
6 60602.

7 This deposition is being video
8 recorded pursuant to Illinois Supreme Court Rule
9 206 and all other applicable state and local rules.

10 We are at Richard J. Daley Center,
11 50 West Washington in Chicago, Illinois to take the
12 video recorded discovery deposition of Superintendent
13 Eddie Johnson, case No. 2015 L 12964 consolidated
14 into 2016 L 000012 in the Circuit Court of Cook
15 County, Illinois, County Department, Law Division.

16 Today's date is March 15, 2018, and
17 the time is 1:12 p.m.

18 This deposition is being video
19 recorded at the instance of the plaintiff. It is
20 being taken on behalf of the plaintiff.

21 Would the attorneys present please
22 introduce themselves for record?

23 MR. FOUTRIS: Basileios, B-a-s-i-l-e-i-o-s,
24 Foutris, for the LeGrier estate.

1 MR. THOMAS: Jonathan Thomas for the Jones
2 estate.

3 MR. KENNEDY: Jack Kennedy also for the
4 LeGrier estate.

5 MR. WATKINS: Daniel Watkins for the LeGrier
6 estate.

7 MS. GARRETT: Steffanie Garrett for the City.

8 MS. BOUDREAUX: Barrett Boudreaux for the
9 City.

10 MS. VALENTE: Charise Valente, General
11 Counsel, CPD.

12 MS. AVENDANO: Naomi Avendano, City of
13 Chicago.

14 THE VIDEO TECHNICIAN: Can we please swear in
15 the witness?

16 EDDIE TYRONE JOHNSON
17 called as a witness herein, having been first duly
18 sworn, was examined and testified as follows:

19 EXAMINATION

20 BY MR. FOUTRIS:

21 Q. Good afternoon.

22 Could you state and spell your full
23 legal name for the record?

24 A. Eddie Johnson; E-d-d-i-e J-o-h-n-s-o-n.

1 Q. Do you have a middle name?

2 A. Tyrone T-y-r-o-n-e.

3 Q. Sir, I presume you've taken a deposition
4 before.

5 A. Yes.

6 Q. All right. So you know the ground
7 rules. I'll go through them very quickly.

8 First, you've got to give us all
9 verbal responses. If you shrug your -- if you
10 shrug your shoulders, nod your head, say uh-huh or
11 un-uhn, they cannot be taken down accurately. Do
12 you understand that?

13 A. Yes.

14 Q. Got to wait until a question's fully
15 asked before you answer for a number of reasons,
16 primarily because the court reporter sitting to
17 your left. Do you understand that?

18 A. Yes.

19 Q. No more conversation, we'll talk over
20 one another; let's try to avoid doing that. Okay?

21 A. Certainly.

22 Q. If there's a question that I ask or
23 anybody here asks that doesn't make sense to you in
24 some fashion, whether it's a word I use or phrase

1 or the entirety of the question, you need to tell
2 me. Will you do that?

3 A. Yes.

4 Q. You understand you're under oath?

5 A. Yes.

6 Q. Okay. Your current position is what?

7 A. Superintendent of the Chicago Police
8 Department.

9 Q. When did you attain that position?

10 A. I was officially sworn in April 13th of
11 2016.

12 Q. And you were the interim superintendent
13 for a period of time?

14 A. Yes.

15 Q. When was that?

16 A. I believe the date for interim
17 superintendent was March 28th of 2016.

18 Q. Okay. Before that you were the chief
19 of patrol for the Chicago Police Department?

20 A. Correct.

21 Q. And you got that job in December, is
22 that right, of 2015?

23 A. December of 2015.

24 Q. And Superintendent Escalante appointed

1 you to that position, or was it Garry McCarthy?

2 A. I believe it was Superintendent
3 McCarthy.

4 Q. Okay. And so if we can have the date
5 of the appointment to the chief of patrol, I'd
6 appreciate that.

7 JUDGE O'HARA: Counsel, I'm going to cut it
8 off. As I said before, there's been stipulations
9 and things like that on his background -- I mean,
10 I'll let you go this far, but then it's not going
11 to go much further.

12 MR. FOUTRIS: Right. I just wanted to know
13 when he was going to be -- when he was chief of
14 police in relation to this incident happening in
15 December --

16 JUDGE O'HARA: He just testified when he
17 became the chief of police.

18 MR. FOUTRIS: I'm sorry, the chief of patrol,
19 Judge. Because this happened in December of 2015,
20 and he attained that position in December. I want
21 to make sure it's before.

22 JUDGE O'HARA: Mr. Superintendent, were you
23 chief of patrol on the date of this incident?

24 THE WITNESS: The date of the incident, yes,

1 I was.

2 BY MR. FOUTRIS:

3 Q. All right. So I take it that you
4 prepared for this deposition in some fashion;
5 is that correct?

6 A. Yes.

7 Q. All right. What did you do in that
8 regard?

9 A. I had a meeting with the lawyers.

10 Q. Which lawyers? Don't tell us what was
11 said. Just tell us who was present.

12 A. The two lawyers to my right and --

13 Q. Ms. Garrett and Ms. Boudreaux?

14 A. Yes.

15 Q. And who --

16 A. And then the lawyer to my immediate
17 left --

18 Q. Ms. --

19 A. -- Ms. Valente.

20 Q. Okay. And who was present at that
21 meeting? Was it just you and the lawyers, or was
22 anybody else present?

23 A. Just myself and the lawyers.

24 Q. Okay. And how long did that meeting

1 last?

2 A. Maybe an hour.

3 Q. Did you review any material during that
4 deposition -- or during that preparation for this
5 deposition?

6 A. No.

7 Q. Have you ever reviewed any material to
8 prepare for today's deposition?

9 A. No.

10 Q. Have you had any other -- without
11 telling us the nature of communications, have you
12 had any other communications with anybody to
13 prepare for today's deposition before your one-hour
14 meeting?

15 A. No.

16 Q. Prior to December 26, 2015, to your
17 knowledge, had you ever met with or interacted with
18 Quintonio LeGrier?

19 A. No.

20 Q. Prior to December 26, 2015, to your
21 knowledge, had you ever met with or interacted
22 with Janet Cooksey or Antonio LeGrier?

23 A. No.

24 Q. Since December 26, 2015, have you ever

1 communicated with or interacted with Antonio
2 LeGrier?

3 A. No.

4 Q. How about with Janet Cooksey?

5 A. No.

6 Q. Do you know who those two people are?

7 A. I believe Cooksey is the mother.

8 And what was the other name?

9 Q. Antonio LeGrier.

10 A. I'm going to assume that's the father.

11 Q. Okay. Prior to December 26, 2015, to
12 your knowledge, did you ever interact with Bettie
13 Jones?

14 A. No.

15 Q. Prior to that date, to your knowledge,
16 had you ever interacted with any of her daughters
17 or her son?

18 A. No.

19 Q. Since that date have you interacted or
20 communicated in any way to your knowledge with any
21 of Bettie Jones' daughters or son?

22 A. I believe I've seen the daughters at
23 police board hearings, but no personal contact that
24 I can recall.

1 Q. When you said "no personal contact,"
2 what does that mean?

3 A. That means no communication. I recall
4 seeing them there, but no interaction between us.

5 Q. How did you know that those were Bettie
6 Jones' daughters?

7 A. They said they were.

8 Q. They actually spoke up during the
9 police board meeting you mean?

10 A. Correct.

11 Q. And identified themselves?

12 A. Correct.

13 Q. Prior to December 26, 2015, to your
14 knowledge, had you ever interacted with or
15 communicated with Officer Rialmo?

16 A. No.

17 Q. How about Officer LaPalermo?

18 A. Not that I recall.

19 Q. Officer LaPalermo's father was a police
20 officer in the 23rd and 16th Districts. He's now
21 retired. His name is Phil LaPalermo.

22 At any point in time did you ever
23 work with him?

24 A. Not that I recall.

1 Q. Officer LaPalermo's mother is also
2 retired CPD. At the end of her career, she was
3 a detective at Area North. Her name is Karen
4 LaPalermo.

5 Do you know who she is?

6 A. No.

7 Q. During your duties as a police officer
8 at whatever rank, had you ever been to the 4700
9 block of West Erie before December 26, 2015?

10 A. It's possible.

11 Q. In what context?

12 A. As a patrol officer or as a sergeant.
13 I used -- I was a sergeant in Area 4 detective
14 division, which was Harrison and Kedzie. So I
15 could have had the occasion to visit that area.

16 Q. But we're talking years before, right?

17 A. Correct.

18 Q. Let's put it this way: In, say, the
19 six months before December 26, 2015, in connection
20 with your police duties, had you ever been to the
21 4700 block of West Erie?

22 A. Not that I recall.

23 Q. Okay. In connection with your police
24 duties after December 26, 2015, had you ever been

1 to the 4700 block of West Erie?

2 A. Not that I recall.

3 Q. Anything that might help you remember
4 if you'd been there?

5 A. Maybe a calendar or -- but to the best
6 of my recollection, no.

7 Q. Okay. All right. So before December 26,
8 2015, I take it you had been to crime scenes as a
9 police officer.

10 A. Yes.

11 Q. Had you been to any police-involved
12 shootings before that date?

13 A. Yes.

14 Q. In what capacity?

15 A. During my career as a patrolman, I was
16 involved in a few officer-involved shootings.

17 Q. And just to clarify so that we're
18 clear for the record, you're not saying that you
19 discharged your weapon?

20 A. No.

21 Q. Okay. So just to be clear. So you'd
22 been on scenes that other officers had discharged
23 their weapons as a patrol officer?

24 A. Yes.

1 Q. Okay. Any other instances?

2 A. As a sergeant in the detective division,
3 I responded to several police-involved shootings.

4 As a commander -- or as a lieutenant
5 in the 15th District, I responded to police-involved
6 shootings.

7 As a district commander, I responded
8 to police-involved shootings.

9 As a deputy chief, I responded to
10 police-involved shootings.

11 Q. So you went to police-involved
12 shootings in the nature of a street deputy?

13 A. Correct.

14 Q. And how many times did you go to
15 police-involved shootings in the nature of a
16 street deputy?

17 A. Several.

18 Q. What's your definition of several?

19 A. Probably at least, I would say,
20 somewhere around 10; 10 to 20.

21 Q. Okay. And can you give us timeframes
22 of those so we have context? Just give us a range
23 of dates.

24 A. I was promoted to commander in 2008,

1 so -- and I was deputy chief until 2015. So in
2 between that time. Several years.

3 Q. Did you go to any police-involved
4 shootings as a street deputy in 2015?

5 A. I don't recall.

6 Q. When you responded to police-involved
7 shootings as a street deputy, did you ever author
8 a memo to the OCIC or to any other supervisor
9 concerning what you learned on scene as a street
10 deputy?

11 A. You mean written or oral?

12 Q. First I'm talking about written.

13 A. No.

14 Q. I'm aware from other cases that street
15 deputies used to at some point draft some type of a
16 memo concerning what he or she learned as a street
17 deputy on a police-involved shooting. Do you know
18 what I'm talking about?

19 A. Yes. Years ago, yes.

20 Q. Do you know when that practice ended?

21 A. Not specifically, but I would guess
22 probably somewhere in the 2000s.

23 Q. If I were to tell you that I have a
24 memo from August 15th, 2015 from a street deputy

1 from a police-involved shooting in the 7th District,
2 would that help you remember as to whether in 2015
3 street deputies had to have such type -- such memos?

4 A. I don't know what memo -- what type of
5 memo you're referring to. If you're referring to
6 some documentation on a TRR, then I am aware of
7 that. But just a memo regarding a shooting, I'm
8 not aware of that.

9 Q. Just to be clear, I'm not talking about
10 a TRR. For the TRR, you're talking about tactical
11 response report?

12 A. Correct.

13 Q. Okay. The type of memo I'm talking
14 about is a To/From, and it contains a narrative
15 portion on the memo. So just to describe for you
16 what I have from August 15th, 2015 and from other
17 shootings. I'm not talking about the most recent.
18 Do you understand what I'm saying?

19 A. Yes.

20 Q. Okay. So what I'm describing is it is
21 a narrative where the street deputy is describing
22 all the conversations that he had on scene with the
23 involved officers. As a matter of fact, Ms. Barrett
24 was involved in that case too.

1 So does that help you refresh your
2 memory as to what I'm talking about?

3 A. I know what you're talking about, but
4 I'm not aware of any documentation of that type
5 being prepared in 2015.

6 Q. Okay. All right. So in 2015 when you
7 responded as a street deputy, you never authored
8 such memos?

9 A. During the time I don't know if I
10 responded as a street deputy in 2015. I don't
11 recall doing that. I may have. But I'm not sure.
12 But in the times I've been street deputy, I never
13 authored a memo of that type.

14 Q. Okay. In this case, do you know --
15 first of all, you know that Melissa Staples was the
16 street deputy in this case, right?

17 A. Yes.

18 Q. Okay. Do you know if Melissa Staples
19 authored the memo we're talking about?

20 A. No, I don't.

21 Q. Do you know if she was obligated as of
22 December 2015 to create such a memo?

23 A. To the best of my recollection, no.

24 Q. And I don't recall the name of the

1 memo. The memo that we're talking about, what do
2 you know it to be called so that we're just talking
3 about the same thing?

4 A. So prior to 2015, as I said before, I
5 know of a To/From that would document what the
6 street deputy observed. But to my knowledge, that
7 practice was ceased somewhere in the 2000s.

8 Q. Right. I understand. So you're just
9 referring to it as a To/From because that's --

10 A. Yes.

11 Q. Okay. All right. Now, when a street
12 deputy responds to a police-involved shooting --
13 and I'm talking about December of 2015. Do you
14 understand that?

15 A. Yes.

16 Q. Okay. As the chief of patrol, you were
17 familiar with what street deputies were supposed to
18 do in responding to police-involved shootings back
19 in December of 2015; is that right?

20 A. A basic knowledge, yes.

21 Q. Okay. Would you agree that it's
22 important to keep involved officers separated
23 as a street deputy?

24 A. Yes.

1 Q. They should be kept separated until
2 they give statements to detectives and/or at that
3 time IPRA; is that right?

4 A. Well, they're separated even then.
5 They should not give statements together with the
6 detectives or IPRA.

7 Q. And they should be separated from the
8 time of the shooting until they give their initial
9 statements, fair?

10 A. Yes.

11 Q. That's what was supposed to happen in
12 this case, right?

13 A. That should happen.

14 Q. And one of the reasons why the involved
15 officers are supposed to be separated is because as
16 a street deputy you would not want the officers to
17 get their stories straight; is that right?

18 A. Well, we wouldn't want them to talk
19 about what happened together.

20 Q. And you wouldn't want the potential of
21 them talking about what happened together?

22 A. Correct.

23 Q. And you wouldn't want them to corrupt
24 their stories by listening to what each other had

1 to say; is that right?

2 A. Correct.

3 Q. So that would extend to anybody on the
4 scene, not just the street deputy? So in other
5 words, a lieutenant that arrived on scene would be
6 expected to keep the officers separated; is that
7 right?

8 A. Well, the first responding supervisor,
9 it's their responsibility actually to separate them
10 as soon as they respond to the scene.

11 Q. Okay. And you would expect that any
12 supervisor that spoke to the involved officers on
13 the scene would do that separately, right?

14 A. Yes.

15 Q. So, for instance, do you know who
16 Lieutenant Stuart is in this case, Stephanie
17 Stuart?

18 A. Yes, I know Lieutenant Stuart.

19 Q. Were you aware that she responded to
20 the scene?

21 A. No.

22 Q. Were you aware that -- were you ever
23 advised from any source that Lieutenant Stephanie
24 Stuart talked to LaPalermo and Rialmo on scene

1 about what had happened?

2 MS. BOUDREAUX: And I'm going to object to
3 any source and calling for attorney-client privilege.

4 JUDGE O'HARA: One second. So when you say
5 "attorney-client privilege," are you directing him
6 not to answer?

7 MS. BOUDREAUX: No. I'm just saying to the
8 extent it calls for attorney-client privilege.

9 JUDGE O'HARA: Okay. You can answer if you
10 can, Superintendent.

11 THE WITNESS: Can you repeat that question?

12 BY MR. FOUTRIS:

13 Q. Right. Have you been made aware, aside
14 from what your attorneys told you, that Lieutenant
15 Stephanie Stuart spoke to Rialmo and LaPalermo on
16 scene on the date of the incident?

17 A. No.

18 Q. Okay. If she had done so, would
19 you expect that she would have spoken to them
20 separately about what had happened?

21 A. That would be my expectation, yes.

22 Q. And that's what should have happened?

23 A. Yes.

24 Q. Okay. If any supervisor at any level,

1 including a sergeant, had spoken to LaPalermo or
2 Rialmo about what had happened, even a sergeant
3 should have done so separately; is that right?

4 A. Yes.

5 Q. It's not only a best practice, but it's
6 something that is expected of supervisors in the
7 CPD, right?

8 A. Yes.

9 Q. Is it the job of a street deputy on
10 the scene of a police-involved shooting to, quote,
11 "support police officers whether they are right or
12 wrong"?

13 MS. BOUDREAUX: I'm going to object to beyond
14 the scope of the things that this Court ruled were
15 relevant areas of inquiry for this deposition. And
16 we can --

17 JUDGE O'HARA: What was the question?

18 MR. FOUTRIS: If it's the job of a street
19 deputy on scene to, quote, "support police officers
20 whether they are right or wrong." This is part of
21 the code of silence issue that I was allowed to get
22 into.

23 JUDGE O'HARA: Support what?

24 MR. FOUTRIS: Police officers.

1 JUDGE O'HARA: Here's my problem with the
2 question. Support police officers on the street
3 if they were right or wrong, does that mean if
4 they're right or wrong in helping somebody cross
5 the street, if they're right or wrong in writing
6 parking tickets, if they're right or wrong in
7 chasing a suspect, if they're right --

8 MR. FOUTRIS: I'll rephrase, Judge.

9 JUDGE O'HARA: Yeah. I think that needs to
10 be done.

11 BY MR. FOUTRIS:

12 Q. Okay. Is it the job of the street
13 deputy on the scene of a police-involved shooting
14 in the context of communicating with the involved
15 officers to support those police officers whether
16 they are right or wrong?

17 MS. BOUDREAU: Object to form.

18 JUDGE O'HARA: Answer it if you can, sir,
19 over objection.

20 THE WITNESS: Right or wrong in what context?

21 MR. FOUTRIS: In the context of the police-
22 involved shooting.

23 THE WITNESS: I don't know if I can answer
24 that question. I don't -- I'm not understanding

1 what you're asking me.

2 BY MR. FOUTRIS:

3 Q. Okay. Well, is it the job of a
4 supervisor to support a police officer whether
5 that officer has justifiably or unjustifiably
6 shot somebody on the scene of a police-involved
7 shooting?

8 MS. BOUDREAUX: Object to form and incomplete
9 hypothetical situation.

10 You can answer.

11 THE WITNESS: Okay. And what do you mean by
12 "support"?

13 MR. FOUTRIS: I'm using Melissa Staples' word.

14 MS. BOUDREAUX: If you don't understand the
15 question, just tell him.

16 THE WITNESS: Yeah. I don't understand what
17 you're -- what you're trying to --

18 BY MR. FOUTRIS:

19 Q. Sure.

20 Do you agree with Melissa Staples
21 that it is the job of a street deputy on the scene
22 of a police-involved shooting to support a police
23 officer involved -- an involved police officer
24 whether that individual is right or wrong?

1 MS. BOUDREAUX: Same objection to form.

2 You can answer if you understand.

3 THE WITNESS: You mean support them
4 emotionally?

5 MR. FOUTRIS: In any way. Let's start with
6 that.

7 THE WITNESS: Okay. Well, I think that the
8 job of a street deputy is to ascertain as best they
9 can what actually occurred and get the facts of the
10 case and see if the officer involved in it needs
11 some emotional support, such as employee assistance,
12 things of that nature.

13 BY MR. FOUTRIS:

14 Q. Okay. So the only support that you
15 would agree with would be emotional support and
16 none other?

17 MS. BOUDREAUX: I'm going to object as
18 mischaracterizing.

19 You can answer.

20 THE WITNESS: I mean, it's not the job of
21 a street deputy to determine whether or not a
22 shooting is justified or unjustified if that's
23 what you're asking. But in terms of supporting
24 the officer, it is a basic responsibility to make

1 sure the officer emotionally and physically are
2 supported.

3 BY MR. FOUTRIS:

4 Q. Is it the job of a street deputy to
5 cover for the involved police officers?

6 MS. BOUDREAUX: Object to form, vague.

7 JUDGE O'HARA: By -- I mean, I think you need
8 to be a little more specific in "cover." I mean,
9 if it's raining, do they hold umbrellas over their
10 heads? Let's ask the question that needs to be
11 asked here.

12 BY MR. FOUTRIS:

13 Q. Is it the job of a street deputy to
14 protect a police officer that was involved in a
15 police-involved shooting?

16 MS. BOUDREAUX: Same objection; form.

17 JUDGE O'HARA: Answer it if you can.

18 THE WITNESS: Protect them in what way?

19 MR. FOUTRIS: In any way.

20 MS. BOUDREAUX: Objection; overbroad.

21 JUDGE O'HARA: Okay. Here, lookit, it's
22 going to be the same thing. Protect him from the
23 rain? Protect him from oncoming traffic? It's not
24 a specific question. You need specific -- I mean,

1 if you want to proceed along that way in vague
2 questions --

3 MR. FOUTRIS: Okay.

4 JUDGE O'HARA: -- well, feel free, but I
5 don't think it's where you want to go.

6 MR. FOUTRIS: Okay. Protect them from
7 scrutiny.

8 MS. BOUDREAUX: Same objection.

9 You can answer.

10 THE WITNESS: It's the job of the street
11 deputy to get to the facts of the case. But
12 scrutiny is going to happen with any police-
13 involved shooting. So the job of the street deputy
14 is not to protect them from scrutiny. We know that
15 that's going to occur.

16 BY MR. FOUTRIS:

17 Q. Okay. Do you know what a Leica scan is?

18 A. Say again.

19 Q. Do you know what a Leica scan is?

20 A. Yes.

21 Q. As the chief of patrol in December of
22 2015, you were aware that the CPD had Leica scans
23 available to it?

24 A. Yes.

1 Q. And Leica scans would be used by the
2 CPD in investigating homicides, right?

3 A. Yes.

4 Q. Okay. And the forensic services
5 division, would that be under the bureau of
6 patrol?

7 A. No.

8 Q. As a street deputy, could Melissa
9 Staples have asked that a Leica scan be brought
10 to this police-involved shooting?

11 MS. BOUDREAUX: Object to incomplete
12 hypothetical and calling for speculation.

13 You can answer if you know.

14 THE WITNESS: The job of the street deputy is
15 to ensure that the members of the detective division
16 get the resources that they need; so it would
17 actually be up to the detective division to request
18 the materials that they need and resources.

19 BY MR. FOUTRIS:

20 Q. Well, could Melissa Staples have done
21 it on her own?

22 MS. BOUDREAUX: Same objections.

23 You can answer.

24 THE WITNESS: Typically a street deputy

1 wouldn't make that decision. They're not actually
2 conducting that investigation. The detective
3 division is. So it's up to the detective division
4 to make that request.

5 BY MR. FOUTRIS:

6 Q. I didn't hear. You say would or would
7 not? I didn't hear what you said. I don't know if
8 you said would or wouldn't.

9 A. The street deputy -- the street deputy
10 typically would not do that. It's up to the
11 detective division to request those resources.

12 Q. I'm asking if she could have done that.

13 A. I suppose anything could happen.

14 Q. Well, I'm not talking about anything.
15 I'm talking about specifically a Leica scan.

16 MS. BOUDREAUX: I'm going to object to asked
17 and answered.

18 THE WITNESS: Again, you know, the street
19 deputy could ask for the whole bureau to come out
20 there.

21 BY MR. FOUTRIS:

22 Q. All right. Let me put it this way:
23 The commander of Area North at that time was Kevin
24 Duffin. You know him, right?

1 A. Yes.

2 Q. Could Kevin Duffin have asked for a
3 Leica scan to be conducted at this crime scene?

4 A. Yes.

5 Q. Would you agree with me that it would
6 be a good idea to have had a Leica scan done of
7 this crime scene by the CPD?

8 MS. BOUDREAUX: Objection; foundation, calls
9 for speculation.

10 If you know.

11 THE WITNESS: I don't know. I would have to
12 be at the scene and assess it myself to be able to
13 accurately respond to that.

14 BY MR. FOUTRIS:

15 Q. You understand the basics of what a
16 Leica scan does is it measures distances, right?

17 A. I have a basic understanding of it.

18 Q. Well, you've seen the program, right?

19 A. I've seen the machine, and I've seen
20 them use it. Now, the actual practical use of it,
21 I couldn't tell you what that is.

22 Q. Well, you understand what the purpose
23 of it is, right?

24 A. Basic understanding.

1 Q. It's to document certain aspects of a
2 crime scene, right?

3 A. Yes, I would say that's fair.

4 Q. And the Leica scan uses a laser
5 measurement to essentially create a 3-D picture
6 of a particular crime scene; is that right?

