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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - LAW DIVISION

ANTONIO LEGRIER, Individually)
and as Special Administrator)
of the Estate of QUINTONIO)
LEGRIER, Deceased,)
Plaintiff,)

vs.

CITY OF CHICAGO,)
Defendant.)

-----)
LATARSHA JONES, Individually)
and as Special Administrator)
of the Estate of BETTIE RUTH)
JONES, Deceased, and LATISHA)
JONES,)

Plaintiffs,)

vs.

CITY OF CHICAGO,)
Defendant.)

No. 15 L 12964

Consolidated with

No. 16 L 00012

The video-recorded discovery deposition
of RAHM EMANUEL, taken under oath on Thursday,
March 29, 2018, at Richard J. Daley Center,
50 West Washington Street, Courtroom 2206, Chicago,
Illinois, pursuant to the Rules of the Supreme
Court of Illinois and the Code of Civil Procedure,
before Nick D. Bowen, Certified Shorthand Reporter
No. 084-001661, commencing at 2:31 p.m., pursuant
to notice.

Page 2

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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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Bettie Ruth Jones, deceased, and

Latisha Jones;

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COUNSEL, by

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8 appeared on behalf of the counter-

9 plaintiff Officer Robert Rialmo.

10

11 ALSO PRESENT:

12

13 Judge James N. O'Hara

14 Mr. Joe Beile, Video Technician

15 Mr. Antonio LeGrier.

16

17 * * * * *

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1 THE VIDEO TECHNICIAN: Recording.

2 For the record, my name is Joe Beile

3 with Video Instanter. I'm the video recording

4 device operator for this deposition. Our business

5 address is 134 North LaSalle Street, Suite 1400,

6 Chicago, Illinois, 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 the Richard J. Daley Center

11 in Chicago, Illinois to take the video-recorded

12 discovery deposition of Mayor Rahm Emanuel in

13 the matter of Latarsha Jones versus the City of

14 Chicago, et al., case No. 2015 L 12964 consolidated

15 into 2016 L 000012 in the Circuit Court of Cook

16 County, Illinois, County Department, Law Division.

17 Today's date is March 29, 2018, and

18 the time is 2:31 p.m.

19 This deposition is being video

20 recorded at the instance of the plaintiff and

21 is being taken on behalf of the plaintiff.

22 Would the attorneys present please

23 introduce themselves for the record?

24 MR. ROGERS: Larry Rogers, Jr. for the

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1 plaintiff, Jones plaintiffs.
 2 MR. BRODSKY: Joel Brodsky on behalf of
 3 Officer Robert Rialmo.
 4 MR. THOMAS: Jonathan Thomas for the Jones
 5 plaintiffs.
 6 MR. FOUTRIS: Basileios Foutris for the
 7 LeGrier plaintiffs.
 8 MR. KENNEDY: Jack Kennedy also for the
 9 LeGrier plaintiffs.
 10 MR. WATKINS: Daniel Watkins for the LeGrier
 11 plaintiffs.
 12 MR. SISSEL: Ed Siskel, City of Chicago.
 13 MS. AVENDANO: Naomi Avendano, City of
 14 Chicago.
 15 MAYOR EMANUEL: Rahm Emanuel, Mayor.
 16 THE VIDEO TECHNICIAN: Would the court
 17 reporter please introduce themselves and swear
 18 in the witness.
 19 (Witness sworn.)
 20
 21
 22
 23
 24

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1 deposition before?
 2 A. I think so.
 3 **Q. Have you ever given one while you sat**
 4 **as the Mayor?**
 5 A. Yes.
 6 **Q. Okay. How many have you given before**
 7 **while you sat as the Mayor?**
 8 A. One.
 9 **Q. What was the context of that deposition?**
 10 A. It was around the security detail for
 11 the Mayor.
 12 **Q. Okay. That was litigation in federal**
 13 **court over the detail?**
 14 A. I think so, yeah.
 15 **Q. Okay. We're here today to talk largely**
 16 **about the events leading up to the December 26,**
 17 **2015 shooting deaths of Quintonio LeGrier and**
 18 **Bettie Jones and policies that were in place**
 19 **leading up to that as well as that were implemented**
 20 **thereafter to give you some context.**
 21 I understand you were not there that
 22 day, so you don't know factually what necessarily
 23 happened that day. But we have gotten information
 24 indicating that you do have some information about

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1 RAHM EMANUEL
 2 called as a witness herein, having been first duly
 3 sworn, was examined and testified as follows:
 4 EXAMINATION
 5 BY MR. ROGERS:
 6 **Q. Good afternoon.**
 7 **Can you state your name for the**
 8 **record, please?**
 9 A. Rahm Emanuel.
 10 **Q. Okay. You are the Mayor of the City of**
 11 **Chicago?**
 12 A. Correct.
 13 **Q. Its highest executive officer, correct?**
 14 A. Correct.
 15 MR. ROGERS: Let the record reflect this is
 16 the discovery deposition of Mayor Rahm Emanuel
 17 taken pursuant to notice and by agreement of the
 18 parties as to date, time, and location and by order
 19 of the court.
 20 The deposition is being taken
 21 pursuant to the Illinois Supreme Court Rules
 22 and all applicable local court rules.
 23 BY MR. ROGERS:
 24 **Q. Have you ever given a discovery**

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1 the incident. Is that correct?
 2 MR. SISSEL: Objection; outside the scope.
 3 THE COURT: Well, it --
 4 MR. ROGERS: It's contextual.
 5 JUDGE O'HARA: Well, let's make it a simple
 6 question.
 7 MR. ROGERS: Sure.
 8 THE COURT: Does he have any information
 9 involving this incident.
 10 BY MR. ROGERS:
 11 **Q. Do you have any information about the**
 12 **December 26, 2015 incident?**
 13 A. I don't mean to say this, but it
 14 depends what you mean by that. I do --
 15 **Q. Okay.**
 16 A. Some information as the Mayor.
 17 **Q. Sure.**
 18 A. Okay.
 19 **Q. Sure. Okay.**
 20 **Let me just begin by talking to ask**
 21 **you this: Did you review anything in preparation**
 22 **for your deposition?**
 23 A. I just met with the lawyers.
 24 **Q. Okay. Did they give you any documents**

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1 to review?
 2 A. No.
 3 **Q. Have you reviewed the COPA report?**
 4 A. Have I reviewed the COPA report?
 5 **Q. Yeah.**
 6 A. Not allowed to. It's not appropriate
 7 for the Mayor to look at anything.
 8 **Q. Okay. So irrespective of what is and**
 9 **isn't appropriate, have you reviewed the COPA**
 10 **report?**
 11 A. No. I -- I mean, the short answer is
 12 no. As you know, there's a process, and I know you
 13 know this, Larry, is -- and so that process --
 14 wall -- puts a Chinese wall between me and anything
 15 as it relates to a situation like this.
 16 **Q. Okay. I want to distinguish between**
 17 **the process and investigation versus the ultimate**
 18 **report that was issued.**
 19 A. Okay.
 20 **Q. Have you seen the final -- the summary**
 21 **report that was prepared by COPA?**
 22 A. No.
 23 **Q. Okay. But that summary report has been**
 24 **released to the public. You have not --**

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1 A. That --
 2 **Q. -- seen that?**
 3 A. What I've seen is what's in the
 4 newspaper.
 5 **Q. Okay. So you have seen the summary**
 6 **report?**
 7 A. I've seen what's --
 8 MR. SISKEL: Objection; mischaracterizes the
 9 testimony.
 10 JUDGE O'HARA: That's sustained.
 11 Go -- reask the question.
 12 BY MR. ROGERS:
 13 **Q. Okay. Tell me what you've reviewed in**
 14 **terms of --**
 15 A. Whatever has been in the public domain,
 16 meaning the newspaper articles.
 17 **Q. Okay. So there have been newspaper**
 18 **articles that have been published, and then there's**
 19 **certain things that have been released on COPA's**
 20 **website.**
 21 **Have you reviewed any of the**
 22 **materials that has been available to the public**
 23 **and has been released on COPA's website?**
 24 A. No.

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1 **Q. All right. Okay. Again, the context**
 2 **of my questions is the December 26, 2015 shooting**
 3 **and the subsequent investigations. When I say**
 4 **"COPA report," you know I'm referring to the COPA**
 5 **report that investigated that incident, correct?**
 6 A. Your assumption and my assumption
 7 aren't the same.
 8 **Q. Okay.**
 9 A. Sorry for doing that.
 10 **Q. No. That's okay.**
 11 **On March 22nd, there was a non-**
 12 **concurrence letter issued by Superintendent Eddie**
 13 **Johnson.**
 14 **Have you reviewed that letter?**
 15 A. I have not reviewed that letter.
 16 **Q. Okay. All right.**
 17 A. For context, since you're deciding --
 18 my view was to make sure that I abided by a process
 19 set up to -- both from COPA to the Superintendent.
 20 There's a Chinese wall, not just for me, but for
 21 any elected officials, to abide by that in both
 22 letter and spirit.
 23 **Q. Okay. And I -- and I'm not suggesting**
 24 **you were interfering with the investigation or the**

Page 13

1 **conclusions. I'm trying to figure out if you've**
 2 **seen the conclusions.**
 3 A. Right.
 4 **Q. And have you seen the conclusions from**
 5 **COPA?**
 6 A. Again, let me repeat. I read what was
 7 in the public domain by the newspapers.
 8 **Q. Okay. To get to the heart of the**
 9 **conclusions, COPA determined the December 26,**
 10 **'15 -- 2015 shooting to be unjustified as to Bettie**
 11 **Jones and Quintonio LeGrier.**
 12 **You were aware of that, correct?**
 13 A. Correct.
 14 **Q. Okay. And as of March 22nd of 2018,**
 15 **Superintendent Eddie Johnson issued a non-**
 16 **concurrence letter.**
 17 **Are you aware of that?**
 18 A. Correct.
 19 **Q. Okay. And have you seen his 11-page**
 20 **letter?**
 21 MR. SISKEL: Objection; asked and answered.
 22 BY MR. ROGERS:
 23 **Q. You can answer.**
 24 THE COURT: Answer it. Answer over

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1 objection, sir.

2 THE WITNESS: I have not seen his letter.

3 BY MR. ROGERS:

4 **Q. Okay. So you've only reviewed what's**

5 **reported in the newspapers about it; is that**

6 **correct?**

7 A. Again, I'm trying to abide by the

8 spirit. I've not only -- I've not only not seen

9 that, but any of the underlying material or

10 anything related to any -- his judgment, their

11 judgment because I'm not accessing that information.

12 **Q. Okay. All right. Okay. Let's back up**

13 **a little bit and talk about the creation of COPA.**

14 **Because, as I understand it, you were involved in**

15 **recognizing a need to create --**

16 A. Um-hmm.

17 **Q. -- the COPA. Is that correct?**

18 A. Correct.

19 **Q. Okay. And I pulled some information**

20 **just to give us some context.**

21 A. Okay.

22 **Q. You -- you've made several public**

23 **statements about the police culture, about the**

24 **code of silence, about the thin blue line.**

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1 **You acknowledge that, correct?**

2 A. Yes.

3 **Q. All right. And I take it everything**

4 **you said publicly you stand by, correct?**

5 A. Um-hmm. Within the whole context of

6 what I said.

7 **Q. Okay. Is that a yes, you do stand by**

8 **it?**

9 A. Yes. Within the whole context of --

10 **Q. You got a bunch of lawyers watching.**

11 THE COURT: Well, here's the thing. When you

12 say "um-hmm" --

13 THE WITNESS: I -- I got -- I apologize, your

14 Honor.

15 JUDGE O'HARA: -- he has a hard time taking

16 it down. Everybody else is fine with it but the

17 court reporter.

18 THE WITNESS: Yes.

19 MR. ROGERS: Okay.

20 THE WITNESS: Thank you. I apologize.

21 BY MR. ROGERS:

22 **Q. No problem. Okay.**

23 **On -- as an example, I'll mark this**

24 **as Exhibit No. 1 for identification. You -- you**

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1 **gave a public statement -- and I'll give a copy to**

2 **your attorney as Exhibit 1. Here's one for you.**

3 **You issued an op ed piece where**

4 **you --**

5 A. Um-hmm.

6 **Q. -- in essence said you own the problem**

7 **of police brutality --**

8 A. Um-hmm.

9 **Q. -- correct?**

10 A. I remember seeing this, but -- and --

11 or reviewed it. I think what I said is I own the

12 problem of fixing it.

13 **Q. Okay. Feel free --**

14 A. Okay.

15 **Q. I'm not trying to ambush you. Feel**

16 **free to take a look at it. And, again, that's the**

17 **title of it.**

18 A. It says, I own the problems, and I'll

19 fix it. So that's as I see it.

20 **Q. All right. And you recognized from**

21 **a contextual standpoint this is a defining moment**

22 **in Chicago following the release of the Laquan**

23 **McDonald video, correct?**

24 MR. SISSEL: Objection to form.

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1 JUDGE O'HARA: You can answer over objection

2 if you can.

3 THE WITNESS: To --

4 THE COURT: Answer over objection if you can.

5 That's the pro- -- here -- here --

6 here's the process. They're going to object.

7 You'll answer over the objection. We'll address it

8 later. The only ones you don't answer if there's

9 claims of privilege.

10 THE WITNESS: Well, to give kind of a

11 overview, I mean, you can go back to the Metcalf

12 report in the '70s or other incidents in Chicago's

13 history. And I saw this as a moment and a kind of

14 an inflection point where the City of Chicago

15 needed to do a series of things to, in my view,

16 wholesale make sure there was the type of training,

17 technology, investments, oversight, accountability,

18 transparency where all the structures, all the

19 changes needed to, going forward, make sure that

20 there's the type of oversight and the type of

21 accountability.

22 And the City of Chicago, while in

23 past had done certain things, but never fully got

24 kind of root and all to fixing, and also adjusting

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1 a set of systems.
 2 And since that time, you know,
 3 whether it's a body camera for every officer, a new
 4 video release transparency policy, new training as
 5 it relates to mental health, deescalation, COPA
 6 itself as a body, a series of things that we have
 7 done and continue to do to make sure that the --
 8 there's a level of accountability, support for the
 9 highest professional standards, and oversight and
 10 transparency to make sure that our officers have
 11 what they need and the public has what they need,
 12 that type of trust. So that's in the context of
 13 what I was trying to do --
 14 MR. ROGERS: Okay.
 15 THE WITNESS: -- and say here.
 16 BY MR. ROGERS:
 17 **Q. What we've marked as Exhibit 1, I**
 18 **believe, is something you or -- you prepared and**
 19 **presented as your op ed, meaning statements that**
 20 **are attributable to you.**
 21 A. Um-hmm.
 22 **Q. Take a look at it and tell me if that's**
 23 **accurate.**
 24 A. (Reviewing exhibit.)

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1 Okay.
 2 **Q. Exhibit 1 was retrieved from a**
 3 **newspaper. It's presented as an op ed piece. I**
 4 **just need you to confirm that that is, in fact, an**
 5 **op ed that you prepared.**
 6 A. Yes.
 7 **Q. Okay.**
 8 MR. FOURTRIS: May I interject for a second?
 9 Mayor, you marked up -- that's an
 10 exhibit that's going to stay with the court
 11 reporter. It's part of the court record. So
 12 whatever notations you have on that, future
 13 exhibits, just be aware they're going to stay part
 14 of the record.
 15 JUDGE O'HARA: Is there a clean one we can
 16 substitute instead of that one?
 17 THE WITNESS: All I did was blue checks.
 18 That's all.
 19 JUDGE O'HARA: That's okay.
 20 THE WITNESS: Here.
 21 THE COURT: Okay. So we will --
 22 THE WITNESS: Here.
 23 THE COURT: -- put the clean one in the
 24 record marked as -- what -- what exhibit was that?

Page 20

1 MR. ROGERS: 1.
 2 THE COURT: Okay. We'll mark that as Exhibit
 3 1.
 4 Counsel, you keep the one that's
 5 marked up.
 6 MR. SISKEL: Um-hmm.
 7 BY MR. ROGERS:
 8 **Q. Again, my -- my questions right now**
 9 **are really contextual because these are a few**
 10 **statements that were made publicly that preceded**
 11 **11 by a matter of weeks this shooting.**
 12 A. Um-hmm.
 13 **Q. In this statement, again, you say this**
 14 **is -- "Chicago is facing a defining moment on the**
 15 **15 issues of crime and policing and the even larger**
 16 **16 issues of truth and justice." Correct?**
 17 A. Correct.
 18 **Q. Okay. You say, "We need to determine**
 19 **19 what to do differently to ensure that incidents**
 20 **20 like this don't happen again." True?**
 21 A. Correct.
 22 **Q. Okay. And further on in the document**
 23 **23 at the second page, you -- at the top, you say,**
 24 **24 quote, "Supervision and leadership at every level**

Page 21

1 of the police department and the oversight agencies
2 should have come -- should have come into play."
3 And that's in the context of what happened --
 4 MR. SISKEL: Where -- where are you?
 5 THE WITNESS: He's up here.
 6 BY MR. ROGERS:
 7 **Q. The second sentence.**
 8 **That was relating to the context of**
 9 **9 the release of the video --**
 10 A. Um-hmm.
 11 **Q. -- relating to Laquan McDonald?**
 12 A. Correct.
 13 **Q. Okay.**
 14 A. Yeah. I mean, the intervening
 15 paragraph also talks about the lion's share
 16 of the officers do their job every day.
 17 **Q. Exactly.**
 18 A. And they do it well.
 19 **Q. That's right.**
 20 A. And then --
 21 **Q. That's right.**
 22 A. -- we're talking about a small number
 23 of officers.
 24 **Q. Right.**

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1 A. The paragraph that was skipped.
 2 MR. KENNEDY: Move to strike everything after
 3 "correct" as nonresponsive.
 4 MR. SISKEL: We would object, your Honor.
 5 JUDGE O'HARA: Okay. Please continue.
 6 BY MR. ROGERS:
 7 **Q. I'm not trying to take you through**
 8 **every sentence there because we don't -- I don't**
 9 **want to waste your time with that.**
 10 **But in the last paragraph on the**
 11 **second page, you say, "I know the history of**
 12 **police-community relations in Chicago."**
 13 **What were you referring to in that**
 14 **regard in terms of knowing that history?**
 15 A. It comes right afterwards if you read
 16 on. I don't --
 17 **Q. Is it --**
 18 A. In the -- as I just said earlier,
 19 Larry, I would say it also talks about -- as I
 20 said, there was a Mat- -- Metcalf report.
 21 There's -- so the next sentence goes on and talks
 22 about Jon Burge --
 23 **Q. Um-hmm.**
 24 A. -- and the role I played as Mayor in

Page 23

1 that.
 2 So there are other moments in time
 3 in history. My view, though, is to look forward
 4 as you -- as this piece concludes, what are the
 5 actions we're going to take so we don't do
 6 individual things. As you know, IPRA came out of
 7 Internal Affairs, but it didn't accomplish its goal.
 8 So whether it's COPA, body cameras,
 9 deescalation training, mental health training,
 10 releasing of a video, just to name a few items, is
 11 to make wholesale reforms, not one reform and feel
 12 like we're done with what we have to do to make
 13 sure that there's accountability, transparency,
 14 oversight, and support for the officers to achieve
 15 the highest professional standards.
 16 **Q. You mentioned in your answer that IPRA**
 17 **came out of the department in essence, correct?**
 18 A. Going back years.
 19 **Q. Right.**
 20 A. IPRA was an outgrowth of Internal
 21 Affairs, and COPA is a wholesale change of that.
 22 **Q. Right.**
 23 A. IPRA, that is.
 24 **Q. When you say "COPA's a wholesale**

Page 24

1 change" from the days when IPRA came out of
2 Internal Affairs, what do you mean?
 3 A. Well, part of the -- even before this
 4 op ed, if I'm not mistaken, and before the speech
 5 that you earlier referred to, I put a task force
 6 together made up of a wide range of group of people
 7 and citizens from the City of Chicago that have --
 8 I don't know -- I think I would describe as
 9 slightly as a blueprint.
 10 One of the suggestions is reforming
 11 IPRA. It's not just a new name. It's more than
 12 that. And there's different type of personnel,
 13 different type of training to that personnel,
 14 different type of support. I mean, I can't go
 15 through all -- in the -- in the interest of brevity.
 16 But it's more than just -- obviously, the goal is
 17 to make it more than a name, and even the process
 18 associated, which you earlier discussed, has
 19 changed.
 20 **Q. Right.**
 21 **Would it be fair to summarize one of**
 22 **the primary objectives of the creation of COPA was**
 23 **to create an independent entity from the department?**
 24 A. That was one of the things, yes. That

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1 was probably the -- yeah, I'd say the major thrust.
 2 But that --
 3 **Q. Yeah. Okay.**
 4 A. -- was what IPRA was supposed to be.
 5 But it -- and so this would give it some more
 6 strength and vitality to achieve that independence
 7 and the oversight.
 8 And then there's a whole different
 9 process that even exists between that, the
 10 Superintendent, and the Police Board, which is
 11 different than existed before. There's a lot of
 12 different layers.
 13 **Q. Sure.**
 14 A. That layers be -- or I shouldn't say
 15 layers. Steps to ensure the -- not only the
 16 independence, but the veracity of the whole
 17 process.
 18 **Q. Okay. So, again -- and I don't mean**
 19 **to -- to describe the -- the changes in COPA in**
 20 **their totality. But two of the primary objectives**
 21 **were independence from the police department, true?**
 22 **That was one of the -- one of the primary objectives?**
 23 A. Correct.
 24 **Q. And secondly, to have a process that**

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1 had integrity and one that the public could trust,
2 true?
 3 A. This is not to be argumentative, but
 4 COPA's one step. There's the Superintendent's
 5 review of their judgment. And then there's a
 6 process, and it involved the Police Board. So I
 7 see them in a totality rather than -- it's a step
 8 in an overall piece that I would say. And so just
 9 to pull -- and, again, this is more -- since you're
 10 asking context, I don't want to say more than
 11 you're asking for.
 12 The independence is one piece. The
 13 veracity of the process is really the main thrust
 14 of the whole effort, meaning from their independent
 15 investigation to the Superintendent's judgment to
 16 then the Police Board. And so that step by step is
 17 the totality of the over independence, not just one
 18 entity.
19 Q. Sure. I appreciate that.
20 There are steps after COPA concludes
21 its investigations and reaches its findings and
22 makes its recommendations that include the
23 Superintendent and then the Police Board. That's
24 what you're referring to, true?

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1 A. Um-hmm. And I think that -- this is by
 2 memory, Larry, but I would also say that I think
 3 that that was not just COPA, but that was where
 4 some of the changes, in fact, that the task force
 5 themselves had recommended that have now been
 6 implemented and put up as a series of steps to give
 7 the whole effort of review its independence.
8 Q. My questions about COPA, though, that
9 component of the process, are accurate, meaning
10 that the goal of COPA is to have an independent
11 investigation into police-involved shootings as one
12 type of incident, true?
 13 MR. SISSEL: Objection; asked and answered.
 14 JUDGE O'HARA: Answer over objection. We'll
 15 address it later.
 16 THE WITNESS: If you're try- -- my -- as
 17 the Mayor adopting the changes and the reforms
 18 suggested by the task force was to have every step
 19 change so it would be -- I hate to say it this
 20 way -- big capital I, independence, not one piece
 21 of it being independent.
 22 But COPA was a key component of it,
 23 like the Police Board and like the Superintendent.
 24

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1 BY MR. ROGERS:
2 Q. Well, the distinction I'm making with
3 COPA is because COPA was a development and a change
4 from IPRA because IPRA grew out of Internal Affairs
5 and out of the department. COPA was created to be
6 an independent investigating entity, correct?
 7 A. Yes. And it's not -- the problem with
 8 IPRA was and wasn't that it grew out of Internal
 9 Affairs. There were questions about all the work,
 10 and that's why we've hired new people, did new
 11 training at COPA, new leadership at COPA as
 12 recently as just the other day. But also the steps
 13 involved -- so there were not just more steps,
 14 there were checks and balances in the process to
 15 give the entire review its -- the independence that
 16 was needed and oversight by citizens.
17 Q. Okay. Were you intimately involved in
18 the development of COPA and the creation of this
19 independent, with a capital I, entity?
 20 A. Intimately- -- I made sure it happened
 21 because it was a recommendation of the task force.
 22 There was a lot of other people that were much more
 23 intimately involved. But to push to get it done,
 24 yes --

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1 Q. Okay.
 2 A. -- and making sure that we didn't
 3 falter in implementing the task force's
 4 recommendations and suggestions.
5 Q. Okay. The entity of COPA was
6 memorialized by municipal code ordinance, correct?
 7 A. By the City Council?
8 Q. Yes.
 9 A. Yes.
10 Q. Okay. And that was an ordinance that
11 you pushed to be passed at City Council, true?
 12 A. Yes. With --
13 Q. Go ahead.
 14 A. With all the other changes that you and
 15 I have now thoroughly discussing.
16 Q. Yes.
 17 A. Meaning there was not only COPA, but
 18 there was also what the Superintendent's role would
 19 be and then what the Police Board's role would be,
 20 which are all new in conjunction and consistent and
 21 at the -- if I'm -- this is by memory, at the same
 22 time were adopted.
23 Q. Right. I'm going to show you in a
24 moment a copy of the COPA ordinance that I think

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1 reflects what you're describing.
2 A. Okay.
3 Q. Okay. So I'm not trying to --
4 A. I got it.
5 Q. -- to compartmentalize it or limit it.
6 I'm just trying to focus it on the different
7 components in the -- in the process.
8 We talked about a December 6 op ed
9 that you produced and that you presented to the
10 newspapers.
11 Let me show you what we've marked as
12 Exhibit No. 2 for identification.
13 It is a December 9th, 2015 speech
14 that you gave to City Council.
15 A. Um-hmm.
16 Q. You do recall giving a speech to City
17 Council, correct?
18 A. Yes, I do.
19 Q. You entitled it Justice, Culture, and
20 Community; is that correct?
21 A. Yes.
22 Q. It was presented on Wednesday,
23 December 9th of 2015, correct?
24 A. Yes.