7 A. Yes.

8 Q. Okay. And in using the software that
9 comes along with that scan, you can then measure,
10 for instance, how far a particular shell casing is
11 from any other shell casing?

12 MS. BOUDREAUX: I'm sorry, Judge. I have
13 to object to scope again. This is outside of the
14 purview of what has already been ruled on as
15 applicable topics for this deposition. And I'm
16 referring to the March 15th and the February 15th
17 transcripts.

18 JUDGE O'HARA: How many more questions do you
19 have along this line, Counsel?

20 MR. FOUTRIS: Just a few minutes, Judge,
21 regarding the crime scene itself.

22 MS. BOUDREAUX: I'm objecting. He was not a
23 part of this investigation. He's not established
24 that he was.

1 MR. FOUTRIS: He was the chief of patrol,
2 Judge. He certainly had the ability to control
3 this investigation and can speak on the proper
4 practices of the other individuals that were at
5 the crime scene.

6 MS. BOUDREAU: There's no --

7 JUDGE O'HARA: Let me interrupt you. Does he
8 have authority to speak regarding the firemen who
9 were on the scene? No.

10 THE WITNESS: No.

11 JUDGE O'HARA: Regarding the paramedics who
12 were on the scene? No.

13 MR. FOUTRIS: Right.

14 JUDGE O'HARA: So he has a limited ability
15 to speak on certain people on the scene. So it
16 shouldn't be so broad. And I'm not sure who he
17 controls. So it's who was under his purview at the
18 time on the scene, I guess.

19 MS. BOUDREAU: I'm just saying that no
20 foundation has been laid for any of that. And
21 based on the transcripts, there are four areas of
22 inquiry that were specifically allowed to go in.

23 JUDGE O'HARA: Over your objection, and the
24 objection will be noted for the record, and we'll

1 review it at a later date in these proceedings.
2 You got a few more questions, not two more minutes
3 in this area because there's nothing involved,
4 Leica scans or anything else that was brought up
5 during these deposition -- or during the court
6 hearings. And while the logical corollary can be
7 extrapolated on a number of things, I think we're
8 getting on the edge of the envelope on that right
9 now.

10 MR. FOUTRIS: Okay, Judge.

11 BY MR. FOUTRIS:

12 Q. Have you followed any print media
13 regarding this particular lawsuit?

14 A. I've seen some -- some reports on it,
15 yes.

16 Q. Which reports?

17 A. I don't know specifically. But I've
18 seen some things in the media.

19 Q. When did you start looking -- and I ask
20 about print first. I was going to ask about TV and
21 Internet later, but just print.

22 A. I --

23 Q. When did you start following this case
24 in the print media?

1 MS. BOUDREAUX: Objection to "following."

2 You can answer.

3 THE WITNESS: I've never followed the case in
4 print media. I have -- trust me, I have enough
5 things to do than to follow what the media is
6 printing in the paper.

7 BY MR. FOUTRIS:

8 Q. Fair enough.

9 When did you first read something
10 about this case in the print media? Because it was
11 all over the news starting the day of. Was it that
12 day or later?

13 A. I really don't recall.

14 Q. When's the last time you did?

15 A. It's been quite a while. I don't know.
16 Because honestly I really don't follow it in the
17 media. So if something happens to come to my
18 attention, then it does. But I don't -- I don't
19 make an effort --

20 Q. Understood.

21 A. -- to read anything.

22 Q. Let's put it this way: As far as this
23 case and the media, what things have come to your
24 attention?

1 A. Something as simple as his mother's
2 name, things of that nature.

3 Q. You didn't get that from the COPA report?

4 A. No.

5 Q. Okay. Anything else that you gathered
6 about this case in the media other than Janet
7 Cooksey, her name?

8 A. No, because --

9 JUDGE O'HARA: Hold on one second. I'm going
10 to interrupt. Where's this going? About what
11 paper he reads and --

12 MR. FOUTRIS: No. I just wanted to find out
13 if his knowledge of this case has been corrupted in
14 any way by what he's learned in the media. That's
15 all. That's what I'm getting at.

16 JUDGE O'HARA: All right.

17 BY MR. FOUTRIS:

18 Q. I just want to find out what you know
19 other than Janet Cooksey's name.

20 A. So I don't typically follow the media
21 with things of this nature because just because the
22 media puts it out there doesn't mean it's factual.

23 Q. All right. Well, do you have any sense
24 factually of what happened here based on what you

1 learned in the media?

2 A. No.

3 Q. Okay. Do you agree that instances of
4 police misconduct exist?

5 A. What I believe is that any organization
6 will have issues of misconduct or just violations
7 of policy.

8 Q. Including the CPD?

9 A. Including the CPD.

10 Q. Have you heard of the term "code of
11 silence"?

12 A. I've heard of it, yes.

13 Q. Do you agree that one aspect of the code
14 is for the police department to not meaningfully
15 investigate alleged police misconduct?

16 MS. BOUDREAUX: I'm going to object to the
17 form of that question. Generally any code of
18 silence? Form.

19 JUDGE O'HARA: Answer it if you can.

20 THE WITNESS: So what I would say to you is
21 this: I've been a cop now for about 30 years.
22 I've never heard police officers talking about, in
23 my experience, code of silence. In my experience,
24 I don't know of any police officers being trained

1 on code of silence.

2 What I can tell you is this: In my
3 police career, I became a supervisor in 1998, I
4 have held police officers accountable for egregious
5 behavior all the way from counseling them up to
6 separation from the job. So I believe that if
7 there is misconduct that occurs, then we are
8 accountable for it and we should be held accountable
9 for it.

10 BY MR. FOUTRIS:

11 Q. Okay. What I asked you is if you would
12 agree that one aspect of a code of silence is for a
13 police department to not investigate alleged police
14 misconduct?

15 A. Again, in my personal experience, I'm
16 not sure what code of silence means.

17 Q. Thin blue line.

18 MS. BOUDREAUX: Same objection; vague, form.

19 JUDGE O'HARA: Hold up for one second. So
20 that was a statement, thin blue line. Does a
21 question go with that statement that he can answer?

22 MR. FOUTRIS: Fine.

23 BY MR. FOUTRIS:

24 Q. Thin blue line as opposed to code of

1 silence, have you heard of the term "thin blue
2 line"?

3 JUDGE O'HARA: Hold on one second. That's
4 still a statement.

5 BY MR. FOUTRIS:

6 Q. Have you --

7 JUDGE O'HARA: Ask him a question.

8 BY MR. FOUTRIS:

9 Q. Have you heard of the term "thin blue
10 line"?

11 A. Yes.

12 Q. Okay. So all I'm asking about is
13 you've heard of these terms, you're familiar with
14 these terms, right, code of silence, thin blue
15 line?

16 A. I've heard of thin blue line used in
17 the context of there's a thin blue line between
18 criminals and the citizens.

19 Q. Well, I'm asking something very simple
20 here. Is it improper for a police department to
21 not investigate alleged police misconduct?

22 A. Yes.

23 Q. Is it improper for a police department
24 to not discipline alleged police misconduct?

1 A. It's improper for police departments
2 not to discipline if it's been found to be
3 misconduct, but not alleged misconduct.

4 Q. Okay. Thank you for that.

5 Do you think it's improper for
6 police officers to cover for one another when
7 there is wrongdoing involved?

8 A. When you say "cover," what do you mean
9 by that?

10 Q. Protect. Lie.

11 MS. BOUDREAUX: Still object to vague, form.

12 JUDGE O'HARA: Hold on one second. There's
13 three questions there which are to protect, covering
14 up, or a lie. So I think the question is asking is
15 it wrong for police officers to lie to try and
16 protect another officer involving investigation
17 into their conduct and/or misconduct. Is that
18 about right, Counsel?

19 MR. FOUTRIS: That is, Judge. Thank you.

20 JUDGE O'HARA: Can you answer that question?

21 THE WITNESS: Yes, it would be improper for a
22 police officer to lie, to cover up, or protect a
23 police officer from misconduct that they're aware of.

24

1 BY MR. FOUTRIS:

2 Q. Would you agree that it would be
3 improper for one police officer to counsel another
4 police officer to get his story straight before
5 speaking to an investigator?

6 MS. BOUDREAU: I'm just going to object to
7 form again, "story straight."

8 JUDGE O'HARA: You can answer it if you can.

9 THE WITNESS: If you're -- if you're speaking
10 in the context of story straight in that they're
11 going to lie for the other officer, then, yeah,
12 that's not -- that's improper.

13 BY MR. FOUTRIS:

14 Q. Okay. Because it would imply some type
15 of a coverup?

16 A. It would imply that they're trying to
17 be deceptive or deceitful.

18 Q. Okay. Would you agree that it would be
19 improper for a police officer to claim that he or
20 she did not see or hear something that should have
21 been seen or heard?

22 MS. BOUDREAU: Objection to form, incomplete
23 hypothetical, and calling for speculation.

24 THE WITNESS: You would have to be in an

1 officer's shoes to be able to speak on what they
2 did or did not see.

3 BY MR. FOUTRIS:

4 Q. Well, would you agree that if a
5 particular officer did see something or hear
6 something and then claimed not to have seen or
7 heard it that that would be improper?

8 A. Yes, that would be improper.

9 Q. Are you aware that the police
10 accountability task force in April of 2016 found
11 that in the years ending in 2015 complaints against
12 police officers and the CPD went uninvestigated?

13 MS. BOUDREAUX: I'm going to object to beyond
14 the scope of the allowable topics for this
15 deposition. This was not covered --

16 JUDGE O'HARA: Yeah. I'm not sure what this
17 has --

18 MR. FOUTRIS: It's the code of silence,
19 Judge.

20 JUDGE O'HARA: What is the code of silence
21 that invest- -- that complaints didn't go
22 investigated?

23 MR. FOUTRIS: That's right.

24 MS. BOUDREAUX: Prior to this incident.

1 MR. FOUTRIS: This is in 2015. I asked about
2 2015.

3 JUDGE O'HARA: So the complaint is that, for
4 example, if there is an officer banging on my
5 garbage cans at 3:00 in the morning, are they --
6 what kind of investigation are we talking about?
7 What kind of complaints? Does anybody have any
8 idea?

9 MR. FOUTRIS: The police accountability task
10 force talked about -- specifically about excessive
11 force complaints as well as other complaints, yes.

12 JUDGE O'HARA: So let's not go with other
13 incidents because we don't know what the other
14 incidents are. You can ask -- well, first of all,
15 I guess the question is is he aware of that study.

16 MR. FOUTRIS: I think he --

17 JUDGE O'HARA: Why don't you ask him that
18 question?

19 BY MR. FOUTRIS:

20 Q. I think you said that it was April 13th
21 that you became superintendent?

22 A. No. It was April of --

23 Q. April 13th --

24 A. I was sworn in as police superintendent

1 April of 2016.

2 Q. I meant April 13th, 2016 is the date
3 you gave us, right?

4 A. April 13th?

5 Q. Yes.

6 A. Yes. Of 2016, yes.

7 Q. Right. Okay.

8 The police accountability task force
9 report came out in April of 2016, and there was an
10 executive summary provided to the CPD; is that
11 right?

12 A. Yes.

13 Q. And that was while you were the
14 superintendent, right?

15 A. Yes.

16 Q. Okay. And the police accountability
17 task force report documented certain aspects of the
18 organizational structure of the police department,
19 right?

20 MS. BOUDREAU: If you know.

21 THE WITNESS: I don't recall the specifics of
22 that document now. I did read it, but broadly. I
23 have a broad recollection of it, but the specifics
24 I really can't comment on.

1 BY MR. FOUTRIS:

2 Q. Does your broad recollection include
3 that the task force found that in the calendar year
4 2015 as well as other preceding years complaints of
5 excessive force were not investigated properly by
6 the CPD?

7 MS. BOUDREAUX: Object to foundation and
8 calling for speculation.

9 If you know.

10 THE WITNESS: No, I don't -- I don't recall
11 that.

12 BY MR. FOUTRIS:

13 Q. Do you agree with that statement?

14 A. That?

15 Q. Instances of excessive force in the
16 calendar year 2015 went uninvestigated by the CPD.

17 A. I have not personally investigated
18 that. So, I mean, I couldn't speak on whether I
19 agree or not.

20 Q. Does that mean you don't know?

21 MS. BOUDREAUX: I'm going to object to
22 mischaracterizing, lack of foundation. What's
23 the question?

24

1 BY MR. FOUTRIS:

2 Q. Does that mean you don't know?

3 A. Know what?

4 MR. FOUTRIS: Could you please read the
5 previous question and answer, please?

6 (Record read.)

7 THE WITNESS: No, I don't know that
8 investigations went -- or complaints of excessive
9 force went uninvestigated. Not to my knowledge.

10 BY MR. FOUTRIS:

11 Q. So to your knowledge, they were all
12 investigated properly?

13 MS. BOUDREAUX: Objection to "all." Lack of
14 foundation, calling for speculation, and overbroad.

15 JUDGE O'HARA: And what is properly? So if
16 you want to ask him a question if he knows if they
17 were all investigated.

18 BY MR. FOUTRIS:

19 Q. As part of your job as superintendent,
20 is it to oversee complaints of misconduct and how
21 they're handled by the department?

22 A. No. That would be the job of the chief
23 of internal affairs.

24 Q. Does the chief of internal affairs

1 provide you report in that regard?

2 A. Occasionally.

3 Q. Is that something that as a
4 superintendent you feel you should know about?

5 A. What?

6 Q. Whether police department misconduct
7 complaints are being investigated.

8 A. Yes.

9 Q. Okay. And in having spoken to your
10 chief of internal affairs, have you inquired as to
11 whether complaints of excessive force are being
12 properly investigated by the CPD?

13 MS. BOUDREAUX: Object to form. In 2015?
14 The task force? It's much broader now.

15 Only answer if you understand the
16 exact question.

17 THE WITNESS: I don't -- I'm not understanding
18 what you're asking me.

19 BY MR. FOUTRIS:

20 Q. Have you -- have you ever specifically
21 asked your chief of internal affairs about how
22 complaints of misconduct -- complaints of excessive
23 force are being investigated by your police
24 department?

1 A. Yes.

2 Q. Okay. And what have you learned from
3 your chief of internal affairs when you've asked
4 that question?

5 A. That complaints of excessive force are
6 actually handled by IPRA/COPA now.

7 Q. Okay.

8 A. So CPD really don't -- we really don't
9 investigate excessive force or abuse; that civilian
10 agency does that.

11 Q. Okay. You leave that investigation
12 entirely up to COPA?

13 MS. BOUDREAUX: I'm going to object to the
14 form of that question, him leaving it up to.

15 THE WITNESS: That's the process that's in
16 place.

17 BY MR. FOUTRIS:

18 Q. And is that what you do, you follow
19 that process?

20 A. That process was in place before I
21 became superintendent, and I believe it's a city
22 ordinance.

23 Q. Is there anything prohibiting you as a
24 superintendent from initiating your own separate

1 investigation if there's an alleged excessive force
2 incident?

3 A. Yes. All excessive force is
4 investigated by COPA. So that is an independent
5 investigation.

6 Q. Okay. And you rely on their expertise?

7 MS. BOUDREAUX: I'll object to that
8 characterization.

9 You can answer if you understand
10 the question.

11 THE WITNESS: Well, that's the process that's
12 in place.

13 BY MR. FOUTRIS:

14 Q. Do you rely on their expertise?

15 A. I rely on them to conduct the
16 investigation.

17 Q. Do you think they have an expertise
18 in this instance?

19 MS. BOUDREAUX: Objection; foundation.

20 JUDGE O'HARA: What -- which instance?

21 MR. FOUTRIS: That they have an expertise
22 regarding investigating uses of force.

23 MS. BOUDREAUX: I'm going to object to
24 foundation and incomplete hypothetical.

1 You can answer if you can.

2 THE WITNESS: I don't know how COPA's
3 employees are trained, so I can't really comment
4 on their expertise or not.

5 BY MR. FOUTRIS:

6 Q. Have you ever inquired as to how
7 they're trained?

8 A. No.

9 Q. All right. So in January of 2017,
10 you're aware that the Department of Justice came
11 down with a report regarding their investigation
12 of the CPD?

13 A. Regarding their investigation?

14 Q. Right.

15 A. Yes.

16 Q. And you received that report?

17 A. Yes.

18 Q. And that report included information
19 that they learned about what happened in the
20 calendar year of 2015?

21 MS. BOUDREAUX: Foundation. Calls for
22 speculation.

23 Only if you know.

24 THE WITNESS: It covered several years.

1 I don't specifically recall the years now. I
2 would need to review the re- -- the document again.

3 BY MR. FOUTRIS:

4 Q. Well, do you recall that in that report
5 the DOJ found that complaints of excessive force in
6 the calendar year 2015 were not investigated
7 adequately by the CPD?

8 MS. BOUDREAUX: I'm going to object again to
9 going way beyond the scope of what should be asked
10 in this deposition.

11 JUDGE O'HARA: And let me ask this question.
12 Excessive force was investigated by who?

13 MS. BOUDREAUX: The Department of Justice.

14 JUDGE O'HARA: No, no. But in the police
15 department, they're investigated by internal
16 affairs and COPA?

17 THE WITNESS: No.

18 JUDGE O'HARA: Who are they investigated by,
19 sir?

20 THE WITNESS: It would -- it would have been
21 IPRA back then. Excessive force would have been
22 investigated by IPRA. Now it's COPA.

23 JUDGE O'HARA: Okay.

24 MR. FOUTRIS: Judge, I'm asking him if he's

1 aware that the DOJ investigated the CPD's
2 disciplinary and investigation procedures and their
3 specific findings that in 2015 as well as in other
4 years the CPD neither meaningfully disciplined or
5 meaningfully investigated allegations --

6 MS. BOUDREAUX: Judge --

7 MR. FOUTRIS: -- of excessive force. That
8 goes to the code of silence.

9 MS. BOUDREAUX: He is being called as a fact
10 witness in this case.

11 JUDGE O'HARA: Here's the problem as I see
12 it with the questioning because the officer has
13 testified that the police don't investigate those
14 allegations, it's investigated by IPRA. Is that
15 correct?

16 MS. BOUDREAUX: Yes.

17 JUDGE O'HARA: So if he can answer the
18 question, then you answer the question, sir.
19 But I just wanted to understand who.

20 BY MR. FOUTRIS:

21 Q. Fine.

22 Just to be clear for the record
23 then, the CPD does not investigate alleged
24 instances of excessive force; is that correct?

1 MS. BOUDREAU: Objection as to lack of
2 timeframe.

3 BY MR. FOUTRIS:

4 Q. Presently. Is that correct?

5 A. Correct.

6 Q. In 2015 that was also correct?

7 A. To the best of my recollection, yes.

8 Q. And in 2016 and '17 that was also
9 correct?

10 A. To the best of my recollection, yes.

11 Q. Are you aware that the medical
12 examiner's office per statute is to be notified of
13 deaths so they can come to the scene to take charge
14 of the scene?

15 A. I know that they are supposed to have --
16 they're supposed to be notified, yes.

17 Q. They're supposed to be notified by the
18 street deputy?

19 A. Who actually makes that notification,
20 I believe it's OEMC, I believe, to the best of my
21 recollection.

22 Q. All right. In this particular case,
23 sir, are you aware that the medical examiner's
24 office was not notified that this was a police-

1 involved shooting?

2 A. No.

3 Q. Have you asked anybody to investigate
4 why the medical examiner's office was not so
5 notified?

6 A. No.

7 Q. I didn't -- I didn't hear the answer.

8 A. No.

9 Q. Why not?

10 MS. BOUDREAUX: Well, do you know about it?

11 THE WITNESS: COPA is responsible for the
12 investigation, not CPD. So I wouldn't be -- I
13 wouldn't have knowledge of that.

14 BY MR. FOUTRIS:

15 Q. So if there's going to be any
16 investigation into the failure to notify the
17 medical examiner's office, that would be entirely
18 up to COPA to investigate?

19 A. That would be part of their
20 investigation, yes.

21 Q. Okay. Can COPA investigate any police
22 officer of the CPD including up to you?

23 MS. BOUDREAUX: Objection; foundation.

24 If you know.

1 THE WITNESS: It has to fall within the scope
2 of their authority, which is excessive force. So
3 if I was involved in an excessive force incident,
4 then, yes, they would investigate me.

5 BY MR. FOUTRIS:

6 Q. So then if their job is to investigate
7 excessive force, how is not notifying the medical
8 examiner fall within their purview?

9 MS. BOUDREAU: Object to form, compound.

10 You can answer.

11 THE WITNESS: How does it not fall in their
12 purview?

13 BY MR. FOUTRIS:

14 Q. How does it fall?

15 JUDGE O'HARA: Are you talking about the
16 instant case?

17 MR. FOUTRIS: Yes.

18 JUDGE O'HARA: All right. Well, that's a
19 different question.

20 You can answer.

21 THE WITNESS: The investigation -- that would
22 come out during that investigation. So if they
23 wanted to notify us about that particular incident,
24 then they could. And then if they did, then we

1 would proceed with investigating it.

2 BY MR. FOUTRIS:

3 Q. Okay. And who would be investigating
4 it at that point if you were so notified?

5 A. If we took that aspect of it, internal
6 affairs would investigate it.

7 Q. Okay. Has there been a referral to
8 internal affairs to look into that in this
9 instance?

10 A. Not that I'm aware of.

11 Q. You've never asked anybody to look into
12 that?

13 A. Again, I don't know what the
14 investigation entails to this point. COPA
15 was responsible for the investigation.

16 Q. Okay. I'm just going to ask you
17 straight out. Has there ever been a code of
18 silence in the Chicago Police Department?

19 A. Again, in my personal experience, I've
20 never heard an officer talk about code of silence.
21 I don't know of anyone being trained on a code of
22 silence. That's in my personal experience.

23 Q. Okay. And is that your position as the
24 superintendent of the Chicago Police Department?

1 MS. BOUDREAUX: I'm just going to object to
2 beyond the scope of this deposition.

3 JUDGE O'HARA: No, it is not. It's one part
4 of it. He can answer that question.

5 THE WITNESS: So can you repeat that, please?

6 BY MR. FOUTRIS:

7 Q. Is it your position as the superintendent
8 of the Chicago Police Department that a code of
9 silence has never existed in the Chicago Police
10 Department?

11 JUDGE O'HARA: One second. Hold on. I'm
12 going to stop it right there. The Chicago Police
13 Department was probably established in the 1800s.

14 MS. BOUDREAUX: Exactly.

15 JUDGE O'HARA: No, no. It's okay. There's
16 nothing funny about it. So if you want to ask
17 about a time period, limit it.

18 MR. FOUTRIS: You're right.

19 JUDGE O'HARA: So, I mean, you don't look
20 that old. I don't think you were born in the
21 1800s, so ...

22 MR. FOUTRIS: You're right.

23 MS. BOUDREAUX: And I'm still going to object
24 to foundation because he cannot possibly speak for

1 every single police officer.

2 JUDGE O'HARA: Well, it's his position, and
3 he's not asking him to speak for every police
4 officer.

5 MS. BOUDREAUX: His opinion.

6 JUDGE O'HARA: Well, let's ask the question
7 first as well as get the timeframe on this.

8 BY MR. FOUTRIS:

9 Q. All right. So I know the CPD was
10 established in 1835, so I'm not going to ask going
11 that far back. I'm going to ask about just your
12 time as the bureau of patrol chief and superintendent.
13 Fair enough?

14 A. Yes.

15 Q. Okay. When you were the bureau of
16 patrol chief, which is December of 2015 to the end
17 of March of 2016 -- that's the timeframe, right?

18 A. Yes.

19 Q. Okay. In that position, did you know
20 of any code of silence in the Chicago Police
21 Department?

22 A. My personal knowledge is no.

23 Q. Was it ever brought to your attention
24 that there may have been a code of silence in the

1 CPD while you were the chief of the bureau of
2 patrol?

3 A. No.

4 Q. While you were the chief of the bureau
5 of patrol, did you not hear Mayor Emmanuel's speech
6 to the City Council admitting that there was a code
7 of silence in the CPD?

8 MS. BOUDREAUX: I'll object to that
9 characterization.

10 You can answer to the extent you're
11 knowledgeable about this.

12 THE WITNESS: Yes, I heard about it.

13 BY MR. FOUTRIS:

14 Q. Did you disagree with that at the time
15 that you heard it?

16 A. Again, my personal experience is that
17 I've never seen or witnessed that. I can't speak
18 to why the mayor made that comment.

19 Q. But did you disagree with that comment?

20 A. Again, my personal experience is that,
21 no, I have never witnessed it or heard any police
22 officers talking about code of silence.

23 Q. Is that a yes, that you did disagree
24 with the mayor when he said that?

1 MS. BOUDREAUX: Objection; asked and
2 answered. He already gave his answer.

3 MR. FOUTRIS: It has not been answered.

4 JUDGE O'HARA: Do you agree or disagree with
5 the mayor's statement? If he knows what it was.

6 THE WITNESS: I have no opinion about what
7 the mayor said. The mayor was speaking from what
8 his experience is. So I really have no opinion
9 about what the mayor said.