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1 Q. And, again, you described this. We --
2 and I'll quote you. "We are here today because
3 Chicago is facing a defining moment on the issue of
4 crime and policing and the even larger issue of
5 truth, justice, and race."
6 That was the -- a component of your
7 introduction to your remarks, correct?
8 A. Yes.
9 Q. In the remarks, you acknowledge that
10 the October 20th, 2014 incident should never have
11 happened, supervision and leadership in the police
12 department and the oversight agencies that were in
13 place failed, true?
14 A. I don't know where you're reading.
15 Q. I'm reading --
16 A. Yeah.
17 Q. -- it's about five paragraphs down
18 beginning with, "What happened on October 20th,
19 2014 ..." Do you see that?
20 A. I see it.
21 Q. The supervision and leadership in the
22 department is what you were deeming to have failed
23 as well as the oversight agencies, and that
24 oversight agency reference is referring to IPRA,

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1 true?
2 A. That would be just a guess if I was
3 referring just to IPRA. So --
4 Q. Okay.
5 A. -- I don't know.
6 Q. Sure.
7 A. I mean, I -- without taking the time
8 to reread the whole speech, I don't -- that area,
9 it -- obviously, it was one of the oversights. So
10 I think it would go in there, yes, sir.
11 Q. Okay. OPRA would be -- strike that.
12 A. I got it.
13 Q. OPRA? IPRA would be at least one --
14 A. Can we not strike that when you guys
15 edit this?
16 THE COURT: We want Oprah as our President
17 Oprah.
18 MR. ROGERS: Right.
19 BY MR. ROGERS:
20 Q. IPRA would be one of the oversight
21 agencies that you were referring to as having
22 failed, true?
23 A. Okay.
24 Q. True?

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1 A. Yes.
2 Q. Okay. You state on the second page
3 of Exhibit 2 in the second to the last paragraph,
4 "We cannot ignore or excuse wrongful behavior
5 especially when it costs the life of another.
6 Police are not protecting the city when they see
7 something and then say nothing." Correct?
8 A. Is that the paragraph that starts with,
9 "My uncle was a police sergeant here in Chicago"?
10 Q. It is.
11 A. Okay.
12 (Reviewing exhibit.)
13 That's what it says.
14 Q. Okay. All right. And, again, you
15 stand by your statements publicly. I just
16 identified a few. But everything you stated in
17 your -- your remarks and as contained in Exhibit 2
18 you stand by, true?
19 A. Um-hmm. Yes, I do. I'm sorry.
20 Q. That's okay.
21 A. Yes.
22 Q. Okay. Let me show you what we've
23 marked as Exhibit -- oops, excuse me -- 3 for
24 identification.

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1 **Here's a copy to your attorney.**
 2 **This relates specifically to the**
 3 **Bettie Jones incident. And it -- if you look at**
 4 **the bottom of the second page of Exhibit 3, it has**
 5 **a date of December 29th, 2015 at 7:25 a.m.**
 6 A. Oh. I'm looking at -- it says page 1
 7 on every page.
 8 **Q. Okay. The second physical page of the**
 9 **exhibit.**
 10 A. Okay. I follow.
 11 **Q. If you look at the bottom, just to give**
 12 **you a com- -- context, this was produced to us as**
 13 **text communications between Mayor Rahm Emanuel and**
 14 **Adam Collins, 12/29/15 at 7:25 a.m.**
 15 **Do you see that?**
 16 A. Yes, I see that.
 17 **Q. Okay. And there are obviously a**
 18 **variety of text messages -- messages that were**
 19 **sent. The one I'd like to focus on here says -- it**
 20 **seems to be some communication about some of the**
 21 **stories that were in the press about the shooting**
 22 **incident, just to give you context. And, again,**
 23 **feel free to read it.**
 24 **Then you say -- it says, "CT has an**

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1 interrupt. This could have gone a lot faster
 2 because these materials were specifically brought
 3 up innumerable times during trial that this was
 4 what you were going to be questioned on.
 5 THE WITNESS: Okay.
 6 THE COURT: So if you're just seeing it, take
 7 your time.
 8 THE WITNESS: Okay.
 9 THE COURT: This was brought up many times.
 10 THE WITNESS: I will -- if I can, this is, I
 11 think, relevant because everything we're doing is
 12 trying to create context around it.
 13 MR. ROGERS: Sure.
 14 THE WITNESS: I mean, this is one communication
 15 of a series and multiple phone calls I'm making
 16 from Cuba and multiple communications to John --
 17 Acting Superintendent John Escalante, other staff
 18 members. So it's one email of -- from telephone to
 19 text, multiple communications when you're out of
 20 the country trying to get your -- talk about trying
 21 to get context, trying to get feel to what's
 22 happening at the moment in which I'm out of the
 23 country.
 24

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1 **editorial that the shootings will be the first test**
 2 **of the commitment to reform, though they also note**
 3 **the 30-day policy and the City deescalation -- or**
 4 **the CIT/deescalation review. Not good. Not bad."**
 5 **Do you see that?**
 6 A. Um-hmm.
 7 **Q. Is that a yes?**
 8 A. I'm sorry. I apologize.
 9 **Q. That's okay.**
 10 A. Yes.
 11 **Q. The first shootings -- strike that.**
 12 **The shootings they're referring to**
 13 **as the first test of the commitment to reform are**
 14 **the shootings of Bettie Jones and Quintonio**
 15 **LeGrier, true?**
 16 MR. SISKEL: Objection; calls for speculation,
 17 lack of foundation.
 18 MR. ROGERS: Well, this is -- these are his --
 19 JUDGE O'HARA: Well, he can answer over the --
 20 No. If you can answer it. Your objection --
 21 THE WITNESS: Because I -- you know, this
 22 is -- I'm just seeing this again for the first time
 23 and looking at the date. I mean --
 24 JUDGE O'HARA: You know, I'm going to

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1 BY MR. ROGERS:
 2 **Q. Sure. I tried to preface that in**
 3 **my question.**
 4 A. Um-hmm.
 5 **Q. I can't give you all of those**
 6 **communications because of time constraints.**
 7 A. I understand that.
 8 **Q. And I do want to be fair to you.**
 9 **But the shootings that are**
 10 **referenced are not specifically described here**
 11 **by ref- -- by way of date.**
 12 A. As it -- by way of date and by way of
 13 the fact that the date and the timing which is
 14 referred, it is the situ- -- the case we're talking
 15 about.
 16 **Q. Okay. So, again, Exhibit --**
 17 A. Page 2.
 18 **Q. -- Exhibit 3, page 2 --**
 19 A. Oh, Exhibit 3. I'm sorry. Yeah.
 20 **Q. -- of Exhibit 3 --**
 21 A. Um-hmm.
 22 **Q. -- wherein it states, "CT has an**
 23 **editorial that the shootings will be the first**
 24 **test of the commitment to reform." Those shootings**

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1 they're referencing are the shooting of Bettie
2 Jones and Quintonio LeGrier, true?
 3 A. Given the date and given the time, it's
 4 a small leap, but, yes, of faith.
 5 And, again, I want to state this is
 6 one communication in a lot of other communication
 7 by phone and conversation. But yes.
8 Q. And the commitment to reform that
9 they're referencing is the commitment to reform
10 you had described in some of the statements that
11 we've discussed earlier in Exhibits 1 and 2, both
12 your December 6th op ed piece as well as your
13 December 9th, 2015 presentation to City Council
14 where you talked about the need for reform, true?
 15 MR. SISKEL: Objection to form.
 16 BY MR. ROGERS:
17 Q. You may answer.
 18 THE COURT: Answer over objection.
 19 THE WITNESS: I don't have the Sun-Times
 20 editorial in front of me, so I don't know what
 21 they're talking about, the reforms.
 22 I do -- I think it's important --
 23 I don't know the reforms the Sun-Times is talking
 24 about. I don't have that piece. I do know what

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1 I -- that prior to that op ed, I had already put
 2 a task force in place. I already gave a speech.
 3 We already made some changes, and I think I've
 4 detailed already in other questions. And we're not
 5 stopping, which is whether it's every officer a
 6 year had a schedule and has a body camera trained,
 7 whether it's knowing that every officer know --
 8 can -- now has been trained, not just officer, 911,
 9 EMT on mental health calls, deescalation policy,
 10 use of force policy, transparency. So a whole set
 11 of things.
 12 And as recently as just two days ago
 13 where I announced a new director of COPA from a
 14 citizens board of 20 religious, community, civic-
 15 minded individuals, their recommendation.
 16 So not having the Sun-Times that
 17 Adam's talking about and not looking at the
 18 editorial itself, there is a series of things we
 19 were doing from the task force forward that still
 20 18, 19 months later we're implementing today,
 21 tomorrow, and forward.
 22 BY MR. ROGERS:
23 Q. My point in the question is simply that
24 the communications are acknowledging and recognizing

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1 that the shootings of Quintonio LeGrier and Bettie
2 Jones and how that will be investigated were
3 recognized as and described as the first test of
4 this commitment to reform that you had described
5 in other presentations both by op ed and oral
6 presentation to City Council; is that fair?
 7 A. That is Adam's summary of the Sun-Times
 8 editorial.
9 Q. Okay. One of the de -- one of the
10 commitments to reform that you've made was to
11 reevaluate IPRA. And we know now that what came
12 out of that was the creation of COPA, true?
 13 A. Again, Larry, I'm -- Larry, I'm not
 14 trying to be argumentative. COPA and a whole new
 15 process as relates to COPA all the way through to
 16 the Police Board, correct.
17 Q. I accept that. Okay.
 18 A. I'll only say this -- you didn't ask
 19 this, but no one of these reforms stand on their
 20 own. If anything, I'd like to say that my -- when
 21 Chicago has dealt with instances in the past, you
 22 would just do a single shot when it was clear. If
 23 you look at my speech, you look at my op ed,
 24 there's a whole series of things. So when I keep

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1 coming back to COPA and a different process going
 2 through the Police Board, it's to know that our
 3 changes in oversight and transparency and training
 4 is looking afresh at everything, and it's wholesale,
 5 because if you only think that one thing is going
 6 to achieve what you need, we would actually, going
 7 all the way back to Ralph Metcalf, not achieve what
 8 we need to do.
9 Q. I don't -- I haven't been given the
10 time to talk -- or the chance to talk to you about
11 everything. Just a few things. So I'm trying to
12 stay within the confines.
 13 A. Lucky me.
14 Q. We can -- I'm happy to depose you a
15 couple of times.
 16 A. Great.
17 Q. All right. Let me show you what we'll
18 mark as Exhibit 4.
 19 A. Do you want me to close this?
20 Q. Yes.
 21 A. Okay.
22 Q. Exhibit 4 is a newspaper article from
23 December 28th of 2015 describing this specific
24 incident, and it attributes a couple of quotes to

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1 you that I wanted to ask you about.
 2 A. Thank you.
 3 **Q. I'm sorry. Let me give you this copy.**
 4 **There you go.**
 5 A. Thanks.
 6 **Q. Sure.**
 7 **The second page, the second to last**
 8 **paragraph --**
 9 MR. SISKEL: Do you have another copy?
 10 MR. ROGERS: Oh, I'm sorry. Yes.
 11 BY MR. ROGERS:
 12 **Q. It says, "Anytime an officer uses**
 13 **force, the public deserves answers, and regardless**
 14 **of the circumstances, we all grieve anytime there's**
 15 **a loss of life in our city."**
 16 **I take it you stand by that**
 17 **statement, true?**
 18 A. Yes.
 19 **Q. Okay. The last paragraph, you state,**
 20 **"Late -- it states, "Late Sunday, Mr. Emanuel**
 21 **called on the police department and the Independent**
 22 **Police Review Authority, which investigates**
 23 **shootings like this one, to immediately review**
 24 **'crisis intervention team' training that guides**

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1 officers on how to handle calls involving mental
2 health crises and determine how to fix deficiencies
3 in that training."
 4 **Do you see that?**
 5 A. I do.
 6 **Q. Okay. Crisis intervention team**
 7 **training was an issue you associated with the**
 8 **events of December 26, 2015, true?**
 9 A. As I said, I think, to another
 10 question, it would -- part of our wholesale
 11 set of actions -- and, again, we're not done -- was
 12 not only police officers, but EMT and including 911
 13 callers, because an officer's impression of a
 14 moment is made by the phone call he or she gets
 15 over the radio from 911, gives them a mental
 16 context, and, therefore, it was not just police
 17 officers, it was also 911 and firefighters -- or
 18 EMT, I apologize, to know how to distinguish mental
 19 health from another type of call coming over 911
 20 that they respond to with frequency.
 21 **Q. You said --**
 22 A. With some frequency.
 23 **Q. You said "EMT." I think you're**
 24 **referring to OEMC call takers and dispatchers?**

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A. That's 911.
 2 **Q. Right.**
 3 A. EMT being sometimes firefighters and
 4 EMTs show up to certain calls.
 5 **Q. Okay.**
 6 A. So everybody -- there was a -- it's
 7 larger than just police officers is what I'm trying
 8 to say.
 9 **Q. Okay.**
 10 A. But, yes, OEMC, 911.
 11 JUDGE O'HARA: We're throwing a lot of
 12 acronyms around. EMTs are emergency --
 13 THE WITNESS: Emergency man- -- emergency --
 14 THE COURT: -- medical technicians?
 15 THE WITNESS: -- medical technicians, yeah.
 16 JUDGE O'HARA: COPA is the Civilian --
 17 THE WITNESS: OEM- --
 18 THE COURT: -- Oversight Police Accountability?
 19 THE WITNESS: COPA is Civilian Oversight of
 20 Police Accountability.
 21 OEMC is the Office of Emergency
 22 Management Center with 911 and 311 based there
 23 and other things.
 24 MR. BRODSKY: I think COPA is the Citizen

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Office of Police Accountability.
 2 MR. ROGERS: Civilian Office.
 3 MR. BRODSKY: Civilian Office.
 4 BY MR. ROGERS:
 5 **Q. Okay. With respect to this particular**
 6 **incident, do you -- were you made aware that there**
 7 **were issues surrounding the calls that had been**
 8 **made by Quintonio LeGrier and Antonio LeGrier to**
 9 **911 and the response from OEMC personnel?**
 10 A. Say that again, Larry. I'm trying to
 11 understand what you're trying to get to.
 12 **Q. Do you understand the factual scenario**
 13 **of what happened with the telephone calls from**
 14 **Quintonio LeGrier to 911?**
 15 A. I have some knowledge of it. I may
 16 not -- probably not as full as yours, but some
 17 knowledge.
 18 **Q. Sure.**
 19 **From a factual standpoint, in**
 20 **summary, Quintonio LeGrier called on three**
 21 **occasions to 911 requesting the assistance of**
 22 **police officers. And then a fourth call was made**
 23 **by Antonio LeGrier, his father. And that fourth**
 24 **call is what triggered the police officers who**

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1 responded, and the officers that responded were not
2 aware that the young man apparently had called.
3 Did you understand that factually or
4 no?
 5 MR. SISKEL: Objection to the form.
 6 THE COURT: You can answer it.
 7 THE WITNESS: I can't remember.
 8 BY MR. ROGERS:
9 Q. Okay. Fair enough.
10 Here's where I'm going with it.
11 From a structural standpoint, is OEMC, those
12 who take calls and dispatch officers, is that
13 controlled by the Chicago Police Department?
 14 A. It's a separate entity, and there's 911
 15 dispatchers there and phone takers.
16 Q. Okay. Have there ever been suggestions
17 made to you or other personnel in the City that the
18 Chicago Police Department have a more direct
19 control and impact over how O- -- how calls are
20 handled to OEMC personnel and then dispatched to
21 police officers?
 22 A. On a first blush, the answer is no.
 23 But that doesn't -- I don't -- it's not been a --
 24 of all the things we've tried to do that I've

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1 spelled out in other answers to other questions, I
 2 don't remember if either in the task force or --
 3 I'd have to go review any material.
 4 But I know that releasing videotape,
 5 the reforms of it for it to become COPA, the
 6 process around it, the body cameras, et cetera.
 7 Mental health training, deescalation training,
 8 those have been paramount, and those are the ones
 9 that we have moved on. I'm not saying that that
 10 hasn't been recommended, but I don't remember it
 11 being paramount as something -- but that doesn't
 12 mean -- again, I want to say there could be people
 13 today working on that, but I don't remember that.
14 Q. Okay. You do -- you do acknowledge
15 that as of December 26 of 2015 OEMC was separate
16 from the police department, true?
 17 A. Um-hmm. Yes.
18 Q. And the police department did not have
19 direct involvement in how calls were dispatched to
20 its officers and what information was gathered by
21 OEMC personnel, true?
 22 A. 911 and OEMC are separate entities.
 23 I think what I would like to, if I
 24 could, add is that the training, while for officers

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1 we wanted to make sure all points in a call
 2 receives the type of sens- -- I don't want to
 3 mean -- sensitivity awareness training, which, in
 4 fact, a lot of the independent groups that work on
 5 this issue thought it was appropriate that we
 6 looked at it from beginning to end.
7 Q. Exhibit 4, which I mentioned a moment
8 ago, and I gave you some context, it specifically
9 mentions a quote from you about the need to look at
10 and review "crisis intervention team" training that
11 guides officers on how to handle calls involving
12 mental health crises.
13 Was that a request that you made in
14 response to your understanding of what happened in
15 the communications between Quintonio and Antonio
16 LeGrier and OEMC personnel?
 17 MR. SISKEL: Objection to form.
 18 THE COURT: Answer over the objection.
 19 THE WITNESS: Oh, okay.
 20 THE COURT: If you can.
 21 THE WITNESS: I don't -- like I'd be --
 22 Larry, I'd be just guessing if -- what was the
 23 impetus. I mean, this is not to talk about my
 24 record, but, you know, I've worked on mental health

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1 issues going back to a mental health parity. It
 2 would be just a guess if I made it. But, obviously,
 3 it's one that we're sensitive to in the police --
 4 in the city.
 5 BY MR. ROGERS:
6 Q. Did -- do -- are you aware of the
7 fact that the OEMC personnel on this case were
8 disciplined for not triggering a crisis
9 intervention team response to the calls that were
10 made on the evening of December 26, 2015?
 11 A. I don't remember specifically.
 12 Do you want me to turn this over?
13 Q. Yes.
 14 A. Okay.
15 Q. All right. We've talked a lot about
16 COPA. Let me give you a copy of the COPA
17 ordinance, which we'll mark as Exhibit 5.
18 I'll give you a copy?
 19 A. This is the ordinance?
20 Q. This is the ordinance as passed by the
21 City Council.
 22 A. Um-hmm.
23 Q. And I wanted to just go over the
24 process that you've talked about. Just -- I have

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1 some questions about it, but I wanted to give it to
2 you so you can review it to the extent you need to.
 3 A. Do you want me to review it, or you're
 4 going to --
 5 **Q. I'll point out some areas --**
 6 A. Okay.
 7 **Q. -- to review.**
 8 **First of all, have you reviewed it**
9 before, the COPA ordinance?
 10 A. For this -- for this moment?
 11 **Q. At the time it was passed.**
 12 A. There's -- I went over it with what was
 13 then counsel, and I -- and legislative staff and
 14 public safety staff stuff, but I haven't done it
 15 since.
 16 **Q. Did you provide some individual input**
17 about what should be contained within it?
 18 A. I'd be guessing. I'm sorry.
 19 **Q. Okay. COPA, again, is the Civilian**
20 Office of Police Accountability, true?
 21 A. Um-hmm. Yes.
 22 **Q. COPA was created to replace IPRA, true?**
 23 A. Yes.
 24 **Q. COPA has a defined process for handling**

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1 investigations and it has a defined jurisdiction,
2 correct?
 3 A. Yes, it does.
 4 **Q. Okay. And just to short-circuit that**
5 so you don't have to interpret it as much, I'll
6 show you Exhibit 6, which is a copy from COPA's
7 website that shows its jurisdiction.
 8 A. Okay.
 9 **Q. COPA's website describes that COPA**
10 investigates allegations of, and Exhibit 6 lists a
11 few things, one of which is death or serious bodily
12 injury in custody.
 13 **Do you see that?**
 14 A. Are you on the left side here?
 15 **Q. Yes.**
 16 A. Yes. The third bullet down.
 17 **Q. Right.**
 18 **And then excessive force. Do you**
19 see that? The fifth bullet --
 20 A. The fifth bullet down, yes.
 21 **Q. Also patterns or practices of**
22 misconduct.
 23 **Do you see that it?**
 24 A. The eighth -- or ninth one down.

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1 Second from the bottom.
 2 **Q. Exhibit 6, which is, again, COPA's**
3 description of its jurisdiction, distinguishes from
4 those things that are investigated by the Chicago
5 Police Department's Bureau of Internal Affairs.
 6 **Do you see that?**
 7 A. On the right side of the page, yes.
 8 **Q. Right.**
 9 **On the right side of the page, it**
10 describes the jurisdiction of the Bureau of
11 Internal Affairs as looking at things like criminal
12 misconduct, theft of money or property, other
13 things within the department distinguished from
14 police-involved shootings and injury and death or
15 excessive force, true?
 16 A. Yes.
 17 **Q. As I understand your earlier discussion,**
18 you were stating that one of the goals of creating
19 COPA was to create something independent, with a
20 capital I, true?
 21 A. Yes, with all the other items that we
 22 discussed.
 23 **Q. With all the other items you discussed.**
 24 A. All the other steps in the process.

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1 Q. Okay. Again, the context of that is
2 the history of IPRA, which grew out of the Bureau
3 of Internal Affairs, and concerns with the number
4 of sustained findings over the course of years that
5 IPRA was in place, true?
 6 MR. SISKEL: Objection to form.
 7 BY MR. ROGERS:
 8 **Q. I'll rephrase the question.**
 9 **The creation of COPA grew out of**
10 concern with IPRA growing out of the Bureau of
11 Internal Affairs and the history of it having very
12 few sustained findings with regard to police
13 investigations, true?
 14 MR. SISKEL: Again, objection to form.
 15 JUDGE O'HARA: You can answer over objection
 16 if you can.
 17 THE WITNESS: Actually, one of the concerns
 18 and the impetuses was, one, independence; two,
 19 inconclusivity, meaning citizens or residents felt
 20 like there was never a conclusion and police
 21 officers always felt like they had a shadow over
 22 their career, so ...
 23 And then third was also the sense
 24 written about independence and -- that you've

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1 described and has been described as independence.
 2 So there was a lot of impetus behind
 3 not just IPRA growing out of Internal Affairs, but
 4 the robustness of the investigations, the time it
 5 took on investigations. There was a whole host of
 6 concerns raised. But one was not just making sure
 7 IPRA, but the -- in fact, we're kind of seeing the
 8 process has changed so that even when the
 9 Superintendent now has a decision -- or makes a
 10 judgment, rather, not a decision, it's not the
 11 final word. And that changed from before.
 12 BY MR. ROGERS:
 13 **Q. And I'm going to talk to you about that**
 14 **a little bit. But Exhibit 2, which I gave you**
 15 **earlier, which is a copy of your December 9th --**
 16 A. 2?
 17 **Q. Yes. It's a copy of your December 9th,**
 18 **2015 remarks to City Council. In there you state,**
 19 **quote -- you're talking about the task force --**
 20 **"They will look at the Bureau of Internal Affairs**
 21 **at the police department, which investigates --**
 22 MR. SISSEL: Can you just point out where
 23 in --
 24 MR. ROGERS: Page 5, second paragraph.