10 MS. BOUDREAUX: We'd like to take a break,
11 please.

12 JUDGE O'HARA: No. Let's finish this before
13 we take a break.

14 MS. BOUDREAUX: Finish the deposition?

15 JUDGE O'HARA: How much longer is it going to
16 go?

17 MR. FOUTRIS: Quite a while, Judge.

18 MS. GARRET: The superintendent needs a water
19 break.

20 MR. FOUTRIS: I'd like to finish the code of
21 silence question.

22 MR. KENNEDY: Four more questions.

23 MR. FOUTRIS: Two to three questions, then
24 you're done.

1 BY MR. FOUTRIS:

2 Q. Were you surprised to hear the mayor in
3 December of 2015 while you were the chief of the
4 bureau of patrol state that there was a code of
5 silence in the CPD?

6 A. Personally I really had no -- no
7 visceral reaction to it at all.

8 Q. Since you've been the superintendent of
9 the CPD, as the superintendent, are you aware of
10 any sort of code of silence that exists in the CPD?

11 A. Again, my personal experience, I have
12 not ever heard anyone talking about code of
13 silence, trained on the code of silence, or even
14 saying that they would participate in a code of
15 silence.

16 Again, my whole experience on CPD
17 is if I personally knew of some misconduct or
18 egregious behavior, I held officers accountable for
19 it.

20 Q. And when I'm talking about code of
21 silence, so we're talking definitionally the same
22 thing, I'm talking about behavior in which one
23 police officer or a group of police officers
24 protects another police officer from the

1 consequences of misconduct. Do you understand
2 my definition?

3 A. Yes.

4 Q. Under that definition, do any of your
5 answers change with respect to the code of silence
6 questions?

7 A. No.

8 MR. FOUTRIS: Okay. If you'd like to take a
9 break, this would be a good time.

10 THE VIDEO TECHNICIAN: We are now going off
11 the record at 2:02 p.m.

12 (Recess taken.)

13 THE VIDEO TECHNICIAN: The time is 2:12 p.m.
14 We are now back on the record.

15 BY MR. FOUTRIS:

16 Q. Ready?

17 A. Yes.

18 Q. Okay. I'm going to switch focus here.
19 I'm going to talk about this actual investigation.
20 Fair enough?

21 A. Yes.

22 Q. Okay. Right off the bat, did you ever
23 go to the scene of this incident before it was
24 processed by the evidence technicians?

1 A. No.

2 Q. Were you ever there while it was being
3 processed by the evidence technicians?

4 A. No.

5 Q. As the chief of patrol at the time of
6 this incident, were you made aware that this had
7 happened?

8 A. Yes.

9 Q. On that night were you aware that there
10 was a preceding police-involved shooting in the
11 11th District at Congress and Independence?

12 A. Yes.

13 Q. Okay. So at the time you knew that
14 this was the second police-involved shooting in
15 the span of about two hours, right?

16 A. Yes.

17 Q. Both in the 11th District?

18 A. To the best of my recollection, yes.

19 Q. Having learned that, did you believe
20 that the 11th District may have had a manpower
21 shortage issue as a result of the first police-
22 involved shooting?

23 A. No.

24 Q. Okay. Did you ever try to put more

1 officers in the 11th District because of the first
2 involved shooting in case they were tied down?

3 A. No.

4 Q. Okay. After the second involved
5 shooting with 11th District officers being tied
6 down at two separate police-involved shootings, as
7 the chief of patrol, did you do anything to try to
8 put more officers in the 11th District because of a
9 manpower shortage?

10 A. Not that I recall. The deputy chief of
11 Area North would have been on the ground, and if he
12 needed some assistance from me, he would have made
13 that notification to me.

14 Q. I understand that there are certain
15 notifications that have to be made every time
16 there's a police-involved shooting. Is my
17 understanding correct?

18 A. Yes.

19 Q. When there is a patrol officer in the
20 bureau of patrol that is involved in a police-
21 involved shooting, is the chief of the patrol
22 division one of the people that has to be notified?

23 A. Yes.

24 Q. How soon after a police-involved

1 shooting is the bureau of patrol chief supposed to
2 be notified? And I'm talking back in December of
3 2015.

4 MS. BOUDREAUX: I'm going to object to
5 incomplete hypothetical situation.

6 THE WITNESS: As soon as -- as soon as they
7 can.

8 BY MR. FOUTRIS:

9 Q. Okay. Certainly within an hour --

10 MS. BOUDREAUX: Objection.

11 BY MR. FOUTRIS:

12 Q. -- is that fair?

13 A. I would think so.

14 Q. In this particular instance, did you
15 know about this police-involved shooting in your
16 capacity of the chief of patrol within an hour of
17 when it happened?

18 A. I don't recall specifically when I was
19 notified. I do know that I was notified.

20 Q. Was it within a few hours of
21 notification?

22 A. I'm sure --

23 Q. Or happening, rather.

24 A. -- but I can't specifically say the

1 timeframe. But I was notified.

2 Q. Okay. Who notified you? Was it OCIC?

3 A. I don't recall who it was. But to the
4 best of my recollection, probably CPIC notified me.

5 Q. And for the record, could you explain
6 for us what CPIC is? And I know it's an acronym.

7 A. Yes. CPIC is our fusion center that
8 all the events that happen around the city is
9 phoned in to that particular unit, and then they
10 push it out to everyone else.

11 Q. Okay. What did you learn from CPIC in
12 connection with this incident when you learned
13 about it?

14 A. They would just give you a broad view
15 that there was a police officer-involved shooting.
16 They would give you the location, the time, and if
17 there were any injuries.

18 Q. Okay. Did you learn from CPIC that
19 there were two people that had died?

20 A. No. CPIC would have told me that
21 there were two people shot perhaps, but no death
22 notification would have been made.

23 Q. Okay. When you learned from CPIC that
24 this was a police-involved shooting, this one,

1 what's the first thing you did in relation to that
2 information?

3 A. I don't specifically remember what I
4 did regarding that particular night. But as chief
5 of patrol, I would have probably reached out to the
6 Area North deputy chief to get further information
7 on it.

8 Q. That would have been Kevin Duffin?

9 A. No. The way that it works in the
10 police department, the bureau of detectives are
11 responsible for the investigation. Duffin would
12 have been the commander in the detective division.
13 The bureau of patrol, we have no investigative
14 responsibility at all. So they would have just
15 been notifying me because the officers involved
16 were in the bureau of patrol.

17 Q. I understand. So what would you have
18 been doing in contacting the bureau of detectives?
19 What was the purpose of that?

20 A. I probably wouldn't have contacted the
21 bureau of detectives. I may have called the deputy
22 chief in bureau of patrol.

23 Q. Oh, I misunderstood. Okay.

24 Who would that person have been?

1 A. You mean the night of that --

2 Q. Yes.

3 A. -- particular shooting?

4 Q. And I apologize. I spoke over you.

5 A. I don't recall who the deputy of Area
6 North was at the time. I really -- I really don't
7 recall.

8 Q. Right. That's why I got confused
9 because when I think about Areas, I typically
10 think of Areas for detectives.

11 A. For detectives, um-hmm.

12 Q. Okay. You were talking about the Area
13 North deputy chief.

14 A. For patrol.

15 Q. Right.

16 A. Right.

17 Q. Okay. Why were you calling the deputy
18 chief of Area North of patrol once you learned
19 about the shooting from CPIC?

20 A. I don't know if I did call that person.
21 But if I did, that's who I would have called just
22 to get further information.

23 Q. Okay. To give any direction perhaps?

24 A. No. Typically the commanders out on

1 the field assess the situation. If they need
2 support from the chief of patrol, then they would
3 ask me for it. But I don't direct them because I'm
4 not actually at the scene.

5 Q. Understood.

6 In connection with this particular
7 shooting, or really shootings, that we're talking
8 about, did anybody reach out to you as the chief of
9 patrol asking for anything, whether it be resources
10 or anything else?

11 A. Not to the best of my recollection, no.

12 Q. Is there anything that can help you
13 remember whether that happened or not happened?

14 A. If they needed some resources, they
15 really wouldn't have documented that anywhere. It
16 would have just been an oral request.

17 Q. So as you sit here today, there's
18 nothing that can help you remember whether there
19 was such a request made to you on that incident; is
20 that right?

21 A. That's correct.

22 Q. Okay. So you learned about this from
23 CPIC. Perhaps you called the deputy chief. What's
24 the next thing you did in connection with this

1 incident?

2 A. Again, as the chief of patrol, we would
3 have no investigative authority at all. So there
4 was really nothing for me to do.

5 Q. Did you follow up on it afterwards?

6 A. Again, we had no investigative
7 responsibility, so no.

8 Q. Well, did you ever learn, say, within
9 two days of this incident who the patrol officer or
10 patrol officers were that were involved?

11 A. Yes, I did. I don't remember if it was
12 two days or three days.

13 Q. Was that at the shooting briefing
14 review?

15 A. Yes.

16 Q. Okay. All right. So let's see if we
17 can narrow the gap. You get the call from CPIC.
18 Perhaps you talked to the deputy chief.

19 Eventually you're involved in this
20 exempt review, right?

21 A. Correct.

22 Q. Okay. In the meantime, from the time
23 that you first learned of this until the time that
24 you participated in this exempt review, what do you

1 remember doing in connection with this incident?

2 And I know it's going to be compound. Just to be
3 comprehensive, what do you remember learning about
4 this incident in that timeframe?

5 A. I had some conversation with then
6 interim superintendent John Escalante regarding
7 the incident.

8 Q. Okay. And I'll get into more details
9 about that. But anything else that you did or
10 learned in that timeframe we're talking about?

11 A. No. Just that there were two people
12 subsequently died as a result of the shooting.

13 Q. Okay. All right. So where did you
14 learn that two people died? Was that from John
15 Escalante, or was it from some other source?

16 A. I don't recall how I received that
17 information. I just know that I did.

18 Q. All right. Would that have been in
19 some type of a paper form?

20 A. No. It would have been a telephonic
21 notification.

22 Q. Okay. Would that, again, have been
23 through CPIC or something different?

24 A. It could have been. I really don't

1 recall.

2 Q. All right. And would you -- between
3 the time of the notification from CPIC until the
4 time of the exempt review, would you have authored
5 any paperwork, digital or actual paperwork,
6 regarding this particular incident as the chief of
7 patrol?

8 A. No.

9 Q. Would any paperwork have come to you in
10 that interim period?

11 A. No.

12 Q. All right. So was this conversation
13 with -- well, first of all, this communication, was
14 it a conversation, or is it an email or something
15 different with John Escalante?

16 A. Phone conversation.

17 Q. Okay. And was this on your personal
18 cellphone, your work cellphone, or your landline?

19 A. To the best of my recollection, it
20 would have been on the work cellphone.

21 Q. Okay. And tell me everything you
22 remember about this conversation. I know it's --
23 trying to make it go quicker, but what you remember
24 saying and what you remember John Escalante saying.

1 A. I remember us talking about the fact
2 that at the time IPRA wanted John Escalante to
3 relieve Police Officer Rialmo of his police powers.
4 And at the time we didn't have enough facts in the
5 interim superintendent's -- in his mind to actually
6 relieve him, and that's when we decided for the
7 first time with CPD to have a 30-day administrative
8 leave policy implemented.

9 Q. Okay. So the very first time the 30-
10 day leave policy was in response to this particular
11 incident?

12 A. Yes.

13 Q. And that was the policy that was
14 formulated in a conversation between you and
15 Interim Chief John Escalante?

16 A. Well, he may have had some conversations
17 with other people. I don't know. I just remember
18 the conversations we had. And he asked me if I
19 thought that was a good idea, and I agreed.

20 Q. Okay. Did Mr. Escalante tell you who
21 it was from IPRA that wanted -- and I don't know
22 what the proper characterization is. Is it
23 stripping him of his --

24 A. Relief -- relief of police powers.

1 Q. Relief of police powers. Okay.

2 Did Mr. Escalante tell you who
3 wanted to relieve Mr. Rialmo of his police powers?

4 A. Yes.

5 Q. Was it Sharon Fairley?

6 A. Yes.

7 Q. Did you ever see the memo that she
8 wrote in that regard?

9 A. No.

10 Q. Did Mr. Escalante tell you that he had
11 read the memo that Ms. Fairley wrote in that regard?

12 A. No.

13 Q. And what was your position regarding
14 Ms. Fairley's request that Rialmo be stripped of --
15 or, rather, relieved of his police powers on that
16 date?

17 A. Given the information that John
18 Escalante related to me, I agreed with him that
19 relief of his police powers at that time was
20 premature until the investigation was -- had
21 evolved a little bit more.

22 Q. Okay. What was the information that he
23 conveyed to you that made you take that position?

24 A. We still didn't know all the facts of

1 what actually had occurred. It was just too -- too
2 soon in the investigation.

3 Q. What facts did you know at that point
4 in time when you spoke to Mr. Escalante on the
5 phone?

6 A. We knew that Officer Rialmo and his
7 partner responded to a domestic disturbance, he had
8 an encounter with a young man, shots were fired,
9 and two people died as a result of it.

10 Q. Do you have any idea where Mr. Escalante
11 got his information?

12 MS. BOUDREAUX: Calls for speculation.

13 You can answer if you know.

14 THE WITNESS: No, I don't know.

15 BY MR. FOUTRIS:

16 Q. Did you ever ask him where he got his
17 information?

18 A. No. I wasn't going to question the
19 superintendent.

20 Q. Understood.

21 Between that conversation and the
22 exempt review process, did you of your own
23 initiative as chief of patrol try to gather more
24 information about what had happened?

1 A. No. Again, the investigative portion
2 of it doesn't fall within the purview of the bureau
3 of patrol.

4 Q. Okay. Any other reason why you didn't
5 do it other than the fact that it didn't fall
6 within your jurisdictional duties?

7 A. No. That -- that -- my -- you know, we
8 have a strict protocol. We have bureaus set up for
9 that reason. So I stay in my lane. That's the
10 detective division's responsibility, and I leave it
11 at that.

12 Q. Okay. What else was discussed during
13 this phone conversation with Mr. Escalante other
14 than what you've told us so far, if anything?

15 A. To the best of my recollection, that
16 was about the gist of the conversation.

17 Q. This 30-day administrative -- is it --
18 how would you characterize -- administrative leave,
19 or how is it characterized?

20 A. So it's administrative desk duty. So
21 we remove the officer from the street, and we keep
22 him inside so that they don't have any contact with
23 the public.

24 Q. Would -- was this -- was this something

1 that Rialmo was supposed to go into the very next
2 time he was slated to go on duty, or was there also
3 a leave time that he was to stay away from the
4 police department as well?

5 MS. BOUDREAUX: Object to the form of the
6 question.

7 BY MR. FOUTRIS:

8 Q. Yeah, it's very poorly phrased. Let
9 me -- let me ask it differently.

10 Was there also a conversation about
11 giving him some sort of leave like people have like
12 under the Family Medical Leave Act because he was
13 involved in this, or was it just simply he just
14 goes straight to this 30-day administrative desk
15 duty?

16 A. Not that I'm aware of. But the
17 conversation that I had, we -- in any police-
18 involved shooting, we offer them support services,
19 you know, so that their mental well-being is
20 addressed as well as their physical well-being.
21 When they return from that is when the 30-day desk
22 duty would kick in.

23 Q. I see. Okay. Do you know if
24 Mr. Rialmo took time for that, for that type

1 of support?

2 A. I'm not aware of it.

3 Q. Does that mean you don't know if it
4 happened or it didn't happen?

5 A. I don't know. I'm not aware of it.

6 Q. Okay. The reason I ask is when
7 sometimes people say "I'm not aware," that's kind
8 of unclear. That's why.

9 A. That's fine.

10 Q. Okay. All right. Okay. So any other
11 conversations that you had with Mr. Escalante
12 before this exempt review process?

13 A. Not that I recall.

14 Q. Okay. And did you have any conversations
15 or communications with anybody else regarding this
16 particular incident before the exempt review
17 process?

18 A. No. Not that I recall.

19 Q. Okay. So what's the actual title of
20 this? I know there used to be a roundtable way
21 back in the day.

22 A. Yes.

23 Q. This is not a roundtable?

24 A. No.

1 Q. Okay. Is this -- is it called a
2 shooting brief, a shooting review? What is it
3 called?

4 A. A shooting briefing. And we conduct
5 it during the -- or after the EMM, which is the
6 executive management meeting.

7 Q. Okay. And I don't know what the
8 executive management meeting is. Could you explain
9 what that is?

10 A. Sure. So that's when -- the executive
11 management meeting is held every Monday, Wednesday,
12 and Friday, and the superintendent would chair the
13 meeting. All the chiefs -- the first deputy, all
14 the chiefs, and certain deputy chiefs would attend
15 that meeting.

16 Q. Okay. And so as part of the executive
17 class, I guess, you would have been --

18 A. Management meeting, yeah.

19 Q. Okay. You would have been there?

20 A. As the chief of patrol, yes.

21 Q. Okay. So this particular shooting
22 happened, I believe -- well, it was the weekend.
23 So does that lead you to believe that this shooting
24 briefing would have happened on Monday?

1 A. Yes.

2 Q. Okay. All right. And explain for
3 me generally how these shooting briefings are
4 conducted. And then I'm going to ask you how it
5 was conducted in this instance so I have a flavor
6 of what happens.

7 A. So typically after the business is
8 discussed regarding the executive management
9 meeting, if there was a shooting during that time-
10 frame, then we would do that. That would be the
11 last business of that particular meeting.

12 The street deputy that handled the
13 actual incident would present what occurred at that
14 shooting. And basically we're trying to determine
15 if there were any tactical things that we should
16 address immediately or equipment malfunctions,
17 things of that nature.

18 The meeting is not designed to rule
19 on whether or not the shooting itself was justified
20 or unjustified. We never have any conversation of
21 that flavor. It's just strictly to see if there
22 are any tactical issues or equipment issues that we
23 can address.

24 Q. Well, in the past during the

1 roundtables, state's attorneys would be present as
2 well as IPRA, or back then OPS, right?

3 A. Correct.

4 Q. And there actually would be a
5 determination as to justification?

6 A. Yeah, I believe so.

7 Q. Do you know why that changed?

8 MS. BOUDREAUX: I'm going to object to beyond
9 the scope and instruct him not to answer. Well
10 beyond the scope of topics that were discussed.

11 JUDGE O'HARA: Read the question.

12 (Record read.)

13 JUDGE O'HARA: How does that pertain to this
14 investigation, that something was changed at some
15 point?

16 MR. FOUTRIS: Well, I'd like to know why
17 they're not making a determination at this exempt
18 review after they're provided the facts as to
19 justifiability.

20 MS. BOUDREAUX: It has nothing to do with
21 this case.

22 MR. FOUTRIS: As to whether it was justified?

23 MS. BOUDREAUX: No. About why they changed
24 the process of which meetings happen when.

1 JUDGE O'HARA: The question is why the
2 process was changed.

3 MR. FOUTRIS: I'll move on, Judge. I'll move
4 on.

5 JUDGE O'HARA: Thank you.

6 MR. FOUTRIS: I'll withdraw the question.
7 I'll move on.

8 BY MR. FOUTRIS:

9 Q. Okay. So in this particular instance,
10 Melissa Staples, she presented this matter?

11 A. To the best of my recollection.

12 Q. Okay. Where is this done? Is this
13 some type of conference room?

14 A. It's conducted in the superintendent's
15 conference room.

16 Q. Okay. Is there audio or visual
17 recording capability?

18 A. There may be in that room, but we
19 typically don't videotape it or audio record it.

20 Q. Okay. During the regular EMM portion,
21 is there some type of a secretary taking down
22 what's happening and who's saying what?

23 A. No.

24 Q. Is anybody during the EMM portion

1 recording what's going on?

2 A. No.

3 Q. Okay. During the shooting briefing
4 portion, is anybody taking notes of what
5 Ms. Staples is saying?

6 A. No.

7 Q. Why not?

8 A. I don't --

9 MS. BOUDREAU: Object to foundation, calling
10 for speculation.

11 JUDGE O'HARA: If he knows, he can answer.
12 If he doesn't know, that's his answer.

13 THE WITNESS: Yeah. I really don't -- can't
14 say why.

15 BY MR. FOUTRIS:

16 Q. Did you take notes during Melissa
17 Staples' shooting briefing?

18 A. No.

19 Q. Why not?

20 A. I didn't see a need to.

21 Q. Why did you think there was no need to?

22 A. Again, CPD is not responsible for the
23 investigation in terms of whether or not the
24 shooting is justified or unjustified.

1 Q. Okay. Do you know where Melissa
2 Staples got her information to provide to the
3 other chiefs?

4 A. She was the street deputy at the scene
5 that night.

6 Q. I understand. But did she tell you
7 where she got her information, meaning did she get
8 it directly from the officers or secondhand?

9 A. No. Not that I recall.

10 Q. Okay. Is there anything that can help
11 you remember whether Melissa Staples got her
12 information for this shooting review firsthand or
13 secondhand?

14 A. Other than speaking to her personally,
15 I -- no.

16 Q. Okay. Are people permitted to take
17 notes during this shooting review?

18 A. Honestly, the subject has never --
19 never come up.

20 Q. Have you ever seen anyone take notes
21 during the EMM meetings?

22 A. No.

23 Q. Have you ever seen anyone take notes
24 during any shooting briefing?

1 A. Say again.

2 Q. Have you ever seen anybody take any
3 notes during any shooting briefing?

4 A. No. Other than if there were equipment
5 malfunctions or some tactical issues that needed to
6 be addressed by, let's say, for instance, the
7 training academy; something like that would
8 probably be written down for follow-up. But other
9 than that, no.

10 Q. Was there any -- was there any type of
11 blackboard or a whiteboard with markers to allow
12 Ms. Staples to give an idea of the layout of the
13 scene?

14 A. Yes.

15 Q. Did she do that here?

16 A. I don't actually recall whether she did
17 or not.

18 Q. Anything that can help you remember if
19 she did?

20 A. Other than speaking to her personally,
21 no.

22 Q. Okay. Tell us to the best of your
23 recollection what Ms. Staples said during this
24 shooting review.

1 A. That was quite a while ago. To the
2 best of my recollection, the street deputy would
3 simply lay out the geography of where the incident
4 occurred. If there was -- we have a screen,
5 computer screen, large screen, and we can pull up a
6 Google map of that particular location. And she
7 may point to different locations to describe to us
8 where the officers were to the best of her
9 knowledge or the people -- other people involved.
10 But other than that, no.

11 Q. Are you telling us what happened or
12 what might have happened?

13 A. She describes to us what she knows at
14 that particular time.

15 Q. Right. I'm not saying hypothetically
16 what she does. I'm saying in this particular
17 instance, was there actually a Google map pulled up
18 with Ms. Staples pointing to various parts of that
19 map?

20 A. I don't recall specifically, but
21 typically that's what occurs.

22 Q. Okay. Is there anything that you can
23 tell us in addition to what you've already told us
24 about what Ms. Staples said during the shooting

1 review?

2 A. No.

3 Q. How long did her recitation of this
4 incident last?

5 A. To the best of my recollection, maybe
6 ten minutes.

7 Q. Okay. Did anybody have questions for
8 her?

9 A. There may have been some questions, but
10 specifically I don't recall.

11 Q. Did you have any questions for her?

12 A. Not that I recall.

13 Q. Anything that can help you remember
14 if you had questions for her during the shooting
15 review?

16 A. Other than speaking to her personally,
17 no.

18 Q. Okay. Have we now exhausted your
19 memory with respect to the shooting review of
20 this incident?

21 A. Yes.

22 Q. Is there anything on this planet that
23 you think might help you remember more information
24 about this shooting review other than speaking to

1 Ms. Staples?

2 A. No.

3 Q. Okay. Let's switch topics, sir. I'm
4 going to ask you about Rialmo's desk duty since we
5 touched upon that a little bit earlier.

6 He was eventually placed on this 30-
7 day administrative desk duty?

8 A. Yes.

9 Q. And it was extended indefinitely
10 afterwards?

11 A. Yes.

12 Q. Who was first person that extended
13 it indefinitely? Was it you, or was it your
14 predecessor?

15 A. It may have been my predecessor.

16 Q. Okay. During Ms. Staples' deposition,
17 we received an email, and she was on the chain from
18 Bill Looney. You know who Bill Looney is, right?

19 A. Yes.

20 Q. So at the time he was the commander of
21 the 16th District?

22 A. Correct.

23 Q. What's his position now?

24 A. He's still the commander of the 16th

1 District.

2 Q. And in an email to Ms. Staples, he
3 indicated that he had been instructed by you to
4 have both LaPalermo and Rialmo work administrative
5 duties until -- quote, "until I hear from him." Is
6 it an accurate statement of what you had instructed
7 him to do?

8 A. Yes. I told him they were to remain
9 on administrative duty until I told him that they
10 could be reassigned.

11 Q. Okay. So I want to ask you about -- I
12 want to unpack that a little bit.

13 When did you first learn that either
14 LaPalermo or Rialmo wanted to get off desk duty?
15 Was it through a conversation or communication with
16 Mr. Looney, or was it some other way?

17 A. It was some other -- I don't recall
18 exactly how I found that out, but I don't believe
19 it was through Commander Looney.

20 Q. Okay. Because the email that was
21 sent in this email chain from Mr. Looney was dated
22 April 14th at 5:48 p.m., which would have been the
23 day after you were given the permanent job by City
24 Council. Is that date right?

1 MS. BOUDREAU: I'm sorry. Could you say the
2 year?

3 BY MR. FOUTRIS:

4 Q. I'm sorry. I must have misspoke.
5 April 14th, 2016 was when this email was sent.
6 That would have been the day after you became
7 superintendent by way of the City Council; is
8 that right?

9 A. Correct.

10 Q. Okay. So this information -- or this
11 communication you had about these two officers, was
12 it while you were interim, or was it one of the
13 very first things you did when the interim tag was
14 taken off?

15 A. I don't recall specific dates.

16 Q. Anything that can help you?

17 A. I don't recall any documentation about
18 that.

19 Q. Did you ever send any email in regard
20 to the administrative desk duty issue?

21 A. Not that I recall. I know I spoke to
22 Commander Looney --

23 Q. Okay.

24 A. -- to let him know what my expectations

1 were.

2 Q. Okay. And after you spoke to Commander
3 Looney indicating that you wanted these two officers
4 to stay on desk duty indefinitely, did you later
5 learn that that had changed?

6 A. Yes.

7 Q. How did you learn that?

8 A. I don't recall the source of how I
9 found out. I just know it was brought to my
10 attention.

11 Q. Okay. And how -- can you give us the
12 approximate date of when it came to your attention?
13 Was it still summertime? Was it the fall? Was it
14 the winter?

15 A. To the best of my recollection, I think
16 it was in the fall sometime.

17 Q. And what was your immediate reaction
18 upon learning that Mr. Rialmo was no longer on desk
19 duty as you had expressly directed?

20 A. I was upset because he shouldn't have
21 been out in the field. He should have remained on
22 administrative duty until I said otherwise.

23 Q. Why did you believe that he needed to
24 remain on administrative duty until you expressed

1 or directed otherwise?

2 A. Because the investigation was still in
3 progress, and I did not want him back out on field
4 duty.

5 Q. When you became superintendent in
6 April 2016, were there other officers other than
7 LaPalermo and Rialmo that were on 30-day desk duty
8 because of a police-involved shooting?

9 A. To the best of my recollection, I'm not
10 sure. There may have been.

11 Q. Well, from April of 2016 to the
12 present, there have been other officers in that
13 position?

14 A. Yes.

15 Q. Those other officers, have you directed
16 that any of them be placed indefinitely on
17 administrative desk duty as you did with Rialmo and
18 LaPalermo?

19 A. To the best of my recollection, I don't
20 believe so.

21 Q. Okay. All right. So what was it about
22 this specific case that caused you to want these
23 two officers to stay on administrative desk duty
24 indefinitely?

1 A. Well, Rialmo in particular, again, the
2 case, the investigative portion of the shooting
3 itself was a concern to me as also his emotional
4 well-being was a concern to me.

5 Q. Why was the shooting itself a concern
6 to you?

7 A. Just the facts of the shooting that I
8 knew at the time.

9 Q. What did you know at the time that you
10 decided that you wanted Rialmo to be on indefinite
11 desk duty?

12 A. Well, again --

13 Q. Was it any different than what you had
14 learned at the shooting review?

15 A. No.

16 Q. Okay. And did you learn that
17 Mr. Rialmo had been placed on bike patrol?

18 A. I learned that he was -- he had been
19 placed in summer mobile. So I'm not sure if he was
20 on bike or in a squad car.

21 Q. Okay. I misspoke. I apologize.

22 JUDGE O'HARA: Give me one second. I'm going
23 to be back in five minutes. I'm available by phone
24 if you need me in five minutes, but I'll be back

1 right after that. Okay?

2 What areas are left? We're through
3 with this? And then -- this is the investigation,
4 and then it's the COPA; is that right?

5 MR. FOUTRIS: Communications and COPA.

6 JUDGE O'HARA: Communications, that's
7 communications with?

8 MR. FOUTRIS: People involved in this case.

9 MR. KENNEDY: Some of it's been covered
10 already, but --

11 MR. FOUTRIS: Right.

12 JUDGE O'HARA: All right. Well, let's keep
13 it tight. All right. Thank you.

14 BY MR. FOUTRIS:

15 Q. Okay. So when you learned he was on
16 summer mobile, what did you do? When you learned
17 that he was on summer mobile, what did you do?

18 A. So I immediately made some calls. I
19 don't recall to who. And I instructed probably the
20 chief of patrol to return him back to the 16th
21 District on administrative duty.

22 Q. Did you then try to find out who placed
23 him on the summer mobile unit?

24 A. Yes, I did.

1 Q. Did you find out who that was?

2 A. Yes, I did.

3 Q. Who was it?

4 A. Commander Bill Looney.

5 Q. And when you learned that Mr. Looney
6 had placed him in summer mobile even though you
7 expressly directed otherwise, did you do anything
8 as a result?

9 A. Yes.

10 Q. What did you do?

11 A. I disciplined him.

12 Q. How so?

13 A. I had the chief of patrol initiate a
14 SPAR form, which is a form of discipline in the
15 Chicago Police Department.

16 Q. Did you do anything else other than
17 initiate a SPAR?

18 A. I had Rialmo placed back in the 16th
19 District.

20 Q. I meant in terms of discipline for
21 Looney.

22 A. No.

23 Q. Okay. A SPAR is expunged after a year?

24 A. I'm not sure how long it lasts, but I

1 believe that's the -- it stays in your file for at
2 least a year.

3 Q. Okay. Other than an oral reprimand, it
4 is the lowest form of punishment you can give to an
5 officer; is that fair?

6 A. Yeah, that's fair.

7 Q. Okay. So why did you choose a SPAR as
8 opposed to something else?

9 A. Because in my opinion nothing egregious
10 happened while Rialmo was out on the street. It
11 was a mistake on his part in that he was correct in
12 using reverse seniority to send officers out to
13 summer mobile; he was correct in that fashion.
14 However, I had given him oral instruction not to
15 move him.

16 So technically he was within his
17 right to use reverse seniority, which is the lowest
18 officer in terms of seniority, to put them in
19 summer mobile if we don't have volunteers. So he
20 was right in that aspect.

21 But because I had instructed him
22 orally not to move him until he got an oral order
23 from me, that's what precipitated me disciplining
24 him.

1 Q. Okay. Did -- do you know if Rialmo had
2 ever been provided any sort of paperwork indicating
3 that he was going to be staying on indefinite desk
4 duty before he went to summer mobile?

5 A. No, I don't.

6 Q. Did you discipline Rialmo in any
7 fashion for having been on summer mobile?

8 A. No.

9 Q. Why not?

10 A. It wasn't his fault that he was on
11 there.

12 Q. Officer LaPalermo, has he been on
13 administrative desk duty from December 27th, 2015
14 to the present?

15 A. I'm not sure of his status right now.

16 Q. Did you at some point lift the
17 indefinite desk duty for him?

18 A. I probably did.

19 Q. Do you actually recall doing that, or
20 are you guessing now?

21 A. I would -- I would think that I did,
22 yeah. I don't actually recall actually giving that
23 order, but I'm pretty sure that I did.

24 Q. Okay. So in your mind's eye, you gave

1 that order?

2 A. Yes.

3 Q. Okay. Why did do you that with respect
4 to LaPalermo?

5 A. Because, again, you know, that 30-day
6 administrative duty, that was the first time we had
7 used it. So we were kind of -- it was a new
8 process. And in my opinion, now that we've -- it's
9 evolved a bit. Only the officer that discharged
10 their weapon actually has to be administratively
11 placed on desk duty.

12 Q. Understood.

13 And Mr. Rialmo, I believe, if I'm
14 not mistaken, testified that you actually called
15 him on his cellphone when he was taken off summer
16 mobile. Is that accurate?

17 A. Yes.

18 Q. Which phone did you use to call him on?

19 A. My Chicago Police Department cellphone.

20 Q. How did you get his phone number?

21 A. I don't recall. But typically I would
22 reach out to maybe their commander to see if they
23 had their cellphone number.

24 Q. All right. And was there any type of

1 forewarning to Mr. Rialmo that you would be calling
2 him, or was it kind of out of the blue?

3 A. It was probably out of the blue.

4 Q. How long did this phone conversation
5 last?

6 A. A few minutes.

7 Q. Tell me everything you remember saying
8 to him and everything you remember him saying to
9 you during this conversation.

10 A. I just asked -- probably asked him, to
11 the best of my recollection, was he okay, was he
12 doing okay. And then I explained to him why I was
13 removing him from summer mobile, that it was in his
14 best interest as well as the citizens of this city
15 that he not be out there having contact with the
16 public.

17 And I asked him if he understood
18 that and that I wasn't trying to penalize or punish
19 him, but it was just in the best interest of all
20 parties that he not be on the street. And he
21 indicated that he understood.

22 Q. So, first, why did you believe it was
23 the best interest of the citizens to have Mr. Rialmo
24 off the streets?

1 A. Because he had been involved in a
2 traumatic incident, and I just believed that it was
3 in the best interest of everyone for him not to be
4 on the street. I didn't want to take the chance
5 of him having another encounter that would just
6 perhaps bleed into the first incident.

7 Q. Kind of like a bar fight, something
8 like that?

9 MS. BOUDREAU: I'm going to object to the
10 form of that question, line of question.

11 BY MR. FOUTRIS:

12 Q. You're aware that he was allegedly
13 involved in a bar fight?

14 A. Yes.

15 Q. That is being investigated by IAD
16 presently?

17 MS. BOUDREAU: If you know.

18 BY MR. FOUTRIS:

19 Q. Or is it IPRA? Or COPA, rather. Or
20 one of the two.

21 MR. KENNEDY: Somebody.

22 THE WITNESS: COPA is investigating it.

23 BY MR. FOUTRIS:

24 Q. Okay. At some point did the IAD

1 initiate an investigation into that bar fight
2 incident?

3 A. I believe they did initiate the
4 investigation.

5 Q. Okay. And are you aware that he's
6 currently -- that Rialmo is currently being
7 prosecuted by the state's attorney's office in
8 connection with that incident?

9 A. Yes.

10 Q. Did you ask that that happen?

11 A. No.

12 Q. Did you have any role in that happening?

13 A. No.

14 Q. And as a result of the bar fight
15 incident, Mr. Rialmo has been relieved of his
16 police duties; is that right?

17 A. Yes.

18 Q. Okay. And who made the decision to
19 relieve him of his police duties in connection
20 with that incident? Was that you?

21 A. No. That was chief of internal
22 affairs, Eddie Welch.

23 Q. Did you have input into that?

24 A. No.

1 Q. Did you agree with the decision to
2 take -- or relieve Mr. Rialmo of his police powers
3 because he got involved in a bar fight allegedly?

4 A. You can't keep that thing on, huh?

5 Based on the facts that Chief Welch
6 presented to me, I agreed with his -- with his
7 decision.

8 Q. So why was it okay to relieve him of
9 his police duties for a bar fight but not for
10 killing two people?

11 MS. BOUDREAUX: I'll just object to compound,
12 incomplete hypothetical.

13 But you can answer.

14 THE WITNESS: Those are two separate and
15 distinct incidents. I think with the bar fight,
16 the reason -- one of the major reasons he was
17 relieved of his police powers is because the
18 incident occurred, he left the scene, and we were
19 unable to get his version of what occurred.

20 Perhaps if he had stayed and given a statement at
21 that time he may not have been relieved at that
22 time either.

23 BY MR. FOUTRIS:

24 Q. Okay. So being prosecuted for a

1 battery and a theft is not enough to, alone, in
2 your view, have an officer relieved of his or
3 her police duties?

4 MS. BOUDREAUX: I'm just going to object to
5 the form of that question. Are you talking about
6 like any legal conclusions?

7 Do you understand the question?

8 THE WITNESS: No.

9 MS. BOUDREAUX: I don't either.

10 BY MR. FOUTRIS:

11 Q. A police officer being involved in a
12 bar fight in and of itself, that alone, in your
13 view as superintendent, is not enough to relieve
14 that officer of police duties?

15 A. It depends on the circumstances. If he
16 was being attacked by someone, he has the right to
17 defend himself. So in that instance, no.

18 Q. Okay. In this instance, did you look
19 at the video of the bar fight?

20 A. No.

21 Q. Okay. In this instance, if Mr. Rialmo
22 had not fled the scene, would he have been relieved
23 of his police duties?

24 MS. BOUDREAUX: Objection; calls for

1 speculation, lack of foundation.

2 If you know.

3 THE WITNESS: Difficult for me to say.

4 BY MR. FOUTRIS:

5 Q. You can't say one way or the other?

6 A. Not unless I knew exactly what happened
7 at that -- and what he said.

8 Q. So if everything is exactly the same
9 except that he did not leave the scene, would that
10 have been enough to relieve him of his police
11 duties?

12 MS. BOUDREAUX: Objection; calls for
13 speculation, lack of foundation, and form of
14 the question, "everything is exactly the same."

15 Don't answer if you don't understand.

16 THE WITNESS: I don't have enough facts to be
17 able to answer that.

18 BY MR. FOUTRIS:

19 Q. All right. Did you ever take any steps
20 to relieve him of his police powers for the
21 shooting death of Quintonio LeGrier and Bettie
22 Jones?

23 A. No.

24 Q. Okay. Do you need a break?

1 A. No.

2 How close are we?

3 Q. I have no idea.

4 MS. BOUDREAUX: You have no idea how much
5 longer you have?

6 MR. FOUTRIS: Well, I thought it was going to
7 take less time than it is now, so ... I'm going to
8 be as quick as I can.

9 BY MR. FOUTRIS:

10 Q. Let me ask about communications, like
11 a bullet point of people. So just to define this,
12 I'm going to ask you if you've ever communicated
13 with a number of different people. And by
14 "communications," I'm going to define that as
15 speaking to them either in person or on the phone,
16 emails, texts, or any other type of conceivable
17 communication, hand signals, smoke signals,
18 whatever you can think of.

19 A. Okay.

20 Q. Okay. You understand my definition?

21 A. Yes.

22 Q. Okay. So have you ever -- other than
23 that one phone conversation with Mr. Rialmo that we
24 just talked about, have you ever had any other

1 communications with him from December 26, 2015 to
2 today?

3 A. Not that I recall.

4 Q. Have you ever had any communications
5 with LaPalermo from that date -- and by "that
6 date," I mean December 26, 2015 -- until today?

7 A. Not that I recall.

8 Q. Have you had any conversations with any
9 paramedics that arrived on the scene?

10 A. No.

11 Q. Have you had any conversations with
12 Melissa Staples regarding this particular incident
13 other than the shooting review from December of
14 2015 to the present?

15 A. No.

16 Q. The City has named somebody named
17 Sergeant Schoeff, he's a detective sergeant, as
18 a witness in this case.

19 Have you ever had any communications
20 with him regarding this matter?

21 A. No.

22 Q. Lieutenant Stephanie Stuart, have you
23 ever had any communications with her regarding this
24 matter?

1 A. No.

2 Q. The medical examiner in this case,
3 Dr. Escobar-Alvarenga, have you had any
4 communications with her regarding this matter?

5 A. No.

6 Q. Three police officers, to make it go
7 more quickly, patrol officers, Brandon Joyce,
8 Officer Bakula -- I don't remember his first
9 name -- Thomas Bakula, and Hodges Smith, those
10 three officers are supposed witnesses in this case
11 in one fashion or another.

12 Have you ever had any communications
13 with them regarding this matter?

14 A. No.

15 Q. Detective Jensen, he's a North -- Area
16 North detective. Have you had any communications
17 with him regarding this matter?

18 A. No.

19 Q. How about Kevin Duffin?

20 A. No.

21 Q. How about Sharon Fairley?

22 A. No.

23 Q. Commanders of the 15th, 25th, or 11th
24 Districts?

1 A. Regarding this matter?

2 Q. Yes.

3 A. No.

4 Q. I'm sure you've talked to all these
5 people at some point. I'm talking specifically
6 about this matter.

7 A. No.

8 Q. Okay. Any other chiefs regarding this
9 matter?

10 A. No.

11 Q. Without discussing any conversations,
12 have you had conversations with anybody from the
13 law department regarding this matter or this
14 lawsuit?

15 MS. BOUDREAU: Outside of what he's already
16 testified to?

17 MR. FOUTRIS: Yes.

18 MS. BOUDREAU: Meeting with us? So outside
19 of that, any other.

20 THE WITNESS: No.

21 BY MR. FOUTRIS:

22 Q. How about with the law firm or people
23 associated with the law firm of Andy Hale &
24 Associates?

1 A. No.

2 Q. Anybody from the attorney general's
3 office?

4 A. No.

5 Q. Anybody from the Illinois State Police?

6 A. No.

7 Q. Anybody from the state attorney's
8 office?

9 A. No.

10 Q. Any of the mayor's assistants?

11 A. No.

12 Q. Has the mayor ever asked you or
13 put any pressure on you with respect to COPA's
14 determination?

15 A. No.

16 Q. Have you ever had any conversation with
17 the mayor about the shooting deaths of Quintonio
18 LeGrier and Bettie Jones?

19 A. No.

20 Q. Have you ever had any conversations
21 with the mayor about the investigation or
22 investigations into those deaths?

23 A. No.

24 Q. Have you ever had any conversations --

1 or communications, I should say, any communications
2 at all with the mayor about this lawsuit?

3 A. No.

4 Q. Has anybody from the mayor's office or
5 anybody associated with the mayor ever communicated
6 to you or any of your associates about the COPA
7 findings?

8 MS. BOUDREAUX: Object to compound.

9 MR. FOUTRIS: I know it's compound. I'm
10 trying to make it go quicker.

11 THE WITNESS: No to me and not that I'm aware
12 of with anyone else.

13 BY MR. FOUTRIS:

14 Q. Do you have any idea what the mayor may
15 want or not want with respect to your decision
16 regarding the COPA investigation?

17 MS. BOUDREAUX: Object; calls for speculation,
18 lack of foundation.

19 THE WITNESS: No.

20 BY MR. FOUTRIS:

21 Q. Have you ever spoken to anybody from
22 the FOP regarding this incident or the lawsuit
23 stemming from the incident?

24 A. No.

1 Q. Chicago police officers are allowed to
2 meet with FOP representatives on scene before they
3 meet with detectives; is that right?

4 A. FOP representatives are allowed to come
5 to the scene, and they are allowed to speak to them.

6 Q. Okay. And that's per practice of the
7 CPD?

8 A. I believe it's a contractual issue.

9 Q. Okay. And that's something that was in
10 effect back in December of 2015?

11 A. Yes.

12 Q. All right. On April 5th, 2017, you
13 received the bureau of detectives' available
14 reports in this case; is that correct?

15 A. Say that again.

16 Q. On April 5th, 2017, you received the
17 bureau of detectives' available reports in this
18 instance; is that correct?

19 A. No.

20 Q. Okay. Let's mark this first exhibit.
21 This will be Exhibit 1 for your deposition.

22 Sir, I'm handing you what's been
23 marked as Deposition Exhibit No. 1. For
24 identification, it's Bates stamped IPRA-LG-007006.

1 It is a To/From from the bureau of detectives,
2 Kevin B. Duffin, Commander, to Eddie Johnson, Eddie
3 T. Johnson, dated 5 April 2017.

4 Do you have that in front of you, sir?

5 A. Yes.

6 Q. Okay. This is a document that was
7 signed by Kevin Duffin at the time, Area North
8 Detective Division, James Jones, Deputy Chief,
9 Bureau of Detectives, and Melissa Staples, Chief,
10 Bureau of Detectives.

11 Do you see what I'm referring to?

12 A. Yes.

13 Q. Okay. And this is something that was
14 sent to you purportedly on April 5th, 2017; is that
15 correct?

16 A. That's what it reads, yes.

17 Q. Okay. And you're aware that the bureau
18 of detectives has files with respect to criminal
19 investigations; is that right?

20 A. Yes.

21 Q. Okay. And those files are also given
22 to -- in this case were given to IPRA and COPA,
23 right?

24 MS. BOUDREAUX: I'm going to just object to

1 foundation.

2 If you know.

3 THE WITNESS: Apparently, reading this
4 To/From.

5 BY MR. FOUTRIS:

6 Q. Okay. So did you receive the reports
7 that were sent to you in this -- along with this
8 To/From on April 5th, 2017?

9 A. IF I'm reading this To/From correctly,
10 they're requesting information to be sent to IPRA
11 at the time. So the law department would handle
12 this. I wouldn't personally --

13 Q. Well --

14 A. -- handle this.

15 Q. -- it's to Eddie Johnson from Kevin
16 Duffin, and it says, "The undersigned is submitting
17 all available reports in the aforementioned matter."
18 Did I read that correctly?

19 A. Yes.

20 Q. Okay. So on its face, it's indicating
21 that Kevin Duffin was sending you all available
22 reports regarding this matter.

23 MS. BOUDREAUX: I would object to that being
24 a mischaracterization of the document.

1 Is that what you think this document
2 is?

3 THE WITNESS: No. I believe this document is
4 meant to go to legal. But because legal is under
5 the superintendent's office and me being the
6 superintendent, the heading of it is going to be
7 to that person. For instance, if you were sending
8 something to the chief of patrol, the chief of
9 patrol wouldn't necessarily get it, but it's under
10 his bureau, so his name would have to be on the To
11 portion of the document.

12 BY MR. FOUTRIS:

13 Q. Okay. So it's your position that you
14 never got this memo and you never got the attached
15 reports?

16 MS. BOUDREAUX: I'm going to object to that
17 characterization.

18 You can explain one more time what
19 you think this is.

20 THE WITNESS: Yeah. Not me personally. It's
21 coming --

22 MR. FOUTRIS: That's what I'm asking.

23 THE WITNESS: Yeah. Not me personally, no.

24

1 BY MR. FOUTRIS:

2 Q. Okay. So to the best of your memory,
3 you never received this memo and you never received
4 the available reports referenced in this memo in
5 April of 2017, correct?

6 A. Correct.

7 Q. Okay. Did anybody tell you that they
8 had received a memo addressed to you containing the
9 available reports in this case?

10 MS. BOUDREAUX: And I'll object to anything
11 calling for attorney-client privileged communication.
12 So any conversation outside of one you may have had
13 with your attorney.

14 BY MR. FOUTRIS:

15 Q. You can answer.

16 A. So no.

17 Q. Charise Valente, she's sitting to your
18 left?

19 A. Yes.

20 Q. Okay. So this memo is attention
21 Charise K. Valente?

22 A. Yes.

23 Q. She's not testifying, so I'm just
24 identifying who it is.

1 And it says General Counsel, Office
2 of Legal Affairs. Could you explain to me what
3 that is?

4 A. So legal affairs are basically the
5 superintendent's attorneys.

6 Q. Okay. All right. So you received a
7 summary report from COPA; is that right?

8 A. Correct.

9 Q. And you received their entire file?

10 A. Not initially.

11 Q. As you're sitting here today, you've
12 received their entire file? That's all I asked.
13 Is that right?

14 A. To the best of my knowledge, yes.

15 Q. Okay. All right. I just want to see
16 if I understand what COPA is.

17 COPA is the Civilian Office of
18 Police Accountability?

19 A. Correct.

20 Q. Established by ordinance?

21 A. Correct.

22 Q. I think you told us earlier that COPA
23 investigates uses of excessive force?

24 A. And any force, yes.

1 Q. Okay. And COPA determines whether
2 particular use of force was in compliance with
3 CPD policies, right?

4 A. Whether it's in compliance or justified
5 or unjustified, yes.

6 Q. Okay. And the COPA report that you
7 received is something that is required pursuant to
8 ordinance?

9 A. Yes.

10 Q. Okay. And a portion of that report
11 includes a narrative summary of the investigation
12 undertaken by COPA?

13 MS. BOUDREAUX: You mean generally?

14 MR. FOUTRIS: In this instance.

15 MS. BOUDREAUX: If you know.

16 THE WITNESS: Yes.

17 BY MR. FOUTRIS:

18 Q. Okay. And actually in this instance,
19 it was actually an investigation conducted by IPRA
20 and then continued by COPA; is that right?

21 A. Correct.

22 Q. And the summary report that you
23 received from COPA in this case includes COPA's
24 findings and conclusions; is that right?

1 A. Yes.

2 Q. And it includes COPA's determination as
3 to whether Rialmo's shooting of Quintonio LeGrier
4 and his shooting of Bettie Jones was justified or
5 not justified; is that correct?

6 A. Yes.

7 MS. BOUDREAUX: How much do you think you
8 have on this? Because we might take a break now.

9 MR. FOUTRIS: Let's take a break.

10 THE VIDEO TECHNICIAN: We are now going off
11 the record at 3:04 p.m.

12 (Recess taken.)

13 THE VIDEO TECHNICIAN: The time is 3:12 p.m.
14 We are now back on the record.

15 BY MR. FOUTRIS:

16 Q. Sir, I'm going to ask you about this
17 COPA issue going forward. Okay?

18 A. Okay.

19 Q. All right. So you're aware that there
20 were seven allegations that were investigated by
21 COPA, initially IPRA?

22 A. Yes.

23 Q. Okay. First allegation was that
24 Officer Rialmo shot Quintonio LeGrier without

1 justification. You're aware of that?