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1 BY MR. ROGERS:
 2 **Q. You state, "They will look at the**
 3 **Bureau of Internal Affairs at the police department,**
 4 **which investigates corruption, and they will look**
 5 **at the Independent Police Review Authority, which**
 6 **investigates police shootings and citizen complaints.**
 7 **"They will look at IPRA's record**
 8 **since it was created in 2007 and ask why, out of**
 9 **hundreds of police shootings in the last eight**
 10 **years, only a handful of them have led to any**
 11 **charges."**
 12 **Do you see that?**
 13 A. Yes.
 14 **Q. Okay. Again, the context -- I'm**
 15 **pointing out the context of your creation of COPA**
 16 **grew out of concern with IPRA's history of not --**
 17 **out of hundreds of police shootings finding only a**
 18 **handful of them leading to charges. That was one**
 19 **component of the creation of COPA, true?**
 20 A. That was one component, correct.
 21 Do you want me to put that down?
 22 **Q. Yes.**
 23 A. Okay.
 24 **Q. I want to -- I don't want to ask you**

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1 questions without showing you the basis of the
2 questions. Okay? That's why I've tried to start
3 with your statements.
 4 A. Do you want me to put these down, turn
 5 them over?
 6 **Q. I want to go to the Exhibit --**
 7 A. 5?
 8 **Q. -- 5, which is COPA's statute.**
 9 **The mission of COPA is defined on**
10 the second page of Exhibit 5. And its purpose is
11 described as, quote, "The mission of the Civilian
12 Office of Police Account-- --
 13 A. Where --
 14 **Q. The last paragraph.**
 15 A. Right here. Okay. Purpose.
 16 **Q. The purpose of COPA is legislatively**
17 created at 2-78-110, true?
 18 A. Right down -- right down here.
 19 **Q. Yes.**
 20 A. Right. Okay.
 21 **Q. And it states, quote, "The mission of**
22 the Civilian Office of Police Accountability is to
23 provide a just and efficient means to fairly and
24 timely conduct investigations within its

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1 jurisdiction, including investigations of alleged
2 police misconduct and to determine whether those
3 allegations are well founded, applying a
4 preponderance of the evidence standard; to identify
5 and address patterns of police misconduct; and,
6 based on information obtained through such
7 investigations, to make policy recommendations to
8 improve the Chicago Police Department and reduce
9 incidents of police misconduct."
 10 **Do you see that?**
 11 A. Yes, I do.
 12 **Q. That's the purpose with which you**
13 created COPA, true?
 14 A. I and the City Council, correct.
 15 **Q. The Chief Administrator of COPA is an**
16 appointee of the Mayor, true?
 17 A. It's an appoint- -- I make a
 18 recommendation. Yes, it's an appointee of
 19 mine confirmed by the City Council.
 20 **Q. When COPA was initially established,**
21 the initial Chief Administrator was Sharon Fairley;
22 is that correct?
 23 A. Yes.
 24 **Q. And after Sharon Fairley, there was**

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1 **an interim Chief Administrator, a Patricia Banks,**
 2 **true?**
 3 A. Yes.
 4 **Q. And then as of, I believe, yesterday**
 5 **there's a new Chief Administrator by the name of**
 6 **Sidney Roberts, correct?**
 7 A. Nominated. Not confirmed.
 8 **Q. Okay. That was one of my questions.**
 9 A. Yes.
 10 **Q. So she's been nominated, but not yet**
 11 **confirmed?**
 12 A. I put -- there's a committee of 20
 13 people, citizens of different walks of life, all
 14 part of the city; after, I think, three to four
 15 months they came forward with the name. I
 16 concurred. I've now put it forward for the City
 17 Council Committee on Public Safety to review, and
 18 there will be -- if passed out of there, the entire
 19 City Council will have a vote and discussion of her
 20 credentials.
 21 **Q. Okay. And when is that scheduled, if**
 22 **you know?**
 23 A. Well, I just submitted the name. I'm
 24 not saying that it will follow this order. But

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1 normally they'll be dealing with it in the April
 2 City Council. But it doesn't mean it will happen
 3 that way. But it will -- without defining time, in
 4 short order, but it could be two City Councils.
 5 But I've put the name forward. My
 6 guess is the committee will move expeditiously
 7 based on the importance of the mission of COPA.
 8 **Q. Okay.**
 9 A. And the need for a full-time rather
 10 than an acting director.
 11 **Q. So currently the interim Chief**
 12 **Administrator, Patricia Banks, is still acting;**
 13 **is that correct?**
 14 A. Yes.
 15 **Q. Okay. We talked a little bit about the**
 16 **process, and I wanted to go over the process as is**
 17 **described within the ordinance just so we're**
 18 **operating with the same understanding.**
 19 **If you look at the third page of**
 20 **Exhibit 5, under subsection (I), which is the**
 21 **section defines the powers and duties of the office**
 22 **and the Chief Administrator.**
 23 **Subsection (I). Do you see that?**
 24 A. I must not be --

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1 **Q. Here.**
 2 A. Well, I've got (a), (b), (c) -- hold on
 3 one second. Right here.
 4 MR. SISKELE: Right here.
 5 THE WITNESS: Okay. I got it at page 4, not
 6 3. That's why I was confused. I apologize.
 7 BY MR. ROGERS:
 8 **Q. No, no problem.**
 9 **Just so we have a clear record, (I)**
 10 **reads that -- and it's describing, you know, the**
 11 **duties of the office and administrator. It says,**
 12 **quote, "To recommend to the Superintendent, with**
 13 **respect to incidents within its jurisdiction,**
 14 **appropriate disciplinary or other remedial action**
 15 **against members of the police department found to**
 16 **be in violation of any applicable police department**
 17 **rules, including rules related to the duty to**
 18 **provide truthful information regarding the**
 19 **officer's own conduct and the conduct of others,**
 20 **and the duty to report the misconduct of others.**
 21 **Such remedial action may include, but is not**
 22 **limited to, reassignment, additional training, or**
 23 **other counseling."**
 24 **Do you see that?**

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1 A. I do.
 2 **Q. Okay. This is describing that the role**
 3 **of the Chief Administrator is to, once they conduct**
 4 **an investigation which is addressed at subparagraph**
 5 **(d) where it says "to conduct investigations," they**
 6 **then are to recommend to the Superintendent**
 7 **disciplinary or other remedial actions, true?**
 8 A. That's what it reads.
 9 **Q. Okay. The next step in that process is**
 10 **described at the fifth page under Section 2-78-130**
 11 **where -- which is entitled Decisions and**
 12 **recommendations. Can you turn there for me?**
 13 A. I see it.
 14 **Q. Okay.**
 15 A. Which paragraph did you want me to look
 16 at?
 17 **Q. Starting at (a).**
 18 A. Okay. (a)(i)?
 19 **Q. Yeah. It says --**
 20 A. Or (a)(i). Yeah, (a)(i).
 21 **Q. -- "If the Chief Administrator**
 22 **issues a recommendation of discipline or other**
 23 **disciplinary remedial action with regard to one**
 24 **or more members of the police department, the**

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1 Superintendent shall respond to such recommendation
2 within 60 days."
3 Do you see that?
 4 A. Um-hmm.
5 Q. Is that a yes?
 6 A. Again, I apologize. Yes.
7 Q. That's okay.
8 Then it identifies the three
9 responses that the Superintendent can have to the
10 recommendation of the Chief Administrator of COPA.
11 Do you see that?
 12 A. I'm reading it now.
13 Q. Okay. The first one describes that,
14 "The Superintendent's response shall include
15 either: (1) a confirmation that the recommendation
16 was followed with respect to the employee in
17 question, and, if applicable, a description of any
18 additional disciplinary or other action imposed by
19 the Superintendent."
20 Do you see that?
 21 A. I do.
22 Q. A second option is "a request that the
23 Chief Administrator conduct additional investigation,
24 specifying the additional investigation that is

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1 requested, and the reasons for that request."
2 Do you see that?
 3 A. I do.
4 Q. And then the third option is for "if
5 the Superintendent intends to take no action, or
6 intends to take action that differs in substance
7 and/or scope from the recommendation, the
8 information required under subsection (a)(ii) of
9 this section."
10 And subsection (a)(ii) says, quote,
11 "If the Superintendent intends to take no action,
12 or intends to take action different from that
13 recommended by the Chief Administrator, the
14 Superintendent shall describe the proposed
15 different action and explain the reasons for
16 it in a written response."
17 Do you see that?
 18 A. I do see that.
19 Q. Okay. So is it fair -- we talked
20 earlier about the process, there's a multistage
21 process. First, COPA does its investigation and
22 makes findings, true?
 23 A. Yes.
24 Q. COPA then comes out with a recommendation

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1 as to any disciplinary or remedial actions that
2 need to take place with respect to the officer,
3 true?
 4 A. Yes.
5 Q. Then the Superintendent has a 60-day
6 period to -- to respond to the recommendations of
7 COPA, true?
 8 A. They send him a private communication,
 9 correct, that says, Here's what our investigator
 10 says, and here's our review.
11 Q. Well, the available responses that the
12 Superintendent can have to COPA's recommendation
13 are delineated in Section 2-78-130, which we just
14 covered, true?
 15 A. Yes.
16 Q. There are three different options; one
17 is to confirm, secondly is to request additional
18 investigation, or, thirdly, if he's going to take
19 no action -- either he can take no action or he can
20 specify some different action.
 21 A. Different, yeah.
22 Q. Okay. And, again, those three options
23 apply to the recommendation from COPA as to what
24 disciplinary or remedial action needs to take place

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1 as to the officer, true?
 2 A. Or what -- but it's describing the role
 3 of the Superintendent.
4 Q. Yes.
 5 A. Correct.
6 Q. That's the second stage --
 7 A. Right.
8 Q. -- second step of the process we've
9 talked about, true?
 10 A. Right. And my understanding is in the
 11 past that used to be the final. Today that's no
 12 longer the final.
13 Q. The third step is the Police Board
14 step?
 15 A. If enacted, yeah. Yes.
16 Q. We're currently in the second stage of
17 that process because on March 22nd, Superintendent
18 Eddie Johnson issued a letter addressing COPA's
19 findings sustaining certain allegations against
20 Officer Rialmo, true?
 21 A. The Superintendent?
22 Q. Yes. I asked a convoluted question.
23 Let me reask it.
 24 A. What a shock.

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1 **Q. Not as convoluted as the answers.**
 2 **All right. December 22nd of 2017**
 3 **COPA issued its report.**
 4 A. Yeah. Yes.
 5 MR. SISKEL: I think you said December 22nd.
 6 MR. ROGERS: It is December. COPA's report.
 7 MR. SISKEL: Okay. Sorry. Go ahead.
 8 MR. ROGERS: Okay. Here, let me do it this
 9 way.
 10 MR. FOUTRIS: Are you going to mark that,
 11 Larry?
 12 MR. ROGERS: What's that?
 13 MR. FOUTRIS: Are you going to mark that?
 14 MR. ROGERS: Yeah. Let me do this. I think
 15 we're at 7, yeah.
 16 BY MR. ROGERS:
 17 **Q. December 22nd of 2017, COPA issued its**
 18 **findings in a summary report. Okay? That's here.**
 19 **For your convenience, I've tabbed the findings.**
 20 **Okay?**
 21 A. Okay.
 22 **Q. There were seven allegations that were**
 23 **raised. They are set forth --**
 24 MR. SISKEL: Larry, do you have other copies?

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1 MR. ROGERS: I do.
 2 BY MR. ROGERS:
 3 **Q. The seven allegations are set forth on**
 4 **the first page -- on the fourth page of the report.**
 5 **Take a look at those.**
 6 A. May, while I read this, ask --
 7 **Q. I'm sorry?**
 8 A. I'm going to ask a question at the end.
 9 **Q. Sure.**
 10 A. Um-hmm.
 11 **Q. Did -- you wanted to say something?**
 12 A. I just want to make sure, you know,
 13 one of the impetuses was to make sure there's no
 14 political, not just myself, elected officials,
 15 meaning aldermen, et cetera, anybody really
 16 involved in this matter. I suppose it's fine
 17 to look at this, right, after the fact?
 18 **Q. You --**
 19 A. I mean, there's a real --
 20 **Q. I understand what you're saying.**
 21 THE COURT: One second. Is there something
 22 which should be off the record on here?
 23 THE WITNESS: No. I just want to make sure --
 24 I mean, I purposely --

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1 MR. BRODSKY: I represent the officer, so I
 2 guess that question's to me.
 3 THE WITNESS: I'm fine. Don't worry about
 4 it.
 5 MR. ROGERS: He's ask- -- I think he's asking
 6 if it's okay for him to review this because he's
 7 not in the process.
 8 THE WITNESS: Yes.
 9 MR. ROGERS: I don't think there's a problem.
 10 MR. SISKEL: Well, Judge, just separately I
 11 would raise an objection that I believe --
 12 MR. ROGERS: Because depart- --
 13 MR. SISKEL: -- we are getting way beyond the
 14 scope. When this area of inquiry had been
 15 discussed in prior hearings, your Honor ruled that
 16 if the Mayor has not reviewed these materials --
 17 that they can inquire whether he's reviewed these
 18 materials. He's testified that he hasn't. To now
 19 go through the substance seems to me is beyond the
 20 scope.
 21 JUDGE O'HARA: Actually what befuddles me
 22 beyond my comprehension, which might not be that
 23 great, is every one of these documents and
 24 materials on what was going to be reviewed, what

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1 was going to be gone through was delineated ad
 2 nauseam in all these other hearings so that this
 3 whole thing could have gone much faster. The fact
 4 that it wasn't brought to your attention or the
 5 Mayor's attention surprises me.
 6 MR. SISKEL: Well, your Honor, as the Mayor
 7 has testified, he does not have a role in this
 8 process and has, other than public reporting, not
 9 reviewed COPA's summary report and recommendation
 10 nor does he think it's appropriate to do so, which
 11 is the concern that he's raising.
 12 The point that I'm making is simply
 13 that your Honor had previously ruled they can ask
 14 whether he has been involved in the COPA
 15 recommendation process. He has said he hasn't
 16 been. And that should be the end of --
 17 JUDGE O'HARA: By "COPA recommendation
 18 process," you mean the --
 19 MR. SISKEL: Their summary.
 20 JUDGE O'HARA: -- the findings of the --
 21 MR. SISKEL: Yeah.
 22 MR. FOUTRIS: Judge, just to be clear, this
 23 is something -- this is my initial motion to compel
 24 back in January specifically said that I wanted to

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1 ask the Mayor about the COPA findings.
 2 MR. BRODSKY: If I may, Judge. Since I
 3 represent Officer Rialmo, I can say he's the most
 4 affected by the report, we have no objection to the
 5 Mayor reviewing the report.
 6 MR. SISKEL: Your Honor --
 7 MR. ROGERS: And I would also say these are
 8 in the public domain, your Honor. The Mayor's
 9 indicated he's reviewed only what's in the public
 10 domain. So we're showing him things that were
 11 released publicly.
 12 JUDGE O'HARA: I haven't seen it. Can I take
 13 a look?
 14 MR. ROGERS: Yes.
 15 THE WITNESS: You can have mine.
 16 THE COURT: Thank you, by the way.
 17 So there are seven findings; is that
 18 it?
 19 MR. ROGERS: There were seven allegations,
 20 and then there are seven findings that were made by
 21 COPA, yes.
 22 MR. BRODSKY: Summary of findings.
 23 JUDGE O'HARA: And so the first question was
 24 has the Mayor ever reviewed it.

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1 MR. ROGERS: I was showing him the allegations
 2 that were made as to Officer Rialmo at page 4 of
 3 the report.
 4 MR. SISKEL: But I think one of the --
 5 JUDGE O'HARA: But still the first question
 6 is has the Mayor ever reviewed it, and the answer
 7 is no.
 8 THE WITNESS: I've seen what's -- I've seen
 9 what's in the public domain, not this.
 10 JUDGE O'HARA: Okay.
 11 MR. BRODSKY: I think we mean public
 12 domain --
 13 THE WITNESS: I mean in the newspapers.
 14 MR. BRODSKY: -- what he's read in the
 15 newspaper.
 16 JUDGE O'HARA: Well, I think it should be
 17 limited because my understanding from your earlier
 18 testimony when I was listening over there is you've
 19 only read what's in the newspaper, not in the
 20 public domain. So is it true that you haven't gone
 21 on the Internet or done any other research as to
 22 this incident?
 23 THE WITNESS: Your Honor, I have not. And my
 24 concern is -- and my concern as the Mayor is I walk

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1 out of here, this process hasn't ended. I've been
 2 very clear from the beginning of when we started
 3 COPA it was going to have an independent Chinese
 4 wall, and the process as it relates to this is not
 5 done. And I walk out of here, soon hopefully, and
 6 I'm back to being the Mayor, a case has not ended
 7 yet. It's going through -- it's only at stage 2 of
 8 a 3-stage process. And you're asking me to look at
 9 something, and I -- we specifically -- going back
 10 to the origination of COPA, my speech was to create
 11 a Chinese wall. And I have -- I will walk out of
 12 here. I'll look at this. But I'm trying to make
 13 sure I am true not only to the letter, but the
 14 spirit of which we set up what is an independent
 15 entity and an independent process.
 16 JUDGE O'HARA: So the first thing is going to
 17 be he hasn't reviewed none of these allegations
 18 that are laid out 1 through 7 on page 4 of this
 19 December 22nd, 2017 report, correct?
 20 MR. ROGERS: Correct. The only reason it's a
 21 bit more complicated than that is that this report
 22 has the findings which we started at the beginning
 23 of the dep discussing, which is that COPA found
 24 that these were unjustified shootings. Those are

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1 the conclusions in this report.
 2 THE COURT: Those are the conclusions in that
 3 report, which I think is out in the public domain.
 4 And then the Superintendent's findings were in
 5 opposite of this.
 6 MR. ROGERS: Correct.
 7 THE COURT: I don't think anybody disagrees
 8 with that.
 9 MR. ROGERS: Okay.
 10 JUDGE O'HARA: Okay. So now the question
 11 is -- I mean -- well, were you going to go through
 12 each one of these allegations with these --
 13 MR. ROGERS: I was really just for the --
 14 JUDGE O'HARA: -- or is the question -- or is
 15 the question going to be what was in the public
 16 domain where COPA found A and the Superintendent --
 17 MR. ROGERS: Sure.
 18 THE COURT: -- found exactly opposite of A?
 19 MR. ROGERS: Sure. What I'll do, your Honor,
 20 just to -- out of concern for what the Mayor's
 21 expressed and your concern as well, I'm going to
 22 back out into the process again, okay, because we
 23 went -- we went through the process. And we're at
 24 the second stage with the Superintendent's review.

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1 Okay. So what I was trying to do

2 was to show him the first step of the process,

3 which was COPA's findings, which are in the report,

4 and then move to the Superintendent's findings.

5 THE COURT: Okay. So I think everybody would

6 agree that COPA has different findings than the

7 Superintendent. So do you want to --

8 THE WITNESS: Yes.

9 MR. ROGERS: That's what I want to get to. I

10 just had to show him what COPA's findings were.

11 JUDGE O'HARA: But you're not going to ask

12 him then to comment on COPA's seven findings?

13 MR. FOURTRIS: I was planning to.

14 JUDGE O'HARA: Well, Mr. Rogers is taking the

15 lead on this. Let's see where we're going to go

16 with this, and maybe we can limit it --

17 MR. ROGERS: Yes.

18 THE COURT: -- define it.

19 And I know you'll appreciate the

20 ambience in this room. We're going to try to get

21 you out of here sooner than later.

22 MR. ROGERS: Right.

23 THE COURT: But, again, these wrong --

24 THE WITNESS: I'll consider this my safe

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1 space in the future.

2 JUDGE O'HARA: Okay. All these materials,

3 what was going to be reviewed, was mentioned many,

4 many times, and I thought that --

5 MR. SISKEL: And --

6 THE COURT: -- they'd been ready to go,

7 so ... But --

8 MR. SISKEL: And, your Honor, I was simply

9 anticipating where I was concerned this is heading

10 to ask him to comment on those findings, which we

11 do have an objection to.

12 MR. ROGERS: I think we can work with it.

13 JUDGE O'HARA: Okay. So go.

14 BY MR. ROGERS:

15 **Q. Okay. Okay. Page 4 of Exhibit 7 --**

16 **A. Um-hmm.**

17 **Q. -- has the allegations. They begin**

18 **with No. 1, shot Quintonio LeGrier without**

19 **justification.**

20 **No. 2, failed to provide Quintonio**

21 **LeGrier with medical attention.**

22 **No. 3, fired multiple times into a**

23 **home occupied by persons who would be at risk of**

24 **injury or death?**

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1 A. Um-hmm.

2 **Q. 4, fired in the direction of Bettie**

3 **Jones, which resulted in her death.**

4 **5, shot Bettie Jones without**

5 **justification.**

6 **And 6, failed to provide Bettie**

7 **Jones with medi- -- medical attention.**

8 **Then 7, failed to ensure that his**

9 **laser certification was current from on or about**

10 **February 6th of 2014 through on or about March 16,**

11 **2016.**

12 **You see the allegations, correct?**

13 A. I do.

14 **Q. Okay. I tabbed the findings to -- for**

15 **ease No. 1 and 5 --**

16 A. Could you --

17 JUDGE O'HARA: Where -- I don't --

18 MR. ROGERS: It's page 4- -- it begins at

19 page 46 of the report.

20 THE WITNESS: Um-hmm.

21 BY MR. ROGERS:

22 **Q. Allegations 1 and 5, which are shot**

23 **Quintonio LeGrier without justification and shot**

24 **Bettie Jones without justification, were sustained.**

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1 **Do you see that?**

2 A. I do.

3 **Q. Okay. Allegations 3 and 4, which were**

4 **fired multiple times into a home occupied by**

5 **persons who would be at risk of injury or death and**

6 **fired in the direction of Bettie Jones, which**

7 **resulted in her death, those were sustained.**

8 **Do you see that?**

9 A. I do.

10 **Q. Okay. Allegations 2 and 6 were**

11 **exonerated. 2 and 6 were failed to provide**

12 **Quintonio LeGrier with medical attention, and**

13 **No. 6, failed to provide Bettie Jones with medical**

14 **attention.**

15 **Do you see that?**

16 A. I do.

17 **Q. And then No. 7 is the final tab, and**

18 **that was sustained, and the allegation was failed**

19 **to ensure that his laser certification --**

20 MR. SISKEL: Taser.

21 BY MR. ROGERS:

22 **Q. I'm sorry. Taser certification -- let**

23 **me rephrase that.**

24 **The seventh allegation which was**

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1 sustained was -- by COPA was failed to ensure that
 2 his taser certification was current from on or
 3 about February 6, 2014 through on or about March 16,
 4 2016.

5 Do you see that?
 6 A. I do.

7 Q. Okay. Once that was released on
 8 December 22nd of 2017, it triggered the second
 9 stage of the process, which is a 60-day review --
 10 60 days for Superintendent Johnson to respond to
 11 the recommendations of COPA, correct?
 12 A. And my understanding also is review the
 13 foundation of those.

14 Q. Where do you see that in the COPA
 15 ordinance?
 16 A. Well, it -- I don't see it. I mean, I
 17 have to review the COPA ordinance. I have not
 18 reviewed it.

19 Q. Okay. Well, let's be very specific
 20 about this. The -- the --
 21 JUDGE O'HARA: It was -- there's two parts to
 22 it, I believe, your question. So maybe we can
 23 confine this a little bit.
 24 THE WITNESS: Okay.

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1 JUDGE O'HARA: So the first part was --
 2 MR. ROGERS: Well --
 3 THE COURT: -- that it was --
 4 BY MR. ROGERS:
 5 Q. I'll restructure it.
 6 Exhibit 7 that we just went over is
 7 the COPA report with the findings, correct?
 8 A. Correct.

9 Q. And it goes through the two-year
 10 investigation COPA conducted of this shooting
 11 incident, and they reached their conclusions,
 12 which we just covered, true?
 13 A. Yes.

14 Q. Okay. Exhibit 8, which I will show
 15 you, is COPA's recommendation as a result of its
 16 investigation.
 17 JUDGE O'HARA: Do you have an extra copy of
 18 that?
 19 BY MR. ROGERS:
 20 Q. Exhibit 8 is a December 22nd, 2017 --
 21 A. Um-hmm.
 22 Q. -- letter from COPA to Eddie Johnson
 23 stating, quote, "COPA has sustained allegations
 24 against Officer Rialmo for his unjustified use of

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1 deadly force and his failure to maintain his taser
 2 certification. COPA's recommended discipline is
 3 separation as a result of these sustained
 4 allegations. COPA believes that this is a fair and
 5 reasonable result based on the totality of
 6 circumstances. For specifics regarding the case,
 7 please refer to the summary report."
 8 Do you see that?
 9 A. I do.