2 A. Yes.

3 Q. You're aware that allegation No. 5,
4 that Rialmo shot Bettie Jones without justification,
5 right?

6 A. Yes.

7 Q. Okay. And then there's also other
8 allegations. I'm going to focus on those. Okay?

9 A. Yes.

10 Q. The COPA report references the
11 department reports regarding this incident.

12 You're aware of that?

13 A. Yes.

14 Q. And those include the crime scene
15 processing reports. You're aware of that?

16 A. Yes.

17 Q. Crime scene processing reports are
18 reports that are available to the detective
19 division; is that right?

20 A. Correct.

21 Q. You're aware that the COPA report
22 references and summarizes the TRRs and the OBRs?

23 A. Yes.

24 Q. And that's part of the detective file,

1 right?

2 A. Yes.

3 Q. And you're aware that the COPA report
4 summarizes the case supplementary reports authored
5 by the detective division?

6 A. Yes.

7 Q. As well as other officers that may have
8 authored case supplementary reports. You're aware
9 of that?

10 A. Yes.

11 Q. Okay. And, again, those are all
12 available in the detective division?

13 A. And some of which might be available in
14 patrol.

15 Q. All of those reports that I just
16 referenced, those department reports, they're all
17 available in the CLEAR system, right?

18 MS. BOUDREAUX: If you know.

19 THE WITNESS: What do you mean?

20 BY MR. FOUTRIS:

21 Q. The crime scene processing reports, the
22 tactical response reports, the officer battery
23 reports, the case supplementary reports, all of
24 those categories of documents, as the superintendent

1 and chief of police, you can access those on your
2 own through a CPD database; is that fair?

3 MS. BOUDREAU: Object to compound question
4 and foundation.

5 You can answer if you know.

6 THE WITNESS: You mean their actual reports,
7 or just a document, a blank document?

8 MR. FOUTRIS: The reports in a particular RD
9 number.

10 THE WITNESS: That's been created?

11 MR. FOUTRIS: Yes.

12 THE WITNESS: No.

13 BY MR. FOUTRIS:

14 Q. You cannot, as the superintendent, look
15 in a database of CPD and see what reports are there?

16 A. No.

17 Q. Do you have a PC number?

18 A. Yes.

19 Q. Can you use your PC number to log on to
20 the CPD database?

21 A. Yes.

22 Q. One of those is the CLEAR system?

23 A. Yes.

24 Q. Is the CHRIS system still in operation,

1 or is that gone?

2 A. CHRIS system is still in operation, but
3 only certain people can authorize -- access those,
4 and usually those individuals are the detective
5 division.

6 Q. Okay. As the superintendent of the
7 CPD, can you access with your PC number either the
8 CHRIS or CLEAR database systems?

9 A. The CLEAR system definitely. The CHRIS
10 system, I'm not aware of that.

11 Q. Okay. And in the CLEAR system, that
12 includes things such as what are commonly referred
13 to as rap sheets, right?

14 A. Yes.

15 Q. It also includes if you put in an RD
16 number, you can pull up finished reports in the
17 CLEAR system?

18 A. Yes.

19 Q. Okay. So in this case, you could use
20 your PC number, as the superintendent of police, go
21 into the CLEAR system, and pull up the case reports
22 that have been authored in this case, right?

23 A. In the CLEAR system, yes.

24 Q. Okay. And you can do that as well for

1 the crime scene processing reports, the TRRs, and
2 the OBRs, right?

3 A. Yes.

4 Q. Okay. So the department reports that
5 are referenced in the COPA summary report that you
6 received, you could have accessed those any time
7 since you became superintendent if you wanted to,
8 right?

9 MS. BOUDREAUX: I'll object to foundation and
10 calling for speculation.

11 THE WITNESS: I would have to review the
12 entire report from COPA in order to factually
13 answer that.

14 BY MR. FOUTRIS:

15 Q. No. I'm saying if you were so inclined
16 as of April of 2016 to look at the crime scene
17 processing reports in this case, as the
18 superintendent, you could have used your PC code
19 to go into the CLEAR system to do that, right?

20 A. Yes.

21 Q. Same thing goes for the case supp
22 reports, the TRRs, and the OBRs?

23 A. Correct.

24 Q. Okay. Did you ever do that before you

1 got these reports from COPA?

2 A. No.

3 Q. Why not?

4 A. Because I'm not part of the
5 investigative chain for that, so no.

6 Q. Okay. You could also have accessed the
7 photographs that were taken by the ETs and FIs in
8 this case?

9 A. If they were in the CLEAR system, yes.

10 Q. Are they typically in the CLEAR system?

11 A. Generally, yes.

12 Q. The JPEG versions, right?

13 A. Correct.

14 Q. Did you ever look at the JPEG version
15 of the photographs taken by the FIs or ETs in this
16 case?

17 A. No.

18 Q. Okay. And just for definitional
19 purposes, ETs are evidence technicians?

20 A. Evidence technicians, correct.

21 Q. And FIs are forensic investigators?

22 A. Correct.

23 Q. Okay. In the COPA report, are you
24 aware that it indicates that the medical examiner's

1 office did not respond to this incident because
2 they did not receive notification by the CPD that
3 this was an officer-involved shooting?

4 MS. BOUDREAUX: I'm sorry. What's the
5 question? Is he aware that the COPA report says
6 that?

7 MR. FOUTRIS: Yes.

8 THE WITNESS: I haven't reviewed the COPA
9 report in its entirety yet.

10 BY MR. FOUTRIS:

11 Q. Okay. Did you review that portion yet?

12 A. No.

13 Q. Earlier you told us that if it comes to
14 your attention that somebody did not contact the
15 ME's office that you could then go to IAD to
16 investigate that. You told us that about an hour
17 ago, right?

18 A. CPD can, yes.

19 Q. Okay. And you can direct that to
20 happen?

21 A. In theory, yes, I could.

22 Q. Okay. So if you learned in reviewing
23 this that nobody was contacted from the ME's
24 office, would you be inclined to refer that to be

1 investigated by the IAD as the superintendent?

2 MS. BOUDREAUX: Objection; calls for
3 speculation.

4 THE WITNESS: I could --

5 MS. BOUDREAUX: Do you know? Do you know if
6 you're going to do that?

7 THE WITNESS: No, I don't.

8 BY MR. FOUTRIS:

9 Q. Okay. Under what circumstances would
10 you do that if you were to learn that in the COPA
11 report that that had happened in this case?

12 A. You know, in all honesty, something of
13 that nature would be handled by a lower level
14 management person. So I would -- I would assume
15 that if there were an issue with that it would have
16 been rectified already.

17 Q. Okay. You're familiar with General
18 Order 03-02-03, that's the use of force policy, or
19 a portion of it, right?

20 A. Yes.

21 Q. Okay. That's what COPA was determining
22 if that was violated with respect to allegations 1
23 and 5, right?

24 A. I would assume that's what they used.

1 Q. Right. In other words --

2 JUDGE O'HARA: I don't want to interrupt.

3 There is one person we forgot to address.

4 Mr. Brodsky was made aware of this, and he's not
5 here, right?

6 MR. FOUTRIS: That's correct. He's been on
7 all the emails. He knows about it. It's been in
8 the order that was provided to him. He knows about
9 the date and place.

10 MS. BOUDREAUX: I think he's on trial.

11 MR. FOUTRIS: But he has notice, and he
12 hasn't indicated one way or the other about this
13 proceeding or not proceeding. He said nothing
14 about it.

15 JUDGE O'HARA: Is it safe to say that all
16 parties here -- has any parties that are here
17 received any notice from Mr. Brodsky regarding his
18 participation or lack of participation in this dep?

19 MS. BOUDREAUX: No one received notice.

20 MR. FOUTRIS: That is correct.

21 MR. KENNEDY: Correct, your Honor.

22 JUDGE O'HARA: Okay. So that's from all
23 sides?

24 MR. FOUTRIS: Yes.

1 MS. BOUDREAU: Yes.

2 JUDGE O'HARA: I'm sorry for interrupting the
3 deposition. It just came to my attention.

4 MR. FOUTRIS: And, Judge, that has been true
5 for every deposition other than Rialmo's two
6 depositions.

7 JUDGE O'HARA: Just for my understanding.
8 Thank you, sir.

9 MS. BOUDREAU: Can we get the last question?

10 BY MR. FOUTRIS:

11 Q. Make it clear. It was a little bit
12 muddled.

13 Allegations 1 and 5 earlier we
14 talked about related to whether Rialmo justifiably
15 shot Quintonio LeGrier and Bettie Jones, and that's
16 something that COPA was looking to see in the
17 context of the use of force policy, right?

18 A. Yes. That's the scope of their
19 authority.

20 Q. Are you aware that the COPA summary
21 report states that there are no other witness
22 accounts or physical evidence that corroborate
23 Officer Rialmo's statements that Quintonio swung
24 a bat? Are you aware of that?

1 A. No. Again, I haven't reviewed it.

2 Q. You didn't review that portion yet?

3 A. No. The investigation -- I review it
4 so that I get all the facts in the totality of it.
5 So right now I'm not prepared to --

6 Q. You haven't reviewed that portion yet?

7 MS. BOUDREAUX: Objection; asked and
8 answered. And he was in the middle of giving his
9 answer.

10 Finish your answer, please. Go
11 ahead.

12 THE WITNESS: Okay. So I review the totality
13 of all the information provided. It's being
14 reviewed now. So I'm not prepared to comment one
15 way or another.

16 BY MR. FOUTRIS:

17 Q. I'm just asking you about specific
18 portions of the summary report and if you have
19 reviewed those specific ones yet. Okay?

20 A. Okay.

21 Q. All right. So the one that I just
22 read, had you read that yet?

23 A. No.

24 Q. Okay. Have you read the portion of the

1 summary report where COPA finds that Officer Rialmo
2 has provided at least three different accounts of
3 where Quintonio was standing when he first swung
4 the bat? Have you read that portion yet?

5 A. No.

6 Q. Have you read the portion of the COPA
7 report that states that Rialmo has provided
8 differing accounts as to where he was standing when
9 Quintonio swung the bat in an upward direction?
10 Have you read that portion yet?

11 A. No. Again, I'm not going to read that
12 until I've read -- prepared to read the entire
13 thing. I'm not going to pick and choose pieces of
14 it to read.

15 Q. Okay. Have you gotten to the point of
16 the summary report where it concludes that there's
17 no credible evidence establishing that Quintonio
18 ever swung the bat? Did you get to that point yet?

19 A. Again, I'm not going to make a decision
20 or review it until I'm prepared to review the
21 entire file.

22 Q. Did you read the portion of the report
23 where it concludes that all of Officer Rialmo's
24 shots were not within policy?

1 A. Again, I'm not going to pick and choose
2 pieces of the report. I have not reviewed the
3 entire file yet.

4 Q. I understand. But you've reviewed
5 portions of it, right?

6 A. No.

7 Q. You've reviewed nothing?

8 A. I've seen a summary. But, again, I
9 will not review pieces of it. I'm going to review
10 the entire file.

11 Q. Well, you've reviewed portions of the
12 summary report authored by COPA; is that correct?

13 MS. BOUDREAUX: Asked and answered.

14 THE WITNESS: When they initially sent it to
15 me, I reviewed portions of it.

16 MR. FOUTRIS: Okay. That's what I'm getting
17 at.

18 THE WITNESS: But we didn't have the entire
19 file.

20 MR. FOUTRIS: I understand.

21 THE WITNESS: Now it's under investigation or
22 review by my office. My legal team has it. When
23 they're done with it, then they'll present it to
24 me, and I will review the entire file.

1 BY MR. FOUTRIS:

2 Q. Well, as to the portion that you read
3 from the summary report when you first got it, I'm
4 asking if when you did that, there are certain
5 aspects of it that you read. Okay?

6 MS. BOUDREAUX: He testified he read a
7 summary of it.

8 BY MR. FOUTRIS:

9 Q. Have you read any portion of the
10 summary report provided by COPA as of today?

11 MS. BOUDREAUX: The summary report itself.

12 THE WITNESS: Yes. And when I reviewed the
13 summary report, it came to my attention that
14 certain documents were not tendered to us, drafted
15 a communication to COPA that I needed the entire
16 file before I was able to review it.

17 To the best of my knowledge, they
18 have now tendered all of that information. My
19 legal team is reviewing it. And once they've
20 completed their review, then I will review the
21 whole file so that I can render my decision.

22 MR. FOUTRIS: I understand. I think we're
23 talking past one another.

24 JUDGE O'HARA: Let me interrupt. What's that

1 document called?

2 MR. FOUTRIS: This is a summary report.

3 JUDGE O'HARA: Well, it's not -- it's just
4 not a summary report. What's the title on it?

5 MR. FOUTRIS: It is called the summary
6 report.

7 JUDGE O'HARA: Is there an identifying number
8 on it?

9 MR. THOMAS: Yes. IPRA-LG --

10 MR. FOUTRIS: No. That's the Bates stamp
11 number. No. So this, Judge --

12 MS. BOUDREAUX: The log number is on the
13 front page.

14 MR. FOUTRIS: It's -- the log number is
15 1078616. It's the summary report of COPA's
16 investigation of this incident.

17 JUDGE O'HARA: That document as identified,
18 did you read that before you came here today at any
19 time?

20 THE WITNESS: Let me see it.

21 MR. KENNEDY: We've got an extra copy. Let's
22 mark it.

23 MR. FOUTRIS: Okay.

24 JUDGE O'HARA: That's the question you want

1 to know, right?

2 MR. KENNEDY: Yes.

3 MR. FOUTRIS: We'll mark --

4 JUDGE O'HARA: Then ask the question.

5 MR. FOUTRIS: Is that the redacted version?

6 MR. THOMAS: It is redacted, you're right.

7 MR. FOUTRIS: I'm sorry. That's fine.

8 BY MR. FOUTRIS:

9 Q. Marking as Exhibit 2 for this
10 deposition Summary Report, Chicago Police
11 Department referencing log No. 1078616, Bates
12 stamped for the record IPRA-LG-6957 through 7004.

13 Sir, I'm handing you this exhibit.
14 Let me know if you've had a chance to look it over.

15 MS. BOUDREAUX: You don't have a copy?

16 MR. FOUTRIS: I have my copy.

17 We don't have another one?

18 BY MR. FOUTRIS:

19 Q. Do you know what it is that I just
20 handed you?

21 A. I know what it is, and, no, I have not
22 reviewed that.

23 Q. Okay. When you were just telling us
24 that you reviewed something when you first got

1 something from COPA, is that what you reviewed,
2 or did you review something else?

3 A. No, that's not the document I reviewed.
4 I reviewed something else.

5 Q. Okay. What was it that you reviewed
6 initially?

7 A. I believe it was a letter from COPA
8 summarizing their investigation.

9 Q. I understand. So you're aware that
10 COPA found that the shooting of Quintonio Jones
11 was not justified under the use of force policy?

12 MR. KENNEDY: Quintonio LeGrier.

13 MR. FOUTRIS: What did I say?

14 MR. KENNEDY: You said Quintonio Jones.

15 MR. FOUTRIS: I'm getting tired. What time
16 is it? Let me withdraw that question.

17 BY MR. FOUTRIS:

18 Q. As you sit here right now, you're aware
19 that COPA has concluded that the shooting of
20 Quintonio LeGrier was not justified under the CPD's
21 use of force policy; is that right?

22 A. Yes.

23 Q. And you're aware that they also found
24 that the shooting of Bettie Jones was not justified

1 under the use of force policy, right?

2 MS. BOUDREAUX: Asked and answered.

3 You can answer again.

4 THE WITNESS: Yes.

5 BY MR. FOUTRIS:

6 Q. Okay. All right. Have you seen any
7 portion of Exhibit No. 2 that's in front of you
8 before I just handed it to you?

9 A. No.

10 Q. Okay. As you sit here today, are
11 you aware that COPA's recommended discipline
12 is separation?

13 A. Yes.

14 Q. We'll mark two last exhibits here.
15 This is 3. This is 4.

16 Sir, I'm handing you two exhibits.
17 For the record, they're Exhibits 3 and 4. Exhibit
18 No. 3 is a letter dated February 21st, 2018, Bates
19 stamp IPRA-LG-8030. Exhibit No. 4 is a letter
20 dated February 21st, 2018, IPRA-LG-8031.

21 Do you have those in front of you,
22 sir?

23 A. Yes.

24 Q. Do you recognize what they are?

1 A. Yes.

2 Q. You wrote these letters?

3 A. I didn't draft them personally. But I
4 signed off on them.

5 Q. Why were there two letters on
6 February 21st, 2018 that you signed saying
7 basically the same thing, that you were asking
8 until March 28, 2018?

9 A. I'm not sure.

10 Q. Okay. Let me you point out the
11 differences. You got 3 in front of you?

12 A. Yes.

13 Q. Okay. 3 is the one that's Bates
14 stamped 8030, and 4 is the one that's 8031.
15 Are you looking at them?

16 A. Yes.

17 Q. All right. So looking at 3, going to
18 the second line where it says Disciplinary-Related
19 Recommendation, do you see where I'm at?

20 A. Yes.

21 Q. Okay. After that in the first letter
22 it says, quote, "By the Civilian Office of Police
23 Accountability." Do you see that?

24 A. Yes.

1 Q. Okay. That, what I just stated, is not
2 in the second letter. Do you agree with me?

3 MS. BOUDREAU: I'll just object to calling
4 one first and one second because no timeframe has
5 been established. You can refer to them as 3 and 4
6 exhibits.

7 BY MR. FOUTRIS:

8 Q. See what I'm referring to?

9 A. Yes.

10 Q. Okay. So Exhibit No. 4 does not have
11 what I just referenced in Exhibit No. 3; is that
12 right?

13 A. Correct.

14 Q. Okay. Going to the next paragraph,
15 Exhibit No. 3, the first sentence reads, "This
16 investigation involves an important application of
17 the department's use of force policy." Do you see
18 what I just read?

19 A. Yes.

20 Q. Did I read that accurately?

21 A. Yes.

22 Q. That's not in Exhibit No. 4, would you
23 agree with me?

24 MS. BOUDREAU: Exhibit No. 3.

1 BY MR. FOUTRIS:

2 Q. What I just read is not in Exhibit
3 No. 4; is that correct?

4 A. Yes.

5 Q. Okay. Why is that sentence not in
6 Exhibit No. 4?

7 MS. BOUDREAUX: Object to foundation.

8 If you know.

9 THE WITNESS: I don't know.

10 BY MR. FOUTRIS:

11 Q. What did you mean when you said that
12 this investigation, quote, "involves an important
13 application of the department's use of force
14 policy"?

15 A. Again, I didn't personally draft the
16 documents. I signed off on them.

17 Q. Did you agree with that statement when
18 you signed your name to it?

19 A. I don't know if agree or disagree would
20 be accurate.

21 Q. Is this investigation involving an
22 important application of the use of force policy?

23 A. I would say yes.

24 Q. Why would you say that?

1 A. All use of force is an important
2 application of the department's use of force
3 policy.

4 Q. Do you know which of these two letters
5 was authored first and which was authored second?

6 A. No.

7 Q. Is there any way we can figure that
8 out?

9 MS. BOUDREAU: Objection; calls for
10 speculation, foundation.

11 Do you know?

12 THE WITNESS: No, I don't.

13 BY MR. FOUTRIS:

14 Q. Why did you ask until March 28th, 2018
15 to complete the review?

16 A. Because when we initially received the
17 file, it was incomplete. And there's no way for me
18 to make an informed decision unless I have the
19 entire file.

20 Q. You had the entire file as of
21 January 12th, 2018?

22 A. I'm not sure of the exact date that the
23 remaining documents arrived at CPD.

24 Q. Okay. Have you ever recommended an

1 officer's termination as a superintendent?

2 A. Yes.

3 Q. Other than a termination, what is the
4 longest suspension you've requested for a police
5 officer?

6 A. To the best of my recollection, maybe
7 365 days.

8 Q. Have you ever not met the 90-day
9 deadline imposed by the ordinance?

10 A. Not that I recall.

11 Q. Have you ever -- well, let me ask you
12 this then: When you were first elevated to
13 superintendent in talking about excessive force by
14 police officers, you said, and I quote, "These
15 incidents, no matter how isolated, undermine our
16 entire department and our relationship with the
17 community. We have to own it, and we have to end
18 it."

19 Were you quoted accurately when you
20 said that?

21 A. If the incident is misconduct or
22 egregious, then yes.

23 Q. And you believe in that statement?

24 A. If the incident is misconduct or

1 egregious, yes, I do.

2 Q. Do you agree that to end excessive
3 force, you have to own it and you have to punish
4 it when it happens?

5 A. If it's found to be excessive force,
6 yes.

7 Q. Do you agree that video evidence is not
8 necessary to determine if there was an excessive
9 use of force?

10 A. It helps.

11 Q. Do you agree that it's not necessary to
12 determine if there was an excessive use of force?

13 MS. BOUDREAUX: I'm just going to object to
14 an incomplete hypothetical scenario.

15 But generally speaking, you can
16 answer.

17 THE WITNESS: It depends. It's really a
18 case-by-case basis.

19 BY MR. FOUTRIS:

20 Q. So you would agree that it's not
21 necessary to have video evidence, right?

22 A. Yeah, I would say -- I will agree with
23 that.

24 Q. Okay. Have you determined whether you

1 will agree with the COPA conclusions in this case
2 yet?

3 A. No. Again, I haven't reviewed the
4 entire file.

5 Q. Okay. Do you know when you intend to
6 make that determination?

7 A. I believe I have until the 28th of this
8 month, and I intend to have my decision by then.

9 Q. Do you have any present intention of
10 asking for an additional extension beyond March 28?

11 A. As we sit here today, no.

12 Q. Do you know if the mayor indicating
13 that he can only sit for a deposition on March 29
14 was in any way related to your request to make the
15 decision on March 28?

16 MS. BOUDREAUX: Objection; foundation.

17 Do you know anything about why the
18 mayor's dep was set that date?

19 THE WITNESS: I have no -- I'm not involved
20 in that at all.

21 MR. FOUTRIS: Okay.

22 EXAMINATION

23 BY MR. THOMAS:

24 Q. I have just a couple follow-up, just

1 two minutes.

2 Superintendent, my name is Jonathan
3 Thomas. I introduced myself beforehand. I
4 represent the Estate of Bettie Jones and her
5 family. I have just a couple follow-up questions
6 from Mr. Foutris.

7 Prior to December 26, 2015, did you
8 have any knowledge of an individual by the name of
9 Bettie Jones?

10 A. No.

11 Q. When did you first become aware of
12 Bettie Jones and her involvement in this incident?

13 A. It may have been the day afterwards
14 where I actually got a name. I'm not sure.
15 Definitely by the time we had the shooting review
16 that Monday.

17 Q. Okay. And we already walked through
18 like your involvement in the police and your
19 responsibilities on the day, December 26 of 2015.
20 So I won't go through all that.

21 But the Chicago Police Department
22 made a statement on December 26th, and they stated
23 that in reference to Bettie Jones, the 55-year-old
24 female victim was accidentally struck and

1 tragically killed and the department extends its
2 deepest condolences to the victim's family and
3 friends.

4 And as the head of the department,
5 do you accept responsibility for Bettie Jones'
6 death?

7 MS. BOUDREAUX: I'm just going to object to
8 the form of that question and vague as to accept
9 responsibility.

10 If you understand what sense he's
11 talking about, you can answer.

12 THE WITNESS: Well, at the time I wasn't the
13 head of the Chicago Police Department.

14 BY MR. THOMAS:

15 Q. Okay. Today you are, correct?

16 A. Yes.

17 Q. And do you agree with the statement and
18 accept responsibility for that statement that was
19 made on behalf of the Chicago Police Department?

20 A. I think any time that a Chicago police
21 officer is involved in an incident where we take
22 someone's life, then we have to accept the
23 responsibility for it. We did it.

24 MR. THOMAS: Okay. Thank you for your time.

1 Barrett, do you --

2 MR. FOUTRIS: Well, the only other thing, if
3 I can --

4 MR. THOMAS: Oh. And this has been
5 previously -- well, before we get -- do you
6 have any follow-up questions, Barrett?

7 MS. BOUDREAUX: I just have one.

8 MR. THOMAS: Okay. I want to say something
9 about the COPA report. So if you want me to do it
10 now or wait until I --

11 MS. BOUDREAUX: You can do it now.

12 MR. THOMAS: In terms of the COPA report, we
13 previously advised the Court that based upon the
14 findings of the superintendent for the COPA report
15 we would reserve our right to an additional
16 deposition relating to his findings.

17 MS. BOUDREAUX: And we would object to that.

18 MR. FOUTRIS: And we --

19 JUDGE O'HARA: Well, that was brought out in
20 open court before, and it will be limited to a very
21 limited purpose.

22 MR. THOMAS: Agree.

23 JUDGE O'HARA: I understand you're objecting.
24 You're zealously representing your client, and I

1 understand that. And let's see what comes out and
2 when it comes out.