10 Q. So the distinction is the findings are
 11 in Exhibit 7, the report, the recommendation is in
 12 Exhibit 8, true?
 13 A. Yes.

14 Q. So the recommendation is pure and
 15 simply separation of Officer Rialmo from the
 16 department, true?
 17 A. The recommendations from COPA?
 18 Q. Yes.
 19 A. Correct.

20 Q. Okay. The process that we went through
 21 at sections --
 22 A. Is this document 5?
 23 Q. Yes.
 24 At Section 2-78-130 under Decisions

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1 and recommendations under -- I'm sorry, not under
 2 decisions -- yes, under Decisions and
 3 recommendations, (a)(i) delineates the three
 4 options, all of which apply to the recommendation
 5 of discipline, true?
 6 MR. SISKEL: Objection; calls for a legal
 7 conclusion.
 8 JUDGE O'HARA: He can answer if he can.
 9 Answer over objection. Let's see.
 10 MR. SISKEL: If you can.
 11 THE WITNESS: I don't know. That's the short
 12 answer.
 13 BY MR. ROGERS:
 14 Q. Well, let's read it. Section 2-78-130 --
 15 JUDGE O'HARA: Is this what we're going --
 16 maybe I can -- so this is what -- is this the COPA
 17 ordinance?
 18 MR. ROGERS: This is the COPA ordinance.
 19 MR. BRODSKY: But not the -- I'm sorry,
 20 Judge. But not the rules and regulations which
 21 were adopted pursuant to the ordinance.
 22 JUDGE O'HARA: Okay. But right now we're
 23 talking about the COPA ordinance; is that correct?
 24 MR. ROGERS: We are.

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1 THE COURT: And that COPA ordinance lets --
 2 sets forth three responses the Superintendent can
 3 give in response to the COPA findings; is that
 4 correct?
 5 MR. ROGERS: No. To the COPA recommendations.
 6 JUDGE O'HARA: Okay. So it's the three
 7 responses the Superintendent can give to the COPA
 8 recommendations?
 9 MR. ROGERS: Correct.
 10 THE COURT: Okay. So that's where we're at.
 11 And so now COPA's recommendation --
 12 MR. ROGERS: Was separation.
 13 THE COURT: -- was separation. Okay. Go.
 14 BY MR. ROGERS:
 15 **Q. Right. So this -- here's my question:**
 16 **Section 2-78-130 under Decisions and**
 17 **recommendations, as we've discussed, delineates the**
 18 **Superintendent's opportunity to respond to COPA's**
 19 **recommendation of discipline or other nondisciplinary**
 20 **remedial action, true?**
 21 A. Yes.
 22 **Q. And he's to do so within 60 days unless**
 23 **he requests an additional extension, true?**
 24 A. Yes.

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1 **Q. I will quote it just for clarity for**
 2 **the record and you. It says, quote, "If the Chief**
 3 **Administrator issues a recommendation of discipline**
 4 **or other nondisciplinary remedial action with**
 5 **regard to one or more members of the police**
 6 **department, the Superintendent shall respond to**
 7 **such recommendation within 60 days. The**
 8 **Superintendent's response shall include either,"**
 9 **and then it delineates the three things we**
 10 **discussed, true?**
 11 A. That's what it reads.
 12 **Q. Does any -- nothing within this section**
 13 **gives the Superintendent the right to challenge the**
 14 **findings of COPA, true?**
 15 MR. SISKEL: Objection; calls for a legal
 16 conclusion, lack of foundation.
 17 BY MR. ROGERS:
 18 **Q. You may answer.**
 19 A. I don't know how to answer that question.
 20 **Q. Let me show you what we will mark as**
 21 **Exhibit No. 9, which is the discovery deposition**
 22 **of Eddie Johnson.**
 23 JUDGE O'HARA: Is -- is this where -- is this
 24 going where the Superintendent's response to this

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1 letter --
 2 MR. ROGERS: It is.
 3 JUDGE O'HARA: -- is different than
 4 delineated --
 5 MR. ROGERS: Superintendent's -- yes. He has
 6 no authority under the statute to respond as he
 7 did, and we want to point that out on the statute.
 8 We also want to point out the fact
 9 that he swore under oath that he didn't.
 10 THE COURT: Okay. So -- well, first of all,
 11 so the response -- what are the responses that he
 12 can do under the statute then?
 13 MR. ROGERS: The three responses he can do
 14 are to confirm the recommendation. Again, the
 15 recommendation was separation from the department.
 16 The second one was to request that
 17 the Chief Administrator do an additional
 18 investigation or supplemental investigation, which
 19 he did not do.
 20 THE COURT: So the first one he didn't do.
 21 The second one he didn't do.
 22 MR. ROGERS: Right. The third one was
 23 to take no action as to the recommendation or
 24 different action and explain the reasons in the

Page 85

1 response.
 2 THE COURT: Okay. So he didn't do one, two,
 3 or three.
 4 MR. ROGERS: Correct.
 5 JUDGE O'HARA: But it appears that he did do
 6 four.
 7 MR. ROGERS: No.
 8 THE COURT: Okay.
 9 MR. ROGERS: He did not.
 10 MR. FOUTRIS: He did none of the above. He
 11 did something different.
 12 MR. ROGERS: He did something different.
 13 MR. SISKEL: And, Judge --
 14 JUDGE O'HARA: Well, one --
 15 MR. SISKEL: Okay.
 16 THE COURT: One second. Okay. So then is
 17 everybody in agreement with --
 18 MR. FOUTRIS: But --
 19 JUDGE O'HARA: One second. So plaintiffs'
 20 attorneys, you're in agreement with that, is that
 21 he did something different than delineated; is that
 22 correct?
 23 MR. KENNEDY: Correct.
 24 MR. FOUTRIS: Yes, that is our position.

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1 MR. BRODSKY: But our position, Judge --

2 THE COURT: Don't speak.

3 MR. FOUTRIS: That's the plaintiffs'

4 position.

5 JUDGE O'HARA: It's not a -- what I just

6 asked you isn't a qualification to get into MENSA.

7 It's are you agreement or not? And it's three

8 letters or two letters. Again, I'm going to go

9 through it again.

10 Mr. Rogers, for your client, are you

11 guys in agreement with that?

12 MR. ROGERS: He did not do one, two, or

13 three, correct.

14 MR. BRODSKY: No, not in agreement.

15 JUDGE O'HARA: So you're saying he did do one

16 of those things?

17 MR. BRODSKY: Yes.

18 THE COURT: What of those things did he do?

19 MR. BRODSKY: No. 3. He took an action that

20 differs in substance from the action that COPA

21 recommended.

22 THE COURT: Okay. And what was the action

23 that he took that differs in substance?

24 MR. BRODSKY: Recommend that Officer Rialmo

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1 be exonerated from using excessive force.

2 THE COURT: Okay. So here, I think his

3 recommendation -- we're going to get to that in

4 a minute.

5 Counsel.

6 MR. FOUTRIS: I agree with Mr. Rogers.

7 THE COURT: Okay. We took care of everybody.

8 Where's his recommendation again?

9 MR. ROGERS: Mr. -- Superintendent Johnson's?

10 JUDGE O'HARA: Yes.

11 MR. ROGERS: It's -- it's right here.

12 THE COURT: How many pages is it?

13 MR. ROGERS: 11 pages.

14 MR. FOUTRIS: Would this be a good time for a

15 break, Judge?

16 MR. ROGERS: Well, let me just -- I'd like to

17 finish the line of questioning before we take a

18 break.

19 MR. FOUTRIS: Sorry, Larry.

20 MR. SISKEL: Judge, if I could respond. I

21 think this is an improper line of questions for the

22 witness that they're asking him to make a legal

23 judgment about interpretation of a provision of the

24 City code, which, as Mr. Brodsky points out, the

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1 rules and regulations further interpreting it have

2 not been provided.

3 But this witness is not here to

4 opine on a legal question. They have identified

5 particular areas that they said they wanted to

6 question this witness about, and one of them was

7 about COPA's recommendations. This is now getting

8 into way afield of that and getting into questions

9 about whether the Superintendent's actions comply

10 with the ordinance or not, which this witness is

11 not the appropriate witness to do that. It's a

12 legal question for your Honor to decide.

13 MR. ROGERS: Your Honor, I'm questioning the

14 champion of COPA who created COPA to reform IPRA,

15 which was an internal system where the police

16 department was policing itself. This was created

17 to be independent of that.

18 So I'm very appropriately sticking

19 with the process that we've discussed, how it came

20 about, and proceeding into where we are in terms of

21 that process.

22 JUDGE O'HARA: So I haven't read the 11 pages.

23 THE WITNESS: Do you want me to move over?

24 JUDGE O'HARA: I'm actually showing them my

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1 best side. Yeah.

2 Well, I think what -- so your

3 question basically is did the Superintendent comply

4 with the COPA -- with the -- is it three or four --

5 MR. ROGERS: There are three options in

6 response to the recommendation. There's no

7 description of an opportunity whatsoever to respond

8 to findings. And I will show you where Eddie

9 Johnson has testified that that is not the role of

10 the police department, to investigate police

11 shootings.

12 THE COURT: Well, I think --

13 MR. ROGERS: That is the role of COPA. We've

14 gone --

15 JUDGE O'HARA: So there's a couple things on

16 that. One is neither of these counsel were present

17 when Mr. Johnson testified.

18 MR. FOUTRIS: Ms. Avendano was.

19 THE COURT: Okay. So the Mayor and his

20 counsel, they weren't present for that.

21 So the question we're getting into

22 now is the response.

23 And so Mr. Brodsky is saying that --

24 MR. ROGERS: He can question him.

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1 JUDGE O'HARA: Well, he's saying -- but he's
 2 saying -- well, we want to try to untie the knot
 3 before it gets tighter.
 4 MR. BRODSKY: But, Judge --
 5 JUDGE O'HARA: So what Mr. Brodsky is saying
 6 is that actually, though, Mr. -- the Superintendent's
 7 report was in compliance because --
 8 MR. ROGERS: He likes the report.
 9 JUDGE O'HARA: Shocker.
 10 What was the reason you set forth?
 11 MR. BRODSKY: If you look at the definition
 12 of number -- of option No. 3, it said the
 13 Superintendent can say he intends to take no action
 14 in regard to the complaint, which he's not going to
 15 do anything to discipline the officer, or intend to
 16 acts that differs in substance and/or scope from
 17 the recommendations of COPA, which means he's going
 18 to do discipline, but it's going to be different.
 19 In this case, he's exonerate- --
 20 says he should exonerate Officer Rialmo on not
 21 using excessive force and not being -- and use --
 22 and not being outside the policy and not having
 23 justification for shooting, but he didn't exonerate
 24 him, I think, on not having the taser certification

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1 and other -- other items which would call for a
 2 much lighter discipline than termination, usually
 3 a couple days without pay.
 4 MR. ROGERS: Well, those are things I'm going
 5 to highlight actually. He ignores, completely
 6 ignores the fact that he did not maintain his taser
 7 certification and does not address --
 8 MR. BRODSKY: Which is exactly what I'm
 9 talking about.
 10 MR. ROGERS: -- does not address any
 11 discipline related to a clear, unequivocal
 12 violation.
 13 MR. BRODSKY: Which is different --
 14 MR. ROGERS: And spends all of his 11 pages
 15 exonerating a fellow police officer and reanalyzing
 16 evidence that COPA was charged with analyzing, and
 17 he was never charged with analyzing. Seven days
 18 ago he hadn't reviewed anything. And --
 19 THE COURT: Understood. Well, my -- wouldn't
 20 that be -- and I know that everybody reserved their
 21 rights pending the release of this to redepose the
 22 Superintendent limited to that. And wouldn't that
 23 be the -- so the Mayor has gone through what those
 24 options are regarding, that you've laid out, those

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1 findings. He wasn't there for the dep.
 2 MR. ROGERS: That's why I brought it.
 3 JUDGE O'HARA: Yeah. And he -- I forgot what
 4 his testimony was regarding if he reviewed the
 5 Superintendent's findings.
 6 MR. ROGERS: Who?
 7 MR. BRODSKY: No.
 8 MR. SISKEL: He said he has not.
 9 THE COURT: He has not?
 10 MR. ROGERS: No. What was in the public
 11 domain, yes. And it ia the public --
 12 MR. SISKEL: He's referring to press accounts.
 13 THE COURT: Yeah. It was limited to the
 14 newspapers.
 15 MR. SISKEL: Yes.
 16 JUDGE O'HARA: Okay.
 17 THE WITNESS: For the explicit purpose of not
 18 being in any way interfering or any way --
 19 THE COURT: So he's already gone through, and
 20 by "he," I mean the Mayor has gone through what his
 21 recollection of and his role in finding COPA and
 22 underneath the ordinances and what those are.
 23 MR. ROGERS: Yes.
 24 THE COURT: I think they speak for themselves.

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1 MR. ROGERS: The ordinance.
 2 JUDGE O'HARA: And what the -- what the
 3 Superintendent can do.
 4 MR. ROGERS: Yes.
 5 JUDGE O'HARA: Right.
 6 MR. BRODSKY: Under the -- under the
 7 ordinance, but the procedure for disagreeing --
 8 JUDGE O'HARA: I'm --
 9 MR. BRODSKY: Oh, I'm sorry.
 10 THE COURT: I'm still going through this with
 11 Mr. Rogers. You can place your bets on the Final
 12 Four while we do this.
 13 MR. BRODSKY: I'm looking for the ordinance.
 14 JUDGE O'HARA: So I think those -- those
 15 things are clear on its face; it's clear on its
 16 face what his options are. I think the person to
 17 question regarding this 11-page finding is the
 18 person who sent out the finding.
 19 MR. ROGERS: Respectfully, I'm -- the reason
 20 I think it's appropriate -- an appropriate line of
 21 questioning is the premise that I started with,
 22 which is why we created COPA -- why he created COPA
 23 and the City Council created COPA, independence;
 24 independence of the police department.

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1 We went over the fact that they have
 2 different jurisdictions. The police department
 3 does not have the jurisdiction to investigate
 4 police-involved shootings. Yet, yet -- nor under
 5 the COPA statute does he have the authority to
 6 reconsider the findings of COPA. Okay? Yet, he
 7 spends 11 pages refiguring -- reconfiguring
 8 findings of COPA. COPA took two years. Seven days
 9 ago he hadn't reviewed a thing. And all of sudden
 10 he's going to exonerate a police officer who killed
 11 two citizens? I have a problem with that, and it's
 12 a proper line of questioning because it's not what
 13 COPA -- we talked about. It's not why COPA was
 14 created. We went over the process that they're
 15 supposed to follow. He didn't follow it.
 16 JUDGE O'HARA: Well, let me ask this
 17 question: Is there any question right now that
 18 anyone feels that they -- the COPA process was not
 19 sufficiently delineated on what is to occur when
 20 there's a report for an officer-involved shooting?
 21 That's been gone through ad nauseam right now,
 22 right?
 23 MR. SISKEL: It has. And to then take it to
 24 ask this witness --

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1 THE COURT: Well, no, no --
 2 MR. SISKEL: -- to draw a legal con- -- okay.
 3 THE COURT: I can't multitask. Okay? I keep
 4 questions very simple.
 5 MR. SISKEL: Okay.
 6 THE COURT: And I keep it for a reason.
 7 So that's been gone through, the
 8 complete process on what's -- so then the question
 9 is -- that Mr. Rogers wants to ask, I believe, is
 10 if in the Mayor's opinion that process was followed
 11 by the Superintendent. Is that correct?
 12 MR. ROGERS: I will get there, yes.
 13 JUDGE O'HARA: I thought I just got there.
 14 MR. ROGERS: You're faster than I am. I've
 15 tried to really lay a foundation for the questions.
 16 JUDGE O'HARA: No. I know. I think it's
 17 kind of asking him to shoot from the lip if he
 18 hasn't analyzed all 11 -- how many pages?
 19 MR. FOUTRIS: 11 pages.
 20 MR. ROGERS: I brought everything to -- so
 21 it's available to him. I'm not -- I'm not -- I
 22 don't think I am being unfair, and I'm trying to be
 23 very careful not to be unfair. But -- but I think
 24 the process, you know, arguably is well intended,

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1 and I think it's important that it be followed, and
 2 that it's very plain --
 3 JUDGE O'HARA: I think everybody here would
 4 stipulate to everything that you just said. Right?
 5 Okay. Keep going.
 6 MR. ROGERS: Well, we haven't even got into
 7 other things that are relevant to the process and
 8 why.
 9 THE COURT: All right. Well, let's start.
 10 MR. ROGERS: Okay.
 11 THE COURT: We'll see where we're at.
 12 MR. ROGERS: Okay.
 13 MR. SISKEL: Judge, we --
 14 THE COURT: Let's go for a few minutes.
 15 MR. SISKEL: We've been going for an hour and
 16 a half.
 17 JUDGE O'HARA: We could have been gone for a
 18 half hour and covered all of this, but all these
 19 materials that were going to be -- that were going
 20 to be tendered to the Mayor for his review were
 21 discussed much earlier, and I was -- I instructed
 22 to have everybody prepare for.
 23 And it's unfortunate that they
 24 weren't tendered to you earlier so that -- I mean,

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1 the good part is you do get to enjoy this ambience
 2 a little more.
 3 MR. ROGERS: And I'll try to move forward
 4 with these --
 5 THE COURT: So go. Go.
 6 BY MR. ROGERS:
 7 **Q. Okay. Again, I tried to bring things**
 8 **to be fair to you in your -- in our evaluation of**
 9 **the suit. Let me show what we'll mark as -- am I**
 10 **on 9?**
 11 MR. BRODSKY: 9, yeah.
 12 BY MR. ROGERS:
 13 **Q. No. 9 is a copy of Superintendent Eddie**
 14 **Johnson's deposition that was given under oath**
 15 **March 15th of 2018. And I direct you, just for**
 16 **expedience, to page 49 where he was asked about the**
 17 **role of Internal Affairs.**
 18 A. Mine goes up to 48.
 19 **Q. I'm sorry?**
 20 A. You said 49. Mine goes up to page 48.
 21 **Q. That is the attachment. If you go to**
 22 **those pages, there's a 49.**
 23 JUDGE O'HARA: Are they four to a sheet?
 24 THE WITNESS: I see it. I got it. I'm

Page 98

1 sorry.

2 BY MR. ROGERS:

3 Q. The question at the beginning of page

4 49, line 2, says:

5 "Okay. And what have you

6 learned from your chief of Internal

7 Affairs when you've asked -- I'm sorry.

8 I need to go to page 48 for context.

9 Question at line 20, page 48:

10 "Have you ever specifically

11 asked your chief of Internal Affairs

12 about how complaints of misconduct --

13 complaints of excessive force are

14 being investigated by your police

15 department?

16 "Answer: Yes.

17 "Question: Okay. And what

18 have you learned from your chief of

19 Internal Affairs when you've asked

20 that question?

21 "Answer: That complaints of

22 excessive force are actually handled

23 by IPRA/COPA now.

24 "Question: Okay.

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1 "Answer: So CPD -- answer from

2 Mr. -- Superintendent Johnson:

3 "So CPD really don't -- we

4 really don't investigate excessive

5 force or abuse; that civilian

6 agency does that."

7 Without reading it all, feel free to

8 read it quietly. He goes on to the next page and

9 acknowledges again -- he's asked:

10 "Is there anything prohibiting

11 you as a Superintendent from initiating

12 your own separate investigation

13 if there's an alleged excessive

14 force incident?

15 "Answer: Yes. All excessive

16 force is investigated by COPA. So

17 that is an independent investigation."

18 Do you see that testimony?

19 A. Um-hmm.

20 Q. Okay. That was -- is that a yes?

21 JUDGE O'HARA: Is that a yes?

22 THE WITNESS: Yes. I apologize. Yes.

23 BY MR. ROGERS:

24 Q. It was approximately a week ago.

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1 A. Okay.

2 Q. It is available to you, and I -- and

3 allow me to instruct you that as of that time he

4 had not reviewed anything other than an executive

5 summary of sorts as to the investigation, the two-

6 year investigation conducted by IPRA/COPA into this

7 shooting.

8 A. Okay.

9 Q. Okay. On March 22nd, seven days later,

10 he has prepared what we will mark as Exhibit 10, an

11 11-page letter.

12 A. Do you want me to put this down?

13 Q. Yes.

14 JUDGE O'HARA: Break this down. So so far as

15 to what was stated and the dates of these

16 occurrences, those are all accurate, correct?

17 MR. ROGERS: Yes.

18 JUDGE O'HARA: Is there any contention as to

19 that?

20 MR. SISKEL: No.

21 JUDGE O'HARA: Okay.

22 MR. ROGERS: I'm sorry.

23 THE COURT: That's all right.

24

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1 BY MR. ROGERS:

2 Q. On March 22nd of 2018, Superintendent

3 Johnson issued a letter --

4 A. Um-hmm.

5 Q. -- that has been characterized by the

6 City as a nonconcurrence letter.

7 A. Um-hmm.

8 Q. And he proceeds for 11 pages to

9 repeatedly and expressly exonerate Officer Rialmo

10 as it relates to allegations 1 and 2 and 3 and 4,

11 which specifically relate to shooting and killing

12 Bettie Jones and Quintonio LeGrier. He does not

13 address allegation No. 7 with regard to the failure

14 of Officer Rialmo to have his taser certification

15 current. And he does not expressly address the

16 recommendation, which was separation.

17 So the ordinance allows him, as

18 we've gone over, to only address the recommendation,

19 yet he spends 11 pages addressing the findings and,

20 quote, unquote, "exonerating" his fellow officer.

21 My question to you, isn't -- wasn't

22 the purpose of COPA to conduct independent

23 investigations, reach independent findings so that

24 police are not investigating police?

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1 MR. SISKEL: Objection to the form of the
 2 question. Objection; calls for a legal conclusion.
 3 Invites speculation.
 4 BY MR. ROGERS:
 5 **Q. You may answer.**
 6 JUDGE O'HARA: Well, I think --
 7 MR. ROGERS: Oh, I'm sorry.
 8 THE COURT: It's the last part of the
 9 question that -- and you might have already
 10 answered it, and I'm going to ask you to answer it
 11 once again, is that the reason that COPA was
 12 founded, and part of the reason was police aren't
 13 investigating police. I think that's why IPRA was
 14 taken -- was dis- --
 15 THE WITNESS: I'll just say this. One is
 16 any question about jurisdiction or rules we're
 17 following would always -- in any manner would go to
 18 legal counsel and also City Council process, and
 19 that is not for the Mayor. So this very question
 20 would not be more me in norm.
 21 Number two, I would say that the
 22 Superintendent's decision in following this must
 23 have been obviously guided by counsel that he's
 24 within his jurisdiction and as intended not only

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1 with the ordinance, but all the rules that came
 2 after that ordinance, interpreting it.
 3 So I -- my -- so I'd be just saying
 4 to you is I never would get involved in this kind
 5 of interpretation. That's what counsel -- and
 6 there's a whole body and process inside City
 7 Council to make sure that it's procedurally
 8 correct. And I'm sure that as the Superintendent
 9 wrote his 11 pages, he was guided that he was
 10 within his jurisdiction. And that's just what I'm
 11 assuming to be the exact way this worked. But I do
 12 know for sure if there's any question, it's a legal
 13 question, therefore, the lawyers answer it, not the
 14 Mayor. And I'm not a lawyer.
 15 JUDGE O'HARA: We're taking his dep next.
 16 THE WITNESS: That's -- I would enjoy that.
 17 THE COURT: We can get back to -- I think we
 18 can really distill it down to two things.
 19 BY MR. ROGERS:
 20 **Q. You are a lawyer, aren't you?**
 21 A. Nope. Not a lawyer, Larry.
 22 THE COURT: Probably smarter that we are.
 23 Let's get back to this. But I think
 24 what he's testified is that COPA was going to do an

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1 independent review. Right? That was the purpose
 2 of COPA, independent review, right?
 3 MR. ROGERS: Yes.
 4 THE WITNESS: One step in that independence.
 5 THE COURT: Independent.
 6 And then in these -- in any case of
 7 police misconduct where it -- involving excessive
 8 force or shootings that Internal Affairs were not
 9 investigating it. It was an independent agency so
 10 that police were not investigating police.
 11 THE WITNESS: It is an independent process
 12 started by COPA to the Superintendent, to the
 13 Police Board.
 14 JUDGE O'HARA: So that police weren't
 15 investigating police officers, correct?
 16 MR. ROGERS: Because of what came --
 17 JUDGE O'HARA: Ah. Ah. It's simple. Is it
 18 your understanding that that was part of the reason
 19 for the creation, so that police weren't
 20 investigating police?
 21 THE WITNESS: That was one -- that was one of
 22 the reasons, as I've answered, and --
 23 JUDGE O'HARA: Okay. That's all. Done right
 24 there.