3 MS. BOUDREAU: Exactly.

4 JUDGE O'HARA: We'll address it then.

5 MS. BOUDREAU: And there may be --

6 JUDGE O'HARA: And there'll be -- and
7 there'll be -- well, I shouldn't say it will be.
8 Everybody should be prepared -- when's the trial
9 date for this case?

10 MR. FOUTRIS: June 6.

11 MS. BOUDREAU: June 6.

12 JUDGE O'HARA: June 6. All right. There
13 will be enough time if there has to be a limited
14 deposition for that purpose. Between then
15 and -- it will be under the same controlled
16 circumstances, but it won't go as long.

17 MR. THOMAS: Right.

18 MS. BOUDREAU: Right. And I just wanted
19 to say there may not be any need for a second
20 deposition depending on what his --

21 JUDGE O'HARA: I understand. And that's all
22 subject to what comes up. I'm not making any
23 prejudgments. They're reserving their right. It's
24 been brought out. And we'll address it when it

1 comes up.

2 MS. BOUDREAUX: Okay.

3 MR. FOUTRIS: And for the record, the LeGrier
4 estate is also reserving that right just to be
5 clear for the record.

6 JUDGE O'HARA: Understood. We'll see.

7 And you're maintaining your
8 objection; is that correct --

9 MS. BOUDREAUX: Correct.

10 JUDGE O'HARA: -- Counsel?

11 MS. BOUDREAUX: Yes.

12 JUDGE O'HARA: All right. That's what I
13 thought. Okay, go.

14 MS. BOUDREAUX: Okay.

15 JUDGE O'HARA: Anything else?

16 MS. BOUDREAUX: I just have one question.
17 Okay?

18 Looking at Exhibits 3 and 4, are
19 these letters something that are authored by
20 members of your staff or by you?

21 THE WITNESS: Typically that would be
22 authored by members of my staff; probably general
23 counsel's office would do -- the lawyers would do
24 that, not me. I would just sign off on it.

1 MS. BOUDREAU: Okay. Thanks.

2 MR. FOUTRIS: Reserve or waive?

3 MS. BOUDREAU: Excuse me.

4 MR. FOUTRIS: I'm sorry. Take your time,
5 dear.

6 MS. BOUDREAU: We will reserve signature.

7 THE VIDEO TECHNICIAN: This is the end of the
8 deposition. This is the end of today's testimony.
9 The time is 3:41 p.m. And the running length of
10 this deposition is 2 hours, 12 minutes, and 40
11 seconds. We are now off the record.

12 JUDGE O'HARA: We're on this record. So you
13 stay going.

14 There is nothing contentious.
15 There's two findings today. People couldn't agree
16 on where the deposition of the mayor is going to
17 take place. It's going to take place in this
18 courtroom, same time and place.

19 And there is a protective order that
20 this isn't going anywhere except to the attorneys
21 and then -- that's it.

22 MR. FOUTRIS: You mean the mayor's dep or --

23 JUDGE O'HARA: This one. This gentleman's
24 dep.

1 MR. FOUTRIS: Okay.

2 MS. BOUDREAUX: Thank you.

3 JUDGE O'HARA: Well, it's the standard
4 protective order that's been around forever. You
5 can only circulate it to the parties, their
6 consultants, whether they're named or they're --
7 what's the term? -- consultants that they're not
8 disclosed.

9 MR. THOMAS: They are disclosed, but --

10 JUDGE O'HARA: Well, some people have
11 consultants that aren't disclosed. They can review
12 it, but that's it.

13 MR. FOUTRIS: And for the record, just for
14 the record, Judge, and I understand your position --

15 JUDGE O'HARA: You object.

16 MR. FOUTRIS: The objection is that we
17 believe that there should be an avenue for people
18 to be able to obtain it if they so wish. I believe
19 that it falls under FOIA. I believe it's open
20 court records.

21 JUDGE O'HARA: Well, then file a FOIA
22 request.

23 MR. FOUTRIS: Right. But the other objection
24 is that I think that the protective order should

1 only extend until the conclusion of this litigation
2 and not beyond that. And that's the objection that
3 we have.

4 JUDGE O'HARA: Okay. And we note it for the
5 record.

6 MR. THOMAS: And we join in the objection for
7 the record.

8 JUDGE O'HARA: Anything else?

9 MS. BOUDREAU: Thank you for being here,
10 Judge.

11 (The deposition concluded at
12 3:42 p.m.)

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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

ANTONIO LeGRIER, etc.)	
)	
Plaintiff,)	
)	
vs.)	No. 15 L 12964
)	
CITY OF CHICAGO,)	
)	
Defendant.)	
-----)	Consolidated with
LATARSHA JONES, etc.,)	
)	
Plaintiff,)	
)	
vs.)	No. 16 L 00012
)	
CITY OF CHICAGO,)	
)	
Defendant.)	

This is to certify that I have read my deposition taken on Thursday, March 15, 2018, in the foregoing cause and that the foregoing transcript accurately states the questions asked and the answers given by me, with the changes or corrections, if any, made on the Errata Sheet attached hereto.

EDDIE TYRONE JOHNSON

No errata sheets submitted (Please initial)
Number of errata sheets submitted _____ pages

Subscribed and sworn to
before me this _____ day
of _____ 2018.

Notary Public

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REPORTER'S CERTIFICATE

I, Nick D. Bowen, do hereby certify that EDDIE TYRONE JOHNSON was duly sworn by me to testify the whole truth, that the foregoing deposition was recorded stenographically by me and was reduced to computerized transcript under my direction, and that said deposition constitutes a true record of the testimony given by said witness.

I further certify that the reading and signing of the deposition was not waived, and that the deposition was submitted to Ms. Barrett Boudreaux, defendant's counsel, for signature. Pursuant to Rule 207(a) of the Supreme Court of Illinois, if deponent does not appear or read and sign the deposition within 28 days, the deposition may be used as fully as though signed, and this certificate will then evidence such failure to appear as the reason for signature not being obtained.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Chicago, Illinois, this 19th day of March 2018.



Illinois CSR No. 084-001661

1 Errata Sheet

2

3 NAME OF CASE: LATARSHA JONES, et al. vs CITY OF CHICAGO

4 DATE OF DEPOSITION: 03/15/2018

5 NAME OF WITNESS: Eddie Tyrone Johnson

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

25 _____

Exhibits	17:1,4,24 18:2,16 19:5,6,10,22 20:4,13,19 29:22 43:11 44:1,2 46:4,16 48:13 51:20 52:6 53:3 54:6 59:16 62:3 66:3 98:13 107:1,6,14 112:10 145:7,19	4
1 Johnson 031418-1 112:21,23	2016 5:14 8:11,17 43:10 45:1,2,6,9 54:8 59:17 91:5 93:6,11 124:16	4 14:13 137:15,17,19 138:14 139:5, 10,22 140:3,6 149:18
2 Johnson 031418-2 135:9 137:7	2017 51:9 112:12,16 113:3,14 114:8 116:5	40 150:10 4700 14:8,21 15:1
0	2018 5:16 137:18,20 138:6,8 141:14,21	5
000012 5:14	206 5:9	5 113:3 120:3 127:23 129:13
03-02-03 127:18	21st 137:18,20 138:6	50 5:11
1	23rd 13:20	55-year-old 145:23
1 112:21,23 127:22 129:13	25th 108:23	5:48 90:22
10 16:20	26 11:16,20,24 12:11 13:13 14:9, 19,24 15:7 107:1,6 145:7,19	5th 112:12,16 113:14 114:8
1078616 134:15 135:11	26th 145:22	6
11th 64:11,17,20 65:1,5,8 108:23	27th 98:13	6 148:10,11,12
12 150:10	28 138:8 144:10,15	60602 5:6
12964 5:13	28th 8:17 141:14 144:7	7
12th 141:21	29 144:13	7004 135:12
134 5:4	2:02 63:11	7th 18:1
13th 8:10 44:20,23 45:2,4	2:12 63:13	8
1400 5:5	3	8030 138:14
14th 90:22 91:5	3 137:15,17,18 138:11,13,17 139:5, 11,15,24 149:18	8031 138:14
15 5:16	3-D 33:5	9
15th 16:5 17:24 18:16 33:16 108:23	30 38:21	90-day 142:8
16th 13:20 89:21,24 95:20 96:18	30- 74:9 89:6	A
17 54:8	30-day 74:7 77:17 78:14,21 93:7 99:5	ability 34:2,14
1800s 58:13,21	365 142:7	abuse 49:9
1835 59:10	3:00 44:5	academy 86:7
1998 39:3	3:04 119:11	accept 146:5,8,18,22
1:12 5:17	3:12 119:13	access 122:1 123:3,7
2	3:41 150:9	accessed 124:6 125:6
2 135:9 137:7 150:10	3:42 152:12	accidentally 145:24
20 16:20		
2000s 17:22 20:7		
2008 16:24		
2015 5:13 8:22,23 9:19 11:16,20, 24 12:11 13:13 14:9,19,24 15:8		

accountability 43:10 44:9 45:8,16 117:18 138:23	allowed 24:21 34:22 112:1,4,5 150:20	
accountable 39:4,8 62:18	and/or 21:2 41:17	audio 83:16,19
accounts 129:22 131:2,8	Andy 109:23	August 17:24 18:16
accurate 90:6 99:16 140:20	answers 63:5	author 17:7
accurately 7:11 32:13 139:20 142:19	Antonio 11:22 12:1,9	authored 19:7,13,19 73:4 121:4,8 123:22 132:12 141:5 149:19,22
acronym 67:6	apologize 69:4 94:21	authority 34:8 56:2 71:3 129:19
Act 78:12	Apparently 114:3	authorize 123:3
actual 32:20 63:19 73:5 79:19 81:13 122:6	applicable 5:9 33:15	Avendano 6:12
addition 87:23	application 139:16 140:13,22 141:2	avenue 151:17
additional 144:10 147:15	appointed 8:24	avoid 7:20
address 5:4 81:16,23 128:3 148:4, 24	appointment 9:5	aware 17:14 18:6,8 19:4 22:19,22 23:13 29:22 41:23 43:9 44:15 51:10 53:1 54:11,23 57:10 62:9 64:6,9 78:16 79:2,5,7 101:12 102:5 111:11 113:17 119:19 120:1,3,12, 15,21 121:3,8 123:10 125:24 126:5 128:4 129:20,24 136:9,18,23 137:11 145:11
addressed 78:20 86:6 116:8	approximate 92:12	
adequately 52:7	April 8:10 43:10 44:20,22,23 45:1, 2,4,9 90:22 91:5 93:6,11 112:12,16 113:3,14 114:8 116:5 124:16	
administrative 74:7 77:17,18,20 78:14 89:7 90:4,9 91:20 92:22,24 93:17,23 95:21 98:13 99:6	area 14:3,13,15 31:23 35:3 65:11 68:6 69:5,12,18 108:15 113:7	
administratively 99:10	areas 24:15 34:21 69:9,10 95:2	
admitting 60:6	arrived 22:5 107:9 141:23	
advised 22:23 147:13	ascertain 27:8	
affairs 47:23,24 48:10,21 49:3 52:16 57:6,8 102:22 117:2,4	asks 7:23	
afforementioned 114:17	aspect 38:13 39:12 57:5 97:20	
afternoon 6:21	aspects 33:1 45:17 133:5	
agency 49:10	assess 32:12 70:1	
agree 20:21 26:20 27:15 32:5 38:3, 13 39:12 42:2,18 43:4 46:13,19 61:4 103:1 139:2,23 140:17,19 143:2,7,11,20,22 144:1 146:17 147:22 150:15	assistance 27:11 65:12	
agreed 74:19 75:18 103:6	assistants 110:10	
ahead 130:11	associates 109:24 111:6	
allegation 119:23 120:3	assume 12:10 127:14,24	
allegations 53:5,14 119:20 120:8 127:22 129:13	attached 115:14	
alleged 38:15 39:13 40:21,24 41:3 50:1 53:23	attacked 104:16	
allegedly 101:12 103:3	attain 8:9	
allowable 43:14	attained 9:20	
	attend 80:14	
	attention 36:18,24 59:23 92:10,12 116:20 126:14 129:3 133:13	
	attorney 110:2 116:13	
	attorney's 102:7 110:7	
	attorney-client 23:3,5,8 116:11	
	attorneys 5:21 23:14 82:1 117:5	
		<hr/> B <hr/>
		B-A-S-I-L-E-I-O-S 5:23
		back 20:18 52:21 59:11 63:14 66:2 79:21 82:2 93:3 94:23,24 95:20 96:18 112:10 119:14
		background 9:9
		Bakula 108:8,9
		banging 44:4
		bar 101:7,13 102:1,14 103:3,9,15 104:12,19
		Barrett 6:8 18:23 147:1,6
		based 34:21 37:24 103:5 147:13
		basic 20:20 27:24 32:17,24
		basically 81:14 117:4 138:7
		basics 32:15
		Basileios 5:23
		basis 143:18
		bat 63:22 129:24 131:4,9,18
		Bates 112:24 134:10 135:11 137:18 138:13
		battery 104:1 121:22
		behalf 5:20 146:19

behavior 39:5 62:18,22	Brodsky 128:4,17	chair 80:12
Beile 5:2	brought 30:9 35:4 59:23 92:9 147:19 148:24	chance 101:4 135:14
believed 101:2	bullet 106:11	change 63:5
Bettie 12:12,21 13:5 105:21 110:18 119:4 120:4 129:15 136:24 145:4,9,12,23 146:5	bureau 30:5 31:19 59:12,15 60:1,4 62:4 65:20 66:1 68:10,13,16,18,21, 22 77:2 112:13,17 113:1,9,10,17 115:10	changed 82:7,14,23 83:2 92:5
bike 94:17,20	bureaus 77:8	characterization 50:8 60:9 74:22 115:17
Bill 89:18 96:4	business 5:4 81:7,11	characterize 77:18
bit 75:21 89:5 90:12 99:9 129:11		characterized 77:19
blackboard 86:11		charge 54:13
blank 122:7	<hr/> C <hr/>	Charise 6:10 116:17,21
bleed 101:6	calendar 15:5 46:3,16 51:20 52:6	chasing 25:7
block 14:9,21 15:1	call 69:20 71:17 99:18	Chicago 5:5,11 6:13 8:7,19 57:18, 24 58:8,9,12 59:20 96:15 99:19 112:1 135:10 145:21 146:13,19,20
blue 39:17,20,24 40:1,9,14,16,17 100:2,3	called 6:17 20:2 53:9 68:21 69:21 70:23 80:1,3 99:14 134:1,5	chief 8:18 9:5,13,17,18,23 16:9 17:1 20:16 29:21 34:1 47:22,24 48:10,21 49:3 59:12,16 60:1,4 62:3 64:5 65:7,10,21 66:1,16 68:4,6,22 69:13,18 70:2,8,23 71:2,18 73:6 74:15 76:23 80:20 95:20 96:13 102:21 103:5 113:8,9 115:8 122:1
board 12:23 13:9	calling 23:3 30:12 42:23 46:8 47:14 69:17 84:9 100:1 116:11 124:10 139:3	chiefs 80:13,14 85:3 109:8
born 58:20	calls 23:8 32:8 51:21 76:12 95:18 104:24 105:12 111:17 127:2 141:9	choose 97:7 131:13 132:1
Boudreaux 6:8 10:13 23:2,7 24:13 25:17 26:8,14 27:1,17 28:6,16,20 29:8 30:11,22 31:16 32:8 33:12,22 34:6,19 36:1 38:16 39:18 41:11 42:6,22 43:13,24 45:20 46:7,21 47:13 48:13 49:13 50:7,19,23 51:21 52:8,13 53:6,9,16 54:1 55:10,23 56:9 58:1,14,23 59:5 60:8 61:1,10,14 66:4,10 76:12 78:5 82:8,20,23 84:9 91:1 101:9,17 103:11 104:4,9,24 105:12 106:4 109:15,18 111:8,17 113:24 114:23 115:16 116:10 118:13,15 119:7 121:18 122:3 124:9 126:4 127:2,5 128:10,19 129:1,9 130:7 132:13 133:6,11 134:12 135:15 137:2 139:3,24 140:7 141:9 143:13 144:16 146:7 147:7,11,17 148:3,5, 11,18 149:2,9,11,14,16 150:1,3,6 151:2 152:9	cans 44:5	CHRIS 122:24 123:2,8,9
Brandon 108:7	capability 83:17	Circuit 5:14
break 61:10,13,19 63:9 105:24 119:8,9	capacity 15:14 66:16	circulate 151:5
briefing 71:13 80:4,24 84:3,17 85:24 86:3	car 94:20	circumstances 104:15 127:9 148:16
briefings 81:3	career 14:2 15:15 39:3	citizens 40:18 100:14,23
broad 34:16 45:23 46:2 67:14	case 5:13 18:24 19:14,16 21:12 22:16 27:10 29:11 35:23 36:3,10, 23 37:6,13 53:10 54:22 56:16 65:2 82:21 93:22 94:2 95:8 107:18 108:2,10 112:14 113:22 116:9 118:23 121:4,8,23 123:19,21,22 124:17,21 125:8,16 127:11 144:1 148:9	city 6:7,9,12 49:21 60:6 67:8 90:23 91:7 100:14 107:16
broader 48:14	case-by-case 143:18	civilian 49:9 117:17 138:22
broadly 45:22	cases 17:14	claim 42:19
	casing 33:10,11	claimed 43:6
	categories 121:24	clarify 15:17
	caused 93:22	class 80:17
	ceased 20:7	clear 15:18,21 18:9 53:22 121:17 122:22 123:8,9,11,17,21,23 124:19 125:9,10 129:11 149:5
	cellphone 73:18,20 99:15,19,23	client 147:24
	center 5:10 67:7	close 106:2
	chain 89:17 90:21 125:5	code 24:21 38:10,13,17,23 39:1, 12,16,24 40:14 43:18,20 53:8

57:17,20,21 58:8 59:20,24 60:6,22 61:20 62:4,10,12,13,14,20 63:5 124:18	Congress 64:11	54:4,5,6,9 65:17 70:21 71:21 82:3 89:22 91:9 97:11,13 112:14,18 113:15 116:5,6 117:8,19,21 118:21 119:5 120:20 124:23 125:13,20,22 128:6,20,21 132:12 139:13 140:3 146:15 149:8,9
commander 16:4,7,24 31:23 68:12 89:20,24 90:19 91:22 92:2 96:4 99:22 113:2	connection 14:19,23 67:12 70:6, 24 72:1 102:8,19	correctly 114:9,18
commanders 69:24 108:23	consequences 63:1	corroborate 129:22
comment 45:24 51:3 60:18,19 130:14	consolidated 5:13	corrupt 21:23
commonly 123:12	consultants 151:6,7,11	corrupted 37:13
communicated 12:1,20 13:15 106:12 111:5	contact 12:23 13:1 77:22 100:15 126:14	Council 60:6 90:24 91:7
communicating 25:14	contacted 68:20 126:23	counsel 6:11 9:7 33:19 41:18 42:3 117:1 149:10
communication 13:3 73:13 90:15 91:11 106:17 116:11 133:15	contacting 68:18	counsel's 149:23
communications 11:11,12 79:15 95:5,6,7 106:10,14 107:1,4,19,23 108:4,12,16 111:1	contentious 150:14	counseling 39:5
community 142:17	context 14:11 16:22 25:14,20,21 40:17 42:10 129:17	County 5:15
complaint 44:3	continued 118:20	couple 144:24 145:5
complaints 43:11,21 44:7,11 46:4 47:8,20 48:7,11,22 49:5 52:5	contractual 112:8	court 5:8,14 7:16 24:14 35:5 147:13,20 151:20
complete 141:15	control 34:2	courtroom 150:18
completed 133:20	controlled 148:15	cover 28:5,8 41:6,8,22
compliance 118:2,4	controls 34:17	covered 43:15 51:24 95:9
compound 56:9 72:2 103:11 111:8,9 122:3	conversation 7:19 72:5 73:12,14, 16,22 74:14 76:21 77:13,16 78:10, 17 81:20 90:15 100:4,9 106:23 110:16 116:12	covering 41:13
comprehensive 72:3	conversations 18:22 74:16,18 79:11,14 107:8,11 109:11,12 110:20,24	coverup 42:15
computer 87:5	conveyed 75:23	CPD 6:11 14:2 24:7 29:22 30:2 32:7 38:8,9 43:12 45:10 46:6,16 48:12 49:8 51:12 52:7 53:4,23 55:12,22 59:9 60:1,7 62:5,9,10,16 74:7 84:22 112:7 118:3 122:2,15, 20 123:7 126:2,18 141:23
conceivable 106:16	Cook 5:14	CPD's 53:1 136:20
concern 94:3,4,5	Cooksey 11:22 12:4,7 37:7	CPIC 67:4,6,7,11,18,20,23 69:19 70:23 71:17 72:23 73:3
concluded 136:19 152:11	Cooksey's 37:19	create 19:22 33:5
concludes 131:16,23	cop 38:21	created 122:10
conclusion 152:1	COPA 37:3 49:12 50:4 52:16,22 55:11,18,21 57:14 95:4,5 101:19, 22 111:6,16 113:22 117:7,16,17,22 118:1,6,12,20,23 119:17,21 120:10,21 121:3 124:5,12 125:1,23 126:5,8 127:10,21 129:16,20 131:1,6 132:12 133:10,15 136:1,7, 10,19 144:1 147:9,12,14	credible 131:17
conclusions 104:6 118:24 144:1	COPA's 51:2 110:13 118:23 119:2 134:15 137:11	crime 15:8 32:3,7 33:2,6,21 34:5 120:14,17 121:21 124:1,16
condolences 146:2	copy 134:21 135:15,16	criminal 113:18
conduct 41:17 50:15 80:4	corollary 35:6	criminals 40:18
conducted 32:3 81:4,5 83:14 118:19	correct 8:20 10:5 13:10,12 14:17 16:13 18:12 21:22 22:2 53:15,24	cross 25:4
conducting 31:2		current 8:6
conference 83:13,15		cut 9:7
confused 69:8		

D		
Daley 5:10	department's 139:17 140:13 141:2	differing 131:8
Daniel 6:5	departments 41:1	Difficult 105:3
database 122:2,15,20 123:8	depending 148:20	digital 73:5
date 5:16 8:16 9:4,23,24 12:15,19 15:12 23:16 35:1 45:2 75:16 90:24 92:12 107:5,6 128:9 141:22 144:18 148:9	depends 104:15 143:17	direct 70:3 126:19
dated 90:21 113:3 137:18,20	deposition 5:4,7,12,18 7:3 10:4 11:4,5,8,13 24:15 33:15 35:5 43:15 52:10 58:2 61:14 89:16 112:21,23 129:3,5 135:10 144:13 147:16 148:14,20 150:8,10,16 152:11	directed 92:19 93:1,15 96:7
dates 16:23 91:15	depositions 129:6	directing 23:5
daughters 12:16,21,22 13:6	deputies 17:15 18:3 20:17	direction 69:23 131:9
day 36:11,12 74:10 79:21 89:7 90:23 91:6 145:13,19	deputy 16:9,12,16 17:1,4,7,10,17, 24 18:21 19:7,10,12,16 20:6,12,23 21:16 22:4 24:9,19 25:13 26:21 27:8,21 28:4,13 29:11,13 30:8,14, 24 31:9,19 54:18 65:10 68:6,21 69:5,13,17 70:23 71:18 80:13,14 81:12 85:4 87:2 113:8	directly 85:8
days 71:9,12 142:7	describe 18:15 87:7	disagree 60:14,19,23 61:4 140:19
deadline 142:9	describes 87:13	discharged 15:19,22 99:9
dear 150:5	describing 18:20,21	disciplinary 53:2
death 67:21 105:21 146:6	designed 81:18	Disciplinary-related 138:18
deaths 54:13 110:17,22	desk 77:20 78:14,21 89:4,7 90:14 91:20 92:4,18 93:7,17,23 94:11 98:3,13,17 99:11	discipline 40:24 41:2 96:14,20 98:6 137:11
deceitful 42:17	details 72:8	disciplined 53:4 96:11
December 8:21,23 9:15,19,20 11:16,20,24 12:11 13:13 14:9,19, 24 15:7 19:22 20:13,19 29:21 59:16 62:3 66:2 98:13 107:1,6,13 112:10 145:7,19,22	detective 14:3,13 16:2 30:15,17 31:2,3,11 68:12 77:10 107:17 108:15,16 113:8 120:18,24 121:5, 12 123:4	disciplining 97:23
deceptive 42:17	detectives 21:2,6 68:10,18,21 69:10,11 112:3 113:1,9,10,18	disclosed 151:8,9,11
decided 74:6 94:10	detectives' 112:13,17	discovery 5:12
decision 31:1 102:18 103:1,7 111:15 131:19 133:21 141:18 144:8,15	determination 82:5,17 110:14 119:2 144:6	discussed 77:12 81:8 82:10
deepest 146:2	determine 27:21 81:14 143:8,12	discussing 109:11
defend 104:17	determined 143:24	distances 32:16
define 106:11,14	determines 118:1	distinct 103:15
definition 16:18 63:2,4 106:20	determining 127:21	district 16:5,7 18:1 64:11,17,20 65:1,5,8 89:21 90:1 95:21 96:19
definitional 125:18	device 5:3	Districts 13:20 108:24
definitionally 62:21	died 67:19 72:12,14 76:9	disturbance 76:7
dep 128:18 144:18 150:22,24	differences 138:11	division 5:15 14:14 16:2 30:5,15, 17 31:3,11 65:22 68:12 113:8 120:19 121:5,12 123:5
department 5:15 8:8,19 38:14 39:13 40:20,23 45:18 47:21 48:6, 24 51:10 52:13,15 57:18,24 58:8, 10,13 59:21 68:10 78:4 96:15 99:19 109:13 114:11 120:11 121:16 124:4 135:11 142:16 145:21 146:1,4,13,19	differently 78:9	division's 77:10
		document 20:5 33:1 45:22 52:2 113:6 114:24 115:1,3,11 122:7 134:1,17 136:3
		documentation 18:6 19:4 91:17
		documented 45:17 70:15
		documents 121:24 133:14 140:16 141:23
		DOJ 52:5 53:1
		domestic 76:7
		draft 17:15 138:3 140:15

drafted 133:14
Duffin 31:24 32:2 68:8,11 108:19
113:2,7 114:16,21
duly 6:17
duties 14:7,20,24 77:6 90:5
102:16,19 103:9 104:3,14,23
105:11
duty 77:20 78:2,15,22 89:4,7 90:9,
14 91:20 92:4,19,22,24 93:4,7,17,
23 94:11 95:21 98:4,13,17 99:6,11