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1 MR. ROGERS: Can I get my question read back
 2 so I have an answer in the record to my question?
 3 THE COURT: You can have it read it back.
 4 MR. ROGERS: Okay.
 5 THE COURT: But I think it's really distilled
 6 down to those two simple things.
 7 MR. BRODSKY: Oh, I found the regulation on
 8 that issue.
 9 JUDGE O'HARA: He's not a lawyer. So let's
 10 go.
 11 MR. ROGERS: Can you read back my question?
 12 (Brief pause.)
 13 THE VIDEO TECHNICIAN: We are now going off
 14 the record at 4:08 p.m.
 15 (Recess taken.)
 16 THE VIDEO TECHNICIAN: The time is 4:13 p.m.
 17 We are now back on the record.
 18 MR. ROGERS: Can you read the question back
 19 for the Mayor?
 20 (Record read.)
 21 THE WITNESS: And I would just say, Larry,
 22 that the whole process was intended to be
 23 independent. COPA's the beginning of a process.
 24 It differentiates from the past

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1 where the Superintendent's word was final. Now
 2 it's the Police Board. We're only in stage 2 at
 3 this moment. But the original piece of that work
 4 is done by COPA.
 5 BY MR. ROGERS:
 6 **Q. Okay. And, again, that was departure**
 7 **from ways of old where IPRA, which grew out of the**
 8 **Department of Internal Affairs, was conducting**
 9 **investigations of police officers, correct?**
 10 A. It grew out of that as well as the
 11 changes also that the Superintendent, as you noted,
 12 could have -- take one of three steps. But his
 13 word is not final. And it moves -- and it
 14 continues to move forward. And we're in the middle
 15 of that right now.
 16 **Q. Understood.**
 17 **I have fairly gone over the three**
 18 **options of a response to the recommendation that**
 19 **the Superintendent -- Superintendent has available**
 20 **to him, true?**
 21 MR. SISKEL: Objection; calls for a legal
 22 conclusion. And the document speaks for itself.
 23 BY MR. ROGERS:
 24 **Q. Strike it. I'll withdraw it.**

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1 **We've gone over the COPA ordinances**
 2 **as you understand it, true?**
 3 A. The ordinance of COPA --
 4 **Q. Yes.**
 5 A. -- and its origination? Yes.
 6 **Q. We've gone over the three delineated**
 7 **responses to the recommendation that the**
 8 **Superintendent can have as set forth in the**
 9 **ordinance, true?**
 10 A. Yes.
 11 **Q. We've definitively identified that the**
 12 **recommendation that was made by COPA was separation**
 13 **of Officer Rialmo, true?**
 14 A. Yes.
 15 **Q. Okay.**
 16 A. But I want to state that while we've
 17 done that is that the process is not complete. It
 18 still moves on. And that as any interpretation, I
 19 think the Superintendent would seek judgment that
 20 he is within the confines of what the Superintendent
 21 can and can't do as originally suggested by you.
 22 **Q. I'm not -- I didn't understand the**
 23 **latter part of that.**
 24 A. No, I'm just -- forget it. Don't worry

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1 about what I said. If you didn't understand it,
 2 then I got you right where I want you. No. I
 3 mean, I -- the joke is -- on the serious point,
 4 Larry, is that as related to the earlier set of
 5 questions and all the confusion.
 6 **Q. Sure. Mayor, I want to be fair to you.**
 7 **Okay? We started by discussing the problems with**
 8 **the system.**
 9 A. Um-hmm.
 10 **Q. Okay. And -- that led to the creation**
 11 **of an independent entity with a capital I, as you**
 12 **phrased it, true?**
 13 A. Um-hmm.
 14 **Q. Okay.**
 15 A. Yes.
 16 **Q. The citizens of Chicago, including**
 17 **Bettie Jones' family and Quintonio LeGrier's**
 18 **family, are entitled to rely upon what was set**
 19 **forth in the COPA ordinance in terms of the**
 20 **response that the Superintendent can have to that,**
 21 **true?**
 22 A. Yes.
 23 **Q. And the response as delineated in the**
 24 **ordinance is specifically set forth to get away**

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1 **from the ways of old in part, true?**
 2 MR. SISKEL: Objection to form of the
 3 question, calls for speculation.
 4 BY MR. ROGERS:
 5 **Q. You can answer.**
 6 A. Yes. One of the ways.
 7 **Q. Some of the ways of old that we're**
 8 **talking about involve the code of silence and the**
 9 **thin blue line where officers protect and look**
 10 **after other officers.**
 11 THE COURT: Well, I want to interrupt here
 12 for my purposes. I think the code of silence is
 13 one thing. But my understanding of the thin blue
 14 line is that was a delineation of the police
 15 department, that they were the thin blue line that
 16 separated criminals from law-abiding citizens.
 17 Now, is that what you're asking? I
 18 don't think so.
 19 MR. ROGERS: I'll clarify what I mean by --
 20 JUDGE O'HARA: The thin blue line?
 21 MR. ROGERS: Yes.
 22 JUDGE O'HARA: Because that came up some
 23 other time, I think has a different meaning.
 24 MR. BRODSKY: Was it a movie that --

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1 MR. FOUTRIS: That's what the Superintendent
 2 said, but I know that there's cases describing the
 3 code of silence as a thin blue line.
 4 MR. ROGERS: The Mayor described it. We'll
 5 over go that.
 6 JUDGE O'HARA: Show it to him.
 7 BY MR. ROGERS:
 8 **Q. If you pull out Exhibit 2. Mr. Mayor,**
 9 **on December 9th of 2015, you gave a re- -- you gave**
 10 **remarks to City Council wherein you described --**
 11 **under the subheading Culture, you described the**
 12 **thin blue line and code of silence.**
 13 A. What page are you on?
 14 **Q. I'm at page 6. Let me know when you're**
 15 **done.**
 16 A. (Reviewing exhibit.)
 17 Yeah.
 18 **Q. Have you had a chance to review it?**
 19 A. I've read the page 6.
 20 **Q. Okay. These remarks began with you**
 21 **describing this as a defining moment for Chicago,**
 22 **correct?**
 23 A. Yes.
 24 **Q. Okay. You described in your remarks of**

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1 **December 9th, 2015 a culture with respect to the**
 2 **police department, true?**
 3 A. I describe -- it's under the Culture --
 4 the heading of Culture, correct.
 5 **Q. And you said, "As we move forward, I**
 6 **am looking for a new leader of the Chicago Police**
 7 **Department to address the problems at the very**
 8 **heart of the policing profession," true?**
 9 A. That's the first paragraph, yes.
 10 **Q. And the second paragraph says, "This**
 11 **problem is sometimes referred to as the thin blue**
 12 **line. Other times it is referred to as the code of**
 13 **silence."**
 14 A. Um-hmm.
 15 **Q. Then you go on to describe it as,**
 16 **quote, "It is the tendency to ignore, deny, or in**
 17 **some cases cover up the bad actions of a colleague**
 18 **or colleagues," end quote, true?**
 19 A. Yes.
 20 **Q. Here we have COPA who investigated**
 21 **independently for a two-year period of time the**
 22 **circumstances surrounding the shooting deaths of**
 23 **Quintonio LeGrier and Bettie Jones and they came to**
 24 **certain conclusions as an independent agency that**

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1 **those were unjustified shootings, true?**
 2 MR. BRODSKY: I object to the form of the
 3 question. It started under IPRA. COPA wasn't
 4 formed until about halfway through the
 5 investigation.
 6 MR. SISKEL: I also object to the form of the
 7 question and lack of foundation.
 8 JUDGE O'HARA: Well, it's --
 9 MR. ROGERS: I'll re- --
 10 THE COURT: -- under IPRA followed by COPA.
 11 MR. ROGERS: I'll rephrase it.
 12 BY MR. ROGERS:
 13 **Q. We have the culmination of a two-year**
 14 **investigation into the deaths of Quintonio LeGrier**
 15 **and Bettie Jones that began with IPRA and concluded**
 16 **with COPA deeming the shootings to be unjustifiable**
 17 **by Officer Rialmo, true?**
 18 A. Yes.
 19 **Q. That was a two-year investigation, true?**
 20 A. I don't remember the exact time, but
 21 it -- I don't have the exact time, but it was a
 22 period of time.
 23 **Q. I showed you the testimony of**
 24 **Superintendent Jones from a week ago --**

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1 A. Johnson.
 2 **Q. Johnson. I'm sorry.**
 3 **-- (continuing) where he said he**
 4 **had not -- that was not the role of the police**
 5 **department, meaning to investigate police-involved**
 6 **shootings, true?**
 7 A. Yes.
 8 **Q. I will also tell you that as of a week**
 9 **ago he said he had not reviewed anything related to**
 10 **COPA's investigation other than a summary; he had**
 11 **not reviewed the COPA report a week ago. Okay?**
 12 A. Yes.
 13 **Q. Yet, on March 22nd, a week later, he is**
 14 **issuing findings on behalf of a fellow officer that**
 15 **don't address the recommendations as permitted by**
 16 **statute, but instead exonerate a fellow officer.**
 17 MR. BRODSKY: Objection to the form of the
 18 question.
 19 MR. SISKEL: Objection to the form, calls for
 20 a legal conclusion.
 21 MR. BRODSKY: The form being --
 22 JUDGE O'HARA: The only valid objection in a
 23 deposition, as anybody that's sat through more than
 24 four of them, is really privilege. So those all

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1 are duly noted.

2 You can answer it.

3 THE WITNESS: I got to be honest. I don't --

4 I'm being asked to judge the Superintendent's

5 letter -- 11-page letter?

6 MR. ROGERS: I'm not asking --

7 THE WITNESS: Is that -- is that what you're

8 asking me?

9 BY MR. ROGERS:

10 **Q. I'm not asking you to judge it. I'm --**

11 **I reviewed the statute and the process, and I**

12 **reviewed whether that was followed. And I threw**

13 **out the 11-page letter, see no indication of any**

14 **comment with regard to the recommendation of COPA.**

15 **I see nothing but 11 pages using expressly the word**

16 **"exonerated" as to Officer Rialmo.**

17 **And my question to you is in this**

18 **defining moment for Chicago, weren't we trying --**

19 **weren't you trying to get away from a circumstance**

20 **where officers are investigating officers and**

21 **moving toward an independent investigation, one**

22 **that the public could trust, one that had**

23 **integrity, and one that we could rely upon?**

24 MR. SISKEL: Objection.

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1 BY MR. ROGERS:

2 **Q. Wasn't that the goal?**

3 MR. SISKEL: Objection to the form of the

4 question.

5 JUDGE O'HARA: Answer over objection if you

6 can.

7 THE WITNESS: I don't -- I mean, I -- what I

8 could say to you is the pro- -- the independence of

9 the process is playing out as I'm sitting here

10 talking to you. And that -- and that intention of

11 the changes we made is exactly what's playing out.

12 The COPA's -- IPRA/COPA, because it's in the middle

13 as we've now de- -- say, the Superintendent weighs

14 in on the judgment, gives his opinion, and that

15 moves forward.

16 And so I would say to you, as I

17 described, I think, in one answer, Larry, what I

18 meant by capital I, it is having that independence,

19 and we're in the middle of it, and I'm not -- I

20 think the Superintendent, without having read his

21 11 pages, or I'm sure he asked counsel, but I don't

22 want to make that leap of faith, I don't -- that he

23 is acting within the jurisdiction that is permitted

24 by the statute and the thinking behind it, he is

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1 acting within the jurisdiction of what a

2 Superintendent's role is in this process.

3 BY MR. ROGERS:

4 **Q. It sounds like you don't know one way**

5 **or the other. You're assuming that.**

6 A. I stand by what I just said.

7 **Q. Well, are you saying you stand by**

8 **Superintendent Eddie Johnson's findings?**

9 A. That's -- what I'm standing by is that

10 the process is being followed as I understand it,

11 and we're in the middle of the process, and it

12 hasn't played out yet.

13 **Q. Okay.**

14 A. And I have -- I have not reviewed

15 either COPA's document until you gave it or the

16 Superintendent's because of the Chinese wall that

17 is separating us.

18 **Q. Mayor --**

19 A. And that's a piece of the independence.

20 **Q. -- you've made it a point to identify**

21 **that is a -- it's a multistep process that begins**

22 **with COPA, goes to the Superintendent, then goes to**

23 **the Police Board, correct?**

24 A. And directly different from the past.

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1 **Q. You not only changed IPRA to COPA, you**

2 **changed the Superintendent of police, true?**

3 A. Yes. And their role in this process.

4 **Q. Correct.**

5 **You changed the role of the**

6 **Superintendent as well as changing the**

7 **Superintendent, correct?**

8 A. Yes.

9 **Q. No more business as usual was the goal,**

10 **correct?**

11 MR. SISKEL: Objection to the form.

12 JUDGE O'HARA: You can rephrase that.

13 BY MR. ROGERS:

14 **Q. You pointed out --**

15 A. If you're asking me to weigh in on

16 Eddie Johnson, I think he's doing a very good job.

17 And I'll give you that. That's what I believe he's

18 doing, and I think he's doing it in all those

19 aspects.

20 **Q. Well, at what? At talking to the**

21 **citizens of the community, or at changing the**

22 **culture of the department so that independent**

23 **investigations are respected and given the credit**

24 **and integrity that they deserve? That's the**

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1 question.
2 Again, I started the process and
3 discussion by looking at what his role is in your
4 process, not my process. And we went through that.
5 None of which discerns an opportunity for him to
6 reevaluate findings.
 7 MR. SISKEL: Judge, if there's a question --
 8 he's giving a speech.
 9 You should ask the witness a
 10 question.
 11 MR. BRODSKY: I guess the objection's
 12 argumentative.
 13 THE COURT: Okay. Well, let's everybody go
 14 back to what I said five minutes ago. Anybody who
 15 didn't hear me say the valid -- the only valid
 16 objection in a deposition is privilege, raise their
 17 hand.
 18 MR. ROGERS: Okay.
 19 THE COURT: Okay. So now let's get back to
 20 it. So let's break them down, noncompound questions.
 21 MR. ROGERS: Sure.
 22 JUDGE O'HARA: There was a change -- let's go
 23 back to maybe -- maybe it'll be simpler if you can
 24 answer was the reason that you instituted COPA was

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1 so that it wasn't business as usual as you
 2 understood it? I don't know if you can answer that
 3 or not.
 4 THE WITNESS: Well, the one thing I would say
 5 it was not mine so much as ours as a city, and that
 6 led an effort, all of us from the task force to 50
 7 members of the City Council, to make wholesale
 8 changes. So I would not describe it as mine. I
 9 led that effort with a lot of other people to that
 10 effort. And we're in the middle of a process on a
 11 case specifically, and I don't think it's in my
 12 jurisdiction to make -- weigh in on that because I
 13 think that's inappropriate to the spirit of making
 14 sure there's a Chinese wall.
 15 But I do think the process is being
 16 followed accordingly to a three-step process of
 17 inde- -- that has independent review.
 18 BY MR. ROGERS:
19 Q. Well, let me ask you this, Mayor:
20 Based upon what you've read in terms of the process
21 that was delineated in the statute specifically
22 where it speaks to Superintendent responding to the
23 recommendations, have you seen a response to the
24 recommendation in the March 22nd letter from

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1 Superintendent Johnson to COPA?
 2 MR. SISKEL: Objection; lack of foundation.
 3 BY MR. ROGERS:
4 Q. The letter's there if you want to
5 review it.
 6 A. Do you want me to read the 11 pages
 7 now?
8 Q. I would have liked you to have read it
9 before we got here, but ...
 10 A. Do you want me to read the 11 pages?
 11 Because I don't --
 12 JUDGE O'HARA: Can we have a conversation off
 13 the record here?
 14 MR. ROGERS: Yes.
 15 THE VIDEO TECHNICIAN: We are now going off
 16 the record at 4:30 p.m.
 17 (Discussion off the record.)
 18 THE VIDEO TECHNICIAN: We are now back on the
 19 record on the record at 4:32 p.m.
 20 BY MR. ROGERS:
21 Q. Mr. Mayor, as I understand it, as of
22 today's date, you have not reviewed Superintendent
23 Eddie Johnson's March 22nd, 2018 response to COPA;
24 is that correct?

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1 A. I've read what's been in the newspapers.
2 Q. Okay. What is your understanding based
3 upon what you've read?
 4 A. In short, he disagreed with the
 5 recommendations of what COPA recommended and
 6 suggested.
7 Q. He disagreed with the finding of --
8 that COPA made of it being a justifi- --
9 unjustifiable shooting, correct?
 10 MR. SISKEL: Objection; asked and answered.
 11 JUDGE O'HARA: Well, I think you can answer
 12 it. Very simple. I think the answer would be the
 13 same.
 14 THE WITNESS: It's what I said before.
 15 THE COURT: Okay.
 16 BY MR. ROGERS:
17 Q. All right. The first page of the
18 Superintendent's letter references a special order
19 that he is preparing his letter pursuant to.
20 Do you see that?
 21 A. This right here?
22 Q. Yes, sir.
 23 A. I see it.
24 Q. He says, "Therefore, according to

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1 Special Order SO8-01-01."

2 Do you see that?

3 A. Um-hmm.

4 Q. Is that a yes?

5 A. Yes, sir.

6 Q. Let me show you Plaintiff's Exhibit

7 No. 11 for identification purposes. This is

8 Special Order SO8-01-01, correct?

9 A. Yes.

10 Q. The purpose of this directive is set

11 forth in A. It says, "Sets forth certain

12 procedures relative to an allegation of misconduct

13 brought against a department member and investigated

14 by the department." Correct?

15 A. Yes.

16 Q. COPA is independent of the police

17 department, true?

18 A. Yes.

19 Q. Okay. Therefore, when his letter of

20 March 22nd, 2018 references this special order,

21 this special order is not applicable to COPA, true?

22 MR. SISKEL: Objection; calls for a legal

23 conclusion.

24 THE COURT: Does the special order --

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1 THE WITNESS: I'm not sure -- I'm not -- I'm

2 not sure I can answer that question. I'm not a

3 lawyer.

4 BY MR. ROGERS:

5 Q. Okay. Again, we went through Exhibit 6,

6 which talked about the different jurisdictions, one

7 being COPA for things like police-involved

8 shootings --

9 A. Yes, we did.

10 Q. -- other misconduct being department-

11 driven investigations, correct?

12 A. Yes, we did.

13 Q. Okay. My last few questions, Mayor,

14 relate to your knowledge and awareness of efforts

15 to secret information in this litigation.

16 Were you aware of -- that the City

17 of Chicago moved to secret Superintendent Johnson's

18 March 22nd letter?

19 MR. SISKEL: Objection; beyond the scope.

20 JUDGE O'HARA: If he knows.

21 THE WITNESS: No ability to answer the

22 question. I don't know.

23 BY MR. ROGERS:

24 Q. You don't know -- you were not aware

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1 that the City of Chicago's Law Department sought to

2 secret that information?

3 A. I'm not --

4 MR. SISKEL: Same objection.

5 THE WITNESS: I'm not able to answer the

6 question.

7 JUDGE O'HARA: What do you mean by "secret,"

8 I guess?

9 MR. BRODSKY: Seal.

10 MR. ROGERS: Seal under protective order.

11 THE COURT: Oh.

12 BY MR. ROGERS:

13 Q. Were you aware of that?

14 MR. SISKEL: Same objection.

15 THE WITNESS: I'm not -- I'm not sure I

16 understand the question.

17 BY MR. ROGERS:

18 Q. There was a motion brought by the City

19 of Chicago to have a protective order issued over

20 Superintendent Johnson's March 22nd letter. Were

21 you aware of that?

22 A. Not to my recollection.

23 Q. Okay. Were you aware that the City of

24 Chicago moved to have a protective order entered

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1 over Superintendent Eddie Johnson's discovery

2 deposition?

3 MR. SISKEL: Objection; beyond the scope.

4 JUDGE O'HARA: Where are you going to go with

5 that?

6 MR. ROGERS: I'm just trying to --

7 transparency, openness.

8 JUDGE O'HARA: I guess is he aware of what

9 the lawyers -- the City lawyers did, is that what

10 you're asking him?

11 MR. SISKEL: And, Judge, transparency,

12 openness was not one of the four identified topics

13 for this deposition that you ruled were --

14 JUDGE O'HARA: Actually, if you review the

15 transcript, the transparency went way back. And if

16 he's aware of what the lawyers did, he's aware of

17 it. If he's not, he's not. It's that simple.

18 THE WITNESS: I would just say that not

19 aware, and any issue related to transparency was

20 usually around videotapes of other incidents, but

21 not this. I have no -- I have no idea. I'm not

22 aware.

23 MR. ROGERS: Okay.

24 THE WITNESS: Sorry.

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1 BY MR. ROGERS:
 2 **Q. And had you made a request that your**
 3 **deposition be sealed -- that a protective order be**
 4 **entered as to your deposition?**
 5 A. Am I aware of mine?
 6 **Q. Yes.**
 7 A. Yes.
 8 **Q. Okay. With -- did you request that**
 9 **there be a protective order as to your deposition?**
 10 A. Did I? I don't -- I'm not a lawyer. I
 11 don't handle that.
 12 **Q. Okay. But you were aware that the City**
 13 **lawyers had sought that a protective order be**
 14 **entered as to your discovery deposition?**
 15 A. In a general way.
 16 **Q. Yes, in a general way?**
 17 A. Yes, in a general way.
 18 **Q. All right. You met with the Bettie**
 19 **Jones family after this occurrence, correct?**
 20 A. Yes.
 21 **Q. Okay. Had you ever gone to the**
 22 **premises where this shooting occurred?**
 23 A. Not to my knowledge, no.
 24 **Q. Okay. You made some public statements**

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1 **about the fact that the shooting of Bettie Jones**
 2 **was an accident, correct?**
 3 A. I haven't seen any comments that would
 4 refresh my memory.
 5 **Q. Okay. Well, are you aware that this**
 6 **was deemed an accidental shooting, that there was**
 7 **no intent by Officer Rialmo to shoot Bettie Jones?**
 8 A. I'm not sure how you -- yes.
 9 **Q. Okay. Bettie Jones answered the**
 10 **doorbell when the officer rang the doorbell. She**
 11 **indicated there was a problem upstairs. And**
 12 **minutes later she was shot.**
 13 **Are you aware of that?**
 14 A. Yes, I am.
 15 **Q. Okay. You've given statements about**
 16 **the importance of police officers protecting**
 17 **innocent individuals.**
 18 **Do you recall that?**
 19 A. I've said that probably many times, but
 20 I don't know related to this case.
 21 **Q. Okay. With respect to this particular**
 22 **shooting, do you support and stand with**
 23 **Superintendent Johnson's conclusion that the**
 24 **shooting death of Bettie Jones by Officer Rialmo**

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1 **was -- should be exonerated -- he should be**
 2 **exonerated of that charge?**
 3 MR. SISKEL: Objection; compound, lack of
 4 foundation.
 5 JUDGE O'HARA: Those aren't valid -- again,
 6 you're not claiming privilege. Those are the only
 7 valid discovery objections.
 8 You can answer it. If you --
 9 THE WITNESS: I'm going to -- I know what the
 10 process is, and the process requires a Chinese
 11 wall, and we're in the middle of the process. So
 12 I'm not going to weigh in on any decision that's in
 13 the middle of the process because I think it would
 14 be inappropriate. And we set it up specifically to
 15 be a process to have independence not only from the
 16 police, but also from elected officials for a whole
 17 host of reasons. So I'm not -- I think it would be
 18 inappropriate to weigh in.
 19 BY MR. ROGERS:
 20 **Q. Currently there's a difference of**
 21 **con- -- of opinion between COPA and Superintendent**
 22 **Johnson as to findings relating to this police-**
 23 **involved shooting, correct?**
 24 MR. BRODSKY: Objection.

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1 MR. SISKEL: Objection to the form.
 2 BY MR. ROGERS:
 3 **Q. You can answer.**
 4 A. What I've read in the papers, they have
 5 two different opinions.
 6 **Q. Okay. And you don't want to interfere**
 7 **with that process and render an opinion on that**
 8 **issue at this time; is that correct?**
 9 A. I'm trying to be -- well, this is a
 10 legal one. I'm trying to be faithful to the
 11 purpose of having a Chinese wall, but especially
 12 given that it's not concluded.
 13 **Q. At the conclusion of that process, will**
 14 **it be fair to ask you questions about the process,**
 15 **whether it was followed and the conclusions from --**
 16 A. That's out of my jurisdiction. I
 17 really -- I don't know, Larry, if you could ask me
 18 it.
 19 **Q. Well, I'm trying to ask you the**
 20 **questions now. You're telling me you can't answer**
 21 **them now.**
 22 MR. SISKEL: Objection. You're asking --
 23 JUDGE O'HARA: Well, we'll address that issue
 24 when it comes up later.