E

E-D-D-I-E 6:24
earlier 89:5 117:22 126:13 129:13
Eddie 5:13 6:16,24 102:22 113:2
114:15
edge 35:8
effect 112:10
effort 36:19
egregious 39:4 62:18 97:9 142:22
143:1
elevated 142:12
email 73:14 89:17 90:2,20,21 91:5,
19
emails 106:16 128:7
EMM 80:5 83:20,24 85:21
Emmanuel's 60:5
emotional 27:11,15 94:3
emotionally 27:4 28:1
employee 27:11
employees 51:3
encounter 76:8 101:5
end 14:2 59:16 142:17 143:2
150:7,8
ended 17:20
ending 43:11
ensure 30:15
entails 57:14
entire 117:9,12 124:12 131:12,21
132:3,10,18,24 133:15 141:19,20
142:16 144:4

entirety 8:1 126:9
envelope 35:8
equipment 81:16,22 86:4
Erie 14:9,21 15:1
Escalante 8:24 72:6,15 73:15,24
74:2,15,20 75:2,10,18 76:4,10
77:13 79:11
Escobar-alvarenga 108:3
essentially 33:5
established 33:23 58:13 59:10
117:20 139:5
establishing 131:17
estate 5:24 6:2,4,6 145:4 149:4
ETS 125:7,15,19
events 67:8
eventually 71:19 89:6
evidence 63:24 64:3 125:19,20
129:22 131:17 143:7,21
evolved 75:21 99:9
exact 48:16 141:22
EXAMINATION 6:19 144:22
examined 6:18
examiner 56:8 108:2
examiner's 54:12,23 55:4,17
125:24
excessive 44:10 46:5,15 47:8
48:11,22 49:5,9 50:1,3 52:5,12,21
53:7,24 56:2,3,7 117:23 142:13
143:2,5,8,12
Excuse 150:3
executive 45:10 80:6,8,10,16 81:8
exempt 71:20,24 73:4 76:22
79:12,16 82:17
exhausted 88:18
exhibit 112:20,21,23 135:9,13
137:7,17,19 139:10,11,15,22,24
140:2,6
exhibits 137:14,16,17 139:6
149:18
exist 38:4
existed 58:9
exists 62:10

expect 22:11 23:19
expectation 23:21
expectations 91:24
expected 22:6 24:6
experience 38:23 39:15 57:19,22
60:16,20 61:8 62:11,16
expertise 50:6,14,17,21 51:4
explain 67:5 80:8 81:2 115:18
117:2
explained 100:12
expressed 92:24
expressly 92:19 96:7
expunged 96:23
extend 22:3 152:1
extended 89:9,12
extends 146:1
extension 144:10
extent 23:8 60:10
extra 134:21
extrapolated 35:7
eye 98:24

F

face 114:20
fact 18:23 53:9 74:1 77:5
facts 27:9 29:11 74:4 75:24 76:3
82:18 94:7 103:5 105:16 130:4
factual 37:22
factually 37:24 124:12
failure 55:16
fair 21:9 33:3 36:8 59:13 63:20
66:12 97:5,6 122:2
Fairley 75:5,11 108:21
Fairley's 75:14
fall 56:1,8,11,14 77:2,5 92:13,16
falls 151:19
familiar 20:17 40:13 127:17
family 78:12 145:5 146:2
fashion 7:24 10:4 97:13 98:7
108:11

father 12:10 13:19	forgot 128:3	
fault 98:10	form 25:17 26:8 27:1 28:6,16 38:17,18 39:18 41:11 42:7,22 48:13 49:14 56:9 72:19 78:5 96:14 97:4 101:10 104:5 105:13 146:8	<hr/> G <hr/>
February 33:16 137:18,20 138:6	formulated 74:14	gap 71:17
feel 29:4 48:4	forward 119:17	garbage 44:5
female 145:24	found 41:2 43:10 46:3 52:5 90:18 92:9 136:10,23 143:5	GARRET 61:18
field 70:1 92:21 93:3	foundation 32:8 34:20 46:7,22 47:14 50:19,24 51:21 55:23 58:24 84:9 105:1,13 111:18 114:1 122:4 124:9 140:7 141:10 144:16	Garrett 6:7 10:13
fight 101:7,13 102:1,14 103:3,9,15 104:12,19	Foutris 5:23,24 6:20 9:12,18 10:2 23:12 24:18,24 25:8,11,21 26:2,13, 18 27:5,13 28:3,12,19 29:3,6,16 30:19 31:5,21 32:14 33:20 34:1,13 35:10,11 36:7 37:12,17 39:10,22, 23 40:5,8 41:19 42:1,13 43:3,18,23 44:1,9,16,19 46:1,12 47:1,4,10,18 48:19 49:17 50:13,21 51:5 52:3,24 53:7,20 54:3 55:14 56:5,13,17 57:2 58:6,18,22 59:8 60:13 61:3,17,20, 23 62:1 63:8,15 66:8,11 76:15 78:7 82:16,22 83:3,6,8 84:15 91:3 95:5, 8,11,14 101:11,18,23 103:23 104:10 105:4,18 106:6,9 109:17,21 111:9,13,20 114:5 115:12,22 116:1,14 118:14,17 119:9,15 121:20 122:8,11,13 124:14 126:7, 10 127:8 128:6,11,20,24 129:4,10 130:16 132:16,20 133:1,8,22 134:2,5,10,14,23 135:3,5,7,8,16,18 136:13,15,17 137:5 139:7 140:1,10 141:13 143:19 144:21 145:6 147:2, 18 148:10 149:3 150:2,4,22 151:1, 13,16,23	Garry 9:1
figure 141:7		gather 76:23
file 97:1 117:9,12 120:24 131:21 132:3,10,19,24 133:16,21 141:17, 19,20 144:4 151:21		gathered 37:5
files 113:18,21		gave 45:3 61:2 98:24
find 37:12,18 95:22 96:1		general 6:10 117:1 127:17 149:22
findings 53:3 111:7 118:24 147:14,16 150:15		general's 110:2
finds 131:1		generally 38:17 81:3 118:13 125:11 143:15
fine 39:22 53:21 79:9 135:7		gentleman's 150:23
finish 61:12,14,20 130:10		geography 87:3
finished 123:16		get all 130:4
fired 76:8		gist 77:16
firemen 34:8		give 7:8 16:21,22 21:2,5,8 67:14, 16 69:23 86:12 92:11 94:22 97:4
firm 109:22,23		giving 78:11 98:22 130:8
firsthand 85:12		good 6:21 32:6 63:9 74:19
FIS 125:7,15,21		Google 87:6,17
flavor 81:5,21		ground 7:6 65:11
fled 104:22		group 62:23
focus 63:18 120:8		guess 17:21 34:18 44:15 80:17
FOIA 151:19,21	frame 81:10	guessing 98:20
follow 36:5,16 37:20 49:18 71:5	free 29:4	<hr/> H <hr/>
follow-up 86:8 144:24 145:5 147:6	Friday 80:12	Hale 109:23
FOP 111:22 112:2,4	friends 146:3	hand 106:17
force 43:10 44:10,11 45:8,17 46:3, 5,15 47:9 48:11,14,23 49:5,9 50:1, 3,22 52:5,12,21 53:7,24 56:2,3,7 117:23,24 118:2 127:18 129:17 136:11,21 137:1 139:17 140:13,22 141:1,2 142:13 143:3,5,9,12	front 113:4 134:13 137:7,21 138:11	handed 135:20 137:8
forensic 30:4 125:21	full 6:22	handing 112:22 135:13 137:16
forever 151:4	fully 7:14	handle 114:11,14
forewarning 100:1	funny 58:16	handled 47:21 49:6 81:12 127:13
	fusion 67:7	happen 21:11,13 29:12 31:13 67:8 79:4 82:24 102:10 126:20
		happened 9:19 21:19,21 23:1,20, 22 24:2 37:24 51:19 64:7 66:17 70:13 76:24 79:4 80:22,24 87:11,

12 97:10 105:6 127:11
happening 9:14 66:23 83:22
 102:12
Harrison 14:14
head 7:10 146:4,13
heading 115:6
heads 28:10
hear 31:6,7 42:20 43:5 55:7 60:5
 62:2 90:5
heard 38:10,12,22 40:1,9,13,16
 42:21 43:7 57:20 60:12,15,21
 62:12
hearings 12:23 35:6
held 39:4,8 62:18 80:11
helping 25:4
helps 143:10
Hodges 108:9
hold 28:9 37:9 39:19 40:3 41:12
 58:11
homicides 30:2
honestly 36:16 85:18
honesty 127:12
Honor 128:21
hour 11:2 66:9,16 126:16
hours 64:15 66:20 150:10
hypothetical 26:9 30:12 42:23
 50:24 66:5 103:12 143:14
hypothetically 87:15

I

IAD 101:15,24 126:15 127:1
idea 32:6 44:8 74:19 76:10 86:12
 106:3,4 111:14
identification 112:24
identified 13:11 134:17
identifying 116:24 134:7
Illinois 5:5,8,11,15 110:5
immediately 81:16 95:18
implemented 74:8
imply 42:14,16

important 20:22 139:16 140:12,22
 141:1
imposed 142:9
improper 40:20,23 41:1,5,21 42:3,
 12,19 43:7,8
incident 9:14,23,24 23:16 43:24
 50:2 56:3,23 63:23 64:6 67:12
 70:19 71:1,9 72:1,4,7 73:6 74:11
 79:16 81:13 87:3 88:4,20 101:2,6
 102:2,8,15,20 103:18 107:12
 111:22,23 120:11 126:1 134:16
 142:21,24 145:12 146:21
incidents 44:13,14 103:15 142:15
inclined 124:15 126:24
include 46:2 120:14
included 51:18
includes 118:11,23 119:2 123:12,
 15
including 24:1 38:8,9 55:22
incomplete 26:8 30:11 42:22
 50:24 66:5 103:12 141:17 143:14
indefinite 94:10 98:3,17
indefinitely 89:9,13 92:4 93:16,24
Independence 64:11
independent 50:4
indicating 92:3 98:2 114:20
 144:12
individual 26:24 145:8
individuals 34:4 123:4
information 51:18 68:2,6 69:22
 72:17 75:17,22 76:11,17,24 85:2,7,
 12 88:23 91:10 114:10 130:13
 133:18
informed 141:18
initial 21:8
initially 117:10 119:21 132:14
 136:6 141:16
initiate 96:13,17 102:1,3
initiating 49:24
initiative 76:23
injuries 67:17
input 102:23
inquired 48:10 51:6

inquiry 24:15 34:22
inside 77:22
instance 5:19 22:15 33:10 50:18,
 20 57:9 66:14 81:5 83:9 86:6 87:17
 104:17,18,21 112:18 115:7 118:14,
 18
instances 16:1 38:3 46:15 53:24
instant 56:16
Instanter 5:2
instruct 82:9
instructed 90:3,6 95:19 97:21
instruction 97:14
intend 144:5,8
intention 144:9
interact 12:12
interacted 11:17,21 12:1,16,19
 13:14
interaction 13:4
interest 100:14,19,23 101:3
interim 8:12,16 72:6 73:10 74:5,15
 91:12,13
internal 47:23,24 48:10,21 49:3
 52:15 57:5,8 102:21
Internet 35:21
interrupt 34:7 37:10 128:2 133:24
interrupting 129:2
introduce 5:22
introduced 145:3
invest- 43:21
investigate 38:15 39:13 40:21
 49:9 53:13,23 55:3,18,21 56:4,6
 57:6 126:16
investigated 43:22 46:5,17 47:12,
 17 48:7,12,23 50:4 52:6,12,15,18,
 22 53:1,5,14 101:15 119:20 127:1
investigates 117:23
investigating 30:2 50:22 57:1,3
 101:22
investigation 31:2 33:23 34:3
 41:16 44:6 49:11 50:1,5,16 51:11,
 13 53:2 55:12,16,20 56:21,22
 57:14,15 63:19 68:11 75:20 76:2
 82:14 84:23 93:2 95:3 102:1,4
 110:21 111:16 118:11,19 130:3

132:21 134:16 136:8 139:16 140:12,21	John 72:6,14 73:15,24 74:2,15 75:17	kind 44:6,7 79:7 99:7 100:2 101:7
investigations 47:8 110:22 113:19	Johnson 5:13 6:16,24 113:2,3 114:15	knew 62:17 64:13 76:6 94:8 105:6
investigative 68:13 71:3,6 77:1 94:2 125:5	join 152:6	knowledge 11:17,21 12:12,15,20 13:14 20:6,20 37:13 47:9,11 55:13 59:22 87:9 117:14 133:17 145:8
investigator 42:5	Jonathan 6:1 145:2	knowledgeable 60:11
investigators 125:21	Jones 6:1 12:13 105:22 110:18 113:8 119:4 120:4 129:15 136:10, 14,24 145:4,9,12,23	<hr/> L <hr/>
involved 15:16 18:23,24 20:22 21:14 22:12 25:14,22 26:23 27:10 28:5,14 29:13 35:3 41:7 55:1 56:3 64:22 65:2,4,20,21 68:15 71:10,19 78:13,18 87:9 95:8 101:1,13 103:3 104:11 144:19 146:21	Jones' 12:21 13:6 146:5	lack 46:22 47:13 54:1 105:1,13 111:18 128:18
involvement 145:12,18	Joyce 108:7	laid 34:20
involves 139:16 140:12	JPEG 125:12,14	landline 73:18
involving 41:16 140:21	Judge 9:7,16,19,22 23:4,9 24:17, 23 25:1,8,9,18 28:7,17,21 29:4 33:12,18,20 34:2,7,11,14,23 35:10 37:9,16 38:19 39:19 40:3,7 41:12, 19,20 42:8 43:16,19,20 44:3,12,17 47:15 50:20 52:11,14,18,23,24 53:6,11,17 56:15,18 58:3,11,15,19 59:2,6 61:4,12,15,17 82:11,13 83:1,3,5 84:11 94:22 95:6,12 128:2,15,22 129:2,4,7 133:24 134:3,7,11,17,24 135:4 147:19,23 148:4,6,12,21 149:6,10,12,15 150:12,23 151:3,10,14,15,21 152:4,8,10	lane 77:9
IPRA 21:3,6 52:21,22 53:14 74:2, 21 82:2 101:19 113:22 114:10 118:19 119:21	June 148:10,11,12	Lapalermo 13:17,21 14:4 22:24 23:15 24:1 90:4,14 93:7,18 98:12 99:4 107:5
IPRA-LG 134:9	jurisdictional 77:6	Lapalermo's 13:19 14:1
IPRA-LG-007006 112:24	Justice 51:10 52:13	large 87:5
IPRA-LG-6957 135:12	justifiability 82:19	Lasalle 5:5
IPRA-LG-8030 137:19	justifiably 26:5 129:14	laser 33:4
IPRA-LG-8031 137:20	justification 82:5 120:1,4	lasts 96:24
IPRA/COPA 49:6	justified 27:22 81:19 82:22 84:24 118:4 119:4,5 136:11,20,24	law 5:15 109:13,22,23 114:11
isolated 142:15	<hr/> K <hr/>	lawsuit 35:13 109:14 111:2,22
issue 24:21 64:21 91:20 112:8 119:17 127:15	Karen 14:3	lawyer 10:16
issues 38:6 81:22 86:5	Kedzie 14:14	lawyers 10:9,10,12,21,23 149:23
<hr/> J <hr/>	Kennedy 6:3 61:22 95:9 101:21 128:21 134:21 135:2 136:12,14	lay 87:3
J-O-H-N-S-O-N 6:24	Kevin 31:23 32:2 68:8 108:19 113:2,7 114:15,21	layout 86:12
Jack 6:3	kick 78:22	lead 80:23
James 113:8	killed 146:1	learn 67:11,18 71:8 72:14 90:13 92:5,7 94:16 127:10
Janet 11:22 12:4 37:6,19	killing 103:10	learned 17:9,16 37:14 38:1 49:2 51:19 64:19 67:12,23 69:18 70:22 71:23 72:10 94:14,18 95:15,16 96:5 126:22
January 51:9 141:21		learning 72:3 92:18
Jensen 108:15		leave 49:11 74:8,10 77:10,18 78:3, 11,12 105:9
job 8:21 24:9,18 25:12 26:3,21 27:8,20 28:4,13 29:10,13 30:14 39:6 47:19,22 56:6 90:23		leaving 49:14
Joe 5:2		left 7:17 10:17 95:2 103:18 116:18
		legal 6:23 104:6 115:4 117:2,4 132:22 133:19

Legrier 5:24 6:4,5 11:18,22 12:2,9 105:21 110:18 119:3,24 129:15 136:12,20 149:3	make 7:23 9:21 27:24 31:1,4 36:19 73:23 108:6 111:10 129:11 131:19 141:18 144:6,14	meeting 10:9,21,24 11:14 13:9 80:6,8,11,13,15,18 81:9,11,18 109:18	
Leica 29:17,19,22 30:1,9 31:15 32:3,6,16 33:4 35:4	makes 54:19	meetings 82:24 85:21	
length 150:9	making 82:17 148:22	Melissa 19:15,18 26:13,20 30:8,20 83:10 84:16 85:1,11 107:12 113:9	
letter 136:7 137:18,19 138:21 139:2	malfunctions 81:16 86:5	members 30:15 149:20,22	
letters 138:2,5 141:4 149:19	man 76:8	memo 17:8,16,24 18:4,5,7,13,15 19:13,19,22 20:1 75:7,11 115:14 116:3,4,8,20	
level 23:24 127:13	management 80:6,8,11,18 81:8 127:14	memory 19:2 88:19 116:2	
lie 41:10,14,15,22 42:11	manpower 64:20 65:9	memos 18:3 19:8	
lieutenant 16:4 22:5,16,18,23 23:14 107:22	map 87:6,17,19	mental 78:19	
life 146:22	March 5:16 8:17 33:16 59:17 138:8 141:14 144:10,13,15	met 11:17,21 142:8	
lift 98:16	mark 112:20 134:22 135:3 137:14	middle 7:1 130:8	
limit 58:17	marked 112:23	mind 74:5	
limited 34:14 147:20,21 148:13	markers 86:11	mind's 98:24	
listening 21:24	Marking 135:9	minutes 33:20 35:2 88:6 94:23,24 100:6 145:1 150:10	
litigation 152:1	material 11:3,7	mischaracterization 114:24	
local 5:9	materials 30:18	mischaracterizing 27:18 46:22	
location 67:16 87:6	matter 18:23 83:10 107:20,24 108:4,13,17 109:1,6,9,13 114:17, 22 142:15	misconduct 38:4,6,15 39:7,14 40:21,24 41:3,17,23 47:20 48:6,22 62:17 63:1 142:21,24	
locations 87:7	mayor 60:5,18,24 61:7,9 62:2 110:12,17,21 111:2,5,14 144:12 150:16	misspoke 91:4 94:21	
log 122:19 134:12,14 135:11	mayor's 61:5 110:10 111:4 144:18 150:22	mistake 97:11	
logical 35:6	Mccarthy 9:1,3	mistaken 99:14	
long 10:24 88:3 96:24 100:4 148:16	ME's 126:15,23	misunderstood 68:23	
longer 61:15 92:18 106:5	meaning 85:7	mobile 94:19 95:16,17,23 96:6 97:13,19 98:4,7 99:16 100:13	
longest 142:4	meaningfully 38:14 53:4,5	Monday 80:11,24 145:16	
lookit 28:21	means 13:3 39:16	month 144:8	
Looney 89:18 90:16,19,21 91:22 92:3 96:4,5,21	meant 45:2 96:20 115:4	months 14:19	
lower 127:13	meantime 71:22	morning 44:5	
lowest 97:4,17	measure 33:9	mother 12:7 14:1	
<hr/> M <hr/>			
machine 32:19	measurement 33:5	mother's 37:1	
made 23:13 60:18 64:6 65:12,15 67:22 70:19 75:23 95:18 102:18 128:4 145:22 146:19	measures 32:16	move 83:3,7 97:15,22	
maintaining 149:7	media 35:12,18,24 36:4,5,10,17,23 37:6,14,20,22 38:1	muddled 129:12	
major 103:16	medical 54:11,23 55:4,17 56:7 78:12 108:2 125:24	<hr/> N <hr/>	
	meet 112:2,3	named 107:16 151:6	

Naomi 6:12
narrative 18:14,21 118:11
narrow 71:17
nature 11:11 16:12,15 27:12 37:2,
21 81:17 127:13
necessarily 115:9
needed 65:12 70:14 86:5 92:23
133:15
news 36:11
night 64:9 68:4 69:1 85:5
nod 7:10
North 5:4 14:3 31:23 65:11 68:6
69:6,13,18 108:15,16 113:7
note 152:4
noted 34:24
notes 84:4,16 85:17,20,23 86:3
notice 128:11,17,19
notification 54:19 65:13 66:21
67:22 72:21 73:3 126:2
notifications 65:15
notified 54:12,16,17,24 55:5 57:4
65:22 66:2,19 67:1,2,4
notify 55:16 56:23
notifying 56:7 68:15
number 7:15 35:7 99:20,23 106:13
122:9,17,19 123:7,16,20 134:7,11,
12,14

O

O'HARA 9:7,16,22 23:4,9 24:17,23
25:1,9,18 28:7,17,21 29:4 33:18
34:7,11,14,23 37:9,16 38:19 39:19
40:3,7 41:12,20 42:8 43:16,20
44:3,12,17 47:15 50:20 52:11,14,
18,23 53:11,17 56:15,18 58:3,11,
15,19 59:2,6 61:4,12,15 82:11,13
83:1,5 84:11 94:22 95:6,12 128:2,
15,22 129:2,7 133:24 134:3,7,17,
24 135:4 147:19,23 148:4,6,12,21
149:6,10,12,15 150:12,23 151:3,
10,15,21 152:4,8
oath 8:4
object 23:2 24:13 25:17 26:8 27:17
28:6 30:11 31:16 33:13 38:16
41:11 42:6 43:13 46:7,21 48:13
49:13 50:7,23 52:8 56:9 58:1,23
60:8 66:4 78:5 82:8 84:9 101:9
103:11 104:4 111:8,17 113:24
114:23 115:16 116:10 122:3 124:9
139:3 140:7 143:13 146:7 147:17
151:15
objecting 33:22 147:23
objection 25:19 27:1 28:16,20
29:8 32:8 34:23,24 36:1 39:18
42:22 47:13 50:19 54:1 55:23 61:1
66:10 104:24 105:12 127:2 130:7
141:9 144:16 149:8 151:16,23
152:2,6
objections 30:22
obligated 19:21
OBRS 120:22 124:2,22
observed 20:6
obtain 151:18
occasion 14:15
Occasionally 48:2
occur 29:15
occurred 27:9 76:1 81:13 87:4
103:18,19
occurs 39:7 87:21
OCIC 17:8 67:2
OEMC 54:20
offer 78:18
office 54:12,24 55:4,17 102:7
110:3,8 111:4 115:5 117:1,17
126:1,15,24 132:22 138:22 149:23
officer 13:15,17,19,20 14:1,7,12
15:9,23 26:4,5,23 27:10,24 28:1,14
41:16,22,23 42:3,4,11,19 43:5 44:4
53:12 55:22 57:20 59:1,4 62:23,24
65:19 71:9 74:3 76:6 77:21 97:5,18
98:12 99:9 104:2,11,14 108:8
119:24 121:22 129:23 131:1,23
142:5 146:21
officer's 43:1 142:1
officer-involved 15:16 67:15
126:3
officers 15:22 18:23 20:22 21:15,
16 22:6,12 24:11,19,24 25:2,15
28:5 38:22,24 39:4 41:6,15 43:12
60:22 62:18,23 65:1,5,8 68:15
71:10 85:8 87:8 91:11 92:3 93:6,
12,15,23 97:12 108:6,7,10 112:1
121:7 142:14
officially 8:10
oncoming 28:23
one-hour 11:13
open 147:20 151:19
operation 122:24 123:2
operator 5:3
opinion 59:5 61:6,8 97:9 99:8
opposed 39:24 97:8
OPS 82:2
oral 17:11 70:16 97:3,14,22
orally 97:22
order 97:22 98:23 99:1 124:12
127:18 128:8 150:19 151:4,24
ordinance 49:22 117:20 118:8
142:9
organization 38:5
organizational 45:18
overbroad 28:20 47:14
oversee 47:20

P

p.m. 5:17 63:11,13 90:22 119:11,
13 150:9 152:12
paper 36:6 37:11 72:19
paperwork 73:5,9 98:2
paragraph 139:14
paramedics 34:11 107:9
parking 25:6
part 24:20 33:23 47:19 55:19 58:3
80:16 97:11 120:24 125:4
participate 62:14
participated 71:24
participation 128:18
parties 100:20 128:16 151:5
partner 76:7
parts 87:18
past 81:24 133:23
patrol 8:19 9:5,18,23 14:12 15:23
20:16 29:21 30:6 34:1 59:12,16

EDDIE TYRONE JOHNSON, 03/15/2018

60:2,5 62:4 64:5 65:7,19,20,21
66:1,16 68:5,13,16,22 69:14,18
70:2,9 71:2,9,10 73:7 76:23 77:3
80:20 94:17 95:20 96:13 108:7
115:8,9 121:14

patrolman 15:15

PC 122:17,19 123:7,20 124:18

penalize 100:18

people 12:6 34:15 65:22 67:19,21
72:11,14 74:17 76:9 78:11 79:7
85:16 87:9 95:8 103:10 106:11,13
109:5,22 123:3 150:15 151:10,17

period 8:13 58:17 73:10

permanent 90:23

permitted 85:16

person 68:24 69:20 89:12 106:15
115:7 127:14 128:3

personal 12:23 13:1 39:15 57:19,
22 59:22 60:16,20 62:11 73:17

personally 46:17 62:6,17 85:14
86:20 88:16 114:12 115:20,23
138:3 140:15

pertain 82:13

Phil 13:21

phone 73:16 76:5 77:13 94:23
99:18,20 100:4 106:15,23

phoned 67:9

photographs 125:7,15

phrase 7:24

phrased 78:8

physical 78:20 129:22

physically 28:1

pick 131:13 132:1

picture 33:5

pieces 131:13 132:2,9

place 49:16,20 50:12 128:9
150:17,18

plaintiff 5:19,20

planet 88:22

point 13:22 17:15 57:4,14 76:3
82:15 87:7 98:16 101:24 106:11
109:5 131:15,18 138:10

pointing 87:18

police 8:7,19 9:14,17 12:23 13:9,
19 14:7,20,23 15:9 24:11,19,24
25:2,15 26:4,22,23 28:5,14 38:4,
14,15,22,24 39:3,4,13 40:20,21,23,
24 41:1,6,15,22,23 42:3,4,19 43:9,
12 44:9,24 45:8,16,18 48:6,23
52:14 53:13 55:21 57:18,24 58:8,9,
12 59:1,3,20 60:21 62:23,24 67:15
68:10 74:3,24 75:1,3,15,19 78:4
96:15 99:19 102:16,19 103:2,9,17
104:3,11,14,23 105:10,20 108:6
110:5 112:1 117:18 122:1 123:20
135:10 138:22 142:4,14 145:18,21
146:13,19,20

police- 25:21 29:12 54:24 64:21
65:20 78:17

police-involved 15:11 16:3,5,8,
10,11,15 17:3,6,17 18:1 20:12,18
24:10 25:13 26:6,22 28:15 30:10
64:10,14 65:6,16,24 66:15 67:24
93:8

policies 118:3

policy 38:7 74:8,10,13 127:18
129:17 131:24 136:11,21 137:1
139:17 140:14,22 141:3

poorly 78:8

portion 18:15 77:1 83:20,24 84:4
94:2 115:11 118:10 126:11 127:19
130:2,6,24 131:4,6,10,22 133:2,9
137:7

portions 130:18 132:5,11,15

position 8:6,9 9:1,20 57:23 58:7
59:2,19 75:13,23 89:23 93:13
115:13 151:14

possibly 58:24

potential 21:20

powers 74:3,24 75:1,3,15,19
103:2,17 105:20

practical 32:20

practice 17:20 20:7 24:5 112:6

practices 34:4

preceding 46:4 64:10

precipitated 97:23

predecessor 89:14,15

prejudgments 148:23

premature 75:20

preparation 11:4

prepare 11:8,13

prepared 10:4 19:5 130:5,14
131:12,20 148:8

present 5:21 10:11,20,22 81:13
82:1 93:12 98:14 107:14 132:23
144:9

presented 83:10 103:6

presently 54:4 101:16

pressure 110:13

presume 7:3

pretty 98:23

previous 47:5

previously 147:5,13

primarily 7:16

print 35:12,20,21,24 36:4,10

printing 36:6

prior 11:16,20 12:11,15 13:13 20:4
43:24 145:7

privilege 23:3,5,8

privileged 116:11

problem 25:1 53:11

procedures 53:2

proceed 29:1 57:1

proceeding 128:13

proceedings 35:1

process 49:15,19,20 50:11 76:22
79:12,17 82:24 83:2 99:8

processed 63:24 64:3

processing 120:15,17 121:21
124:1,17

program 32:18

progress 93:3

prohibiting 49:23

promoted 16:24

proper 34:3 74:22

properly 46:5 47:12,15 48:12

prosecuted 102:7 103:24

protect 28:14,18,22,23 29:6,14
41:10,13,16,22

protective 150:19 151:4,24

protects 62:24	quoted 142:19	recommended 137:11 141:24
protocol 77:8		record 5:2,22 6:23 15:18 34:24
provide 48:1 85:2	<hr/> R <hr/>	47:6 53:22 63:11,14 67:5 82:12
provided 45:10 82:18 98:2 128:8 130:13 131:2,7 133:10	rain 28:23	83:19 119:11,14 135:12 137:17
public 77:23 100:16	raining 28:9	149:3,5 150:11,12 151:13,14
pull 87:5 123:16,21	range 16:22	152:5,7
pulled 87:17	rank 14:8	recorded 5:8,12,19
punish 100:18 143:3	rap 123:13	recording 5:1,3 83:17 84:1
punishment 97:4	re- 52:2	records 151:20
purportedly 113:14	reach 70:8 99:22	rectified 127:16
purpose 32:22 68:19 147:21 148:14	reached 68:5	redacted 135:5,6
purposes 125:19	reaction 62:7 92:17	refer 126:24 139:5
pursuant 5:8 118:7	read 36:9,21 45:22 47:4,6 75:11 82:11,12 114:18 130:22,24 131:4, 6,10,11,12,14,22 133:2,5,6,9 134:18 139:18,20 140:2	reference 145:23
purview 33:14 34:17 56:8,12 77:2	reading 114:3,9	referenced 116:4 121:16 124:5 139:11
push 67:10	reads 37:11 113:16 139:15	references 120:10,22
put 14:18 31:22 36:22 64:24 65:8 97:18 110:13 123:15	Ready 63:16	referencing 135:11
puts 37:22	reason 77:4,9 79:6 103:16	referral 57:7
<hr/> Q <hr/>	reasons 7:15 21:14 103:16	referred 123:12
question 7:22 8:1 23:11 24:17 25:2,24 26:15 28:10,24 38:17 39:21 40:7 41:14,20 44:15,18 46:23 47:5,16 48:16 49:4,14 50:10 52:11 53:18 56:19 58:4 59:6 61:21 76:18 78:6 82:11 83:1,6 101:10 104:5,7 105:14 122:3 126:5 129:9 134:24 135:4 136:16 146:8 149:16	reassigned 90:10	referring 18:5 20:9 33:16 113:11 139:8
question's 7:14	recall 12:24 13:3,18,24 14:22 15:2 17:5 19:11,24 36:13 45:21 46:10 52:1,4 65:10 66:18 67:3 69:5,7 72:16 73:1 79:13,18 85:9 86:16 87:20 88:10,12 90:17 91:15,17,21 92:8 95:19 98:19,22 99:21 107:3,7 142:10	refresh 19:1
questioning 53:12	receive 114:6 126:2	regard 10:8 48:1 75:8,11 91:19
questions 29:2 33:18 35:2 41:13 61:22,23 63:6 88:7,9,11,14 145:5 147:6	received 51:16 72:16 89:17 112:13,16 116:3,8 117:6,9,12 118:7,23 124:6 128:17,19 141:16	regular 83:20
quick 106:8	recent 18:17	related 75:18 129:14 144:14
quicker 73:23 111:10	recess 63:12 119:12	relating 147:16
quickly 7:7 108:7	recitation 88:3	relation 9:14 68:1
Quintonio 11:18 105:21 110:17 119:3,24 129:15,23 131:3,9,17 136:10,12,14,20	recognize 137:24	relationship 142:16
quote 24:10,19 90:5 138:22 140:12 142:14	recollection 15:6 19:23 45:23 46:2 54:7,10,21 64:18 67:4 70:11 73:19 77:15 83:11 86:23 87:2 88:5 92:15 93:9,19 100:11 142:6	relevant 24:15
	Recommendation 138:19	relief 74:24 75:1,19
		relieve 74:3,6 75:3 102:19 103:2,8 104:13 105:10,20
		relieved 75:15 102:15 103:17,21 104:2,22
		rely 50:6,14,15
		remain 90:8 92:24
		remained 92:21
		remaining 141:23
		remember 15:3 18:2 68:3 70:13, 18 71:11 72:1,3 73:22,23,24 74:1, 17 85:11 86:18 88:13,23 100:7,8 108:8

remove 77:21	84:22	120:14,17 121:21 124:1,16
removing 100:13	result 64:21 72:12 76:9 96:8 102:14	scenes 15:8,22
render 133:21	retired 13:21 14:2	Schoeff 107:17
repeat 23:11 58:5	return 78:21 95:20	scope 24:14 33:13 43:14 52:9 56:1 58:2 82:9,10 129:18
rephrase 25:8	reverse 97:12,17	screen 33:2 87:4,5
report 18:11 37:3 45:9,17 48:1 51:11,16,18 52:4 117:7 118:6,10, 22 120:10,21 121:3 124:5,12 125:23 126:5,9 127:11 129:21 130:18 131:1,7,16,22 132:2,12 133:3,10,11,13 134:2,4,6,15 135:10 147:9,12,14	review 11:3 35:1 52:2 71:14,20,24 73:4 76:22 79:12,16 80:2 82:18 85:12,17 86:24 88:1,15,19,24 94:14 107:13 124:11 126:11 130:2, 3,12 131:20 132:9,22,24 133:16,20 136:2 141:15 145:15 151:11	scrutiny 29:7,12,14
reporter 7:16	reviewed 11:7 126:8 130:1,6,14, 19 132:2,4,7,11,15 133:12 135:22, 24 136:1,3,4,5 144:3	secondhand 85:8,13
reports 35:14,16 112:14,17 114:6, 17,22 115:15 116:4,9 120:11,15, 17,18 121:4,8,15,16,21,22,23 122:6,8,15 123:16,21 124:1,4,17, 22 125:1	reviewing 126:22 133:19	seconds 150:11
represent 145:4	Rialmo 13:15 22:24 23:15 24:2 74:3 75:3,14 76:6 78:1,24 90:4,14 92:18 93:7,17 94:1,10,17 96:18 97:10 98:1,6 99:13 100:1,23 102:6, 15 103:2 104:21 106:23 119:24 120:4 129:14 131:1,7	secretary 83:21
representatives 112:2,4	Rialmo's 89:4 119:3 129:5,23 131:23	send 91:19 97:12
representing 147:24	Richard 5:10	sending 114:21 115:7
reprimand 97:3	role 102:12	seniority 97:12,17,18
request 30:17 31:4,11 70:16,19 75:14 144:14 151:22	room 83:13,15,18	sense 7:23 37:23 146:10
requested 142:4	roundtable 79:20,23	sentence 139:15 140:5
requesting 114:10	roundtables 82:1	separate 22:9 49:24 65:6 103:14
required 118:7	rule 5:8 81:18	separated 20:22 21:1,4,7,15 22:6
reserve 147:15 150:2,6	ruled 24:14 33:14	separately 22:13 23:20 24:3
reserving 148:23 149:4	rules 5:9 7:7	separation 39:6 137:12
resources 30:16,18 31:11 70:9,14	running 150:9	sergeant 14:12,13 16:2 24:1,2 107:17
respect 63:5 88:19 99:3 110:13 111:15 113:18 127:22		services 30:4 78:18
respond 22:10 32:13 126:1	S	set 77:8 144:18
responded 16:3,5,7,9 17:6 19:7, 10 22:19 76:7	safe 128:15	Sharon 75:5 108:21
responding 20:18 22:8	scan 29:17,19 30:9 31:15 32:3,6, 16 33:4,9	sheets 123:13
responds 20:12	scans 29:22 30:1 35:4	shell 33:10,11
response 18:11 74:10 121:22	scenario 143:14	shoes 43:1
responses 7:9	scene 17:9 18:22 22:4,5,10,13,20, 24 23:16 24:10,19 25:13 26:6,21 32:3,7,12 33:6,21 34:5,9,12,15,18 54:13,14 63:23 70:4 85:4 86:13 103:18 104:22 105:9 107:9 112:2,5	shooting 17:17 18:1,7 20:12 21:8 24:10 25:13,22 26:7,22 27:22 28:15 29:13 30:10 55:1 64:10,14, 22 65:2,5,16,21 66:1,15 67:15,24 69:3,19 70:7 71:13 72:12 78:18 80:2,4,21,23 81:3,9,14,19 84:3,17, 24 85:12,17,24 86:3,24 87:24 88:14,19,24 93:8 94:2,5,7,14 105:21 107:13 110:17 119:3,4 126:3 136:10,19,24 145:15
responsibilities 145:19		shootings 15:12,16 16:3,6,8,10, 12,15 17:4,7 18:17 20:18 65:6 70:7
responsibility 22:9 27:24 68:14 71:7 77:10 146:5,9,18,23		shortage 64:21 65:9
responsible 55:11 57:15 68:11		shot 26:6 67:21 119:24 120:4 129:15

shots 76:8 131:24
shoulders 7:10
shrug 7:9,10
sides 128:23
sign 149:24
signals 106:17
signature 150:6
signed 113:7 138:4,6 140:16,18
silence 24:21 38:11,18,23 39:1,12, 16 40:1,14 43:18,20 53:8 57:18,20, 22 58:9 59:20,24 60:7,22 61:21 62:5,10,13,15,21 63:5
simple 37:1 40:19
simply 78:13 87:3
single 59:1
sir 7:3 25:18 52:19 53:18 54:23 89:3 112:22 113:4 119:16 129:8 135:13 137:16,22
sit 70:17 136:18 137:10 144:11,13
sitting 7:16 116:17 117:11
situation 26:9 66:5 70:1
slated 78:2
Smith 108:9
smoke 106:17
software 33:8
someone's 146:22
son 12:17,21
sort 62:10 78:11 98:2
source 22:23 23:3 72:15 92:8
span 64:15
SPAR 96:14,17,23 97:7
speak 34:3,8,15 43:1 46:18 58:24 59:3 60:17 112:5
speaking 42:5,9 61:7 85:14 86:20 88:16,24 106:15 143:15
specific 28:8,24 53:3 91:15 93:22 130:17,19
specifically 17:21 31:15 34:22 35:17 44:10 48:20 52:1 66:18,24 68:3 87:20 88:10 109:5
specifics 45:21,23
speculation 30:12 32:9 42:23 46:8 47:14 51:22 76:12 84:10 105:1,13 111:17 124:10 127:3 141:10
speech 60:5
spell 6:22
spoke 13:8 22:12 23:15 69:4 76:4 91:21 92:2
spoken 23:19 24:1 48:9 111:21
squad 94:20
staff 149:20,22
stamp 134:10 137:19
stamped 112:24 135:12 138:14
standard 151:3
standing 131:3,8
Staples 19:15,18 26:20 30:9,20 83:10 84:5 85:2,11 86:12,23 87:18, 24 89:1 90:2 107:12 113:9
Staples' 26:13 84:17 89:16
start 27:5 35:19,23
starting 36:11
state 5:9 6:22 62:4 110:5,7
state's 82:1 102:7
stated 139:1 145:22
statement 39:20,21 40:4 46:13 61:5 90:6 103:20 140:17 142:23 145:22 146:17,18
statements 21:2,5,9 129:23
states 129:21 131:7
status 98:15
statute 54:12
stay 77:9 78:3 92:4 93:23 150:13
stayed 103:20
staying 98:3
stays 97:1
Steffanie 6:7
stemming 111:23
Stephanie 22:16,23 23:15 107:22
steps 105:19
stipulations 9:8
stop 58:12
stories 21:17,24
story 42:4,7,10
straight 21:17 42:4,7,10 57:17 78:14
street 5:5 16:12,16 17:4,7,9,14,16, 24 18:3,21 19:7,10,12,16 20:6,11, 17,23 21:16 22:4 24:9,18 25:2,5,12 26:21 27:8,21 28:4,13 29:10,13 30:8,14,24 31:9,18 54:18 77:21 81:12 85:4 87:2 97:10 100:20 101:4
streets 100:24
strict 77:8
strictly 81:21
stripped 75:14
stripping 74:23
struck 145:24
structure 45:18
Stuart 22:16,17,18,24 23:15 107:22
study 44:15
subject 85:18 148:22
submitting 114:16
subsequently 72:12
Suite 5:5
summarizes 120:22 121:4
summarizing 136:8
summary 45:10 117:7 118:11,22 124:5 129:20 130:18 131:1,16 132:8,12 133:3,7,10,11,13 134:2,4, 5,15 135:10
summer 94:19 95:16,17,23 96:6 97:13,19 98:4,7 99:15 100:13
summertime 92:13
superintendent 5:12 8:7,12,17,24 9:2,22 23:10 44:21,24 45:14 47:19 48:4 49:21,24 57:24 58:7 59:12 61:18 62:8,9 72:6 76:19 80:12 91:7 93:5 104:13 115:6 121:24 122:14 123:6,20 124:7,18 127:1 142:1,13 145:2 147:14
superintendent's 74:5 83:14 115:5 117:5
supervisor 17:8 22:8,12 23:24 26:4 39:3

supervisors 24:6
supp 124:21
supplementary 121:4,8,23
support 24:11,19,23 25:2,15 26:4, 12,22 27:3,11,14,15 70:2 78:18 79:1
supported 28:2
supporting 27:23
suppose 31:13
supposed 20:17 21:11,15 54:15, 16,17 66:1 78:1 108:10
Supreme 5:8
surprised 62:2
suspect 25:7
suspension 142:4
swear 6:14
switch 63:18 89:3
sworn 6:18 8:10 44:24
swung 129:23 131:3,9,18
system 121:17 122:22,24 123:2,9, 10,11,17,21,23 124:19 125:9,10
systems 123:8

T

T-Y-R-O-N-E 7:2
tactical 18:10 81:15,22 86:5 121:22
tag 91:13
taking 83:21 84:4
talk 7:19 21:18 57:20 63:19
talked 22:24 44:10 71:18 106:24 109:4 129:14
talking 14:16 17:12,18 18:9,10,13, 17 19:2,3,19 20:1,2,13 21:21 31:14,15 38:22 44:6 56:15 60:22 62:12,20,21,22 66:2 69:12 70:7 72:10 74:1 104:5 109:5 133:23 142:13 146:11
task 43:10 44:9 45:8,17 46:3 48:14
team 132:22 133:19
technically 97:16
TECHNICIAN 5:1 6:14 63:10,13 119:10,13 150:7
technicians 63:24 64:3 125:19,20
telephonic 72:20
telling 11:11 87:11 135:23
ten 88:6
tendered 133:14,18
term 38:10 40:1,9 151:7
termination 142:1,3
terms 27:23 40:13,14 84:23 96:20 97:18 147:12
testified 6:18 9:16 53:13 99:14 109:16 133:6
testifying 116:23
testimony 150:8
texts 106:16
theft 104:1
theory 126:21
there'll 148:6,7
thin 39:17,20,24 40:1,9,14,16,17
thing 20:3 28:22 62:22 68:1 70:24 103:4 124:21 131:13 138:7 147:2
things 9:9 24:14 27:12 35:7,18 36:5,23 37:2,21 81:15,17 91:13 123:12
Thomas 6:1 108:9 134:9 135:6 144:23 145:3 146:14,24 147:4,8, 12,22 148:17 151:9 152:6
thought 74:19 106:6 149:13
tickets 25:6
tied 65:2,5
tight 95:13
time 5:17 8:13 13:22 17:2 19:9 21:3,8 31:23 34:18 36:14 58:17 59:12 60:14 63:9,13 64:5,13 65:15 67:16 69:6 71:22,23 73:3,4 74:2,4, 7,9 75:19 76:4 78:2,3,24 87:14 89:20 94:8,9 99:6 103:21,22 106:7 113:7 114:11 115:18 119:13 124:6 134:19 136:15 145:15 146:12,20, 24 148:13 150:4,9,18
time- 81:9
timeframe 54:2 59:7,17 67:1 72:4, 10 139:4
timeframes 16:21
times 16:14 19:12
tired 136:15
title 79:19 134:4
To/from 18:14 20:5,9 113:1 114:4, 8,9
today 70:17 107:2,6 117:11 133:10 134:18 137:10 144:11 146:15 150:15
today's 5:16 11:8,13 150:8
told 23:14 67:20 77:14 87:23 90:8, 9 117:22 126:13,16
topics 33:15 43:14 82:10 89:3
totality 130:4,12
touched 89:5
traffic 28:23
tragically 146:1
trained 38:24 51:3,7 57:21 62:13
training 86:7
transcripts 33:17 34:21
traumatic 101:2
trial 128:10 148:8
TRR 18:6,10
TRRS 120:22 124:1,22
true 129:4
trust 36:4
TV 35:20
type 17:15 18:3,4,13 19:4,13 42:14 72:19 78:24 83:13,21 86:10 99:24 106:16
typically 30:24 31:10 37:20 69:9, 24 81:7 83:19 87:21 99:21 125:10 149:21
Tyrone 6:16 7:2

U

uh-huh 7:10
um-hmm 69:11
umbrellas 28:9
un-uhn 7:11

unable 103:19	visual 83:16	97:2	
unclear 79:8	volunteers 97:19	years 14:16 17:2,19 38:21 43:11 46:4 51:24 52:1 53:4	
undermine 142:15	<hr/> W <hr/>		
undersigned 114:16	wait 7:14 147:10	young 76:8	
understand 7:12,17 8:4 18:18 20:8,14 26:14,16 27:2 32:15,22 48:15 50:9 53:19 63:1 65:14 68:17 85:6 104:7 105:15 106:20 117:16 132:4,20 133:22 136:9 146:10 147:23 148:1,21 151:14	waive 150:2	<hr/> Z <hr/>	
understanding 25:24 32:17,24 48:17 65:17 129:7	walked 145:17	zealously 147:24	
understood 36:20 70:5 76:20 99:12 100:17,21 149:6	wanted 9:12 37:12 53:19 56:23 74:2,21 75:3 90:14 92:3 94:10 124:7 148:18		
undertaken 118:12	Washington 5:11		
uninvestigated 43:12 46:16 47:9	water 61:18		
unit 67:9 95:23	Watkins 6:5		
unjustifiably 26:5	weapon 15:19 99:10		
unjustified 27:22 81:20 84:24 118:5	weapons 15:23		
unpack 90:12	Wednesday 80:11		
upset 92:20	weekend 80:22		
upward 131:9	Welch 102:22 103:5		
<hr/> V <hr/>			
vague 28:6 29:1 39:18 41:11 146:8	well-being 78:19,20 94:4		
Valente 6:10 10:19 116:17,21	West 5:11 14:9,21 15:1		
verbal 7:9	when's 36:14 148:8		
version 103:19 125:14 135:5	whiteboard 86:11		
versions 125:12	winter 92:14		
victim 145:24	withdraw 83:6 136:16		
victim's 146:2	witnessed 60:17,21		
video 5:1,2,3,7,12,18 6:14 63:10, 13 104:19 119:10,13 143:7,21 150:7	witnesses 108:10		
videotape 83:19	word 7:24 26:13		
view 67:14 104:2,13	words 22:5 128:1		
violated 127:22	work 13:23 73:18,20 90:4		
violations 38:6	works 68:9		
visceral 62:7	writing 25:5		
visit 14:15	written 17:11,12 86:8		
	wrong 24:12,20 25:3,4,5,6,16,20 26:24 41:15		
	wrongdoing 41:7		
	wrote 75:8,11 138:2		
	<hr/> Y <hr/>		
	year 46:3,16 51:20 52:6 91:2 96:23		