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1 MR. SISKEL: Thank you, Judge.
 2 MR. ROGERS: Okay. All right. I'll yield to
 3 the other lawyers at this time.
 4 MR. BRODSKY: All right. Just -- I'll be
 5 much faster than anybody else.
 6 THE VIDEO TECHNICIAN: Will you hand him a
 7 microphone?
 8 MR. BRODSKY: Oh. I've never wore one
 9 before.
 10 MR. ROGERS: Thank you, Mayor.
 11 THE WITNESS: Thanks, Larry.
 12 MR. BRODSKY: I've actually had one.
 13 EXAMINATION
 14 BY MR. BRODSKY:
 15 **Q. All right, Mayor. My name's Joel**
 16 **Brodsky. I represent Officer Rialmo. I'm going**
 17 **to be much briefer than Mr. Rogers.**
 18 **Okay. If it just -- starting from**
 19 **this point, you've said that you didn't review the**
 20 **COPA summary report or Superintendent Johnson's**
 21 **nonconcurrency letter because of a Chinese wall,**
 22 **correct?**
 23 A. That is correct.
 24 **Q. Okay. And --**

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1 JUDGE O'HARA: And by the way, for purposes
 2 here, the Chinese wall is a term of art where
 3 different entities -- different parts of government
 4 are kept separate findings so that there's no
 5 interference.
 6 Is that a fair summary of the
 7 Chinese wall as you understand it, Mr. Mayor?
 8 THE WITNESS: As I'm trying to use it, the
 9 wall to make sure that the process is in a zone
 10 free of political influence or somehow any
 11 political impact in any way. So I've stepped -- I
 12 consciously don't -- we're in the middle of it, so
 13 I don't think it's appropriate.
 14 JUDGE O'HARA: Well, you've been using it,
 15 and --
 16 THE WITNESS: Yes, that is how I --
 17 JUDGE O'HARA: Make sure that's your
 18 understanding.
 19 THE WITNESS: Yeah, there's a wall between --
 20 THE COURT: I see.
 21 MR. BRODSKY: That's my understanding too.
 22 THE COURT: Okay. Go ahead.
 23 BY MR. BRODSKY:
 24 **Q. All right. Do you recall when the**

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1 attorney for -- representing the City in this -- in
2 the LeGrier/Jones versus Rialmo shooting attempted
3 to file a -- an action for contribution in this
4 case?
 5 A. I don't know what that means.
 6 **Q. An action -- it was referred to as a**
7 lawsuit against the LeGrier estate in which they
8 would try to assess -- put some of the responsibility
9 on Quintonio LeGrier for the death of Bettie Jones.
10 Do you recall that?
 11 A. I know what I've read in the paper.
 12 **Q. Isn't -- didn't you make a phone call**
13 to Quintonio LeGrier's father apologizing for the
14 City's efforts to do that?
 15 A. Yes, I did.
 16 **Q. Okay. And you did that because, I**
17 think you said in the -- you made a public
18 statement that you thought that his -- the City's
19 filing this contribution action would have been --
20 was insensitive, I think is the word you used?
 21 A. Yeah. I think the way I would describe
 22 the reason I reached out is, as I did and I do in
 23 other instances --
 24 **Q. No. I was just asking is that the --**

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1 THE COURT: Let him finish.
 2 MR. BRODSKY: I was just --
 3 THE COURT: Were you finished with your
 4 answer?
 5 MR. BRODSKY: Okay. Please. Please. I'm
 6 sorry to interrupt you.
 7 THE WITNESS: That's okay.
 8 In other places -- in other contexts
 9 and situations where a family have lost a loved
 10 one, I try to offer a voice of -- be a person of
 11 support. And given I had talked to the family
 12 before, I just wanted to call and say I was
 13 thinking of them. In that spirit --
 14 BY MR. BRODSKY:
 15 **Q. But your public statement was that it**
16 was insensitive of the City to want to file this
17 contribution action, correct?
 18 A. My statement speaks for itself.
 19 **Q. Why do you believe it was insensitive**
20 for the City to file this contribution action?
 21 A. Look, I'm not a -- I'm not a lawyer, as
 22 I think we've well established by now, and I don't
 23 understand the litigation process.
 24 **Q. Okay.**

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1 A. But as a husband and father, a son and
 2 a brother, a sibling, you have people that have had
 3 a loss and pain, and I wanted to express myself to
 4 that part. I don't deal with the legal part.
 5 That's not my job. And I'm not a lawyer. And I --
 6 **Q. But you -- did you have any role then**
 7 **in getting the City to stop trying to file that**
 8 **contribution action?**
 9 A. I think my words spoke for themselves.
 10 **Q. So did your words then cause the**
 11 **City --**
 12 THE COURT: I'm sorry. Is the question
 13 presented to the Mayor is that did you reach out
 14 to the attorneys and tell them to not pursue this
 15 course of action?
 16 BY MR. BRODSKY:
 17 **Q. Yeah. In other words, did you have**
 18 **anything to do in that decision?**
 19 MR. SISKEL: And I'm going to object to the
 20 extent it calls for privileged information.
 21 MR. BRODSKY: How could that be privileged?
 22 MR. SISKEL: Well, if you're asking about --
 23 JUDGE O'HARA: Well, I think the Mayor said
 24 that his words were enough to cause the action to

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1 cease.
 2 THE WITNESS: No. I said my words spoke for
 3 themselves.
 4 BY MR. BRODSKY:
 5 **Q. So you -- by your words, you caused**
 6 **then the City to with- -- stop that action?**
 7 A. I said I expressed myself both to the
 8 family and to the public.
 9 **Q. Okay. And do you believe that that's**
 10 **what got the City to stop filing that?**
 11 A. I would be just guessing.
 12 **Q. Okay. You have no idea then why the**
 13 **City withdrew its efforts to file the contribution**
 14 **action; is that what you're saying?**
 15 A. That would actually be an appropriate
 16 question for the counsel. My role as the Mayor was
 17 to express myself to the family and to the public.
 18 **Q. Well, what I'm trying to get at is did**
 19 **you have any way in instructing the City's lawyers**
 20 **to withdraw it? That's all I'm asking. It's a --**
 21 MR. SISKEL: Objection.
 22 BY MR. BRODSKY:
 23 **Q. -- yes or no or --**
 24 MR. SISKEL: Objection to the extent it calls

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1 for privileged information.
 2 MR. BRODSKY: It's not really attorney-
 3 client.
 4 THE WITNESS: I don't know if I -- I don't
 5 remember if I called counsel or not.
 6 MR. BRODSKY: Okay. But obviously --
 7 JUDGE O'HARA: That's as far as it goes
 8 because I --
 9 MR. BRODSKY: Okay.
 10 THE WITNESS: Okay.
 11 MR. BRODSKY: If he doesn't recall --
 12 JUDGE O'HARA: I think you've answered it
 13 sufficiently. And I think any further inquiry, I
 14 would agree with counsel, that would be privileged
 15 information.
 16 MR. BRODSKY: I'm just -- I mean, if he
 17 doesn't recall, he doesn't recall.
 18 BY MR. BRODSKY:
 19 **Q. Okay. What did you say to Quintonio**
 20 **LeGrier's father when you called him to discuss the**
 21 **action?**
 22 A. I can't ex- -- I can't remember
 23 specifically. But I think the general spirit what
 24 I expressed is that I felt like they had been

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1 through enough. And as one who has talked to him
 2 before, I wanted him to understand I was sensitive
 3 to what the family's been through.
 4 **Q. Okay. But you wouldn't -- don't think**
 5 **there would be any -- are you of the opinion**
 6 **there's something wrong in the legal process**
 7 **distributing -- or attributing the fault for the**
 8 **shooting among all the -- those involved?**
 9 A. I don't have the authority or the
 10 background or the education to weigh in and judge
 11 on that because I'm not a lawyer. So I don't know
 12 the process. I know what I know as a husband and a
 13 father.
 14 **Q. Okay. And you under- -- okay. You**
 15 **understand that by not filing the contribution**
 16 **action, it takes -- it takes this into an all-or-**
 17 **nothing type of situation as opposed to a**
 18 **distribution of the fault?**
 19 MR. SISKEL: Objection to form and --
 20 MR. BRODSKY: Or if you -- I'm asking if he
 21 knows.
 22 THE COURT: Well, you have to have --
 23 MR. BRODSKY: It's not a legal --
 24 JUDGE O'HARA: He said he's not a lawyer.

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1 THE WITNESS: I'm not lawyer.
 2 MR. BRODSKY: I'm just asking if he knows.
 3 You don't have to be a lawyer to know contribution.
 4 THE WITNESS: I don't even know what you just
 5 said in all due respect, Mr. Brodsky. I don't
 6 understand that.
 7 MR. BRODSKY: Okay.
 8 JUDGE O'HARA: And is that because you don't
 9 have legal training, Mr. Mayor?
 10 THE WITNESS: Yes. And there's enough
 11 lawyers in this room. But I do not have legal
 12 training. I was not a lawyer. I'm not a lawyer.
 13 JUDGE O'HARA: I think that's where it ends.
 14 MR. BRODSKY: All right. So -- all right.
 15 THE COURT: Go on, Mr. Brodsky.
 16 BY MR. BRODSKY:
 17 **Q. So it was just an emotional as opposed**
 18 **to a policy type of decision to call him?**
 19 A. It was an expression -- in the past,
 20 since I was even Mayor elect, I have reached out
 21 to loved ones who've lost a loved one. And I
 22 sometimes have called them. When they want, I
 23 sometimes have visited them. And this was
 24 consistent with that as it was consistent with the

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1 original phone call.
 2 **Q. Okay. All right. On December -- so**
 3 **this -- the shooting in this case took place on,**
 4 **just in context, December 26, 2015.**
 5 **Have you had any involvement in any**
 6 **decision regarding either assigning, reassigning,**
 7 **disciplining, or transferring Officer Robert Rialmo**
 8 **since that date?**
 9 A. No.
 10 **Q. All right. Regarding -- this is now**
 11 **going to COPA. Do you have any knowledge of the**
 12 **investigatory competency of any of COPA's**
 13 **investigators?**
 14 A. No.
 15 **Q. So you wouldn't know if they were top**
 16 **notch invest- -- forensic investigators or just**
 17 **mere amateurs?**
 18 A. I have no knowledge of individuals. I
 19 have no knowledge of the process at all -- at all.
 20 **Q. Okay.**
 21 A. But I know that they've gone through a
 22 process. But I have no knowledge.
 23 **Q. But you don't know if it's a process**
 24 **that's reliable or unreliable?**

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1 A. Couldn't weigh in it.
 2 **Q. Okay.**
 3 THE COURT: And that's because of the Chinese
 4 wall; is that correct?
 5 THE WITNESS: I haven't evaluated it. I've
 6 had -- that -- what I do know is that independent
 7 entities help set up that process of training for
 8 all the hirees. I don't go through and actually
 9 kick the tires on it. So I have no idea except for
 10 I know they went through training before they were
 11 hired.
 12 BY MR. BRODSKY:
 13 **Q. You don't know if the training is**
 14 **sufficient for -- to become a forensic investigator**
 15 **or not, though?**
 16 A. It's not -- it's not for me to weigh in
 17 on that. I -- my understanding is a lot of experts
 18 were consulted before the training was put
 19 together, and the training was done, which is also
 20 different than had been in the past.
 21 **Q. Do you know why the City doesn't want**
 22 **to release the independent con- -- you just said**
 23 **they consulted people -- why these consultants'**
 24 **reports are sealed, why the City doesn't want to**

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1 **release them?**
 2 MR. SISKEL: Objection.
 3 JUDGE O'HARA: Well, they're going to weigh
 4 in --
 5 MR. BRODSKY: That was Lieutenant
 6 Harrington's.
 7 JUDGE O'HARA: Pardon me?
 8 MR. BRODSKY: Lieutenant Harrington's report.
 9 THE COURT: Right. And I reviewed those
 10 reports.
 11 MR. BRODSKY: Right.
 12 THE COURT: And they were independent
 13 consultants' reports --
 14 MR. BRODSKY: Right.
 15 THE COURT: -- which I don't know if the
 16 Mayor has any idea about, but they were independent
 17 consultant reports, which is, in any other case,
 18 don't have to be disclosed unless that person
 19 that's the independent consultant is retained as a
 20 Rule 213(f)(3) expert.
 21 MR. BRODSKY: Unless they want to release it.
 22 I'm just asking him if there's any reason that they
 23 don't want to release it.
 24 THE COURT: He's not the attorney. So if

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1 he --

2 THE WITNESS: I have no idea.

3 MR. BRODSKY: He's the chief officer. Okay.

4 All right.

5 BY MR. BRODSKY:

6 **Q. All right. Regarding the process, the**

7 **three-step process of -- set up by the COPA**

8 **ordinance, there's also -- the City is also bound,**

9 **isn't it not, by a Fraternal Order of Police**

10 **contract in how officers are disciplined?**

11 A. There's a contract.

12 **Q. And that covers officer discipline,**

13 **correct?**

14 A. There's a section of it.

15 **Q. And isn't the City also bound by that**

16 **contract as well as the COPA ordinance in how it**

17 **proceeds in the disciplinary process?**

18 MR. SISKEL: Objection. It calls --

19 MR. BRODSKY: If he --

20 MR. SISKEL: -- for a legal conclusion.

21 MR. BRODSKY: If he knows.

22 JUDGE O'HARA: I think it's actually been

23 asked and answered that there's a contract that has

24 a legal --

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1 MR. BRODSKY: A legal --

2 JUDGE O'HARA: That has how officers are

3 disciplined, if any.

4 THE WITNESS: There's a contract, there's a

5 COPA ordinance, and we follow both.

6 BY MR. BRODSKY:

7 **Q. Okay. And the COPA ordinance -- I**

8 **mean, the FOP contract may have some impact on**

9 **how the Superintendent receives and responds to**

10 **recommendations from COPA, if you know?**

11 A. I don't know the back- -- I haven't

12 gone through the contract here.

13 **Q. Okay. I know --**

14 A. I can't weigh in on that.

15 **Q. And as far as the COPA rules and**

16 **regulations, they haven't been shown to you either**

17 **today, correct?**

18 A. The COPA?

19 **Q. Rules and regulations as opposed to the**

20 **ordinance, the administrative rules.**

21 A. That is correct.

22 **Q. So you don't know how those rules would**

23 **weigh in on how the Superintendent reviews and**

24 **responds to the COPA recommendations?**

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1 A. That is correct, Mr. Brodsky.

2 **Q. Okay. You'd agree that there's a**

3 **difference between an investigation and a**

4 **conclusion or finding, right? So doing the**

5 **investigation is not the same thing as making**

6 **the conclusion of the facts found in that**

7 **investigation?**

8 A. Okay. I see one is dependent on the

9 other, but that's an assumption.

10 **Q. But -- I mean, they're dependent on**

11 **each other, but they're separate, correct?**

12 A. As a legal document?

13 THE COURT: Let's stop. I'm going to

14 interrupt everybody.

15 MR. BRODSKY: Okay.

16 THE COURT: We're talking about this case in

17 particular.

18 MR. BRODSKY: Right.

19 THE COURT: So the question you're asking the

20 Mayor is there's an investigation which will lead

21 to findings, is that correct? And there's two

22 steps; one is the investigation to gather the

23 facts; two, report findings.

24 MR. BRODSKY: Correct.

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1 JUDGE O'HARA: Okay. How about that?

2 THE WITNESS: That would -- that sounds --

3 MR. BRODSKY: As opposed to Mr. Rogers'

4 question about the -- COPA doing the -- being the

5 independent investigation as opposed to. That's

6 why I asked it.

7 JUDGE O'HARA: I think he answered it very

8 succinctly.

9 MR. BRODSKY: I think so. That's why I asked

10 it. All right. I think that's -- that's it. I

11 have nothing else.

12 THE WITNESS: Thank you.

13 EXAMINATION

14 BY MR. FOUTRIS:

15 **Q. Mayor, it's been a while. Let me**

16 **introduce myself again. I'm Bill Foutris. I**

17 **represent the LeGrier estate. Mr. LeGrier's in the**

18 **courtroom. I'm going to have some questions for**

19 **you related to this case. It'll be a little**

20 **scattershot because you've been asked a lot of**

21 **questions. So there's follow-ups to things that**

22 **you were questioned about earlier, and I'm going to**

23 **follow up with some things that you said earlier.**

24 **I'm not going to tread the same ground. Okay?**

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1 A. Yes.

2 **Q. All right. So just to be clear, you've**

3 **mentioned this Chinese wall and this process that**

4 **instituted this Chinese wall. I've not seen any**

5 **ordinance or rule or regulation that institutes**

6 **such a Chinese wall.**

7 **Could you please explain for us what**

8 **it is that you mean by this Chinese wall, where it**

9 **came up, why you're following it?**

10 A. Well, to make sure that the process

11 starting from the investigation to the

12 Superintendent's actions all the way to the

13 decisions made by the Police Board are inde- --

14 are truly independent and meant and intended to

15 be independent from the Mayor, all City Council

16 members, others, so it's truly an independent

17 investigation to get to the bottom of a situation,

18 a case, what happened, and then to draw those

19 judgments, and then to draw -- whatever the

20 Superintendent does and then whatever the Police

21 Board is independent of everybody else.

22 And that's why I would say that

23 there's an attempt to make sure that there's no

24 other influences outside of the effort by COPA and

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1 then the Police Superintendent and then the Police

2 Board to try to find a way to get to the bottom of

3 what happened and make judgments accordingly.

4 **Q. So I think what you're telling us is**

5 **that you made the deliberate judgment to keep out**

6 **of the fray in a nutshell; is that right?**

7 A. In a nutshell.

8 **Q. So why have you kept up with the media**

9 **reports?**

10 A. Why I have read what's in the paper?

11 **Q. Yeah. If you want to keep out of this,**

12 **why are you reading anything at all about this?**

13 A. Well, it's in the media, and it would

14 be -- it doesn't mean that I read everything in the

15 media, but it would be strange not to.

16 **Q. You've read --**

17 A. And --

18 **Q. I'm sorry. You've read stuff related**

19 **to this from the inception of this case until**

20 **today; is that right?**

21 A. Yes.

22 **Q. How's that consistent with the Chinese**

23 **wall?**

24 A. Because I'm not reading anything else

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1 that's being done from the investigatory standpoint.

2 **Q. Have you been getting memos regarding**

3 **this case?**

4 A. No.

5 **Q. Did you get memos about the media**

6 **coverage of this within the first few days of**

7 **the incident?**

8 A. While I was in Havana?

9 **Q. When you came back.**

10 A. I don't -- I can't remember.

11 **Q. How did you get the phone numbers and**

12 **the information related to the LeGrier estate,**

13 **meaning his parents?**

14 A. I can't remember how I got them, but my

15 staff ...

16 **Q. Can you give me that?**

17 **We don't have any exhibit numbers,**

18 **but I'll just write on this -- I think we're up to**

19 **No. 12.**

20 JUDGE O'HARA: For identification, what is

21 this?

22 MR. FOUTRIS: For identification, this is

23 Bates Nos. FCRL 2316 through 2323. This is a

24 To/From from the Mayor's office -- actually, it's

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1 from Janey Rountree.

2 THE COURT: Was it -- from Janey Rountree to

3 who?

4 MR. FOUTRIS: The Mayor, I understand. And

5 that's what I'm going to ask.

6 BY MR. FOUTRIS:

7 **Q. So do you have that document in front**

8 **of you, sir?**

9 A. Yes.

10 **Q. Do you recognize what that is?**

11 A. It's a memo --

12 **Q. Okay. Is that a --**

13 A. -- with a -- with a -- contact

14 information and then some background.

15 **Q. Okay. It's an eight-page memo from**

16 **Janey Rountree to you; is that right?**

17 MR. SISKEL: Objection; mischaracterizes the

18 exhibit.

19 THE COURT: Well, it's an eight-page

20 document?

21 THE WITNESS: There's a -- okay.

22 BY MR. FOUTRIS:

23 **Q. Is this a document that was provided to**

24 **you at the outset of this case so that you would**

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1 have the information related to Quintonio LeGrier's
2 parents?
 3 A. Well, first of all, there's a one-page
 4 memo. Everything else, I think, is an articles.
 5 But that said -- because I just had come back -- I
 6 don't know the date of this.
 7 As I said, I was -- two things. One
 8 is I was out of -- I was with my family in Cuba.
 9 Second is I've made a practice since
 10 being Mayor elect to try to reach out to loved ones
 11 who lost a loved one.
 12 And this is -- this memo is making
 13 sure I have the information so I can reach them and
 14 understanding.
15 Q. Right. And the purpose of this Roman
16 numeral number I on page 1 says, "You are calling
17 the parents of Quintonio LeGrier."
18 Did I read that correctly?
 19 A. At the top of -- yes.
20 Q. Okay. And the "you" would be you,
21 literally you, correct?
 22 A. My assumption is yes, but it doesn't
 23 say to -- it's not a memo written to me. It says
 24 Contact. But my assumption is yes, since I'm

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1 making the phone call. But that's an assumption.
2 Q. Okay. And there are articles attached
3 to this from the Chicago Tribune, or at least
4 summaries, as well as certain printouts of these
5 articles; is that fair?
 6 A. So there's a -- this one page. An
 7 article. An article. And an article. Two to
 8 three articles.
9 Q. Okay. Would you agree with me that the
10 purpose of providing you with these articles was to
11 familiarize you with the events as being reported
12 in the press?
 13 A. One is, again, I was out of the
 14 country. Two, this is a normal practice since I
 15 make phone calls often to family members or visit
 16 with them. It's contextual. That's all.
17 Q. Is what I said correct?
 18 A. You can -- can you repeat it?
 19 MR. FOUTRIS: Sure.
 20 Repeat it, please.
 21 (Record read.)
 22 THE WITNESS: I don't know why -- what I can --
 23 I can't speak to that. But I can speak is what I
 24 know -- what I try to make a practice of. And the

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1 staff will sometimes provide either articles or
 2 other types of background information if I'm going
 3 to make a call of this nature.
 4 BY MR. FOUTRIS:
5 Q. Okay. This is what I'm driving at.
6 You've indicated throughout the last two and a half
7 hours that you've read things related to this case
8 in the media, whether it be the COPA report, the
9 Superintendent's findings, or whatnot, fair?
 10 A. Yes.
11 Q. Okay. Is that something that you've
12 done of your own accord by just going online and
13 reading something, or has it been provided to you
14 by your staff by way of a memo like what you have
15 in front of you right now?
 16 A. Well --
17 Q. Or is it a combination?
 18 A. Well, this is totally different from
 19 and not related to the COPA process. I don't --
 20 I would say -- let me say this. If you -- what
 21 you're say- -- if you -- immediately upon returning
 22 and reaching out to a family was one of an
 23 expression, and somebody who has three children,
 24 a spouse, et cetera, what happens is once the

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1 investigation starts, et cetera, that's a different
 2 matter by nature and by conduct.
3 Q. I asked you something different.
 4 A. Okay.
5 Q. What I asked you --
 6 A. I --
7 Q. -- is the information you've gotten
8 about this case that we've talked about in the
9 last two and a half hours, is that based on your
10 own edification by looking at stuff online on your
11 own or a paper, an actual physical paper -- I don't
12 know if you do that anymore -- or was it by way of
13 a memo like this?
 14 A. I'm --
 15 MR. SISKEL: Objection to the form, vague.
 16 JUDGE O'HARA: Also I think it was about five
 17 times compound.
 18 MR. FOUTRIS: Yeah. Just trying to find
 19 out -- look, let me just withdraw that. What
 20 I'm -- what I'm trying --
 21 THE COURT: How did -- how did you find out
 22 about this case after -- so let's go back this way.
 23 Let me see if I can do this.
 24 So when you had the good fortune to

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1 be in Cuba with your family, when you came back,
 2 you received a -- what's marked as exhibit
 3 whatever, with background --
 4 THE WITNESS: 12.
 5 THE COURT: -- with background information as
 6 to the incident with the numbers on there so you
 7 can contact the family regarding the loss of a
 8 loved one based on that information that was
 9 attached thereto; is that correct?
 10 MR. SISKEL: Right.
 11 THE WITNESS: My first understanding of this
 12 case and the entire situation was when Acting
 13 Superintendent John Escalante reached me. And that
 14 was the first time I was notified about anything.
 15 And he -- I talked to him numerous times over the
 16 day and a half I was still in Cuba till I got back,
 17 but to get information.
 18 This was upon -- I don't know the
 19 date of this. I don't know the timing of this
 20 memo. But based on memory, a short time afterwards,
 21 I called the family.
 22 THE COURT: And once the investigation was
 23 underway, what, if anything, did you do to gain any
 24 further information about this incident?

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1 THE WITNESS: I usually read what was in the
 2 paper.
 3 BY MR. FOUTRIS:
 4 Q. Okay. So you -- you do not have any
 5 recollection of being provided a memo with articles
 6 attached to it similar to what you have in front of
 7 you after the investigation began; is that fair?
 8 A. I don't have a -- the only -- if you
 9 show me stuff, the other stuff, I --
 10 Q. I don't know if it exists. That's what
 11 I'm asking.
 12 A. No. My understanding of this is both
 13 by phone calls to Acting Superintendent John
 14 Escalante when I'm in Cuba. This is an attempt to
 15 reach out to family separate from the investigation.
 16 As the investigation's going on, I
 17 have no role, COPA, Superintendent, or the Police
 18 Board.
 19 Q. Okay.
 20 THE COURT: Let the record reflect that when
 21 the Mayor said that this was an effort to reach
 22 out, he was indicating to Exhibit 12.
 23 THE WITNESS: Yeah. To the family. I'm
 24 sorry.

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1 BY MR. FOUTRIS:
 2 Q. I understand. Okay.
 3 So you have -- and just to go
 4 through that. You have not communicated with --
 5 after the initial information provided to you by --
 6 by Acting Superintendent Escalante, you never got
 7 any further information from him regarding this
 8 particular matter, true?
 9 A. I don't know how to answer that except
 10 for I know that the first way I found out on
 11 anything was from the Acting Superintendent. Do --
 12 does that mean like when I'm back four, five days,
 13 he told me some update? I don't -- can't answer
 14 that question.
 15 Q. Okay. After the first few days, so
 16 after December of 2015, to the best of your
 17 recollection, did you have any further
 18 communications of any kind with Mr. Escalante
 19 regarding this case?
 20 A. I'd be guessing, so I can't do that.
 21 I don't know.
 22 Q. To the best of your recollection?
 23 A. I -- I don't know.
 24 Q. All right.

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1 A. That's the honest answer.
 2 Q. From the time that Mr. Johnson was
 3 appointed Superintendent until today, have you ever
 4 discussed with him any aspect of this case? And by
 5 "this case," I'm talking about the shooting death
 6 of Quantonio LeGrier and Bettie Jones.
 7 A. To my knowledge, no.
 8 Q. Has anybody in your administration or
 9 specifically in your office ever reached out or
 10 communicated to Superintendent Johnson with respect
 11 to this matter ever?
 12 A. I have no idea -- no idea.
 13 Q. Has anybody ever done that at your
 14 direction?
 15 A. No.
 16 Q. Has -- have you ever learned --
 17 A. That's inconsistent.
 18 Q. Have you ever learned from anybody,
 19 whether it be rumors or anything -- and I'll get
 20 into it if there are rumors. But have you ever
 21 learned from any source that somebody from your
 22 office reached out to the Superintendent regarding
 23 this case since he's been appointed?
 24 A. I have no idea.

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1 **Q. Now -- and that's what I was driving at**
 2 **is with respect to this Chinese wall. Am I -- and**
 3 **I don't think it was clear. But the Chinese wall**
 4 **that you described, that's something that you**
 5 **decided to do of your own volition?**
 6 A. I don't think that's accurate.
 7 **Q. Where does it derive from? Where's the**
 8 **authority for it?**
 9 A. I think the -- when you say
 10 "independent," it's not only obviously
 11 independent of the police department, it's
 12 independent from anybody in the Mayor -- from
 13 myself or any other kind of political influence.
 14 That's what's --
 15 **Q. Okay. So it's your interpretation of**
 16 **the ordinance that you're supposed to stay away**
 17 **from the investigation while it's pending; is that**
 18 **fair?**
 19 A. All the way through the process.
 20 **Q. Okay. And the process you're talking**
 21 **about is from the time that the shooting occurs**
 22 **until the time that the Police Board renders a**
 23 **verdict?**
 24 A. The process from the time that the

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1 investigation begins all the way through the
 2 process, all the way through the Police Board.
 3 **Q. Okay. All right. Now, has anybody**
 4 **ever tried to provide you an update with respect to**
 5 **this investigation and you've said, No, thank you,**
 6 **I don't want to be involved in it? Anything like**
 7 **that happen?**
 8 A. Not to my knowledge.
 9 **Q. We have emails indicating that you were**
 10 **asking for updates from the CPD investigators**
 11 **regarding this investigation.**
 12 **Do you have any memory of that?**
 13 A. No.
 14 JUDGE O'HARA: You have to answer yes or no,
 15 sir.
 16 THE WITNESS: I'm sorry. I said no. I'm
 17 sorry. I'm sorry. I apologize.
 18 BY MR. FOURTRIS:
 19 **Q. Okay. Have you personally sent any**
 20 **text messages or emails regarding this particular**
 21 **matter?**
 22 A. I have no idea.
 23 **Q. Nothing that you recall?**
 24 A. In the last two years?

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1 **Q. Right.**
 2 A. I have -- I have no idea.
 3 **Q. Okay. Has anybody at any time ever**
 4 **asked you to look at your emails or your text**
 5 **messages to determine whether you've communicated**
 6 **with respect to this matter?**
 7 A. I can't -- I can't remember.
 8 **Q. Okay. Anything that might help you**
 9 **remember that?**
 10 A. In the last two years?
 11 **Q. Right.**
 12 A. I can't -- I can't re- -- would
 13 anything help me?
 14 **Q. Right.**
 15 A. No.
 16 **Q. You don't think so?**
 17 A. I'd be making -- I mean, I don't know.
 18 I don't know what you're -- I don't know what
 19 you're get- -- I don't understand the question, I
 20 suppose.
 21 **Q. Right. Well, all I'm asking is we want**
 22 **to make sure we have all the information related to**
 23 **this case, any memos, any emails, any text messages**
 24 **anybody has -- has authored with respect to this**

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1 **matter. One of the things we asked from the City**
 2 **is things that you may have or your office may have**
 3 **authored with respect to this matter.**
 4 **So all I'm asking is has anything to**
 5 **your knowledge been done in that regard, and has**
 6 **anybody asked you to find that?**
 7 A. That wouldn't come to me. That would
 8 come to somebody else in the office, meaning
 9 counsel or otherwise. So I wouldn't know.
 10 **Q. Fair enough.**
 11 **Okay. Earlier you said, I think,**
 12 **that you were the executive officer for the City of**
 13 **Chicago?**
 14 A. I'm the Mayor.
 15 **Q. Okay. And as the Mayor, you create**
 16 **policy for the City of Chicago?**
 17 A. That's one of the responsibilities, yes.
 18 **Q. Okay.**
 19 A. As do others.
 20 **Q. Right. Well -- and one of the things**
 21 **that you create policy for is things like**
 22 **determining whether COPA should be founded or**
 23 **created, things along that nature, fair enough?**
 24 A. On that one, that was a recommendation

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1 that came out of the task force, and that was what
 2 we implemented, led the effort to make it part of
 3 City ordinance and City policy and now the piece of
 4 structure for the City.

**5 Q. You're talking about the -- a task
 6 force that was -- that came down with the
 7 recommendations in March of '16?**

8 A. The Mayoral task force made up of a
 9 body that had a series of recommendations. And
 10 I think I've said certain things in and around
 11 training --

12 Q. Right.

13 A. -- community policing, deescalation,
 14 transparency, technology like the body cameras,
 15 training associated with that, a whole host of
 16 things that we're in the middle of implementing.

**17 Q. Have all those things been implemented
 18 from that task force?**

19 A. Everything?

20 Q. Right.

21 A. No. But it -- I mean, I probably could
 22 get a long list. But I'm trying to do by summary.
 23 Like there's -- we have a new policy on releasing
 24 videos which came from it. We have a new policy

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1 on -- and every officer a year has a schedule and
 2 has a body camera and trained on it. Every
 3 officer's received training on distinguishing
 4 mental health from another type of call that 911
 5 may be dispatching from, as did 911 officers. We
 6 have a new policy on deescalation and the training
 7 associated with it. We have a new policy and
 8 protocols associated with community policing.

9 Those are some of the things I can
 10 remember from kind of the high end, but there are
 11 other things that have happened all the way through
 12 consistent with an overall approach to new
 13 structures, new protocols, new oversight and
 14 accountability, and including what we're dealing
 15 with today, the three-step kind of sort of reform
 16 that differed with what happened -- the kind of
 17 two-step that existed before.

**18 Q. And those things you just described,
 19 the policies that came out of that task force,
 20 those are policies that you've implemented and that
 21 you have -- well, that you've implemented, right?**

22 A. Implement-- -- implemented and
 23 implementing.

24 Q. Okay. And you were the final decision

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**1 maker with respect to implementing those various
 2 recommendations from that task force, fair?**

3 A. I would actually say in a lot of these,
 4 the City Council's the final. I -- I recommend it,
 5 and then if they don't pass them, then I've
 6 obviously, short of another more eloquent way of
 7 saying it, put some political weight behind getting
 8 them done.

9 Q. Okay.

10 A. But the City Council with the Mayor is
 11 the ultimate rather than myself.

**12 Q. Okay. Now, just to be clear, COPA,
 13 that is an agency of the City, right?**

14 A. Correct.

15 Q. Okay. And it's empowered --

16 A. I haven't looked at its legal
 17 structure, but my assumption is yes, it's --

18 Q. Well --

19 A. -- it's a legal entity of the City.

20 Q. That's what I'm asking.

21 A. Yes. Yes.

**22 Q. Just like the police department is,
 23 right?**

24 A. Um-hmm.

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1 Q. Is that a yes?

2 A. Yes. I apologize.

**3 Q. And COPA is empowered by ordinance
 4 we've talked about earlier?**

5 A. There's an ordinance and --

6 Q. Rules and regs.

7 A. Rules and regs that come around like
 8 that.

**9 Q. Okay. And its authority derives from
 10 ordinance that we've described in the rules and
 11 regulations you just referenced, right?**

12 A. That is the -- there's an ordinance,
 13 and then there's rules and regs. And then there's
 14 obviously, as questions arise, there's
 15 interpretation that people have.

**16 Q. Well, the authority that COPA derives
 17 is not from the City Council, it's not from your
 18 office. It's from the ordinance and the rules and
 19 regulations, true? And however they're interpreted.**

20 A. I don't want to go through the
 21 legislative process, but there's an ordinance,
 22 there are rules and regulations, and then when
 23 there's disagreements, there's interpretation.

24 Q. Right. That's all I'm -- all I'm

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1 driving at is ultimately the authority from COPA
2 doesn't come from you saying they can do X, Y, or Z
3 or the City Council saying they could do X, Y, or
4 Z; it's actually delineated in rules and regulations,
5 ordinance, and how those things are interpreted,
6 fair?
7 A. Yes.
8 Q. And COPA, in a nutshell, it speaks for
9 the City with respect to the topics outlined within
10 those rules and regulations and the ordinance?
11 A. That's fair.
12 MR. BRODSKY: Objection.
13 MR. SISKEL: Objection.
14 MR. BRODSKY: Object to the form of the
15 question because the Mayor previously testified
16 about that whole -- he --
17 JUDGE O'HARA: Well, you know, let's make it
18 a little simpler when you say it speaks for the
19 City.
20 MR. FOUTRIS: Okay.
21 THE COURT: Can you rephrase that?
22 THE WITNESS: Do you want to give it a shot?
23 JUDGE O'HARA: No.
24

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1 MR. FOUTRIS: Yes.
2 JUDGE O'HARA: Part of this process, the
3 Superintendent of police can agree or disagree as
4 to one of these three responses in COPA with code
5 of silence?
6 THE WITNESS: He is -- I suppose the best way
7 to think about it is as the ordinance shows and as
8 the rules and regulations show, he is given a
9 recommendation, he is given 60 days, he responds,
10 and the process keeps moving to get to an ultimate
11 judgment.
12 BY MR. FOUTRIS:
13 Q. Well, do you agree that the optics of
14 the Superintendent's letter in this case makes it
15 appear like the Superintendent is engaged in some
16 sort of code of silence?
17 MR. SISKEL: Objection; vague, form of the
18 question.
19 JUDGE O'HARA: And what's the Superintendent's
20 letter --
21 THE WITNESS: I suppose I would just say I
22 think the Superintendent's acting in the role that
23 is the Superintendent's jurisdiction as defined by
24 the ordinance of the City Council.

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1 BY MR. FOUTRIS:
2 Q. All right. Well, we've talked ad
3 nauseam about COPA being independent. If its
4 recommendations are subject to the police
5 department's judgment, in this case Superintendent
6 Johnson, how is that independent?
7 A. Well, I think I -- speaking about ad
8 nauseam, there's another step in that process which
9 is different. And to draw a distinction, in the
10 past, the Superintendent's judgment would almost be
11 the fin- -- would be the final word. Today it's
12 not. And this goes forward, whether he agreed or
13 disagreed, to the Police Board, which is made up of
14 civilians.
15 So the final word has yet to been
16 reached in this situation or in other situations.
17 Q. Well, a police officer ultimately has
18 the power to weigh in on this independent agency's
19 determinations as it's happened in this case, right?
20 MR. SISKEL: Objection to the form of the
21 question.
22 JUDGE O'HARA: When you say "weigh in," do
23 you mean the -- a police officer can agree or
24 disagree?

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1 BY MR. FOUTRIS:
2 Q. Would you agree with me that the optics
3 of having a Superintendent weigh in at all on
4 COPA's rulings makes it appear as if COPA is not
5 truly independent?
6 MR. SISKEL: Objection to the form of the
7 question and vague.
8 THE COURT: You know, I think you need to
9 rephrase it besides optics.
10 MR. FOUTRIS: It -- well --
11 THE COURT: I mean, it is laid out ad nauseam
12 that at least statute -- or the rules and
13 regulations of COPA findings that COPA comes out
14 with a finding. Then 60 days, the Superintendent
15 responds. Is it one of three or four ways?
16 MR. ROGERS: One of three ways to the
17 recommendation.
18 JUDGE O'HARA: One of three ways to the
19 recommendations. And so in this case, he responded
20 in an 11-page letter; am I correct in that?
21 MR. ROGERS: Yes, your Honor.
22 THE COURT: Okay. So that's what's gone on --
23 MR. FOUTRIS: Okay.
24 THE COURT: -- so far.

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1 BY MR. FOUTRIS:
 2 **Q. Let me ask something different.**
 3 **Why did you not ask for an ordinance**
 4 **that cuts the CPD out of this process entirely and**
 5 **just has COPA going straight to the Police Board?**
 6 MR. SISKELE: Objection; calls for speculation.
 7 MR. BRODSKY: Same objection. Relevance.
 8 JUDGE O'HARA: Well, relevancy isn't one
 9 either. What I'm trying to get here is it's -- we
 10 went through this process, and the process was that
 11 there was a task force and they put it together and
 12 they try to keep everything independent.
 13 The Mayor has testified that, in his
 14 view, to keep it independent, that involves the
 15 Chinese wall so that there's not an exterior -- or
 16 that there's not influence on it between other
 17 people. And so I guess -- and other departments.
 18 So COPA came up -- somebody came up with this --
 19 the task force came up with this idea that was put
 20 through and approved by City Council, correct? Is
 21 that where we're at so far with it? We're all in
 22 agreement with that.
 23 And so then the question is why
 24 didn't -- I guess the question is did he ask if he

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1 could recall or -- ask it again. I'm not sure on
 2 this one.
 3 BY MR. FOUTRIS:
 4 **Q. When you proposed this ordinance to the**
 5 **City Council, why did you include the provisions**
 6 **with respect to the Superintendent instead of just**
 7 **having COPA going straight to the Police Board?**
 8 MR. SISKELE: Objection; foundation.
 9 MR. BRODSKY: It doesn't lead to anything
 10 that's relevant or could lead to relevant
 11 information in the case.
 12 JUDGE O'HARA: You got the right objection.
 13 First time.
 14 If you can recall, you can answer
 15 that. I'm not sure those ...
 16 THE WITNESS: I can't recall. But my
 17 understanding is this was exactly what was the
 18 City Council and myself -- and I think, if I'm
 19 stretching here, is I think, in fact, the task
 20 force had recommended the three-step process
 21 because the Superintendent -- they're making a
 22 recommendation, but it goes all the way through.
 23 But I can't remember who came up -- you're asking
 24 me that, so I can't answer the question.

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1 BY MR. FOUTRIS:
 2 **Q. Okay. I'll move on.**
 3 **We talked about the process. At the**
 4 **end of process, is it your intention to review**
 5 **COPA, what they said and what the Superintendent**
 6 **said?**
 7 A. When this comes all the way to the end?
 8 **Q. Right.**
 9 JUDGE O'HARA: Well, wait. I want to
 10 interrupt here. So we're straight, before you
 11 answer.
 12 So the process is now it goes to the
 13 Police Review Board; is that right?
 14 THE WITNESS: Correct.
 15 JUDGE O'HARA: And is that the end of the
 16 process that you're talking about?
 17 MR. FOUTRIS: That's the end of the process I
 18 think we're all talking about.
 19 THE COURT: So the question that you're
 20 asking the Mayor here is at the end of the Police
 21 Board's review of this --
 22 MR. FOUTRIS: Yes. Does he intend to review
 23 what the Superintendent did and what COPA did in
 24 this case.

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1 MR. BRODSKY: Judge, it's not a correct
 2 presentation. After the Police Board, they still
 3 have administrative review after proceedings and in
 4 the Circuit Court. So it's not --
 5 BY MR. FOUTRIS:
 6 **Q. All right. Once the entire thing is**
 7 **done, including all appeals, all the way to the**
 8 **Illinois Supreme Court, assuming you're still**
 9 **Mayor, even if you're not, will at that -- it could**
 10 **be ten years from now. That's why. Will at that**
 11 **point --**
 12 A. You want me -- you tell me what you're
 13 doing ten years from now, I'll tell you what I'm
 14 doing. I don't -- I don't -- look. On a serious
 15 side, I understand the intent. I don't know what
 16 I'm going to do at the end of ten years. I think
 17 that would -- at the end of this process. I
 18 can't -- I really am not in the place to answer
 19 that question.
 20 **Q. The reason why I ask it is because**
 21 **there's obvious- --**
 22 A. Well, what you should assume -- I mean,
 23 stories appear in the paper. I read them. That's
 24 presently currently.

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1 Q. Okay. The reason why I ask it is
2 because you can see by what's going on today,
3 there's obviously dispute as to whether the process
4 was being followed honestly.
5 So if the process is not being
6 followed by either COPA, the Police Board,
7 Superintendent, whomever, as the Mayor, do you have
8 any authority to rectify that?
 9 MR. SISKEL: Objection; calls for
 10 speculation, assumes facts not in evidence.
 11 MR. BRODSKY: And also not --
 12 THE WITNESS: All I would -- do you want me
 13 to answer it?
 14 THE COURT: Good luck.
 15 MR. BRODSKY: It's not going to lead to
 16 anything relevant.
 17 THE WITNESS: I have no idea. I don't know
 18 if -- there's no -- your -- the con- -- assumption,
 19 which I don't know is accurate, is you're saying
 20 that the process is not being followed correctly,
 21 and I don't know that to be true. And nobody
 22 concluded that.
 23 BY MR. FOUTRIS:
24 Q. Whether it is or isn't, but I'm just

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1 saying hypothetically if it turns out that it is
2 somehow by some party not being followed
3 appropriately and it comes to your attention
4 through the legal department, for instance -- this
5 is a hypothetical.
 6 A. I know. I don't -- I'm not good -- I
 7 can't answer a hypothetical.
8 Q. You don't know?
 9 A. No. I said I can't answer a
 10 hypothetical.
11 Q. Why not?
 12 A. Because it wouldn't be appropriate.
 13 MR. BRODSKY: Objection. It's not going to
 14 lead to anything.
 15 BY MR. FOUTRIS:
16 Q. Okay. The Superintendent does not
17 investigate police shootings, true?
 18 A. I think we've established the fact
 19 that COPA -- I mean, going back to the original
 20 document.
21 Q. Do you agree with me that the Super-
22 intendent does not investigate police shootings?
 23 A. I think -- I don't want to do this.
 24 But I think if we go to the original document 6, it

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1 separates what COPA does from internal reviews.
 2 And I think we went through all the items here.
3 Q. I know. But I don't think we've ever
4 gotten a clear answer.
5 Do you agree that the Superintendent
6 does not investigate police shootings?
 7 MR. BRODSKY: Yes or no.
 8 MR. SISKEL: Objection; asked and answered
 9 multiple times.
 10 JUDGE O'HARA: And what --
 11 THE WITNESS: I do know that the COPA's
 12 investigating --
 13 JUDGE O'HARA: What document is that that
 14 you're referring to?
 15 THE WITNESS: What was -- No. 6, which was
 16 the website.
 17 JUDGE O'HARA: So this is Exhibit No. 6. And
 18 so it's --
 19 THE WITNESS: And I've acknowledged that.
 20 JUDGE O'HARA: And that COPA investigates
 21 certain things, and CPD Bureau of Internal Affairs
 22 investigates other things.
 23 BY MR. FOUTRIS:
24 Q. Yes. That's the printout from the COPA

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1 website.
2 That's what you're referring to?
 3 A. That was directed to the judge.
 4 JUDGE O'HARA: That's Exhibit 6.
 5 MR. FOUTRIS: Right.
 6 THE WITNESS: Exhibit 6. And I acknowledge
 7 that those are all accurate and that's consistent.
 8 BY MR. FOUTRIS:
9 Q. Okay. So you agree with me that COPA
10 investigates police shootings and not the CPD, true?
 11 A. Yes. It's in here that death or
 12 serious bodily injury, point No. 3, in custody.
13 Q. Okay.
 14 A. Okay? I know it's here. I know what's
 15 over here for internal review. And I know that in
 16 this situation, COPA and IPRA originally are the
 17 investigatory -- the beginning of the process that
 18 then goes to the Superintendent, then it goes to
 19 the Police Board, then it goes on to the case.
20 Q. I've still got more. I'm going to move
21 on to the code of silence, Mr. Mayor.
 22 A. Okay.
 23 MR. SISKEL: Your Honor, could we just get a
 24 time check of -- we've been going for almost three

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1 hours. So I just want to make sure.
 2 MR. FOUTRIS: 15 minutes.
 3 JUDGE O'HARA: Less. I don't see how it can
 4 go 15 minutes.
 5 MR. ROGERS: I have other -- I have --
 6 JUDGE O'HARA: So let's go.
 7 BY MR. FOUTRIS:
 8 **Q. Code of silence, you talked about it at**
 9 **your -- at your speech. So I want to talk to you**
 10 **about your speech. Okay?**
 11 JUDGE O'HARA: Talk to him about the code of
 12 silence and his speech.
 13 MR. FOUTRIS: Right. It's together.
 14 THE COURT: Get it done.
 15 BY MR. FOUTRIS:
 16 **Q. During your speech, you indicated that**
 17 **you -- that there were instances of police**
 18 **misconduct that exist within the CPD.**
 19 JUDGE O'HARA: Well, we've -- he -- didn't
 20 Mr. Rogers go through that speech?
 21 MR. FOUTRIS: Not these parts. These are --
 22 these are different parts I wanted to go through.
 23 JUDGE O'HARA: Show him the speech. It's not
 24 going to be a memory test. Show him page and

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1 paragraph. We're going to get through this.
 2 MR. FOUTRIS: Let's start with the first --
 3 I'm not sure if it's the same. I have a different
 4 version.
 5 JUDGE O'HARA: Well, wait a second. Are
 6 there different versions of his speech?
 7 MR. FOUTRIS: No. It's different printouts.
 8 So it's the same speech, different printouts.
 9 THE WITNESS: I'm looking at document 2. Is
 10 that okay?
 11 MR. FOUTRIS: Yes, document 2. All right.
 12 Let's start with this. During the --
 13 JUDGE O'HARA: Go to a page and paragraph
 14 number, what it starts with.
 15 BY MR. FOUTRIS:
 16 **Q. All right. Well, you -- the speech was**
 17 **an attempt to be truthful and transparent with the**
 18 **public. Do you agree with that?**
 19 A. No. The truth -- yes. And -- but it
 20 doesn't fully capture it. It was also to start a
 21 process like the task -- it was the task force
 22 became a week earlier. The speech was to put an
 23 inflection point for the City to begin a series of
 24 reforms, which we're in the middle of, and had

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1 implemented a series of them.
 2 **Q. Well, it was in the context of the**
 3 **release of the Laquan McDonald video, right?**
 4 A. Correct.
 5 **Q. And it was at a point in time that the**
 6 **City government was in crisis given that release of**
 7 **that video and the way that it was being perceived**
 8 **by the public, fair?**
 9 MR. SISKEL: Objection; form of the question.
 10 THE WITNESS: It was in the process of also --
 11 process of making changes to build confidence in
 12 the oversight, the structures, and the transparency
 13 related to the police.
 14 BY MR. FOUTRIS:
 15 **Q. There were accusations of a police**
 16 **coverup regarding the Laquan McDonald video at**
 17 **that time, right?**
 18 A. Yes.
 19 **Q. And that's consistent with your**
 20 **understanding of what a code of silence is, right?**
 21 MR. SISKEL: Objection to the form of the
 22 question.
 23 JUDGE O'HARA: If he -- if that's your
 24 understanding of the code of silence where the

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1 police cover another policeman. Nefarious
 2 activities? Illegal activities? What activities?
 3 Let's be a little bit more specific.
 4 MR. FOUTRIS: I think we went through this
 5 earlier.
 6 JUDGE O'HARA: Then why are we going through
 7 it again?
 8 MR. FOUTRIS: No. Just -- it was the
 9 tendency to ignore, the tendency to deny, and
 10 tendency in some cases to cover up bad actions of
 11 a colleague or colleagues.
 12 JUDGE O'HARA: If that's what we're going
 13 through again --
 14 MR. FOUTRIS: Right.
 15 THE COURT: -- let's direct the Mayor to that
 16 page and paragraph, and we'll get to it.
 17 MR. ROGERS: Do you have the page?
 18 MR. FOUTRIS: Why are you doing that,
 19 Counsel? Because I know where it is in mine.
 20 MR. ROGERS: Here it is. Page 5.
 21 JUDGE O'HARA: Which paragraph?
 22 MR. FOUTRIS: Let me see. The code of
 23 silence, the way he described it. No, that's not
 24 it. Sorry.

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1 MR. ROGERS: 6. I'm sorry.
 2 BY MR. FOUTRIS:
 3 **Q. Page 6. We talked about earlier where**
 4 **you described the thin blue line other times**
 5 **referred as the code of silence.**
 6 JUDGE O'HARA: Page 6, which paragraph are we
 7 looking?
 8 THE WITNESS: I see it.
 9 THE COURT: Okay.
 10 BY MR. FOUTRIS:
 11 **Q. You see it?**
 12 A. Okay.
 13 **Q. Okay. All right. So you defined it in**
 14 **your speech as coverups. That's part of a code of**
 15 **silence, right?**
 16 A. What my attempt here is to be, like any
 17 profession, and I think I say it in this speech,
 18 there's a lot of good police officers, there's a
 19 few bad apples. There's a lot of -- in every
 20 profession. And there's a -- what I would refer to
 21 sometimes a knee jerk reaction to circle the
 22 wagons. Like -- and we're seeing it now in the
 23 public domain and a whole set of other issues in
 24 other professions and that Chicago's not -- stand

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1 out or different. But that there is an attempt
 2 sometimes in a profession to protect a colleague
 3 versus the highest standards of the police
 4 department or any other profession for that matter.
 5 **Q. In that speech, you acknowledge the**
 6 **code of silence exists in the CPD --**
 7 MR. BRODSKY: Objection; asked and answered.
 8 BY MR. FOUTRIS:
 9 **Q. -- right?**
 10 A. I think I --
 11 THE COURT: Are you directing him to a page
 12 and paragraph number?
 13 BY MR. FOUTRIS:
 14 **Q. What we just read is your acknowledgment**
 15 **that a code of silence exists in the CPD?**
 16 A. There's a --
 17 MR. SISKEL: Objection; asked and answered.
 18 JUDGE O'HARA: You can answer that. You
 19 already said that that paragraph number is in
 20 there.
 21 THE WITNESS: We read the paragraph.
 22 MR. FOUTRIS: That's where you --
 23 JUDGE O'HARA: And you stand by what's said
 24 in there, correct?

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1 THE WITNESS: I stand by what's said, correct.
 2 BY MR. FOUTRIS:
 3 **Q. And that's where you acknowledge that**
 4 **the Chicago Police Department had a code of silence**
 5 **at that time, right?**
 6 MR. SISKEL: Objection; asked and answered.
 7 JUDGE O'HARA: Let's read the paragraph.
 8 What does the paragraph say again?
 9 THE WITNESS: Is this paragraph 2?
 10 THE COURT: Let's see.
 11 BY MR. FOUTRIS:
 12 **Q. It's, "This problem is sometimes**
 13 **referred to as the thin blue line."**
 14 **You're talking about you were**
 15 **looking for a new leader to address the problems at**
 16 **the very heart of the police profession. And then**
 17 **you described the problem as the thin blue line**
 18 **other times referred to as the code of silence.**
 19 **Right?**
 20 A. That's what it says here.
 21 **Q. Okay. So this is where you were**
 22 **acknowledging that the Chicago Police Department**
 23 **had a code of silence at that time?**
 24 A. I think if you go to the earlier page,

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1 I've also acknowledged there are other police
 2 departments. My general thrust is behind a lot
 3 of professions.
 4 We can -- as I said, we see it
 5 playing out today in other professions in other
 6 type of issues. And make sure that the highest
 7 professional standards is upheld by the lion's
 8 share of the police department and the rank and
 9 file. But there are a few bad apples. And then
 10 there's a knee jerk reaction to protect a colleague
 11 rather than accept the standards that we're all
 12 trained to uphold and the rules and responsibilities
 13 to uphold.
 14 **Q. In December of 2015, was there a code**
 15 **of silence in the Chicago Police Department?**
 16 MR. SISKEL: Objection; asked and answered.
 17 JUDGE O'HARA: When was this speech made?
 18 MR. FOUTRIS: December of 2015.
 19 JUDGE O'HARA: Okay. And you stand by what's
 20 said in that speech --
 21 THE WITNESS: Correct.
 22 THE COURT: -- the entire context; is that
 23 correct?
 24 THE WITNESS: Correct.

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1 JUDGE O'HARA: In that paragraph.
 2 THE WITNESS: The context and the purpose.
 3 JUDGE O'HARA: And he's defined the blue line
 4 and what else is wrong with those --
 5 MR. FOUTRIS: I don't think that there's ever
 6 been a direct answer to that question, Judge, and I
 7 would just like a question -- that question
 8 answered is that in December of 2015 whether there
 9 was a code of silence that existed in the CPD?
 10 MR. SISKEL: I think the witness has answered
 11 the question multiple times.
 12 JUDGE O'HARA: And in that paragraph, he
 13 stands by that paragraph as set forth in there,
 14 what it's called at different times, and he's given
 15 his definition --
 16 MR. FOUTRIS: Right. The reason why --
 17 THE COURT: -- and that is that sometimes
 18 when something occurs, there's a knee jerk reaction
 19 to circle the wagons. It depends what the result
 20 is.
 21 MR. FOUTRIS: The reason why I ask, Judge, is
 22 because there was a stipulation filed with this
 23 court a week ago that was verified by the Mayor
 24 under oath where he --

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1 JUDGE O'HARA: Well, show me.
 2 MR. FOUTRIS: I don't have it. But he backed
 3 away from whether there was a code of silence. And
 4 that's what I want --
 5 MR. SISKEL: And, your Honor, in the
 6 stipulation, he reiterates verbatim the language in
 7 the speech that we've just gone through. So if his
 8 answer right now is consistent with the stipulation
 9 offered to avoid this deposition and now we're
 10 going over it yet a fifth time.
 11 JUDGE O'HARA: Well, he stands by that speech
 12 in its entirety, including that paragraph taken in
 13 context with the entire speech.
 14 THE WITNESS: Thank you, your Honor.
 15 BY MR. FOUTRIS:
 16 **Q. All right. Page 7 of that speech,**
 17 **fifth paragraph.**
 18 A. Um-hmm.
 19 **Q. You said -- on page 7, the fifth**
 20 **paragraph, you say, "Just because extreme force**
 21 **is justified does not always mean it is required.**
 22 **That is where the right training is essential."**
 23 **Did I read that correctly?**
 24 A. You read it correctly.

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1 **Q. Do you stand by that statement?**
 2 A. That's why we put in place and under
 3 Superintendent Johnson the deescalation policy.
 4 **Q. Do you stand by that?**
 5 JUDGE O'HARA: He already answered that. He
 6 said yes and "that's why we put that in place."
 7 Am I correct in that, Mr. Mayor?
 8 THE WITNESS: Yeah, I --
 9 MR. SISKEL: Should we read back the --
 10 MR. FOUTRIS: I'd just like -- I didn't hear
 11 the "yes" part, Judge.
 12 THE WITNESS: I -- here. I heard you read
 13 the paragraph. I stand by the paragraph. And
 14 that's why I said, as it says, this is where we --
 15 right training is essential. Superintendent
 16 Johnson put in the deescalation policy that is now
 17 being -- officers are being trained by.
 18 BY MR. FOUTRIS:
 19 **Q. All right. I'm going to ask you a**
 20 **couple more questions before I get into just**
 21 **conversations you've had with Antonio. Okay?**
 22 **And those will be brief as well.**
 23 THE COURT: Real quick.
 24

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1 BY MR. FOUTRIS:
 2 **Q. Do you have any objection to the**
 3 **release of your deposition to the public?**
 4 MR. SISKEL: Objection.
 5 JUDGE O'HARA: I'm directing you not to
 6 answer that question.
 7 MR. FOUTRIS: It has to do with transparency,
 8 Judge. That's why I asked.
 9 THE COURT: It has nothing do with
 10 transparency. It has to do with my decision.
 11 My decision.
 12 This is about some people in some
 13 very unfortunate circumstances, and everything
 14 that's going to result in this is going to be in
 15 a trial that's in a courtroom. And that's it.
 16 And let everybody that's in here
 17 remember my order, and it's a protective order, and
 18 everything stays here.
 19 MR. BRODSKY: Judge, if I -- and just so
 20 you -- it's a gag order and we're not to talk about
 21 this as well as not release it, correct?
 22 JUDGE O'HARA: I think at this juncture, in
 23 order to protect the parties in this case, and I'm
 24 talking about the individuals, the families, these

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1 people that were harmed, in order to protect the
 2 process so that it is not influenced by these
 3 comments, that nobody at this juncture is to say
 4 anything regarding these depositions at this
 5 juncture.
 6 And if anything else leaks out -- I
 7 don't know where the other leak came from -- then
 8 there will be consequences.
 9 BY MR. FOUTRIS:
 10 **Q. I saw earlier you had some note cards**
 11 **in front of you. One of them said Dad. What was**
 12 **that note card?**
 13 JUDGE O'HARA: Hold on a second.
 14 MR. FOUTRIS: I'm going to ask him about the
 15 "dad," so I wanted know what the note card said.
 16 MR. SISKEL: I'm going to object.
 17 MR. KENNEDY: He made notes during the
 18 deposition. It's discoverable.
 19 JUDGE O'HARA: One second. Why don't we do
 20 an in camera inspection on it?
 21 MR. FOUTRIS: Okay.
 22 THE COURT: Okay.
 23 THE WITNESS: It's from my two kids --
 24 THE COURT: Un-uhn. Un-uhn. Okay. Put it

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1 back in your pocket.
 2 I'm directing him not to answer the
 3 question.
 4 MR. FOUTRIS: Okay.
 5 THE COURT: It is completely unrelated to any
 6 topic that is involved in this matter.
 7 BY MR. FOUTRIS:
 8 **Q. Okay. All right. So you did have**
 9 **conversations with Mr. LeGrier and -- Antonio**
 10 **LeGrier and Janet Cooksey in the last two years,**
 11 **right?**
 12 A. Yes.
 13 **Q. Okay. You know Antonio LeGrier is the**
 14 **father of Quintonio LeGrier?**
 15 A. Yes.
 16 **Q. You know Janet Cooksey is the mother of**
 17 **Quintonio LeGrier?**
 18 A. Yes.
 19 **Q. Okay. And you also had a meeting with**
 20 **Antonio LeGrier, I think it was perhaps December 28th**
 21 **or 29th of 2015. Does that sound about right?**
 22 A. I don't remember the dates, but I did
 23 have a meeting.
 24 **Q. Do you remember where it was?**

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1 A. No.
 2 **Q. If I were to tell you it happened at**
 3 **the Palmer House Hilton, does that help you**
 4 **remember? That it happened at the Palmer House**
 5 **Hilton, does that jog your memory at all?**
 6 A. I don't remember, but I -- I don't
 7 remember.
 8 **Q. Okay. All right. So during that**
 9 **meeting, you had an opportunity to sit down and**
 10 **observe Antonio LeGrier and speak to him; is that**
 11 **right?**
 12 A. Yes.
 13 **Q. Okay. And you would agree with him --**
 14 **you would agree with me that it was apparent to you**
 15 **that he was grieving over the loss of his son?**
 16 MR. BRODSKY: Objection.
 17 JUDGE O'HARA: You can answer.
 18 THE WITNESS: I don't remember. But as a
 19 father of three children, yes. But I don't -- I
 20 don't remember -- I couldn't even tell you the
 21 place we met. But I do -- I know that he has a
 22 loss of a son.
 23 BY MR. FOUTRIS:
 24 **Q. Well, based on -- in your mind's eye,**

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1 **your recollection of that meeting, would you agree**
 2 **with me that your perception was that Mr. LeGrier**
 3 **had outward manifestations of grief that you**
 4 **observed?**
 5 A. I can't -- I can't remember. But I can
 6 only assume given the timing if that's the timing
 7 in which we met.
 8 **Q. I'm not asking you to assume. I'm**
 9 **asking for what you remember. That's why --**
 10 JUDGE O'HARA: He said he can't remember.
 11 MR. FOUTRIS: Okay.
 12 THE COURT: So that's his answer.
 13 THE WITNESS: Okay.
 14 BY MR. FOUTRIS:
 15 **Q. Okay. Do you have any recollection as**
 16 **to whether it appeared to you that Antonio was**
 17 **suffering a heavy loss during this meeting?**
 18 MR. SISKEL: Objection.
 19 JUDGE O'HARA: Is that regarding -- let's be
 20 specific. Regarding the --
 21 MR. FOUTRIS: The loss of his son.
 22 THE COURT: -- loss of his son?
 23 MR. FOUTRIS: The death of his son.
 24 THE WITNESS: I can't -- I can't -- I can't

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1 recall.

2 BY MR. FOUTRIS:

3 **Q. Okay. Subsequent to that, do you**

4 **remember having phone conversations with him in**

5 **which he asked you to help him create a jobs**

6 **program on the West Side in his son's name in order**

7 **to deal with his grief?**

8 MR. BRODSKY: Objection. Not relevant or

9 going to lead to any possible relevant information

10 in this case.

11 It's about -- Judge, it's a wrongful

12 death case about a shooting --

13 MR. FOUTRIS: The City --

14 MR. BRODSKY: -- and use of force. It's

15 not --

16 MR. FOUTRIS: The City of Chicago is

17 maintaining that there are no damages. They're

18 contesting the damages to the parents. They're

19 contesting that there are any damages. The Mayor,

20 I know, actually helped --

21 JUDGE O'HARA: Well, he's already --

22 MR. FOUTRIS: Right.

23 THE COURT: -- expressed that he -- when he

24 talks to people that are grieving and stuff like

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1 that, he addresses that --

2 MR. FOUTRIS: That's the meeting. But now

3 I'm talking about conversations in which the Mayor

4 actually helped him create this jobs program.

5 MR. BRODSKY: I stand by my objection.

6 THE COURT: Well, if -- did he create -- did

7 he create a program at their request?

8 BY MR. FOUTRIS:

9 **Q. Did you help or at least direct Antonio**

10 **LeGrier in how to create this jobs program to help**

11 **to deal with the grief of the loss of his son? Do**

12 **you recall that?**

13 A. Let me -- not specifically.

14 Let me say this. My attempt, when I

15 meet with families, is to more to let them know in

16 a moment of loneliness that they're not alone. If

17 a family member asks me to do something, I try to

18 do it. There's been family members -- a mother

19 who's lost a son who I helped get a van for so she

20 could drive the other kids to basketball that his

21 son -- her son was part of the basketball team.

22 There's been a mother who's asked me

23 to move out of the neighborhood. We tried to help

24 them find housing.

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1 There's been other situations. So I

2 don't remember this specifically. But it would not

3 be out of -- inconsistent with other things I've

4 done.

5 **Q. Okay. Do you recall any specifics of**

6 **conversations you've had with Janet Cooksey and**

7 **whether your perception was that she was grieving**

8 **for the loss of her son?**

9 JUDGE O'HARA: Do one part at a time.

10 Do you recall any of your

11 conversations with any specific -- whatever the

12 word is -- with Janet Cooksey?

13 THE WITNESS: Only -- I mean, I -- in

14 general.

15 JUDGE O'HARA: Please.

16 THE WITNESS: Okay. In general I recall.

17 BY MR. FOUTRIS:

18 **Q. Tell me what you recall about those**

19 **conversations.**

20 A. The only thing I -- one, she was upset

21 that I called the father first.

22 Second, she was upset by what

23 happened.

24 Third, she was upset about the way

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1 the media covered her son.

2 And fourth, she asked for some help.

3 **Q. Okay. And you helped her out?**

4 A. Yes.

5 **Q. Okay. Do you have a specific memory of**

6 **the conversations you've had with Antonio LeGrier**

7 **similar to the one that you had with Janet Cooksey**

8 **that you've just now described?**

9 A. Not -- not as specific as I did with

10 the mother.

11 **Q. Okay. The most recent conversation you**

12 **had with Antonio LeGrier Mr. Brodsky covered a**

13 **little bit; that was the one that happened a few**

14 **months back in connection with the counterclaim**

15 **filed by the City?**

16 MR. BRODSKY: Objection. It's a contribution

17 action, not a counterclaim.

18 MR. FOUTRIS: Contribution action.

19 THE WITNESS: I think I've exp- -- done the

20 best I could to --

21 MR. FOUTRIS: Right.

22 THE WITNESS: -- recreate the purpose behind

23 the call.

24

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1 BY MR. FOUTRIS:
 2 **Q. Right. Could you tell us to the best**
 3 **of your recollection that conversation? I don't**
 4 **think -- I don't think that was asked by**
 5 **Mr. Brodsky. But could you tell us to the best**
 6 **of your recollection that conversation with**
 7 **Mr. LeGrier?**
 8 A. I think it was time that the counsel
 9 action. I just wanted him to know, again, less as
 10 a Mayor, more as a person, that I am sensitive
 11 to -- and, again, I'm not a lawyer. I don't do
 12 litigation. But I'm sensitive to his loss and all
 13 that he has been through.
 14 **Q. And when you say "all that he has been**
 15 **through," what do you mean by that?**
 16 A. As a father of three children, if
 17 anything happened to my kids that I would be -- I
 18 could only empathize with what I would think would
 19 be the loss of a child.
 20 **Q. And it was -- it was your -- was it**
 21 **your belief that this claim for contribution by the**
 22 **City was callous?**
 23 A. I think I've expressed myself today.
 24 **Q. Okay. And did you think that that**

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1 **particular legal maneuver in your opinion added to**
 2 **the grief and suffering?**
 3 A. I think we've established I have no
 4 legal opinion since I'm not a lawyer. But as I
 5 think I've made clear in other sit- -- other
 6 numerous questions what was the basis of the phone
 7 call, what was the basis to express. One is you've
 8 had a loss. And --
 9 **Q. And you believed that that legal**
 10 **maneuver in your opinion added to that?**
 11 A. I just --
 12 MR. SISKEL: Objection; asked and answered.
 13 JUDGE O'HARA: It has been.
 14 BY MR. FOUTRIS:
 15 **Q. In the media reports that you've read**
 16 **in this case, have you heard about the questions**
 17 **that were asked to Ms. Cooksey during her**
 18 **deposition in which it was implied that she was**
 19 **engaged in prostitution during the conception of**
 20 **Quintonio LeGrier?**
 21 MR. BRODSKY: Objection; relevance --
 22 THE COURT: So you're asking did he read that
 23 in the newspaper?
 24 MR. FOUTRIS: Yes.

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1 MR. BRODSKY: Objection; relevance or lead to
 2 relevant information.
 3 MR. FOUTRIS: It's along the same lines as
 4 the claim for contribution.
 5 THE COURT: So it's going to be -- so you're
 6 seeking by this line of questioning that -- to
 7 establish that your client suffered pain, grief,
 8 and suffering, right?
 9 MR. FOUTRIS: That's -- that's what I'm
 10 getting at.
 11 MR. BRODSKY: Objection.
 12 THE COURT: I think --
 13 MR. BRODSKY: You're asking the Mayor --
 14 JUDGE O'HARA: I think -- I think -- at some
 15 point you're going to let me speak.
 16 MR. BRODSKY: I'm sorry, your Honor.
 17 JUDGE O'HARA: I think the Mayor's already
 18 expressed that, and he's expressed it personally as
 19 being the father of three children and what he can
 20 only imagine is the grief that the parents would
 21 suffer as a loss of one of their children.
 22 Is that a correct assumption, or a
 23 correct --
 24 THE WITNESS: Yes, your Honor.

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1 THE COURT: And the analysis of what you've
 2 testified ad nauseam today about this, true?
 3 THE WITNESS: Yes, your Honor.
 4 MR. FOUTRIS: I would also -- going to ask
 5 if he also believes that the questions posed to
 6 Antonio LeGrier and to Janet Cooksey were callous
 7 just as he believed that the legal maneuver was
 8 callous.
 9 MR. SISKEL: Objection.
 10 MR. BRODSKY: Object.
 11 MR. SISKEL: Asked and answered.
 12 MR. BRODSKY: What he believes is irrelevant.
 13 MR. KENNEDY: The Court said that specific
 14 question could be asked in a case management.
 15 JUDGE O'HARA: I think we've gone through
 16 enough. So what else have we got?
 17 MR. FOUTRIS: Just going real quick. I know
 18 a lot of this --
 19 THE COURT: That would be your secret that
 20 you're going real quick.
 21 MR. SISKEL: Could we get a count on the
 22 amount of time that the dep- --
 23 JUDGE O'HARA: You know what? We're way
 24 over. So what have you got?

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1 MR. BRODSKY: Yeah. That's it.

2 MR. FOUTRIS: No. I don't have anything

3 else.

4 MR. KENNEDY: No questions, your Honor.

5 JUDGE O'HARA: The only other question is do

6 you do a signature or --

7 MR. FOUTRIS: Reserve or waive? I take it'll

8 be reserved, right?

9 THE VIDEO TECHNICIAN: This is the end of the

10 deposition. That's the end of today's testimony.

11 MR. SISKEL: Reserved.

12 THE VIDEO TECHNICIAN: The time is 5:45 p.m.

13 And the running time of this deposition is three

14 hours, nine minutes, and fifteen seconds. We're

15 off the record.

16 (The deposition concluded at

17 5:45 p.m.)

18

19

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23

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1

2 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

3 COUNTY DEPARTMENT - LAW DIVISION

4 ANTONIO LEGRIER, Individually)

5 and as Special Administrator)

6 of the Estate of QUINTONIO)

7 LEGRIER, Deceased,)

8) No. 15 L 12964

9)

10 Plaintiff,)

11) Consolidated with

12 vs.)

13) No. 16 L 00012

14)

15 CITY OF CHICAGO,)

16)

17 Defendant.)

18

19 This is to certify that I have read my

20 deposition taken on Thursday, March 29, 2018,

21 in the foregoing cause and that the foregoing

22 transcript accurately states the questions asked

23 and the answers given by me, with the changes or

24 corrections, if any, made on the Errata Sheet

attached hereto.

RAHM EMANUEL

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

1

2

3 I, Nick D. Bowen, do hereby certify that RAHM

4 EMANUEL was duly sworn by me to testify the whole

5 truth, that the foregoing deposition was recorded

6 stenographically by me and was reduced to

7 computerized transcript under my direction, and

8 that said deposition constitutes a true record of

9 the testimony given by said witness.

10 I further certify that the reading and

11 signing of the deposition was not waived, and that

12 the deposition was submitted to Ms. Naomi Avendano,

13 defendant's counsel, for signature. Pursuant to

14 Rule 207(a) of the Supreme Court of Illinois, if

15 deponent does not appear or read and sign the

16 deposition within 28 days, the deposition may be

17 used as fully as though signed, and this

18 certificate will then evidence such failure to

19 appear as the reason for signature not being

20 obtained.

21 I further certify that I am not a relative

22 or employee or attorney or counsel of any of the

23 parties, or a relative or employee of such attorney

24 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 5th day of April 2018.

Nick D. Bowen

Illinois CSR No. 084-001661

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1 Errata Sheet

2

3 NAME OF CASE: LATARSHA JONES, et al. vs CITY OF CHICAGO

4 DATE OF DEPOSITION: 03/29/2018

5 NAME OF WITNESS: Rahm Emanuel

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 _____

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21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

25

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